

**BATAVIA PARK DISTRICT
ORDINANCE No. 347**

**AN ORDINANCE AUTHORIZING THE DEDICATION OF LAND TO THE CITY OF
BATAVIA FOR HOUSTON STREET IMPROVEMENTS**

WHEREAS, the Batavia Park District (“Park District”) is a park district organized under the Illinois Park District Code, 70 ILCS 1205-1 et seq.; and

WHEREAS, the City of Batavia (“City”) is a home rule municipality under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, the Batavia Park District is the owner of certain real estate that is legally described in Exhibit A attached hereto and incorporated herein (“Subject Property”); and

WHEREAS, the Subject Property is a part of Lot 2 of Quarry Stone Pond and is used as part of the Batavia Riverwalk and Depot Museum; and

WHEREAS, the City is considering improvements to Houston Street and the pedestrian and bicycle trails along Houston Street which necessitate use of the Subject Property for City purposes; and

WHEREAS, the Park District and the City are municipalities as defined in Section 1(c) of the Local Government Property Transfer Act, 50 ILCS 105/1 et seq. (“Transfer Act”); and

WHEREAS, Section 2 of the Transfer Act authorizes the conveyance of real property from one municipality to another municipality upon a two-thirds vote of the corporate authorities of the transferor municipality; and

WHEREAS, as a condition precedent to a conveyance under Section 2 of the Transfer Act, the transferee municipality must first declare by ordinance “that it is necessary or convenient for it to use, occupy or improve” the real estate held by the transferor municipality; and

WHEREAS, the City, in its Ordinance 15-06, attached hereto as Exhibit B, adopted on February 16, 2015, declared that it is necessary or convenient for the City to use, occupy or improve the Subject Property; and

WHEREAS, the transfer of the Subject Property is in the best interests of both the City of Batavia and the Batavia Park District;

NOW, THEREFORE, BE IT ORDAINED by the Board of Park Commissioner of the Batavia Park District, as follows:

SECTION 1. The recitals set forth above are incorporated into this Ordinance as the material findings of the Board of Park Commissioners.

SECTION 2. The Batavia Park District has determined that the Subject Property described in Exhibit "A" is no longer necessary for Park District purposes.

SECTION 3. The President and Board Secretary are hereby authorized and directed to execute a Plat of Dedication to transfer the Subject Property to the City of Batavia.

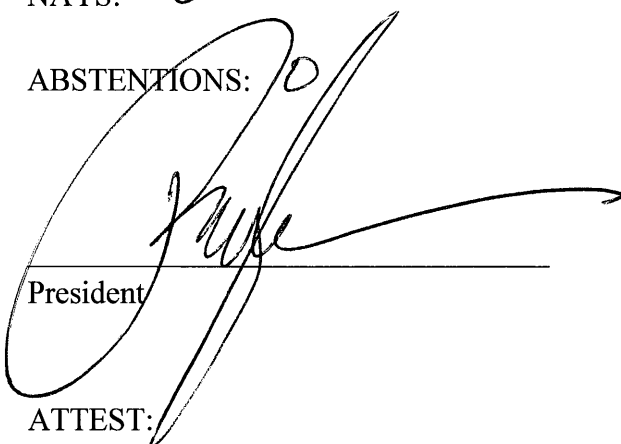
SECTION 4. The Plat of Dedication shall be recorded with the Kane County Recorder after execution.

PRESENTED to and **PASSED** by the Board of Park Commissioners of the Batavia Park District this 19th day of May, 2015

AYES: 5

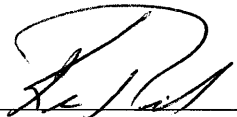
NAYS: 0

ABSTENTIONS: 0



President

ATTEST:



Secretary

STATE OF ILLINOIS)
)
COUNTY OF KANE) SS

SECRETARY'S CERTIFICATE

I, **Kevin Riley**, the duly qualified and acting Secretary of the Board of Park Commissioners of the Batavia Park District, Batavia, Illinois, do hereby certify that attached hereto is a true and correct copy of:

AN ORDINANCE AUTHORIZING THE DEDICATION OF LAND TO THE CITY OF BATAVIA FOR HOUSTON STREET IMPROVEMENTS

which Ordinance was duly adopted by the Board of Park Commissioners at a meeting on May 19, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand this

19th day of May, 2015.



Kevin Riley
Secretary, Board of Park Commissioners
Batavia Park District

PLAT OF DEDICATION FOR ROADWAY PURPOSES TO THE CITY OF BATAVIA, ILLINOIS.

P.I.N. 12-22-201-004
12-22-201-002

Area hereby dedicated = 641 Sq. Ft.

THAT PART OF LOT 2 OF QUARRY STONE POND, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 2002K048063, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARRY STONE POND SUBDIVISION; THENCE NORTHERLY, ALONG THE EAST LINE OF SAID SUBDIVISION, 6.31 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOT, 7.51 FEET, ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 370.00 FEET, SAID ARC FORMING A CHORD THAT MEASURES 178°25'07" CLOCKWISE FROM THE LAST DESCRIBED COURSE AND MEASURES 7.51 FEET; THENCE EASTERLY, AT AN ANGLE OF 91°54'44", MEASURED COUNTERCLOCKWISE FROM SAID CHORD, 44.78 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 88°47'24", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 14.76 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF HOUSTON STREET; THENCE WESTERLY, AT AN ANGLE OF 90°00'09", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 45.00 FEET TO THE POINT OF BEGINNING, ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

Scale 1"=100'



STATE OF ILLINOIS }
COUNTY OF KANE }SS

STATE OF ILLINOIS }
COUNTY OF KANE }SS

THIS IS TO CERTIFY THAT THE BATAVIA PARK DISTRICT IS THE OWNER OF THE PROPERTY HEREON SHOWN AND DESCRIBED AND DOES HEREBY GRANT, CONVEY AND DEDICATE SAID PROPERTY FOR ROADWAY AND PUBLIC UTILITY PURPOSES.

THIS IS TO CERTIFY THAT _____ AND _____ OFFICERS OF THE BATAVIA PARK DISTRICT, PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AS SAID OFFICERS, APPEARED BEFORE ME THIS DAY, IN PERSON, AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE ATTACHED PLAT AS THE FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID BATAVIA PARK DISTRICT, FOR THE USES AND PURPOSES THEREIN SET FORTH.

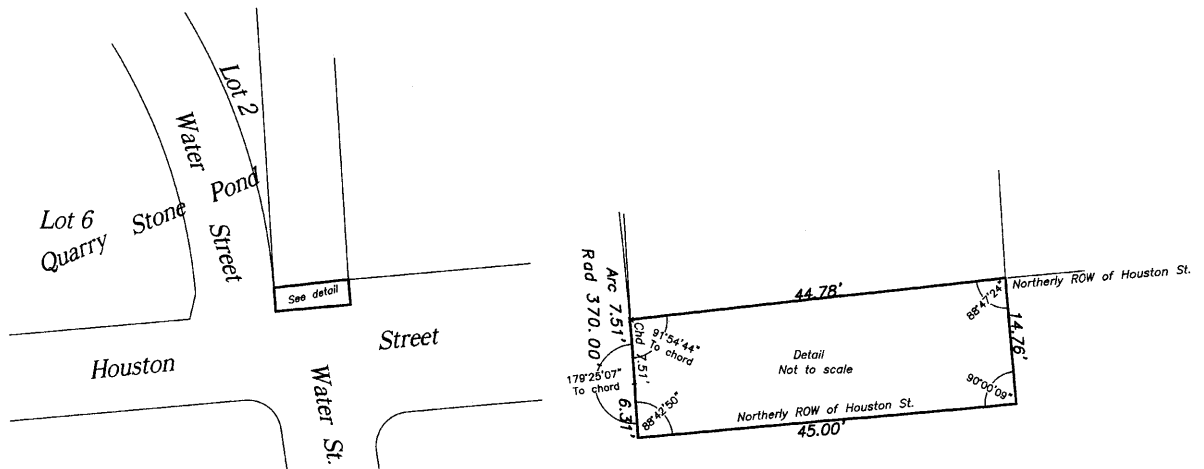
DATED AT BATAVIA, ILLINOIS THIS 19th DAY OF MAY, 201__.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 201__.

BY: _____ ATTEST: _____

BATAVIA PARK DISTRICT
327 W. WILSON ST.
BATAVIA, IL. 60150

NOTARY PUBLIC



P.I.N. 12-22-201-002
12-22-201-004

- LEGEND-----
- Boundary of property hereby dedicated
 - o Indicates found survey marker
 - x Indicates set open end pipe
 - x Indicates cross cut in concrete

STATE OF ILLINOIS }
COUNTY OF KANE }SS

PURSUANT TO CHAPTER 120, SECTION 516 OF THE ILLINOIS COMPILED STATUTES, I, THOMAS M. HARTWELL, COUNTY CLERK IN AND FOR THE COUNTY OF KANE AND IN THE STATE OF ILLINOIS DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS AND HAVE FOUND NO DELINQUENT TAXES, UNPAID CURRENT GENERAL TAXES, DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE TRACT OF LAND DESCRIBED AND PLATTED HEREON.

DATED THIS _____ DAY OF _____, 201__ A.D.

KANE COUNTY CLERK

STATE OF ILLINOIS }
COUNTY OF DEKALB }SS

THIS IS TO CERTIFY THAT I, SHAWN R. VAN KAMPEN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710 HAVE PREPARED THAT ATTACHED FOR ROADWAY DEDICATION PURPOSES. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF.

DATED AT DEKALB, ILLINOIS THIS 17TH DAY OF DECEMBER, 2014.

SHAWN R. VAN KAMPEN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710
LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2016

Prepared by:
William E. Hanna Surveyors
508 Pine Street
DeKalb, Illinois 60115
(815) 756-2189
Fax 748-2532
info@hannasurveyors.com
License # 1842807

FOR: CITY OF BATAVIA
JOB NO. WES 13090

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 15-06**

**DECLARING THE NECESSITY OF USE AND REQUESTING
DEDICATION OF LAND FROM THE BATAVIA PARK DISTRICT
FOR HOUSTON STREET IMPROVEMENTS**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
16TH DAY OF FEBRUARY, 2015**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 17th day of February, 2015

Prepared by:
City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 15-06**

**DECLARING THE NECESSITY OF USE AND REQUESTING
DEDICATION OF LAND FROM THE BATAVIA PARK DISTRICT FOR
HOUSTON STREET IMPROVEMENTS**

WHEREAS, the City of Batavia (“CITY”) is a constitutional unit of government and a home rule unit of government; and

WHEREAS, the Batavia Park District (“DISTRICT”) is an Illinois Park District and unit of local government that owns various properties throughout the City of Batavia and surrounding territory that it uses for various park and recreation purposes; and

WHEREAS, it appears that the DISTRICT owns that real estate legally described on Exhibit A attached hereto and incorporated herein (the “Subject Property”); and

WHEREAS, the DISTRICT operates and maintains the Subject Property as part of the Batavia Riverwalk and Depot Museum; and

WHEREAS, the CITY in considering improvements to Houston Street and the pedestrian and bicycle trails along Houston Street which necessitate the use of DISTRICT property for CITY purposes; and

WHEREAS, the CITY and the DISTRICT are municipalities as defined in Section 1 (c) of the Local Government Property Transfer Act, 50 ILCS 605/1 et seq. (hereinafter the “Transfer Act”); and

WHEREAS, Section 2 of the Transfer Act authorizes the conveyance of real property from one municipality to another municipality upon a two-thirds vote of the corporate authorities of the transferor municipality (in this case, the DISTRICT); and

WHEREAS, as a condition precedent to a conveyance under Section 2 of the Transfer Act, the transferee municipality (in this case, the CITY) must first declare by ordinance “that it is necessary or convenient for it to use, occupy or improve” the real estate held by the transferor municipality; and

WHEREAS, in accordance with the requirements of Section 2 of the Transfer Act, the CITY as transferee municipality, hereby declares that it is necessary or convenient for the CITY to use, occupy or improve the Subject Property;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

CITY OF BATAVIA, ILLINOIS ORDINANCE 15-06

Section 1. Incorporation of Recitals. All recitals set forth in the preamble above are hereby fully incorporated into this Ordinance as if set forth in their entirety in this Section 1.

Section 2. Declaration of Necessity or Convenience. The CITY hereby declares that it is necessary or convenient for the CITY to use, occupy or improve the Subject Property.

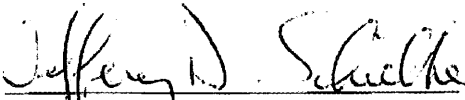
Section 3. Approval of Documents. The Mayor and City Council of the City of Batavia are hereby authorized and directed to execute such documents as necessary to accomplish the transfer of title to the Subject Property from the DISTRICT to the CITY .

Section 4. Effective Date. This Ordinance shall take full effect immediately upon its passage. All previous ordinances, resolutions, motions, and orders of the City of Batavia in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Severability. If any portion of this Ordinance shall be determined to be invalid by a court of competent jurisdiction in the State of Illinois, the remaining portions of this Ordinance shall remain in full force and effect.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 16th day of February, 2015.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 16th day of February, 2015.


Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien	x				Fischer	x			
2	Callahan	x				Wolff	x			
3	Hohmann	x				Chanzit	x			
4	Saam	x				Stark	x			
5	VACANT	----				Thelin Atac	x			
6	Cerone	x				Clark			x	
7	McFadden	x				Brown	x			
Mayor Schielke										
VOTE:		12 Ayes	0 Nays	1 Absent	Abstentions					
Total holding office: Mayor and 13 aldermen										

ATTEST:


Heidi Wetzels, City Clerk