

TO: Mayor and City Council (CS)

FROM: Gary Holm, Director of Public Works

DATE: May 18, 2023

RE: Resolutions 23-076-R Approval of a Municipal Sign Easement with Holmstad Inc.

For many years the City has had a wooden community entrance sign located on Holmstad Inc.'s property located at the southwest corner of Batavia Ave. and Fabyan Parkway. It was discovered during the new community sign design process that there is no formal easement in place on Holmstad's property.

Holmstad Inc. has graciously agreed to allow the City to locate our new community entrance sign on their property in approximately the same location as our old existing wooden sign.

The City retained the services of HRGreen to prepare a plat of easement. The easement has been sized properly to accommodate the dimensions of the new sign and to allow for it to be installed in accordance with all City Codes.

Staff wishes to thank Holmstad Inc. for their generosity in granting us an easement and **we recommend RES 23-076-R Approval of a Municipal Sign Easement with Holmstad Inc.**

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 23-076-R**

APPROVAL OF MUNICIPAL SIGN EASEMENT WITH HOLMSTAD INC.

WHEREAS, the City of Batavia desires to install a new municipal entrance sign at the southwest corner of Batavia Ave. and Fabyan Parkway; and

WHEREAS, the property at the southwest corner of Batavia Ave. and Fabyan Parkway is privately owned by Holmstad Inc.; and

WHEREAS, Holmstad Inc. has agreed to grant a Municipal Sign Easement to the City; and

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

SECTION 1: That the Mayor and City Clerk are hereby authorized to approve a Municipal Sign Easement with Holmstad Inc. attached hereto as Exhibit I, for installation of a new municipal entrance sign

CITY OF BATAVIA, ILLINOIS RESOLUTION 23-076-R

PRESENTED to the City Council of the City of Batavia, Illinois, this 5th day of June, 2023.

PASSED by the City Council of the City of Batavia, Illinois, this 5th day of June, 2023.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 5th day of June, 2023.

Jeffery D. Schielke, Mayor

Ward	Alderman	Aye	Nay	Abstain	Absent
1	Baerren				
1	Solfa				
2	Lehman				
2	Wolff				
3	Ajazi				
3	Chanzit				
4	Malay				
4	Connelly				
5	Uher				
5	Beck				
6	Cerone				
6	Lanci				
7	Vogelsinger				
7	Miller				
Mayor	Schielke				
		AYES	NAYS	ABSTAIN	ABSENT
	TOTALS				

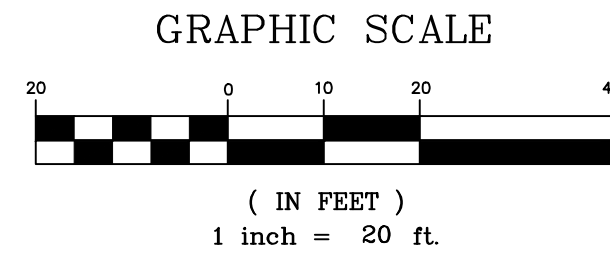
total holding office: Mayor and 14 Aldermen

ATTEST:

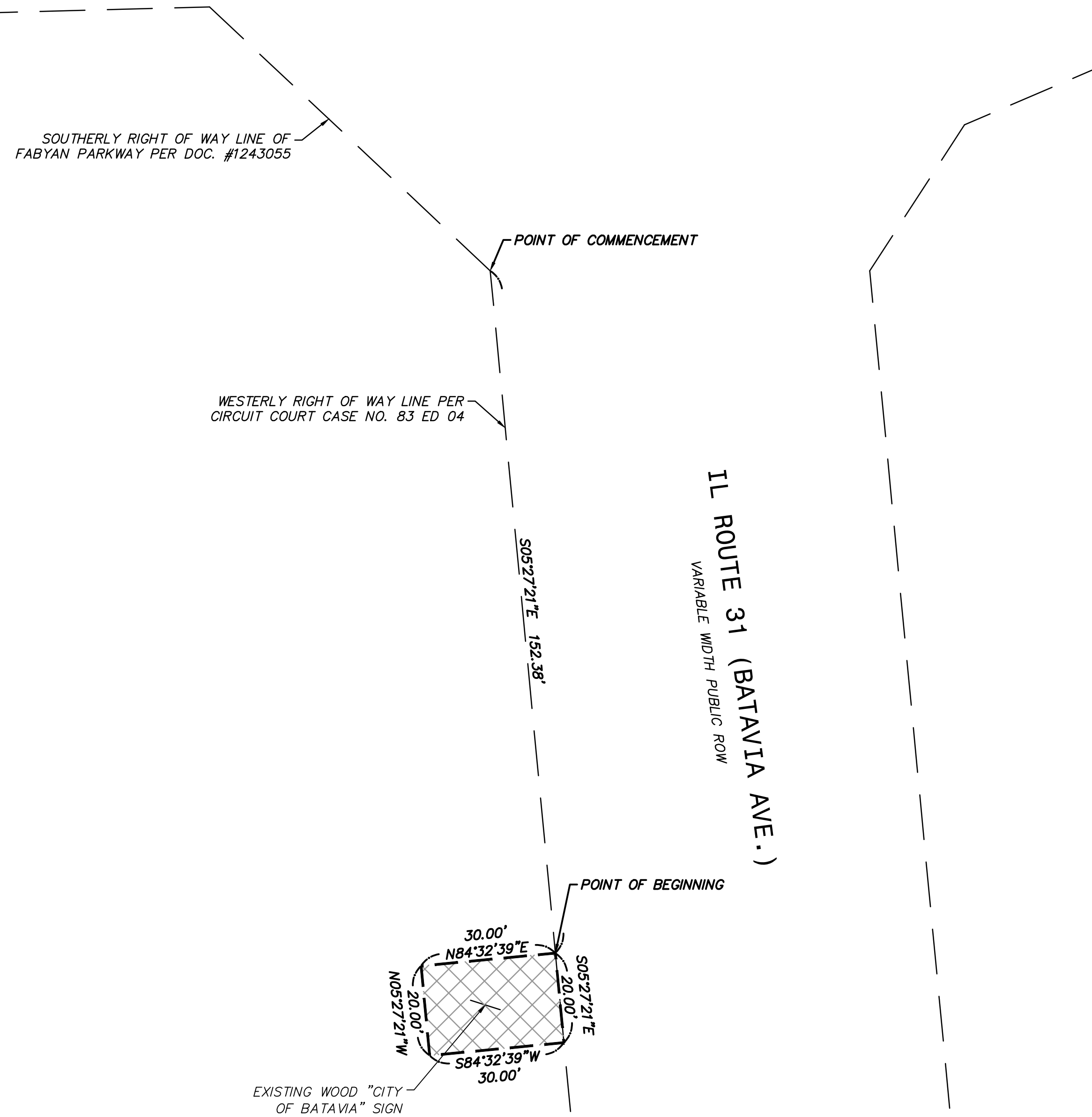
Kate Garrett, City Clerk

PLAT OF EASEMENT

OF PART OF THE SE 1/4 OF THE NW 1/4 OF SEC. 15-39-8
CITY OF BATAVIA, KANE COUNTY, ILLINOIS



FABYAN PARKWAY
100' PUBLIC RIGHT OF WAY



LEGAL DESCRIPTION OF MUNICIPAL SIGN EASEMENT

AN EASEMENT OVER PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF FABYAN PARKWAY PER DOCUMENT NO. 1243055 AND THE WESTERLY RIGHT OF WAY LINE OF IL ROUTE 31 (BATAVIA AVE.) PER CIRCUIT COURT CASE NO. 83 ED 04; THENCE SOUTH 05 DEGREES 27 MINUTES 21 SECONDS EAST ALONG SAID WESTERLY LINE, 152.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 05 DEGREES 27 MINUTES 21 SECONDS EAST ALONG SAID WESTERLY LINE, 20.00 FEET; THENCE SOUTH 84 DEGREES 32 MINUTES 39 SECONDS WEST, 30.00 FEET; THENCE NORTH 05 DEGREES 27 MINUTES 21 SECONDS WEST, 20.00 FEET; THENCE NORTH 84 DEGREES 32 MINUTES 39 SECONDS EAST, 30.00 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

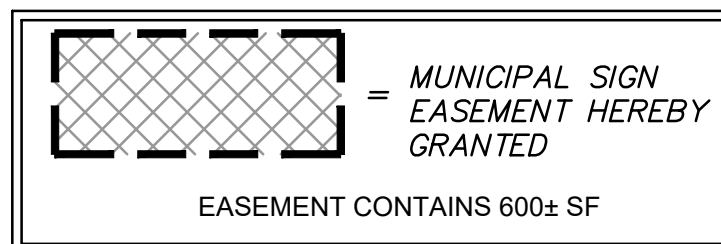
MUNICIPAL SIGN EASEMENT PROVISIONS

A PERPETUAL EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF BATAVIA, AN ILLINOIS MUNICIPAL CORPORATION, FOR THE INSTALLATION, MODIFICATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, ALTERATION, ENLARGEMENT, INSPECTION, REPAIR, MAINTENANCE, RELOCATION, RENEWAL AND REMOVAL OF A MUNICIPAL SIGN, TOGETHER WITH ANY AND ALL NECESSARY LINES, CABLES, AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY, IN, ACROSS, ALONG, OVER, UNDER, AND UPON THE AREAS HEREON IDENTIFIED AS "MUNICIPAL SIGN EASEMENT"; TOGETHER WITH THE RIGHT TO INSTALL REQUIRED ELECTRICAL SERVICE CONNECTIONS UNDER THE SURFACE OF THE AREA DESCRIBED HEREIN TO SERVE IMPROVEMENTS THEREON; AND TOGETHER WITH THE RIGHT TO ENTER UPON THE PROPERTY WITH SUCH PERSONNEL AND EQUIPMENT AS MAY BE DEEMED NECESSARY FOR ALL SUCH USES AND PURPOSES.

NO OBSTRUCTION OR STRUCTURE SHALL BE ERECTED OR LOCATED, NOR SHALL ANY TREES BE PLANTED, OVER SAID EASEMENT AREAS, NOR SHALL ANY OTHER ACTIVITIES BE UNDERTAKEN THAT UNREASONABLY INTERFERE WITH THE GRANTEE'S INTENDED USE THEREOF, BUT THE SAME MAY BE USED FOR LANDSCAPING, OR OTHER PURPOSES IF SUCH USE DOES NOT THEN OR LATER INTERFERE WITH THE FOREMENTIONED PURPOSES.

FOLLOWING ANY WORK TO BE PERFORMED BY THE CITY OF BATAVIA IN THE EXERCISE OF ITS EASEMENT RIGHTS HEREIN GRANTED, SAID CITY SHALL BE OBLIGATED TO BACKFILL AND MOUND ALL TRENCH CREATED SO AS TO RETAIN SUITABLE DRAINAGE, TO REMOVE ALL EXCESS DEBRIS AND SPOIL, AND TO RESTORE ALL AREAS TO MATCH CONDITIONS THAT EXISTED PRIOR TO ANY WORK. THE CITY HAS NO OBLIGATION TO REPAIR ANY IMPROVEMENTS THAT WERE COMPLETED WITHOUT OBTAINING THE NECESSARY PERMITS PRIOR TO INSTALLATION.

THE OCCUPATION AND USE OF THE PERPETUAL EASEMENT HEREIN GRANTED AND RESERVED FOR THE GRANTEE BY EACH OF SUCH ENTITIES SHALL BE DONE IN SUCH A MANNER SO AS NOT TO INTERFERE WITH OR PRECLUDE THE OCCUPATION AND USE THEREOF BY OTHER ENTITIES FOR WHICH SUCH EASEMENTS ARE GRANTED AND RESERVED. THE CROSSING AND RE-CROSSING OF SAID EASEMENTS BY THE GRANTEE SHALL BE DONE IN SUCH A MANNER SO AS NOT TO INTERFERE WITH, DAMAGE, OR DISTURB ANY FACILITIES APPURTENANT THERETO EXISTING WITHIN THE EASEMENTS BEING CROSSED OR RE-CROSSED.



SUBMITTED BY: _____

RETURN TO:
CITY OF BATAVIA
200 N. RADDANT ROAD
BATAVIA, IL 60510

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
) S.S.
COUNTY OF KANE)

MAYOR AND CITY COUNCIL OF THE CITY OF BATAVIA, ILLINOIS, HEREBY CERTIFY THAT THE SAID COUNCIL HAS DULY APPROVED THIS PLAT OF EASEMENT ATTACHED HERETO BY RESOLUTION NO. _____ DULY AUTHENTICATED AND PASSED THIS _____ DAY OF _____, A.D., 20____.

MAYOR: _____

CITY CLERK: _____

COUNTY RECORDER

STATE OF ILLINOIS)
) S.S.
COUNTY OF KANE)

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON THE _____ DAY OF _____, 20____ AT _____ O'CLOCK _____M.

KANE COUNTY RECORDER

CITY ENGINEER CERTIFICATE

STATE OF ILLINOIS)
) S.S.
COUNTY OF KANE)

I, _____, CITY ENGINEER OF THE CITY OF BATAVIA, ILLINOIS, HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LAND IMPROVEMENTS DEDICATED IN THE HEREON PLAT AND PLANS AND SPECIFICATIONS THEREOF MEET THE MINIMUM REQUIREMENTS OF SAID CITY, DATED AT BATAVIA, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____.

CITY ENGINEER: _____

OWNER'S CERTIFICATE

STATE OF _____)
) S.S.
COUNTY OF _____)

THIS IS TO CERTIFY THAT _____ IS THE FEE SIMPLE OWNER OF THE PROPERTY DESCRIBED HEREON AND DOES HEREBY GRANT THE EASEMENTS AS SHOWN AND DESCRIBED HEREON.

DATED AT _____ (TOWN), _____ (STATE), THIS _____ DAY OF _____, 20____.

OWNER: _____

ADDRESS: _____

NOTARY CERTIFICATE

STATE OF _____)
) S.S.
COUNTY OF _____)

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____ AND _____ PERSONALLY KNOWN TO ME TO BE THE _____ AND _____ OF _____, AS SHOWN ABOVE, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT AS SUCH OFFICERS, THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AND CAUSED THE CORPORATE SEAL TO BE AFFIXED THERETO AS THEIR FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

MORTGAGEE'S CERTIFICATE

STATE OF _____)
) S.S.
COUNTY OF _____)

THIS IS TO CERTIFY THAT _____ AS MORTGAGEE UNDER THE MORTGAGE RECORDED AS DOCUMENT NUMBER _____ AND DATED _____, HEREBY CONSENTS TO THE DEDICATIONS DESIGNATED ON THE PLAT OF EASEMENT HEREON DRAWN.

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D. 20____.

(BANK NAME) _____

BY: _____

TITLE: _____

ATTEST: _____

TITLE: _____

NOTARY CERTIFICATE

STATE OF _____)
) S.S.
COUNTY OF _____)

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____ AND _____ PERSONALLY KNOWN TO ME TO BE THE _____ AND _____ OF _____, AS SHOWN ABOVE, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT AS SUCH OFFICERS, THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AND CAUSED THE CORPORATE SEAL TO BE AFFIXED THERETO AS THEIR FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

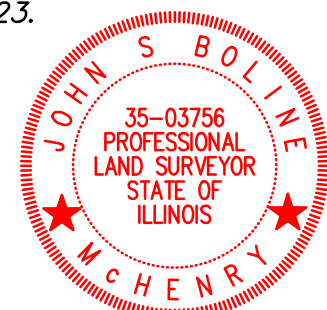
SURVEYOR'S CERTIFICATION

STATE OF ILLINOIS)
) S.S.
COUNTY OF MCHENRY)

I, JOHN S. BOLINE, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT OF EASEMENT HEREON DRAWN WAS PREPARED USING PREVIOUS SURVEY INFORMATION AND MAPS, PLATS AND OTHER INSTRUMENTS OF RECORD FOR THE USES AND PURPOSES HEREIN SET FORTH, OF THE HEREON DESCRIBED PROPERTY.

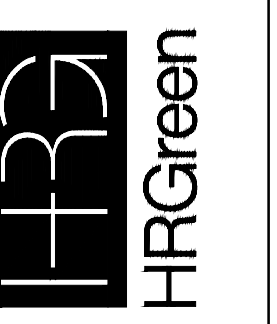
DATED AT MCHENRY, MCHENRY COUNTY, ILLINOIS MARCH 24TH, A.D. 2023.

JOHN S. BOLINE, PLS (JBOLINE@HRGREEN.COM)
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3756
LICENSE EXPIRATION DATE: 11/30/2024



NO.	DATE	BY	REVISION DESCRIPTION
1	03/24/23	JSB	REVISED PER CITY COMMENTS

Illinois Professional Design Firm # 184-001322
1391 Corporate Drive, Suite 203
Mchenry, IL 60050-7040
t. 815.385.1778 f. 815.385.1781
www.hrgreen.com



PLAT OF EASEMENT
OF PART OF THE SE 1/4 OF THE NW 1/4 OF SEC. 15-39-8
CITY OF BATAVIA, KANE COUNTY, ILLINOIS

BAR IS ONE INCH ON OFFICIAL DRAWINGS
IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY

DRAWN BY: JB
APPROVED: MD
JOB DATE: 03/20/2023
JOB NO: 190701.07