



LAKE COUNTY FOREST PRESERVES
www.LCFPD.org

Preservation, Restoration, Education and Recreation

DATE: August 31, 2015

MEMO TO: Carol Calabresa, Chair
Land Preservation and Acquisition Committee

S. Michael Rummel, Chair
Finance and Administrative Committee

Agenda Item# 9.8

FROM: John Nelson
Director of Operations and Infrastructure

SUBJECT: Permanent Easement to North Shore Gas at 7th Street, Spring Bluff Forest Preserve.

RECOMMENDATION: Recommend approval of a Resolution granting a permanent utility easement to North Shore Gas Company for utility relocation at 7th Street (Spring Bluff Forest Preserve).

BACKGROUND: The North Shore Gas main at Spring Bluff Forest Preserve which delivers natural gas to North Point Marina and Skipper Bud's runs along the south side of the extension of 7th Street. When the line was originally installed 7th Street was a public right-of-way. Subsequently, the public right-of-way was vacated and conveyed to the District. Therefore the gas main runs through the southern edge of District property at Spring Bluff.

During construction of the recently-completed Lake Plain Habitat Restoration Project in conjunction with the Illinois Department of Natural Resources (IDNR), the District and IDNR discovered that a North Shore Gas gas main protrudes into a box culvert conveying stormwater under 7th Street. The District and IDNR contacted North Shore Gas to inquire about moving the gas main. Because of the location, age, and condition of the existing gas main, North Shore Gas desires to install a new gas main. The new gas main would be installed along the south side of the 7th Street extension, primarily in vacated right-of-way that is not owned by the District. However, the proposed new gas main would cross a portion of District land at approximately the same location as the existing gas main. The old gas main will be removed from the culvert and the remainder will be capped and abandoned in place. A permanent easement is necessary to permit a portion of the gas main to cross District land.

REASON FOR RECOMMENDATION: Committee recommendation and Board approval is required in accordance with District policy.

REVIEWED BY OTHERS: Executive Director, Director of Planning and Land Preservation, Chief Operations Officer and Legal Counsel

FINANCIAL DATA: There is no financial impact.

PRESENTER: John Nelson

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR SEPTEMBER MEETING
SEPTEMBER 8, 2015**

MADAM PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **LAND PRESERVATION AND ACQUISITION COMMITTEE** and **FINANCE AND ADMINISTRATIVE COMMITTEE** present herewith "A Resolution granting a permanent easement to North Shore Gas Company for utility relocation (Spring Bluff Forest Preserve)," and request its adoption.

| LAND PRESERVATION AND ACQUISITION COMMITTEE: | YEA | NAY | FINANCE AND ADMINISTRATIVE COMMITTEE: | YEA | NAY |
|---|-------------------------------------|--------------------------|--|-------------------------------------|--------------------------|
|  Carol Calabresa, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  S. Michael Rummel, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Steve W. Mandel, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Linda Pedersen, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Bonnie Thomson Carter | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Steve Carlson | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Linda Pedersen | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Bill Durkin | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Tom Weber | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Sandra Hart | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Jeff Werfel | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Aaron Lawlor | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Terry Wilke | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Audrey Nixon | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**A RESOLUTION GRANTING A PERMANENT EASEMENT TO NORTH SHORE GAS
COMPANY FOR UTILITY RELOCATION (SPRING BLUFF FOREST PRESERVE)**

WHEREAS, the Lake County Forest Preserve District (the "District") owns certain parcels of land along 7th Street, within Spring Bluff Lake Forest Preserve in Newport Township; and

WHEREAS, North Shore Gas Company operates gas lines or other improvements within a former public right-of-way along 7th Street that has been conveyed to the District (collectively, the "Gas Line"); and

WHEREAS, it is in the best interests of the District to grant North Shore Gas Company an easement pursuant to a plat of easement, in substantially the form attached hereto (the "Plat"), so that North Shore Gas Company can relocate its Gas Line onto District property; and

WHEREAS, the District has adopted an Ordinance Regarding Licenses and Easements for Public Services (the "Ordinance") which sets forth the District's general requirements for granting easements; and

WHEREAS, Section 6 of the Downstate Forest Preserve District Act, 70 ILCS 805/6, authorizes the District to grant easements under or across District property for public services, including natural gas services; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois THAT:

Section 1. Recitals. The recitals set forth above are incorporated as part of this Resolution by this reference.

Section 2. Approval of Plat. The Plat is hereby approved in substantially the form attached hereto, subject to final approval of the District's Executive Director and the District's Legal Counsel. The President, Secretary and Executive Director are hereby authorized and directed, on behalf of the District, to execute and attest to the Plat and to execute or cause the execution of all documents necessary to complete the transactions contemplated herein. In the event that any provision of this Resolution or the Plat conflicts with the Ordinance, the conflicting provision of the Ordinance is hereby waived to the extent of such conflict.

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this _____ day of _____, 2015

AYES:

NAYS:

APPROVED this _____ day of _____, 2015

Ann B. Maine, President
Lake County Forest Preserve District

ATTEST:

Julie Gagnani, Secretary
Lake County Forest Preserve District

Exhibit # _____

PLAT OF EASEMENT

A 10 FOOT EASEMENT, DESCRIBED AS THE SOUTH 10' OF THE NORTH 1343.1' OF THE WEST 1/2 OF LOT 19 IN WINTHROP HARBOR SUBDIVISION; ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 76795 ON JANUARY 4, 1900, OF THAT PART OF SECTION 10, TOWNSHIP 46 NORTH, RANGE 12 EAST OF THE 3RD PRINCIPAL MERIDIAN, LAKE COUNTY, ILLINOIS.

LAKE COUNTY FOREST PRESERVE DISTRICT ("LCFPD") HEREBY GRANTS AND CONVEYS TO NORTH SHORE GAS COMPANY ("NORTH SHORE"), FOR ITS USE AND FOR THE USE OF ITS SUCCESSORS AND ASSIGNS, A PERPETUAL, NON-EXCLUSIVE EASEMENT TO USE THE PROPERTY DESCRIBED IN THIS PLAT OF EASEMENT (THE "PROPERTY") TO INSTALL, REPAIR, MAINTAIN, USE AND REPLACE A SINGLE UNDERGROUND GAS MAIN FOR THE TRANSMISSION OF NATURAL GAS ("GAS MAIN") AND FOR NO OTHER PURPOSES, PROVIDED THAT: 1) NORTH SHORE MUST HOLD HARMLESS AND DEFEND LCFPD FROM ALL CLAIMS, CAUSES OF ACTION, SUIT, DAMAGES, OR DEMANDS THAT ARISE FROM NORTH SHORE'S USE OF THE EASEMENT ("HOLD HARMLESS OBLIGATIONS"); 2) NORTH SHORE MUST CARRY INSURANCE ADEQUATE TO SATISFY ITS HOLD HARMLESS OBLIGATIONS AND, AT LCFPD'S REQUEST, PROVIDE LCFPD WITH CERTIFICATES OF INSURANCE EVIDENCING SUCH COVERAGE; 3) AFTER COMPLETION OF ANY WORK PERFORMED BY NORTH SHORE OR ITS CONTRACTOR WITHIN THE PROPERTY, NORTH SHORE MUST RESTORE THE PROPERTY TO A NATURAL CONDITION THAT IS AT LEAST AS GOOD AS ITS CONDITION BEFORE SUCH WORK WAS PERFORMED; AND 4) BEFORE ENTERING THE PROPERTY, NORTH SHORE MUST GIVE LCFPD AT LEAST TWO BUSINESS DAYS PRIOR NOTICE, UNLESS THE WORK IS NECESSARY TO ALLEVIATE AN EMERGENCY THAT THREATENS LIFE, PERSONAL INJURY, OR PROPERTY, IN WHICH CASE NORTH SHORE MUST PROVIDE NOTICE AS SOON AS PRACTICAL. LCFPD RESERVES THE RIGHT TO USE THE PROPERTY, INCLUDING THE RIGHT TO GRANT OTHER NON-EXCLUSIVE EASEMENTS OVER, ALONG, ACROSS OR UPON THE PROPERTY, IN ANY MANNER THAT WILL NOT PREVENT OR INTERFERE WITH NORTH SHORE'S USE AS DESCRIBED HEREIN. LCFPD CERTIFIES IT IS THE OWNER OF THE PROPERTY AND AUTHORIZED TO MAKE THIS GRANT OF EASEMENT.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____ A.D. 20__.

LAKE COUNTY FOREST PRESERVE DISTRICT

BY: _____

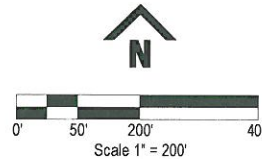
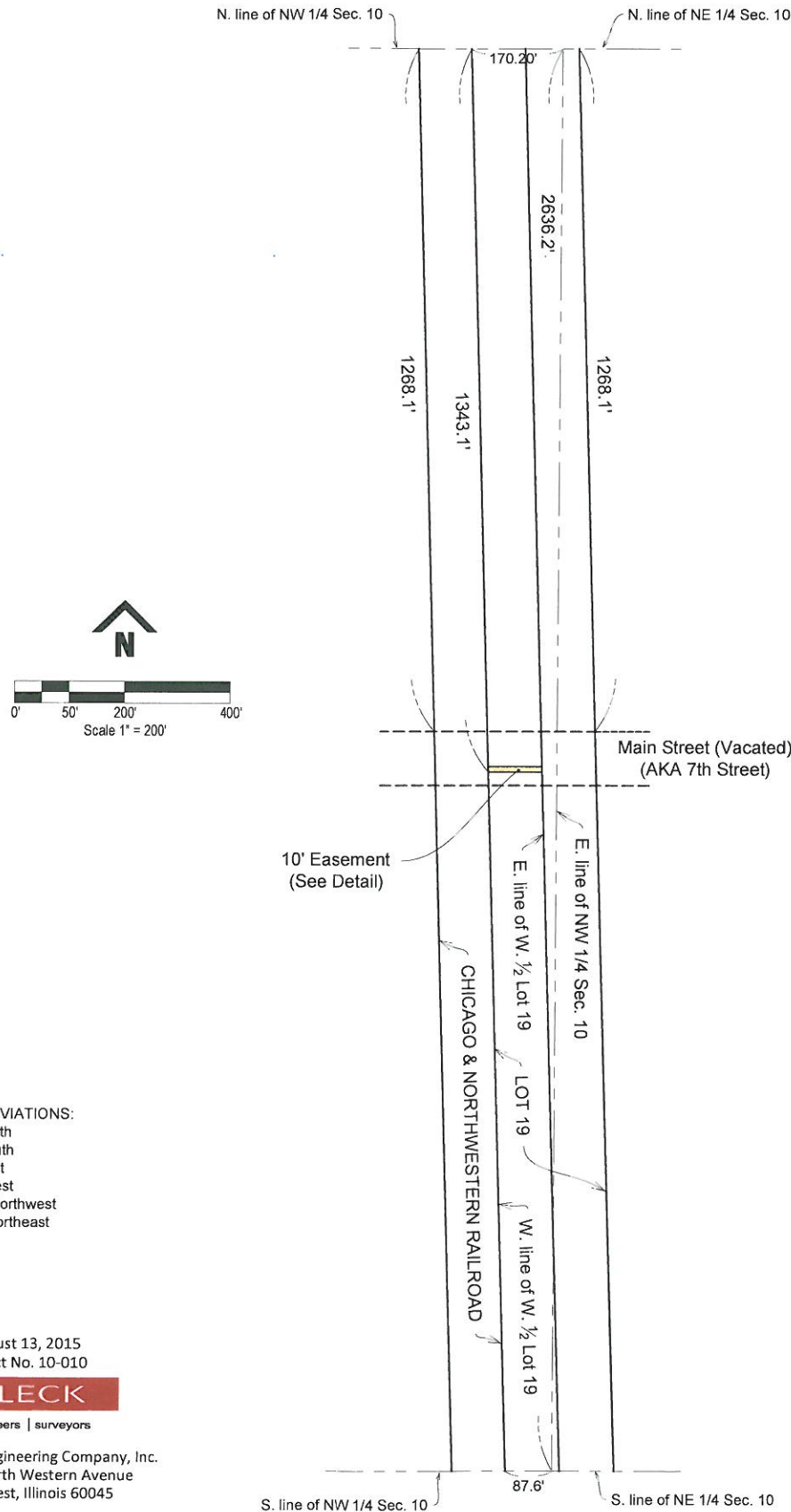
STATE OF ILLINOIS)
COUNTY OF LAKE) s.s.

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____ PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH REPRESENTATIVE OF LAKE COUNTY FOREST PRESERVE DISTRICT APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE OR SHE SIGNED AND DELIVERED THIS PLAT, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THIS ____ DAY OF _____ A.D. 20__, AT _____, ILLINOIS.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC



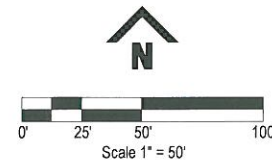
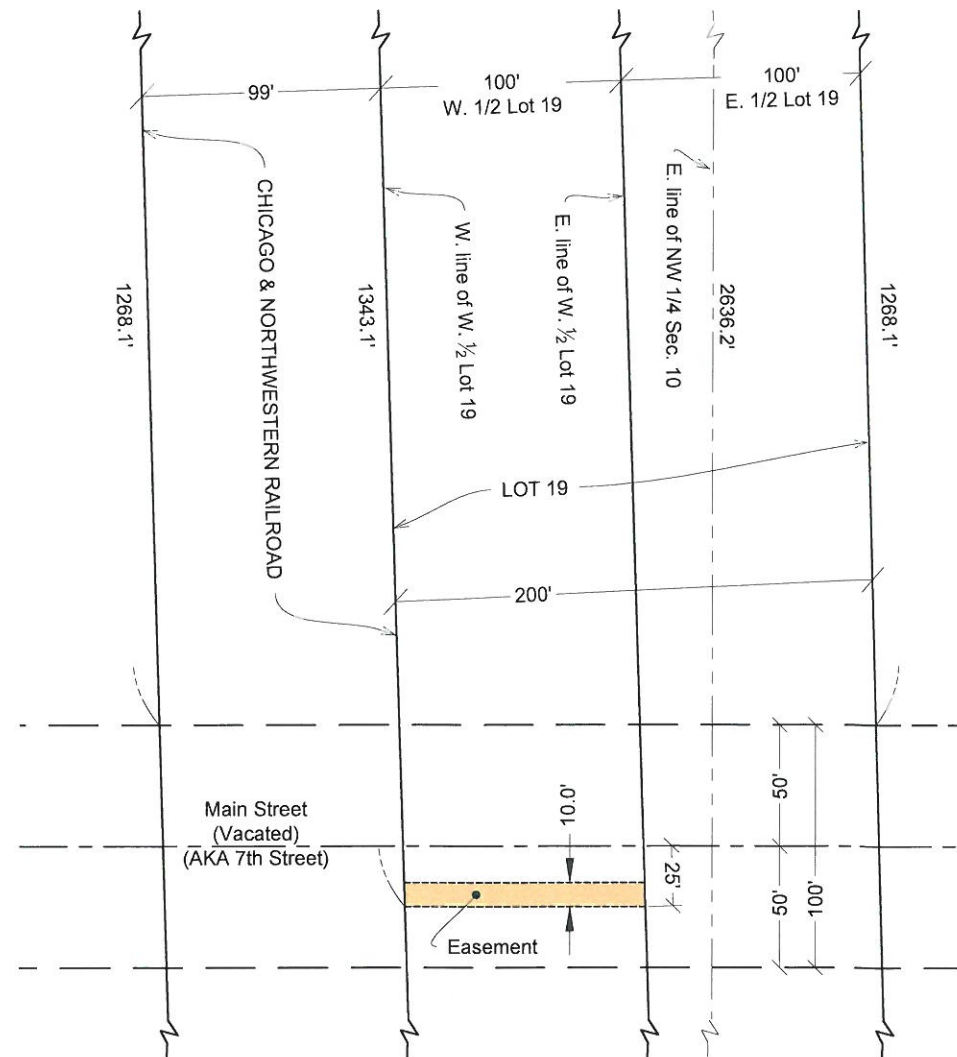
ABBREVIATIONS:
N = North
S = South
E = East
W = West
NW = Northwest
NE = Northeast

August 13, 2015
Project No. 10-010



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EASEMENT DETAIL