



LAKE COUNTY FOREST PRESERVES
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Preservation, Restoration, Education and Recreation

DATE: October 31, 2016

Agenda Item# 9.6

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

S. Michael Rummel, Chair
Finance and Administrative Committee

FROM: Randall L. Seebach
Director of Planning and Land Preservation

RECOMMENDATION: Recommend approval of a Resolution approving an amendment to an easement agreement with the Village of Lincolnshire at Half Day Forest Preserve

STRATEGIC DIRECTIONS SUPPORTED: Public Access and Connections

FINANCIAL DATA: There is no financial impact.

BACKGROUND: The Village of Lincolnshire (the "Village") currently owns a perpetual easement from the District for the construction, operation, policing, and maintainance of a hiking and recreational trail located within Half Day Forest Preserve, recorded with the Lake County, Illinois Recorder of Deeds on April 20, 2006 as Document No. 5981147.

The Village recently proposed additional improvements along the trail including improvements within an area east and north of Old Half Day Road within Half Day Forest Preserve, but located outside of the current easement premises (the "Additional District Property"). Improvements include brush removal, ditch stabilization, permanent planting beds and landscaping.

With District input, the Village prepared plans for the additional improvements. The District granted a temporary license within the Additional District Property to allow construction of the additional improvements. However, in order for the Village to continue to maintain the additional improvements within the Additional District Property in perpetuity, an amendment to the perpetual easement agreement is necessary. Staff is in support of an amendmant to the easement agreement because it will allow additional landscaping within the trail corridor, and obligate the Village to maintain such additional landscaping.

REVIEWED BY OTHERS: Executive Director, Chief Operations Officer, Corporate Counsel

PRESENTER: Randall L. Seebach

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR NOVEMBER MEETING
NOVEMBER 8, 2016**

MADAM PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **LAND PRESERVATION AND ACQUISITION COMMITTEE** and **FINANCE AND ADMINISTRATIVE COMMITTEE** present herewith "a Resolution approving an Amendment to an Easement Agreement with the Village of Lincolnshire at Half Day Forest Preserve," and request its approval.

LAND PRESERVATION AND ACQUISITION COMMITTEE:

Date: 10-31-2016 Roll Call Vote: Ayes: _____ Nays: _____
 Voice Vote Majority Ayes; Nays: 0

FINANCE AND ADMINISTRATIVE COMMITTEE:

Date: 11/3/2016 Roll Call Vote: Ayes: _____ Nays: _____
 Voice Vote Majority Ayes; Nays: 0

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

**A RESOLUTION APPROVING AN AMENDMENT TO AN EASEMENT AGREEMENT
WITH THE VILLAGE OF LINCOLNSHIRE AT HALF DAY FOREST PRESERVE**

WHEREAS, the Lake County Forest Preserve District (the "District") owns a certain parcel of land within the Half Day Forest Preserve (the "Property") located east and north of Old Half Day Road; and

WHEREAS, the District has entered into a perpetual easement agreement with the Village of Lincolnshire (the "Village"), recorded as document #5981147 (the "Existing Easement Agreement"), allowing the Village to use the Property for a public hiking and recreational path (the "Trail"); and

WHEREAS, the Village has requested that the District approve an amendment to the existing easement agreement (the "Amendment"), to allow the Village to install additional landscaping within the Trail; 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 the construction, operation, and maintenance of public services, such as public trails; and

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

WHEREAS, it is in the best interests of the District to approve the Amendment in substantially the form attached hereto;

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 Easement Agreement. The Amendment is hereby approved in substantially the form attached hereto. The President, Secretary and Executive Director of the District are hereby authorized and directed to execute and attest to, on behalf of the District, the Amendment in substantially the form attached hereto. In the event that any provision of the Amendment conflicts with the Ordinance, the conflicting provision of the Ordinance is hereby waived.

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 _____, 2016

AYES:

NAYS:

APPROVED this _____ day of _____, 2016

Ann B. Maine, President
Lake County Forest Preserve District

ATTEST:

Julie Gragnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____

THIS DOCUMENT
PREPARED BY, AND
AFTER RECORDING
RETURN TO:

Matthew Norton
Holland & Knight LLP
131 S. Dearborn Street
30th Floor
Chicago, IL 60603

This space for Recorder's use only

AMENDMENT TO EASEMENT AGREEMENT

This Amendment (hereinafter, the "Amendment") to Easement Agreement is made as of the _____ day of _____, 2016 by and between the LAKE COUNTY FOREST PRESERVE DISTRICT, a body politic and corporate organized and existing under the Illinois Downstate Forest Preserve District Act, 70 ILCS 805/0.001 et seq., as grantor, (hereinafter, the "District") and the VILLAGE OF LINCOLNSHIRE, County of Lake, State of Illinois, an Illinois municipality and unit of local government, the grantee (hereinafter, the "Village").

1. Recitals. The District and the Village entered into an Easement Agreement (hereinafter, the "Agreement") dated April 18, 2006, and recorded with the Lake County Recorder of Deeds on April 20, 2006 as document number 5981147, pursuant to which the District granted to the Village a perpetual non-exclusive easement on and over a portion (hereinafter, the "Easement Premises") of the District property known as the Olde Half Day Road property located within the District's Half Day Forest Preserve and along Olde Half Day Road in Lincolnshire, Illinois. The District and the Village desire to amend the Agreement to revise the legal description of the Easement Premises and to provide for the Village's maintenance of certain planting beds within the Easement Premises, as more fully set forth in this Amendment.

2. Revised Exhibits. Exhibit A of the Agreement (legal description of the Easement Premises) is hereby deleted and replaced with the attached new Exhibit A. Exhibit B (attached hereto) is hereby added to the Agreement.

3. Additional Landscaping and Maintenance Obligations. Paragraph E of the Agreement is hereby amended by adding the following sentences at the end: “The provisions of this Paragraph, including provisions related to the submission, review, and revision of plans, apply to the landscaping that was initially installed by the Village within the Easement Premises and to any additional landscaping that the Village desires to install in the Easement Premises during the term of this Easement Agreement. The Village may install planting beds within the Easement Premises in the locations generally depicted on Exhibit B to this Easement Agreement. The Village shall maintain such planting beds, and all existing and future landscaping that it has or will install (or caused to be installed), within the Easement Premises, in a manner reasonably acceptable to the District. In the event that the Village fails to maintain the landscaping, including the beds and the contents thereof, in a manner reasonably acceptable to the District, the District shall have the right to remove such landscaping and planting beds and/or the contents thereof and to restore the area thereof. The Village shall reimburse the District for the cost of any such removal and restoration within 30 days after the District delivers to the Village an invoice therefor.”

4. Notice. The addresses for the District set forth in Paragraph I of the Agreement are hereby deleted and the following shall be inserted in lieu thereof:

Lake County Forest Preserve District
1899 West Winchester Road
Libertyville, IL 60048
Attn.: Executive Director

with a copy to:

Holland & Knight LLP
131 South Dearborn Street, 30th Floor
Chicago, Illinois 60603
Attn: Matthew Norton, Esq.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, each party to this Amendment has caused it to be executed as of the date indicated below.

Date: _____

LAKE COUNTY FOREST PRESERVE DISTRICT

By: _____

Name: Ann B. Maine

Title: President

Attest:

By: _____

Name: Julie Gragnani

Title: Board Secretary

Date: _____

VILLAGE OF LINCOLNSHIRE

By: _____

Name: Elizabeth J. Brandt

Title: Village President

Attest:

By: _____

Name: Barbara Mastandrea

Title: Village Clerk

ACKNOWLEDGEMENTS

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS

I, _____, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Ann B. Maine, the President of the LAKE COUNTY FOREST PRESERVE DISTRICT, a body politic and corporate organized and existing under the Illinois Downstate Forest Preserve District Act, 70 ILCS 805/0.001 et seq., personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her free and voluntary act in her capacity as President of said entity, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this ____ day of _____, 2016.

Notary Public
My Commission Expires _____ {SEAL}

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS

I, _____, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Julie Gragnani, the Board Secretary of the LAKE COUNTY FOREST PRESERVE DISTRICT, a body politic and corporate organized and existing under the Illinois Downstate Forest Preserve District Act, 70 ILCS 805/0.001 et seq., personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her free and voluntary act in her capacity as Board Secretary of said entity, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this ____ day of _____, 2016.

Notary Public
My Commission Expires _____ {SEAL}

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS

I, _____, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Elizabeth Brandt, the Village President of the VILLAGE OF LINCOLNSHIRE, an Illinois municipality and unit of local government, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her free and voluntary act in her capacity as Village President of said entity, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this ____ day of _____, 2016.

Notary Public

My Commission Expires _____ {SEAL}

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS

I, _____, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Barbara Mastandrea, the Village Clerk of the VILLAGE OF LINCOLNSHIRE, an Illinois municipality and unit of local government, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her free and voluntary act in her capacity as Village Clerk of said entity, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this ____ day of _____, 2016.

Notary Public

My Commission Expires _____ {SEAL}

EXHIBIT A

LEGAL DESCRIPTION OF THE EASEMENT PREMISES

The South 35 feet of the west 600 feet, as measured from the west line of Parcel 2 of the following described parcels:

Parcel 1:

That part of the West half of the South West quarter of Section 14, Township 43 North, Range 11, East of the 3rd P. M., in Lake County, Illinois, lying North of the center line of Half Day Road (except the East 33 feet thereof lying North of the center line of Half Day Road and South of the center line of the Des Plaines River) and (except that part previously dedicated and used for highway purposes).

Parcel 2:

That part of the East half of the South East quarter of Section 15, Township 43 North, Range 11, East of the 3rd P.M. described as follows, to-wit: Commencing at the North East corner of said half quarter section; thence West along the North line thereof, 438.2 feet; thence South parallel with the East line of said half quarter section, 957.1 feet, more or less, to the center of an Easterly and Westerly road running across said half quarter section; thence Easterly along the center of said road 444.5 feet, more or less, to the East line of said half quarter section; thence North along said East line, 1040.3 feet, more or less, to the place of beginning, (except that part previously dedicated and used for road purposes), in Lake County, Illinois.

EXHIBIT B
DEPICTION OF EASEMENT AREA

**Exhibit
B**

Lake County Forest Preserve District
1899 W Winchester Rd
Libertyville, IL 60048
847-367-6640
www.lcfd.org

Legend

- | | |
|---|---|
|  Forest Preserve Boundary |  Des Plaines River Trail |
|  Lincolnshire Half Day Road Easement |  Buffalo Grove - Lincolnshire Bike Path |
| |  Trails and Paths |

Courtesy Copy Only.
Property boundaries indicated are provided for general location purposes. Wetland and flood limits shown are approximate and should not be used to determine setbacks for structure or as a basis for purchasing property.

Prepared using information from:
Lake County Department of Information & Technology: GIS/Mapping Division
18 North County Street
Waukegan, Illinois 60085-4357
847-377-2373



2014 Aerial Photo

Map Prepared 12 October 2016

