



LAKE COUNTY FOREST PRESERVES  
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Preservation, Restoration, Education and Recreation

**DATE:** November 6, 2017

**MEMO TO:** Craig Taylor, Chair  
Operations Committee

Carol Calabresa, Chair  
Planning Committee

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

**REQUEST:** Provide policy direction regarding the Village of Volo's notification that it intends to install lighting improvements within the Millennium Trail at Singing Hills Forest Preserve.

**STRATEGIC DIRECTION SUPPORTED:** Public Access and Connections

**FINANCIAL DATA:** There is no financial impact at this time.

**BACKGROUND:** In February 2005, the Lake County Forest Preserve District (District) entered into an Intergovernmental Agreement (IGA) with the Village of Volo (Village) and the Lakes Region Sanitary District (Sanitary District) regarding the exchange of easement rights for a proposed sanitary sewer, water main and trail. The terms of the IGA include:

- 1) The District conveying to the Village a 1/2-mile long 40 foot wide perpetual non-exclusive easement (Utility Easement) for the installation, maintenance and operation of a water main on a portion of Marl Flat Forest Preserve.
- 2) The District conveying to the Sanitary District a perpetual non-exclusive easement over, across and through the Utility Easement for the sole purpose of installing, maintaining and operating a sanitary sewer main.
- 3) The Village conveying a perpetual non-exclusive easement to the District for the purpose of constructing, maintaining and operating a public trail corridor as part of the District's Millennium Trail (Trail Easement).
- 4) The Village providing the engineering, permitting and construction of a 1.5-mile section of the Millennium Trail in accordance with District's general plans and specifications.

There have been two amendments to the IGA, both providing time extensions to the Village for completion of the trail construction. The trail has since been completed and opened for public use.

Last month, the District received notification from the Village of their plans to provide beautification improvements along Fish Lake Road. The project includes improvements within the Fish Lake Road right of way, but, as currently proposed, also include improvements within a 1/4-mile portion of the trail that is within the District's Trail Easement. Those improvements include the installation of 13 light poles and underground electrical cable within the Trail Easement. The light poles will be 12 feet high made of wood.

The Trail Easement is non-exclusive and, in the granting document, the Village expressly reserved certain rights, including the right to intersect the easement with utilities and other easements at separate and distinct points and to install underground utilities. However, the Village did not expressly reserve the right to install above-ground, parallel lights or other utilities.

Initial concerns and considerations from staff include (i) potential invitation of night time use of the trail which does not conform to the District's standard hours of operation, (ii) does the allowance of lighting expose the District to additional risk and liability, and (iii) the desire for intergovernmental cooperation.

Staff is seeking direction on the possible allowance of the lighting improvements within this portion of the Trail Easement for the Millennium Trail.

**REVIEW BY OTHERS:** Executive Director, Chief Operations Officer, Director of Finance, Corporate Counsel