



LAKE COUNTY FOREST PRESERVES
www.LCFPD.org

Preservation, Restoration, Education and Recreation

DATE: December 4, 2017

MEMO TO: Carol Calabresa, Chair
Planning Committee

FROM: Alex Ty Kovach
Executive Director

RECOMMENDATION: Recommend approval of a Resolution authorizing the District’s conveyance of the approximately 131-acre Black Crown Forest Preserve to the State of Illinois in exchange for the State’s conveyance of its partial interests in Oriole Grove and Prairie Wolf Forest Preserves to the District.

STRATEGIC DIRECTIONS SUPPORTED: Conservation; Organizational Sustainability

FINANCIAL DATA: There are no costs associated with the transfer of land.

BACKGROUND: The Lake County Forest Preserve District (“District”) and the State of Illinois (“State”) entered into (i) an Intergovernmental Agreement dated March 19, 1976, as modified by an Amendment dated June 17, 1977, (ii) an Agreement dated May 11, 1984, and (iii) an Agreement dated January 5, 1988 (collectively, the “Agreements”). The Agreements provided for the State and the District to acquire land at various locations in Lake County, with the intent that various flood control improvements would be developed on such land. The sites acquired through the Agreements include an 85.8-acre parcel designated as Site No. 4 (now known as Oriole Grove Forest Preserve), and a 172.9-acre parcel designated as Site No. 18 (which constitutes a portion of what is now known as Prairie Wolf Forest Preserve). While flood control improvements were constructed at some of the sites included within the Agreements (including the Atkinson Stormwater Facility and the Duffy Stormwater Facility), no such improvements were ever constructed at Site No. 4 (Oriole Grove) or Site No. 18 (Prairie Wolf). Both of those sites are used as public open space.

The terms of the various Agreements predicated that the State would pay for and receive title to 68.25 percent of both Site No. 4 and Site No. 18, while the District would pay for and receive title to 31.75 percent of such Sites, with the understanding that, after the flood control structures were built on each Site, the State’s interest in each Site would be transferred to the District.

Pursuant to the Agreements, if flood control improvements were not installed at a Site, the District has the right to purchase the State’s ownership interest in the Site, at fair market value.

Separately, in 2006, with the assistance of Chicago’s Openlands Project, the District and the State cooperatively acquired approximately 246 acres on the boundary between Lake and McHenry Counties. Ultimately, the State obtained approximately 113 acres in McHenry County, which was added to Moraine Hills State Park, and the District acquired 131 acres, which became Black Crown Forest Preserve. Black Crown is vacant.

For many years the District and the State have worked to find a way to transfer full title of both Site No. 4 and Site No. 18 to the District without depleting the latter’s land acquisition funds. After discussions with IDNR’s staff, the District’s staff presented to the District’s Planning Committee the idea of exchanging the

District's interest in Black Crown for the State's interests in Prairie Wolf and Oriole Grove. The Planning Committee gave staff direction to pursue this exchange.

In order to resolve the issue, HB 0534 was recently signed into law by Governor Rauner, and the resulting Public Act 100-0470 authorizes the transfer of the State's partial interests in Oriole Grove and Prairie Wolf forest preserves in exchange for full title to Black Crown Forest Preserve. The District has the authority to convey its interests in Black Crown to the State pursuant to the Local Government Property Transfer Act. In each case, the land will remain in public ownership, and the exchange will further benefit the public interest by reducing the District's management responsibilities on property directly adjacent to the State's Moraine Hills State Park, and will grant the District full title in perpetuity over property long identified with and used by the District.

The State and the District are currently engaged in determining how to either terminate or amend the Agreements to make the exchange possible and orderly. Both the State and the District have begun the process of requesting and reviewing title reports. Even though such reviews are ongoing, IDNR has asked that the District Board adopt a resolution approving the transfer, subject to resolving any title issues or other details of the transaction.

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

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

**A RESOLUTION APPROVING A LAND EXCHANGE
WITH THE STATE OF ILLINOIS
(BLACK CROWN, ORIOLE GROVE, AND PRAIRIE WOLF FOREST PRESERVES)**

WHEREAS, the Lake County Forest Preserve District (the “District”) owns an approximately 131-acre parcel of land known as Black Crown Forest Preserve and generally depicted on Exhibit A attached hereto (“Black Crown”); and

WHEREAS, the State of Illinois, through its Department of Natural Resources (the “State”), owns a parcel of land adjacent to Black Crown, known as Moraine Hills State Park; and

WHEREAS, pursuant to (i) an Intergovernmental Agreement dated March 19, 1976, as modified by an Amendment dated June 17, 1977, (ii) an Agreement dated May 11, 1984, and (iii) an Agreement dated January 5, 1988 (collectively, the “Agreements”) the District and the State acquired and jointly own an approximately 85.8-acre parcel of land, originally designated as Site No. 4, now known as Oriole Grove Forest Preserve, and generally depicted on Exhibit B attached hereto (“Oriole Grove”), and an 172.9-acre parcel of land, originally designated as Site No. 18, which constitutes a portion of Prairie Wolf Forest Preserve and is generally depicted on Exhibit C attached hereto as “Site No. 18” (“Prairie Wolf Parcel”); and

WHEREAS, the State desires to acquire Black Crown and the District desires to acquire the State’s interests in Oriole Grove and the Prairie Wolf Parcel; and

WHEREAS, the State’s acquisition of Black Crown will expand upon, enhance, and be part of permanent public open space including the State’s adjacent Moraine Hills State Park, and the District’s acquisition of the State’s interests in Oriole Grove and the Prairie Wolf Parcel will complete the District’s ownership, authority, and control of Oriole Grove and Prairie Wolf forest preserves; and

WHEREAS, the District’s Planning Committee (the “Committee”) has recommended that the District convey Black Crown to the State in exchange for the State conveying its interests in Oriole Grove and the Prairie Wolf Parcel to the District, because such exchange will advance the goals and policies of the District; and

WHEREAS, pursuant to Public Act 100-0470 passed by the Illinois General Assembly with an Effective Date of 8 September 2017, and duly signed by the Governor, and other applicable authority, the State is authorized to accept the transfer of Black Crown from the District, in exchange for the State’s interests in Oriole Grove and the Prairie Wolf Parcel ; and

WHEREAS, pursuant to Section 4 of the Local Government Property Transfer Act (50 ILCS 605/4), the District is authorized to transfer all of its right, title, and interest in Black Crown to the State for any purpose authorized by State government, upon such terms and conditions as may be agreed upon by the District and the State;

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. Ownership and Boundaries. Each of Black Crown, Oriole Grove, and the Prairie Wolf Parcel (collectively, the “Properties”) are publicly owned, and are depicted on the attached Exhibit A, Exhibit B, and Exhibit C, respectively, and each wholly within the limits of the State and the District.

Section 3. Suitability. The Properties are suitable to be used, occupied, and developed for State or District and related purposes, and it is necessary, convenient, and desirable that the State use Black Crown and the District use Oriole Grove and the Prairie Wolf Parcel for public purposes, including the purposes identified in this Resolution.

Section 4. Due Diligence. The Executive Director, or his designee, is hereby authorized and directed to (i) review any title, environmental, boundary, access, or other issues related to the Properties, (ii) in discussion with the State, ascertain whether the Agreements should be amended or terminated, and (iii) conduct any other activities necessary or desirable regarding the exchange contemplated by this Resolution (collectively, “Due Diligence Activities”); and

Section 5. Authorization to Convey to, and to Accept Conveyance from, the State. Upon written notice from the Executive Director that any Due Diligence Activities have been resolved in a manner that adequately protects the District’s interests with respect to the exchange contemplated by this Resolution, the President, Secretary and Executive Director of the District are hereby authorized and directed, on behalf of the District, pursuant to deeds and other documents have first been approved by the District's Corporate Counsel, to (i) execute and attest to a quit claim deed conveying Black Crown to the State; (ii) cause the preparation and execution of any other documents necessary to quit claim fee simple ownership of Black Crown to the State; and (iii) accept the conveyance of the State’s interests in both Oriole Grove and the Prairie Wolf Parcel to the District, by executing any documents necessary to accept such interests.

Section 6. 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 _____, 2017

AYES:

NAYS:

APPROVED this _____ day of _____, 2017

Ann B. Maine, President
Lake County Forest Preserve District

ATTEST:

Julie Gragnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____

Exhibit A

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

Legend



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



2015 Aerial Photo

Map Prepared 19 November 2017

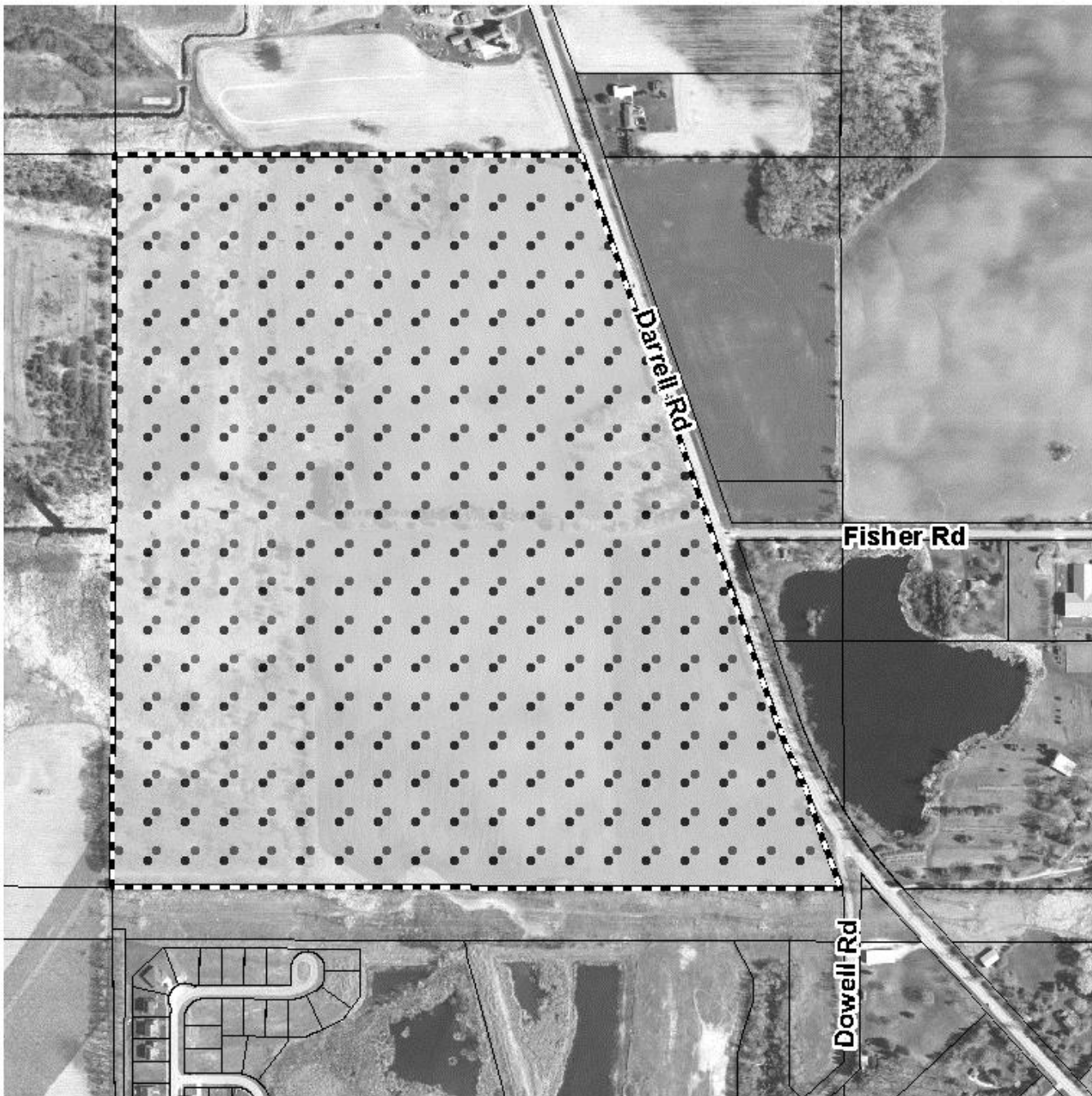
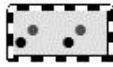


Exhibit B

Legend



Oriole Grove



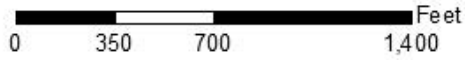
Railroads



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Map Prepared 28 November 2017

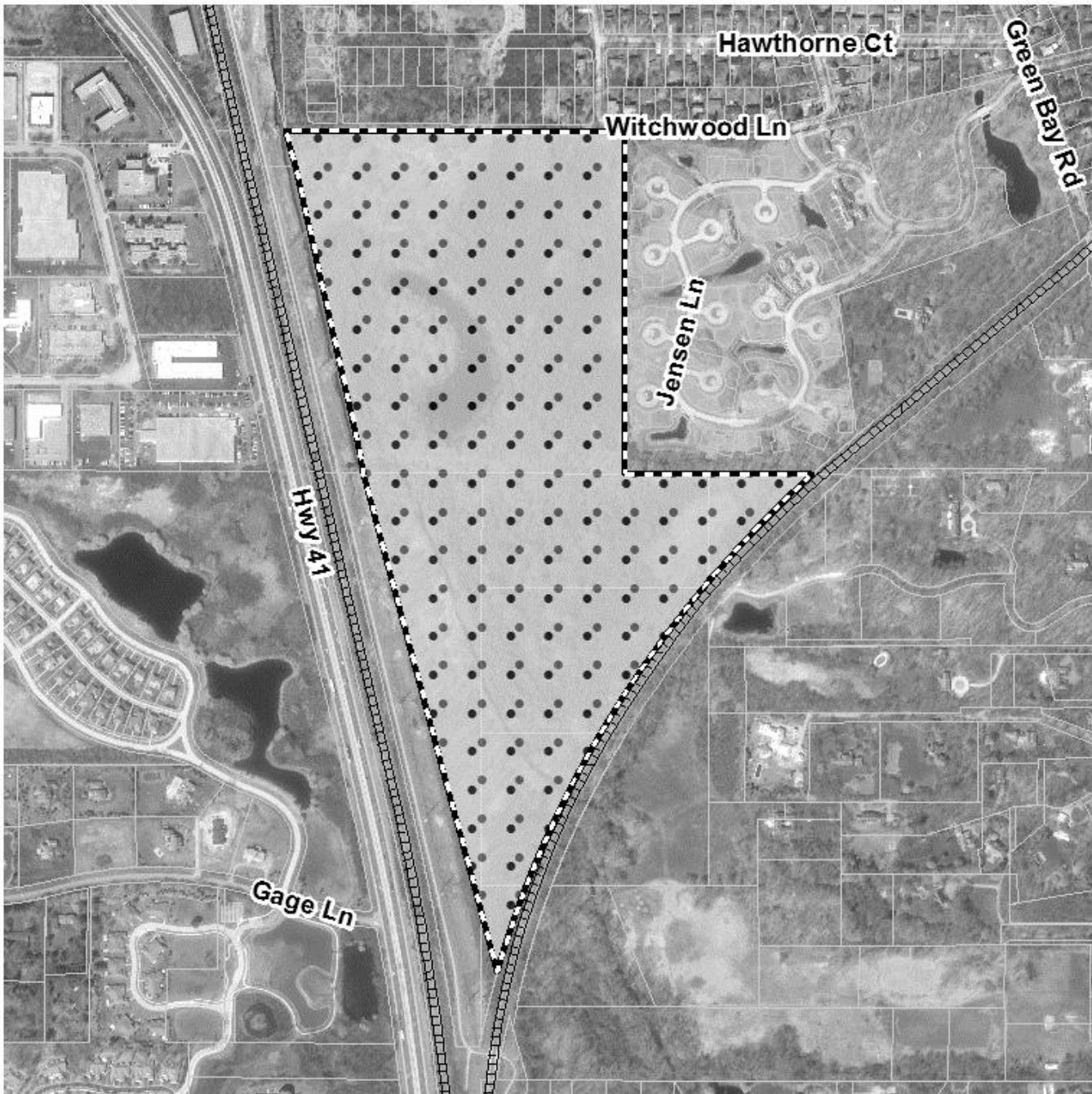


Exhibit C

Legend



Prairie Wolf Parcel

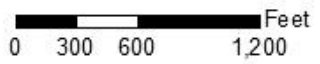


Prairie Wolf Forest Preserve

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