



LAKE COUNTY FOREST PRESERVES

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Preservation, Restoration, Education and Recreation

DATE: November 3, 2014

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

Pat Carey, Chair
Finance and Administrative Committee

FROM: Alex Ty Kovach
Executive Director

SUBJECT: Agreement for the Vacation and Grant of Easements at Grassy Lake Forest Preserve

RECOMMENDATION: Recommend Approval of a Resolution approving an Agreement for the Vacation and Grant of Easements at Grassy Lake Forest Preserve.

BACKGROUND: The District acquired title to the property commonly known as the “Hurd Property” in 2009. The property was subject to a non-exclusive 33-foot ingress / egress (driveway) easement. The other party to this Agreement, and beneficiaries of the easement, James and Carolyn Schulz (the “Beneficiaries”), have sole access to their property via the subject easement.

Since the District acquired the Hurd Property, it has prepared and approved plans for public access to and use of Grassy Lake Forest Preserve. Pursuant to those plans, the District intends to build a new vehicular entrance and parking lot within the Property and a portion of the Kelsey Road right-of-way which will provide public parking at, and access to, the Property, as well as related improvements.

The planned public access on the site would cross the Easement and the driveway used by the Beneficiaries’ for access. Staff has negotiated a draft Agreement pursuant to which the Beneficiaries would vacate certain portions of the existing 33-foot Easement and re-locate a portion of their driveway, and the District would grant a new public easement for vehicular ingress and egress that the Beneficiaries could use to access their property. The Agreement includes other provisions intended to encourage users of the preserve to use the public access and parking lot and deter them from mistakenly using the Beneficiaries’ private driveway.

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

REVIEW BY OTHERS: Executive Director and General Counsel

FINANCIAL DATA: The District has agreed to resurface the portion of the Beneficiaries’ existing driveway that will remain unchanged (because it is expected to be damaged by construction traffic), and will install a paved surface on new easement area to replace the paved segment being removed. In addition, the District has agreed to install a gate near the existing easement boundary to prevent public access to the Beneficiaries’ private drive. The improvements will be funded from the Development Levy, account number 20104100-803200-60701.

PRESENTER: Alex Ty Kovach

STATE OF ILLINOIS)
)SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR NOVEMBER MEETING
NOVEMBER 11, 2014**

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 Agreement for the Vacation and Grant of Easements at Grassy Lake Forest Preserve,” and request its adoption.

LAND PRESERVATION AND ACQUISITION COMMITTEE:	YEA	NAY	FINANCE AND ADMINISTRATIVE COMMITTEE:	YEA	NAY
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Carol Calabresa, Chair			Pat Carey, Chair		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Linda Pedersen, Vice Chair			S. Michael Rummel, Vice Chair		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Bonnie Thomson Carter			Sandra Hart		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Steve Mandel			Aaron Lawlor		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Diana O’Kelly			Audrey Nixon		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Tom Weber			Diana O’Kelly		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Terry Wilke			Linda Pedersen		

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

**A RESOLUTION APPROVING AN AGREEMENT FOR THE VACATION AND GRANT
OF EASEMENTS AT GRASSY LAKE FOREST PRESERVE**

WHEREAS, the Lake County Forest Preserve District (the "District") owns property north of Kelsey Road (the "Property") which is part of Grassy Lake Forest Preserve; and

WHEREAS, when the District acquired the Property, it was already subject to and burdened by a non-exclusive 33-foot ingress / egress (driveway) easement (the "Easement"); and

WHEREAS, James and Carolyn Schulz (the "Beneficiaries") are beneficiaries of the Easement and use it as the sole access to their property; and

WHEREAS, the District has now prepared and approved plans for public access to and use of Grassy Lake Forest Preserve on the Property, including a new vehicular entrance and parking lot as well as related improvements; and

WHEREAS, the new public access on the site crosses the Easement; and

WHEREAS, the District and the Beneficiaries desire to enter into an Agreement, in substantially the form attached hereto (the "Agreement"), pursuant to which the Beneficiaries will vacate a portion of the Easement and the District will grant a new public easement; 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 vehicular access;

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 a part of this Resolution by this reference.

Section 2. Approval of Agreement. The Agreement, in substantially the form attached hereto, is hereby approved. The President, Secretary and Executive Director of the District are hereby authorized and directed, on behalf of the District, to execute and attest to the Agreement and any other documents that are necessary to complete the Vacation and Grant of Easements pursuant to the Agreement, provided that the final form of the Agreement and such documents have first been approved by the District's Counsel.

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 _____, 2014

AYES:

NAYS:

APPROVED this ____ day of _____, 2014

Ann B. Maine, President
Lake County Forest Preserve District

ATTEST:

Julie A. Gragnani, Secretary
Lake County Forest Preserve District

Exhibit # _____