



LAKE COUNTY FOREST PRESERVES
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Preservation, Restoration, Education and Recreation

DATE: November 3, 2014

MEMO TO: Bonnie Thomson Carter, Chair
Planning and Restoration Committee

Pat Carey, Chair
Finance and Administrative Committee

FROM: Randall L. Seebach, Director
Planning, Conservation and Development

SUBJECT: Lot Line Agreement at Wilmot Woods

RECOMMENDATION: Recommend approval of a Resolution approving a Lot Line Agreement between Environmental Engineering Solutions, LLC. (EES) and the District to allow EES to construct a portion of its proposed subdivision driveway within a portion of the Buckley Road right-of-way that is directly adjacent to Wilmot Woods Forest Preserve.

BACKGROUND: On September 24, 2014, the District received a letter from Manhard Consulting, LTD representing the developer (EES) of "The Preserves," a proposed three-lot subdivision off of Buckley Road in Libertyville, adjacent to Wilmot Woods Forest Preserve. As shown in the preliminary plans for the subdivision, the developer desires to construct its driveway to Buckley Road near the District's property line. According to the developer, the placement of the driveway will allow for the preservation of some trees located on its property. While no part of the driveway will be located on District property, the "apron" of the driveway within the IDOT-owned Buckley Road right of way will flare out and cross into (by 17.5 feet) that portion of the right of way that fronts District's property. This is illustrated on the exhibit attached to the attached agreement.

As part of the subdivision plan review, the Illinois Department of Transportation will approve the proposed location of the driveway apron only if a Lot Line Agreement is approved by the adjacent land owners. This is IDOT policy whenever there is a possible "encroachment" into the right-of-way adjacent to one of the owner's property. Under the lot line agreement, the District would approve the location of the driveway apron within the IDOT-owned right of way. A resolution that would approve such an agreement is attached. While staff might ordinarily present this matter to committee for policy direction first, staff is bringing it through as a resolution, so this can be a one-step process if the Committee gives a positive recommendation.

The District does not currently have plans to use that portion of the right of way adjacent to its property. Future plans for Wilmot Woods Forest Preserve could include a trail extension to Buckley Road. For several years, the District has been in discussions with Libertyville Township and several subdivisions east of the Des Plaines River to provide a safe and direct trail connection to the Des Plaines River Trail and Independence Grove Forest Preserve. The Lake County Division of Transportation will soon begin a Phase I Feasibility Study for the possible extension of a shared-use path along Buckley Road from the Great Lakes Navy Base, west to the Des Plaines River Trail. The extension of the Buckley Road shared-use path could present an opportunity to connect the residential areas and Libertyville Township's Lindholm Park to the Des Plaines River Trail.

The approval of this lot line agreement would not present any negative impacts to the District's ability to access this strip of land for possible future trail development.

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

REVIEW BY OTHERS: Director of Operations and Public Safety, Director of Finance, Legal Counsel

FINANCIAL DATA: There is no direct financial impact with the approval of this agreement.

PRESENTER: Randall L. Seebach

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

**A RESOLUTION APPROVING A LOT LINE AGREEMENT WITH
ENVIRONMENTAL ENGINEERING SOLUTIONS, LLC FOR THE PRESERVES SUBDIVISION**

WHEREAS, the Lake County Forest Preserve District (the "District") owns property located in Libertyville, Illinois known as the Wilmot Woods Forest Preserve, with frontage along the State-owned Buckley Road; and

WHEREAS, Environmental Engineering Solutions, LLC (the "EES") owns subdivided property located adjacent to Wilmot Woods Forest Preserve, known as The Preserves (the "Property"); and

WHEREAS, EES is desirous of constructing a portion the proposed driveway within a portion of the IDOT-owned Buckley Road right-of-way (the "Construction"), which is directly adjacent the District's Wilmot Woods Forest Preserve; and

WHEREAS, before it will approve the Construction, Illinois Department of Transportation requires a Lot Line Agreement between the two adjacent land owners (the District and EES) because the driveway will be located within a portion of the right of way that is directly adjacent to the District's property; and

WHEREAS, it is in the best interest of the District to enter into a Lot Line Agreement with EES for the Construction;

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 the Agreement. The Agreement is hereby approved in substantially the form attached hereto. The President and Secretary of the District are authorized to executed and attest to the Agreement.

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

ATTEST:

Ann B. Maine, President
Lake County Forest Preserve District

Julie A. Gagnani, Secretary
Lake County Forest Preserve District

Exhibit _____

A G R E E M E N T

This Agreement, made and entered into this _____ day of _____, 2014, by and between EES, LLC., hereinafter referred to as First Party, and Lake County Forest Preserve District, hereinafter referred to as Second Party.

W I T N E S S E T H

WHEREAS, First Party is the owner of the following described real estate located in the NORTHEAST QUARTER of SECTION 10 TOWNSHIP 44 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, County of LAKE, State of Illinois EES, LLC.'s said property is commonly known as THE PRESERVES SUBDIVISION, and

WHEREAS, Second Party is the owner of the following described real estate located in the NORTHEAST QUARTER of SECTION 10 TOWNSHIP 44 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN county of LAKE, and State of Illinois Lake County Forest Preserve District's said property is more commonly known as 15757 BUCKLEY ROAD, LIBERTYVILLE, ILLINOIS 60048, and

WHEREAS, First Party is desirous of constructing a driveway on the property that will be located 7.5 feet from the aforescribed property owned by Second Party in accordance with the attached plan, and has applied to the Department of Transportation, of the State of Illinois, to do so, and

WHEREAS, Second Party is agreeable to the construction of said driveway and to certain future limitations should Second Party hereafter desire to construct a driveway on its premises.

NOW, THEREFORE, in consideration of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, it is mutually understood and agreed by and between the parties hereto as follows:

1. Second Party hereby grants permission to First Party to construct a driveway on premises owned by First Party on that part of First Party's premises which is at least 7.5 feet from Second Party's premises.
2. Second Party agrees that should it in the future construct a driveway elsewhere on its premises it will be located no closer than 7.5 feet from the driveway proposed by First Party.
3. This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors, and assigns of the parties hereto.

DATED AT _____, Illinois this _____
day of _____, 2014

First Party

Second Party

