



LAKE COUNTY FOREST PRESERVES
www.LCFPD.org

Preservation, Restoration, Education and Recreation

DATE: March 4, 2019

MEMO TO: John Wasik, Chair
Planning Committee

Agenda Item# 9.9

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

RECOMMENDATION: Recommend approval of a Resolution approving a Tax Sale Agreement with Openlands resulting from the 2018 Annual Lake County Tax Sale (the "Tax Sale"), allowing the District to purchase up to four Tax Sale Certificates ("Certificates") from Openlands for a sum not to exceed \$75,596.41.

STRATEGIC DIRECTIONS SUPPORTED: Conservation; Public Access and Connections

FINANCIAL DATA: The total of the purchase prices for up to four Certificates is a sum not to exceed \$75,596.41, which is funded from the 2008 Referendum Bonds (2015 bonds) and is included in the adopted FY 2018/2019 Budget.

BACKGROUND: District staff and the Planning Committee periodically review land preservation opportunities that are beneficial to the District and that can be pursued through the County's Annual Tax Sale, at which the County auctions certificates for tax delinquent parcels in Lake County. A bidder who purchases such a certificate essentially has the right to acquire the tax delinquent parcel, if the owner does not redeem the taxes within two years. The Committee directed staff to investigate eight parcels available at the Tax Sale which would enhance District holdings. Because of timing and procedural issues, the District requested that Openlands attend the Tax Sale on the District's behalf and submit bids on the eight selected parcels. By the time the tax sale began, only seven parcels were still available. At the Tax Sale, Openlands successfully bid on six parcels. Since the date of the Tax Sale, two of the Certificates have been redeemed. The remaining four parcels have no existing residences, are adjacent to existing District sites and would be appropriate for eventual acquisition.

The Certificates successfully acquired by Openlands and which have not been redeemed, are:

- Parcel 03-04-300-024, 3.40 Acres adjacent to Pine Dunes Forest Preserve
- Parcel 03-16-400-035, 12.41 Acres adjacent to Wadsworth Savanna Forest Preserve
- Parcel 06-23-300-043, 2.73 Acres adjacent to Rollins Savanna Forest Preserve
- Parcel 07-14-300-012, 1.44 Acres adjacent to Lake Carina Forest Preserve

Openlands has requested that the District enter into an agreement pursuant to which the District would purchase the Certificates from Openlands.

By purchasing a Certificate for a Parcel, the District may eventually obtain title to the Parcel through a tax deed, if the current owner does not redeem the taxes over the next approximately two years. This method of acquisition would save the District land acquisition funds. If the current owner of a Parcel redeems the taxes before the redemption period ends, the owner is required to repay the District the price paid for the Certificate. If the owner does not redeem the taxes during the redemption period, the District can petition for a tax deed, which would transfer ownership to the District.

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

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR MARCH MEETING
MARCH 12, 2019**

MISTER PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **PLANNING COMMITTEE** presents herewith “A Resolution Approving a Tax Sale Agreement with Openlands Resulting from the 2018 Annual Lake County Tax Sale” and requests its approval.

PLANNING COMMITTEE:

Date: 3-4-2019 Roll Call Vote: Ayes: ___ Nays: ___

Voice Vote Majority Ayes; Nays: 0

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

**A RESOLUTION APPROVING A TAX SALE AGREEMENT WITH OPENLANDS
RESULTING FROM THE 2018 ANNUAL LAKE COUNTY TAX SALE**

WHEREAS, at the direction of the Planning Committee of the Lake County Forest Preserve District (the "District"), the District's Land Preservation Division of the Planning and Land Preservation Department (the "Department") analyzed more than 5,100 parcels of land throughout the County that were expected to be included in the 2018 Lake County Annual Tax Sale (the "Tax Sale") to determine which parcels may be appropriate for District use; and

WHEREAS, pursuant to its detailed analysis, the Division identified certain parcels listed for the Tax Sale that have no existing residences, are located adjacent to existing District sites and would be appropriate for eventual acquisition (the "Identified Properties"); and

WHEREAS, because of timing and procedural requirements, the District was unable to bid at the Tax Sale for the Identified Properties and requested that Openlands submit bids for the Identified Properties; and

WHEREAS, Openlands was able to obtain six Certificates of Sale at the Tax Sale (the "Certificates"); and

WHEREAS, two of those Certificates have been redeemed since the Tax Sale, leaving Openlands with a current total of four Certificates, for the Identified Properties identified on Exhibit A attached hereto (the "Future Properties"); and

WHEREAS, Openlands has offered to sell the Certificates for the Future Properties to the District pursuant to a Tax Sale Agreement, in the form attached hereto (the "Tax Sale Agreement"); and

WHEREAS, the Committee has determined that purchasing the Certificates from Openlands for the Future Properties could culminate in a tax deed for the Future Properties in approximately two years, thereby saving the District land acquisition funds; and

WHEREAS, preservation of the Future Properties is consistent with the goals and policies of the District and is consistent with the land acquisition goals of the District; and

WHEREAS, it is in the best interests of the District to enter into the Tax Sale Agreement with Openlands, pursuant to which the District would purchase the Certificates from Openlands;

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. The Future Properties are privately owned, are depicted on the attached Exhibit A, and lie wholly within the limits of the District.

Section 3: Suitability. The Future Properties are suitable to be used, occupied, and developed for forest preserve and related purposes, and it is necessary and desirable that the District eventually acquire the Future Properties.

Section 4: Approval of Tax Sale Agreement; Decision to Purchase. The Tax Sale Agreement is hereby approved in substantially the form attached hereto as Exhibit B. Pursuant to the Tax Sale Agreement with Openlands, the District will purchase the Certificates for the Future Properties for the sums stated in the Tax Sale Agreement.

Section 5: Authority to Execute Documents. The President, Secretary and the Executive Director, on behalf of the District, are hereby authorized and directed to execute and attest to the Tax Sale Agreement and to negotiate, execute, and attest to all other documents which are necessary to complete the transactions contemplated in the Tax Sale Agreement, provided that the documents have first been approved by District Counsel and provided the documents are consistent with this Resolution.

Section 6: Severability. If any provision of this Resolution is held to be invalid by a court of competent jurisdiction that provision shall be stricken from this Resolution and the remaining provisions shall continue in full force and effect to the fullest extent possible.

Section 7: 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 _____, 2019

AYES:

NAYS:

APPROVED this ____ day of _____, 2019

Angelo D. Kyle, President
Lake County Forest Preserve District

ATTEST:

Julie Gragnani, Secretary
Lake County Forest Preserve District



Exhibit No. _____

Exhibit A
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Exhibit A
Page 1

Lake County Forest Preserve District
Land Preservation and Special Projects
1899 W Winchester Rd
Libertyville, Illinois 60048
847-968-3351

Legend

-  Forest Preserve Boundary
-  03-04-300-024



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

0 100 200 400 Feet

2014 Aerial Photo

Map Prepared 14 January 2019





Exhibit A
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0 200 400 800 Feet

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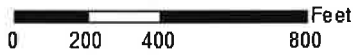
Legend

-  Forest Preserve Boundary
-  06-23-300-043



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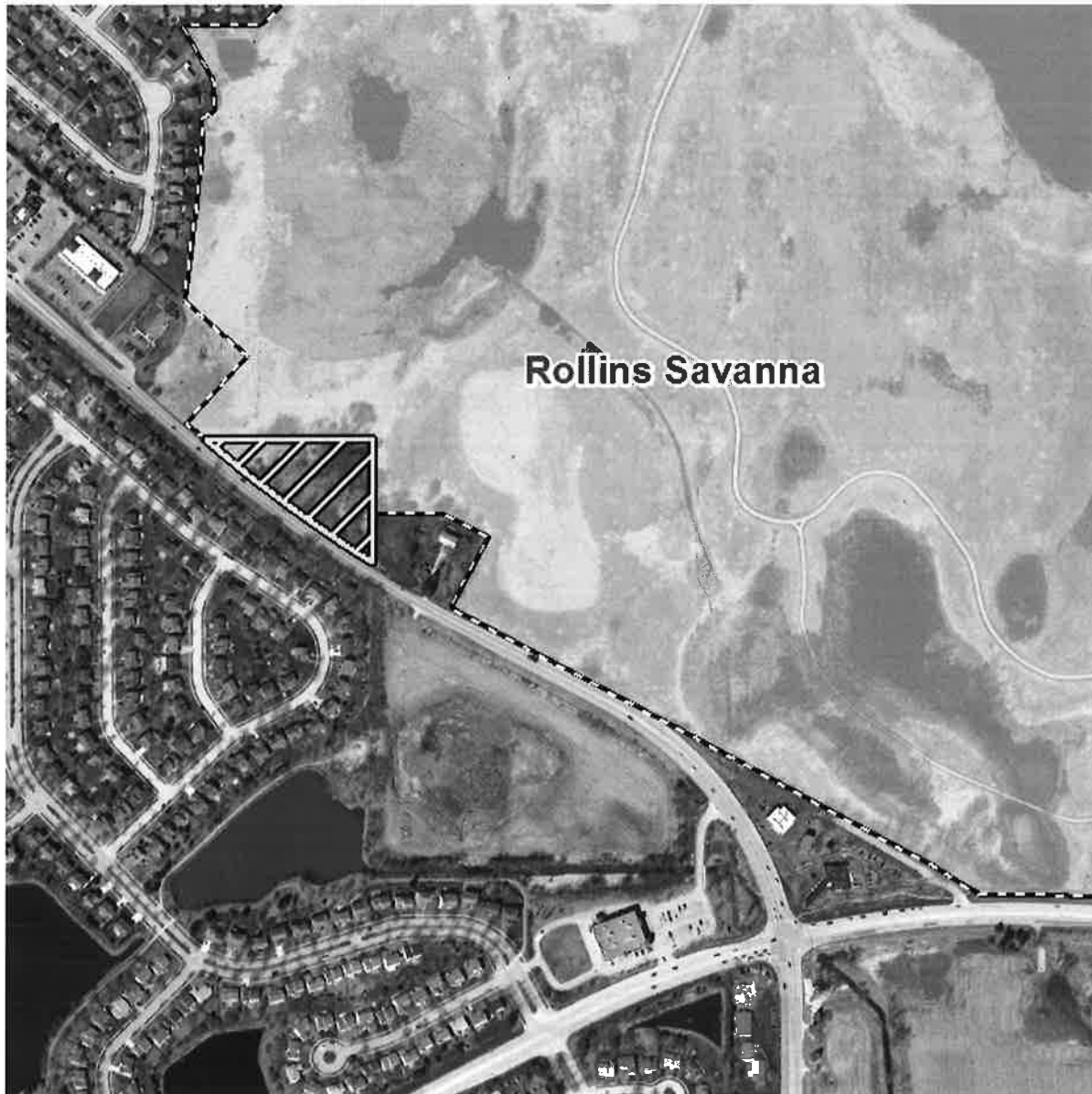




Exhibit A
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Lake County Forest Preserve District
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Legend

-  Forest Preserve Boundary
-  07-14-300-012



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2014 Aerial Photo

Map Prepared 14 January 2019



Exhibit B

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TAX SALE AGREEMENT

This Agreement ("**Agreement**"), made as of _____, ("**Date of Execution**"), is by and between OPENLANDS, an Illinois not-for-profit corporation ("**Openlands**"), and LAKE COUNTY FOREST PRESERVE DISTRICT, a body politic and corporate organized and existing under the Illinois Downstate Forest Preserve Act, 70 ILCS 805/0.001 et seq., 1899 W. Winchester Road, Libertyville, Illinois 60048 ("**District**"). Openlands and the District hereby agree as follows:

1. Openlands and the District, for and in consideration of the mutual covenants and conditions herein contained and other good and valuable consideration, hereby acknowledge and agree that Openlands shall, at the request of and for the benefit of the District, attend that certain real estate tax sale respecting 2017 real estate taxes (the "**Tax Sale**") to be held by Lake County, Illinois commencing Monday, November 12, 2018 for the purpose of entering bids and acquiring certificates of sale on certain properties to be determined and approved by the District as desirable and suitable for use as forest preserve lands.
2. Openlands shall enter bids and acquire certificates of sale on any or all of the properties, which properties will be more specifically described by the District in written form in advance of the Tax Sale (collectively, the "**Properties**"), and shall be authorized to expend up to, but not more than, such sum for each Property as will be itemized by the District in written form in advance of the Tax Sale (the "**Maximum Acquisition Cost**"). Openlands shall obtain certificates of sale and other related documentation in connection with each of the Properties and shall provide all notices required in connection therewith. Promptly following the Tax Sale, Openlands shall provide the District with written verification of the amount expended by Openlands in connection with the Properties (the "**Initial Acquisition Cost**"), which amount shall in no event exceed the Maximum Acquisition Cost, along with copies of any and all certificates of sale and other documentation acquired in connection therewith.
3. From and after the date of the Tax Sale, Openlands agrees to hold in its name, for the benefit of the District, the certificates of sale and other documentation relating to the Properties for a period not to exceed six (6) full calendar months from the date of the Tax Sale, or such other period as the parties may hereafter agree (the "**Holding Period**"); provided, the District may, by written notice to Openlands, elect to terminate the Holding Period prior to the expiration of such 6-month period and proceed to cause the transfer of the Properties to the District in accordance with Paragraph 4 hereof. Openlands shall prepare and distribute all notices and shall observe any and all other requirements, statutory or otherwise, relating to the Properties during the Holding Period. Openlands shall provide the District with written notice of any additional amounts paid hereunder in connection with the Properties, including but not limited to additional taxes, during the Holding Period.
4. Upon the expiration or earlier termination of the Holding Period, and on a mutually agreed closing date:
 - (a) the District shall pay to Openlands an amount equal to the sum of: (i) the Initial Acquisition Cost; (ii) interest on the Initial Acquisition Cost, at the rate of 4.75% per annum; and (iii)

Exhibit B

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acquisition, holding, financing or transfer of the Properties, including but not limited to attorneys' fees and staff expenses (which staff expenses shall be charged at the rate of \$127.00 per hour for staff time).


(b) Openlands shall, upon the District's payment of the amounts set forth above, transfer, assign, endorse and convey to the District all of Openlands' right, title and interest in and to the Properties, including the certificates of sale and any other documentation relating to such Properties. Openlands shall thereafter provide written notice to the Lake County Clerk of such transfer, assignment, endorsement and conveyance, and shall simultaneously provide the District with copies of such notice.

5. Notices and demands by either Openlands or the District hereunder shall be given by certified mail, return receipt requested and proper postage prepaid or by overnight commercial courier addressed to Openlands at: Openlands, 25 East Washington Street, Suite 1650, Chicago, Illinois, 60602 (Attention: Land Preservation Director), and addressed to the District at: Lake County Forest Preserve District, 1899 West Winchester Rd, Libertyville, IL 60048 (Attention: Mr. Ty Kovach, Executive Director), or at such other place and to such other persons as either party hereto may designate by written notice to the other party.

6. All of the agreements, conditions and undertakings herein contained shall extend to and be binding on the successors and assigns of the respective parties hereto as if they were in all cases named herein. All of the representations and obligations of the parties with respect to the subject matter hereof are contained herein and no modification, waiver or amendment of this Agreement or any of its conditions or provisions shall be binding upon the parties unless such modification, waiver or amendment is in writing and signed by a duly authorized agent of each party. The laws of the State of Illinois shall govern the validity, performance and enforcement of this Agreement. This Agreement may be executed in multiple counterparts (each of which taken together shall be deemed to be an original for all purposes) and may be executed via facsimile, provided that original counterparts are subsequently executed and delivered.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

OPENLANDS, an Illinois not-for-profit corporation

By: 
Name: Gerald W. Adelmann *RAM*
Its: President & CEO

LAKE COUNTY FOREST PRESERVE DISTRICT

By: _____
Name: _____
Its: _____