



LAKE COUNTY FOREST PRESERVES

www.LCFPD.org

Preservation, Restoration, Education and Recreation

DATE: May 6, 2019

MEMO TO: John Wasik, Chair
Planning Committee

Agenda Item# 9.4

FROM: Alex Ty Kovach, Director
Executive Director

RECOMMENDATION: Recommend approval of a Resolution for the Dedication of 366.1 Acres of Ethel's Woods Forest Preserve as an Illinois Nature Preserve.

STRATEGIC DIRECTIONS SUPPORTED: Conservation; Leadership

FINANCIAL DATA: The financial impact for this dedication is nominal and consists of staff time for boundary marking, preparation of a land management plan and submission of annual reports, as required by the Illinois Nature Preserve Commission, and is included as part of the adopted FY 2018/2019 Land Development Levy Fund Budget for Habitat Restoration (20104100-803200-60004). Long-term management will be funded by the Natural Resource Department annual operating budget.

BACKGROUND: Ethel's Woods is part of the Green Infrastructure Management and Strategy (GIMS) North Central Ecological Complex. The property that would be dedicated is part of the largest intact forest in northern Lake County. Dedication of this 366.1 acres is important for the protection of this critical natural community. State and federal grants have assisted the District in restoring the core forest block and the surrounding wetland, savanna and prairie communities. The forest core provides habitat for important nesting forest interior bird species including the brown creeper, wood thrush and a state-listed threatened species, the black-billed cuckoo. On property directly adjacent to Ethel's Woods, a bald eagle pair has nested. Several unique plants species including hepatica, blue cohosh, maiden hair fern and the state-listed threatened species, pale vetchling, are found in the proposed preserve. This forested block lies directly east of a large-scale stream (North Mill Creek) restoration project that will greatly enhance the forest, savanna, prairie and wetland communities at the preserve.

When the District dedicates property as an Illinois Nature Preserve, the District retains fee simple ownership of the property, but dedicates rights to the Illinois Nature Preserve Commission (INPC) in the nature of a negative easement, that gives the INPC a certain level of control over the property. For example, dedication will require the District to (i) prepare and receive approval from the INPC of a nature preserve management plan and a master plan for any improvements, (ii) mark boundaries, (iii) assign District staff as a custodian, and (iv) submit annual reports for the dedicated portion of the preserve. Future activities and structures not identified in an approved master plan (including access roads, trails, permits for research and collecting, easements, rights-of-way, entrance and interpretive signage, and any other structure and improvements) will be prohibited, unless approved by the INPC.

Under applicable statutes, a “nature preserve” is “a natural area . . . to be maintained as nearly as possible in its natural condition and to be used in a manner and under limitations consistent with its continued preservation, without impairment, disturbance or artificial development, for the public purposes of present and future scientific research, education, esthetic enjoyment and providing habitat for plant and animal species and communities and other natural objects.” 525 ILCS 30/3.11.

INPC requires that the District’s Board of Commissioners approve a resolution dedicating the property as an Illinois Nature Preserve before the INPC can consider this dedication proposal at its Commission meeting. Upon approval of the dedication by the INPC, a final instrument of dedication will be forwarded to the District.

REVIEW BY OTHERS: Chief Operations Officer, Director of Natural Resources, Director of Finance, Corporate Counsel.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR MAY MEETING
MAY 14, 2019**

MISTER PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **PLANNING COMMITTEE** presents herewith “a Resolution Approving Dedication of 366.1 Acres of Ethel’s Woods Forest Preserve as an Illinois Nature Preserve,” and requests its approval.

PLANNING COMMITTEE:

Date: 5-6-2019 Roll Call Vote: Ayes: ___ Nays: _____

Voice Vote Majority Ayes; Nays: 0

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

**A RESOLUTION APPROVING DEDICATION OF 366.1 ACRES OF
ETHEL'S WOODS FOREST PRESERVE AS AN ILLINOIS NATURE PRESERVE**

WHEREAS, the Lake County Forest Preserve District (the "District") is the owner of 366.1 acres of land (the "Subject Property"), located within property commonly known as the Ethel's Woods Forest Preserve, in or near the Village of Antioch, Antioch Township, Lake County, Illinois; and

WHEREAS, the Subject Property is generally depicted as the "Proposed Nature Preserve" on the map attached to this Resolution as Exhibit A; and

WHEREAS, the District desires to dedicate the Subject Property as an Illinois Nature Preserve as provided in the Illinois Natural Areas Preservation Act, 525 ILCS 30/1 et seq.; and

WHEREAS, the District has the authority to dedicate areas as nature preserves, as provided in the Illinois Natural Areas Preservation Act, and pursuant to Section 6a of the Downstate Forest Preserve District Act, 70 ILCS 805/6a; and

WHEREAS, the Illinois Nature Preserve Commission has the authority to seek and approve the dedication of nature preserves pursuant to Section 6.02 of the Illinois Natural Areas Preservation Act, 525 ILCS 30/6.02 and the Illinois Department of Natural Resources has the authority to acquire real property by dedication pursuant to Section 7.05 of the Illinois Natural Areas Preservation Act, 525 ILCS 30/7.05 et seq.; and

WHEREAS, it is in the best interests of the District to dedicate the Subject Property as an Illinois Nature Preserve by approving and executing an instrument of dedication in substantially the form attached hereto as Exhibit B (the "Dedication Instrument");

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. Authority to Dedicate. The President of the District is hereby authorized to execute the Dedication Instrument, in substantially the form attached hereto, dedicating the Subject Property as an Illinois Nature Preserve. The President is further authorized to execute, or cause the execution of, such other documents as are necessary, if any, to complete such dedication.

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 _____, 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

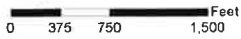
Exhibit No. _____

EXHIBIT A
 PROPOSED NATURE PRESERVE

Ethel's Woods - Proposed Nature Preserve



Lake County Forest Preserve District
 1899 W Winchester Rd
 Libertyville, Illinois 60048
 847/968-3751
 www.lcfd.org



-  Proposed Nature Preserve
-  Planned Trail
-  Forest Preserve Property
-  Forest Preserve Easement

PLEASE NOTE
 The Proposed Nature Preserves represent approximate boundaries and have not been finalized or include offsets near existing rights-of-way.

2017 Aerial Photo

Prepared using information from Lake County Department of Information & Technology, GIS/Mapping Division, 15 North County Street, Moline, Illinois 61908-4357, 847/317-2373

Map Prepared 5 September 2018

EXAMPLE

**DEDICATION OF THE [PRESERVE]
AS AN ILLINOIS NATURE PRESERVE**

KNOW ALL PEOPLE BY THESE PRESENTS, that Lake County Forest Preserve District, being the owner thereof, does hereby dedicate the following described real property as nature preserve:

Refer to Exhibit A

The property hereinabove described is dedicated for the purposes, and shall be held, maintained, and used, as provided for Nature Preserves in the Illinois Natural Areas Preservation Act (525 ILCS 30). Said property is further dedicated for the purposes, and shall be held, maintained, and used, as provided for Nature Preserves in any amendment to said Act enacted hereafter, but no such amendment shall alter the exclusive commitment of said property to the preservation of natural conditions for the purposes specified in said Act as of the date of this dedication.

Said nature preserve may be used for conservation or recreation purposes as may be jointly approved by the Illinois Nature Preserves Commission and the owner; and as approved in the Proposal for Dedication for [Preserve]. Jointly approved uses shall include, but not be limited to, bicycle riding on designated trails and walking leashed dogs on designated trails.

The Lake County Forest Preserve District, its successors or assigns, shall have custody and management of the Nature Preserve herein dedicated, subject to the Rules for Management of Illinois Nature Preserves, as amended, and any Commission approved master plan.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2019.

Lake County Forest Preserve District
By: Angelo D. Kyle, President

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Angelo D. Kyle, acting in his capacity as President of the Lake County Forest Preserve District, personally known to me to be the same person whose name is subscribed to the foregoing Instrument, appeared before me on this day in person and acknowledged that she signed, sealed and delivered the said Instrument as her free and voluntary act, for the uses and purposes herein set forth.

GIVEN under my hand and notarial seal this _____ day of _____, 2019.

Notary Public

My Commission expires:

APPROVED:

Chair, Illinois Nature Preserves Commission

Date

Attest:

Secretary, Illinois Nature Preserves Commission

Date

APPROVED:

Director, Illinois Department of Natural Resources

Date

APPROVED:

Governor, State of Illinois

Date