



LAKE COUNTY FOREST PRESERVES
www.LCFPD.org

Preservation, Restoration, Education and Recreation

DATE: November 4, 2019

MEMO TO: John Wasik, Chair
Planning Committee

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

REQUEST: Provide policy direction regarding a request from the Lake County Division of Transportation to sign a letter of concurrence and to provide a 0.32-acre temporary construction easement at Cahokia Flatwoods Forest Preserve, required for the proposed improvements of Deerfield Road from Milwaukee Avenue to Saunders Road.

STRATEGIC DIRECTION SUPPORTED: Public Access and Connections

FINANCIAL DATA: There is no financial impact at this time.

BACKGROUND: The Lake County Division of Transportation (LCDOT) is nearing completion of the Phase I preliminary engineering and environmental studies for the proposed improvements of Deerfield Road from Milwaukee Avenue to Saunders Road. The improvements include widening Deerfield Road to provide a center two-way left turn lane, new shared-use path, new sidewalks, and intersection improvements at Milwaukee Avenue, Portwine Road, and Saunders Road. When complete, the new shared-use path will extend from Route 21 to Saunders Road and will link together existing bike paths within the Village of Deerfield and the Village of Buffalo Grove.

As part of the proposed improvements, LCDOT is requesting an approximately 0.32-acre temporary construction easement at Cahokia Flatwoods Forest Preserve for construction access and in-stream construction to widen the existing Deerfield Road bridge over the Des Plaines River. The work will also require replacement of two existing culverts under the Des Plaines River Trail and the reconstruction of the existing forest preserve maintenance access drive. Staff has determined that LCDOT's project will result in minimal impacts to District property and those impacts will be restored upon completion of the project. LCDOT will continue to follow the standard land acquisition process for the purchase of the easement.

Staff is seeking approval to sign a letter of concurrence regarding the minimal impacts from the temporary occupancy and the authority to negotiate the terms of the easement with LCDOT which will require final approval of the corporate authorities of the District and the County at some point in the future.

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



Shane E. Schneider, P.E.
Director of Transportation/County Engineer

Deerfield Road Improvement
Milwaukee Avenue to Saunders Road
Lake County, Illinois

600 West Winchester Road
Libertyville, Illinois 60048-1381
Phone: 847.377.7400
Fax: 847.984.5888

August 16, 2019

CERTIFIED MAIL

Alex Ty Kovach
Executive Director
Lake County Forest Preserve District
1899 West Winchester Road
Libertyville, IL 60048

Attention: Randall L. Seebach, Director of Planning and Land Preservation

Dear Mr. Seebach:

The Lake County Division of Transportation (LCDOT) is nearing completion of preliminary engineering and environmental studies (Phase I) for the proposed improvement of Deerfield Road from Milwaukee Avenue to Saunders Road. The improvements include widening Deerfield Road to provide a center two-way left turn lane, new shared-use path, new sidewalks, and intersection improvements at Milwaukee Avenue, Portwine Road, and Saunders Road. The proposed improvements will address capacity, safety, mobility, and operational deficiencies, and improve non-motorized accommodations and connectivity in the region. Our current engineering efforts are targeting a contract letting in 2023 contingent upon funding availability, plan readiness, and land acquisition. The purpose of this letter is to request concurrence from the Lake County Forest Preserve District (LCFPD) that no adverse effects will occur to publicly owned lands maintained by the LCFPD as a result of the Deerfield Road improvement.

As previously discussed at our individual coordination meetings with the LCFPD and at the Stakeholder Involvement Group (SIG) regarding the project, the Deerfield Road improvements will temporarily impact LCFPD property (i.e., Cahokia Flatwoods Forest Preserve). Because this project is using federal funds, the LCFPD property is eligible for protection under federal regulations 23 USC 138 and 49 USC 303, which were originally enacted as Section 4(f) of the Department of Transportation Act of 1966 and are still commonly referred to as "Section 4(f)." Section 4(f), which is implemented under 23 CFR 774, is the federal act that protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges.

Based on coordination with the Federal Highway Administration and the Illinois Department of Transportation Central Bureau of Local Roads and Streets, the proposed Deerfield Road improvements are being considered a temporary occupancy of a Section 4(f) resource and is "so minimal as to not constitute a use within the meaning of Section 4(f)."

According to 23 CFR 774.13(d), if the following conditions are satisfied, then the temporary occupancy does not constitute a "use" within the meaning of Section 4(f):

- Duration must be temporary (i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land);
- Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal);
- There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- The land being used must be fully restored (i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project); and,
- There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The proposed project will require a temporary easement from the Cahokia Flatwoods Forest Preserve, which is located on the south side of Deerfield Road, east and west of the Des Plaines River. The 0.32 acre temporary easement would be located on an existing driveway and access road at the northwest corner of the preserve and is needed for construction access and in-stream construction to widen the existing Deerfield Road bridge over the Des Plaines River and to replace the existing LCFPD driveway. In addition, within the existing Deerfield Road right-of-way, temporary short-term closure of the Des Plaines River Trail south of Deerfield Road and west of the Des Plaines River adjacent to the Cahokia Flatwoods Forest Preserve will be needed to replace an existing culvert under the Des Plaines River Trail.

A Public Hearing is anticipated for early 2020 to allow the public to review and comment on the effects of the project on the Section 4(f) resources. In addition to the Public Hearing, we request that you allow the public to review a copy of the Section 4(f) documentation at the LCFPD office. The Section 4(f) documentation will also be made available for review at our office and on the project website during the 30-day public comment period. Notice of availability will be advertised in the newspaper, project website, mailings, or other method.

Please review the attached documentation for a more detailed description of the Section 4(f) resources that will be affected. If the LCFPD concurs that the conditions of 23 CFR 774.13(d) (listed above) have been met, **please sign one copy of this letter and return it to LCDOT**. Retain the second copy for your files. By signing this letter, the LCFPD agrees with the information in the attached document and that the temporary occupancy of the Section 4(f) resources by LCDOT is so minimal as to not constitute a use within the meaning of Section 4(f). Concurrence (see attached LCFPD Signature Page) cannot predate the completion of the public involvement period.

At the completion of the Phase I Study, LCDOT will begin contract plan preparation and right-of-way acquisition. At that time, your agency will be contacted by LCDOT about establishing the 0.32 acre temporary easement needed for access improvements and construction access to the Des Plaines River. Your signature on this letter in no way affects any future negotiations with LCDOT, including the amount of compensation for the temporary easement.

If you have any questions or need additional information, please contact Chuck Gleason, LCDOT Project Manager, at cgleason@lakecountyil.gov or (847) 377-7447.

Sincerely,

A handwritten signature in black ink, appearing to read "K-JC" followed by a long horizontal line.

Kevin J. Carrier, PE
Director of Planning and Programming

Cc: Matthew Huffman, PE, CBBEL

Enclosure

Deerfield Road Improvement
Milwaukee Avenue to Saunders Road
Lake County, Illinois

LCFPD Signature Page

The conditions of 23 CFR 774.13(d) have been met and the temporary occupancy of the Section 4(f) resources by LCDOT is so minimal as to not constitute a use within the meaning of Section 4(f).

Concur: Yes No

Name: _____

Title: _____

Date: _____

Comments: _____

Section 4(f) Temporary Occupancy Evaluation (per 23 CFR 774.13(d))

Summary Table

Date:	August 16, 2019
IDOT Region:	District 1
Project:	Deerfield Road from Milwaukee Avenue to Saunders Road
Project Description:	Proposed roadway widening, sidewalk, and shared-use path
Section 4(f) Resource:	Cahokia Flatwoods Forest Preserve, Des Plaines River Trail, Des Plaines River Water Trail* *The three resources are at one common location
Type of 4(f) Resource:	Forest preserve, recreational multi-use trail, regional water trail (canoe route)
Impact on 4(f) Resource:	Construction access to widen the existing Deerfield Road bridge over the Des Plaines River (including in-stream construction); Replacement of an existing access driveway at Cahokia Flatwoods Forest Preserve; Replacement of an existing culvert under the Des Plaines River Trail
Official with Jurisdiction:	Alex Ty Kovach, Executive Director, Lake County Forest Preserve District (LCFPD)

Describe how the conditions for Temporary Occupancy are met:

- 1. Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.**

Duration will be temporary and limited to the time necessary to complete construction activities at the Deerfield Road bridge over the Des Plaines River and culvert replacement at the Des Plaines River Trail. Construction within the Section 4(f) resources will be less than the duration of the proposed Deerfield Road widening project. A temporary easement for access through the forest preserve property is needed to complete the construction activities. However, the bridge widening and culvert replacement will take place within existing Deerfield Road right-of-way that is owned and used for transportation purposes by the Lake County Division of Transportation (LCDOT). There will be no change in ownership of land.

- 2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes of the Section 4 (f) property are minimal.**

The proposed project will require a temporary easement of 0.32 acre at the Cahokia Flatwoods Forest Preserve. The Cahokia Flatwoods Forest Preserve is approximately 221 acres in size. It is located immediately adjacent to the south side of the existing Deerfield Road right-of-way and on the east and west sides of the Des Plaines River. Near the project, the Des Plaines River Trail parallels the west bank of the Des Plaines River (see attached exhibits).

The temporary easement is needed to complete the following activities:

- Construction access to widen the existing Deerfield Road bridge over the Des Plaines River - The construction access would take place at an existing LCFPD driveway and access road to minimize tree/brush removal and other potential impacts to forest preserve property. The existing driveway connects the Des Plaines River Trail with the existing

LCDOT shared-use path (located parallel to the south side of Deerfield Road). The existing LCFPD driveway would be replaced as part of the proposed improvements.

- In-stream construction to widen the existing Deerfield Road bridge over the Des Plaines River - Two existing piers located in the Des Plaines River would be extended to the south to accommodate the bridge widening. The bridge widening will take place within existing Deerfield Road right-of-way. The means and methods to widen the two existing bridge piers have yet to be determined. Based on the methods of construction used for the adjacent existing LCDOT shared-use path bridge completed in 2010, it is anticipated that building a temporary causeway from the closest river bank may be necessary to access each pier. Approximately 0.09 acre of temporary fill is anticipated to complete the in-stream construction. In-stream construction methods will be evaluated in more detail in Phase II, as part of final design and permitting (e.g., Section 404 Clean Water Act).
- Access and replace/upgrade two existing 15-inch corrugated metal pipes that convey stormwater runoff under the Des Plaines River Trail - The two existing metal pipes are located within the existing LCDOT right-of-way.

3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.

No permanent adverse physical impacts to the Section 4(f) resources are anticipated. The proposed Deerfield Road improvements will not interfere with the activities, features, or attributes of the adjacent Section 4(f) resources. Cahokia Flatwoods Forest Preserve is predominantly undeveloped. The temporary easement will be located along an existing access route at the north end of the preserve.

An existing access driveway is located at the northwest corner of Cahokia Flatwoods Forest Preserve. The access driveway will be accessible to connect with the existing LCDOT shared-use path (located on the south side of Deerfield Road) and the Des Plaines River Trail with periodic closures during construction. Detours will be posted for users during the anticipated short-term temporary closures of the Des Plaines River Trail for culvert replacement and other construction activities. The anticipated temporary closure of the Des Plaines River Trail would be located within the existing Deerfield Road right-of-way at approximately the same location as the temporary closure that took place during construction of the LCDOT shared-use path bridge. Construction of the LCDOT shared-use path and shared-use path bridge was completed in 2010 and was designed with consideration of the future Deerfield Road improvements.

It is anticipated that causeways and cofferdams will likely be needed within the Des Plaines River to complete the Deerfield Road bridge widening. Flow within the Des Plaines River will be maintained during in-stream construction so that recreational activities (e.g., canoeing) are not prohibited. The water trail is anticipated to remain open during construction activities so that canoeing is not disrupted.

4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project.

Temporary impact areas at the Cahokia Flatwoods Forest Preserve, the Des Plaines River Trail, and the Des Plaines River will be fully restored. Restoration of forest preserve property will be coordinated with the LCFPD. Disturbed areas within the temporary easement will be returned to existing contours and stabilized with vegetation approved by the LCFPD. The Des Plaines River is jurisdictional under Section 404 of the Clean Water Act (CWA). A Section 404 CWA permit will be obtained from the US Army Corps of Engineers (USACE) during Phase II for the bridge widening and in-stream construction. Restoration of the Des Plaines River will be completed in accordance with Section 404 CWA permit requirements.

5. There must be documented agreement of the official(s) with jurisdiction over the section 4(f) resource regarding the above conditions.

Throughout the Phase I Engineering Study, this project has been coordinated with the LCFPD (i.e., official with jurisdiction over the Section 4(f) resource). A summary of coordination meetings follows:

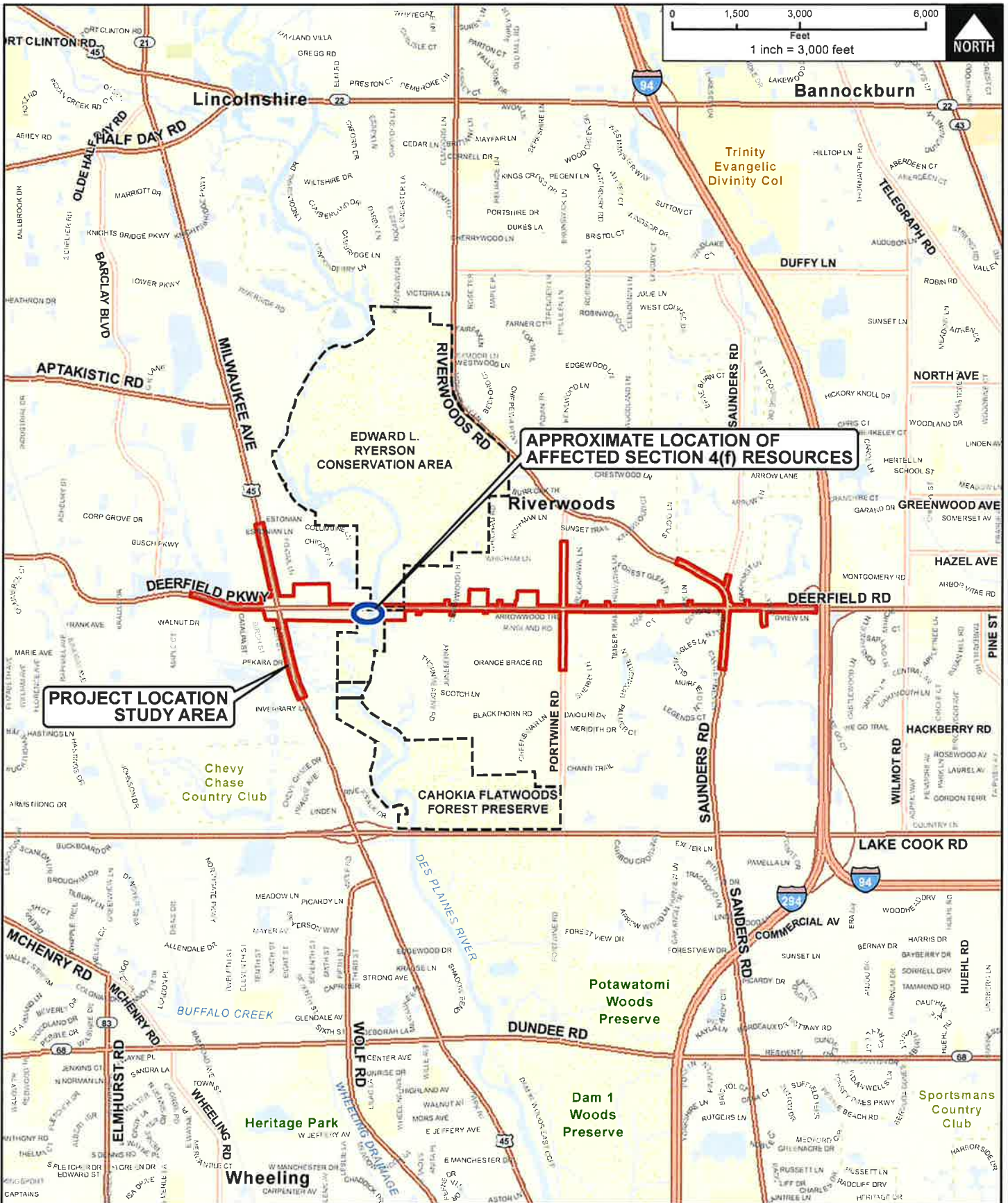
- a) Initial coordination meeting with the LCFPD and the Lake County Stormwater Management Commission: August 24, 2016
- b) Public Meetings - LCFPD was invited to attend and provide comments on materials
 - i. Public Meeting #1 (Issues and Needs): November 30, 2016
 - ii. Public Meeting #2 (Preliminary Preferred Alternative): October 30, 2018
- c) Stakeholder Involvement Group (SIG) Meetings - LCFPD is a member of the SIG and has provided input throughout the project development process
 - i. SIG Meeting #1: March 2, 2017
 - ii. SIG Meeting #2: June 28, 2017
 - iii. SIG Meeting #3: January 25, 2018
 - iv. SIG Meeting #4: Offered and not held per concurrence from SIG
- d) Coordination meeting with the LCFPD and the Riverwoods Preservation Council: January 4, 2019
- e) Public Hearing - LCFPD will be invited to attend and provide comment: Anticipated for early 2020

A documented agreement with the LCFPD (i.e., official with jurisdiction) regarding the above conditions is included with the cover letter.

Based upon this analysis, this project's temporary occupancy of the Section 4(f) resource described above satisfies the conditions set forth in 23 CFR 774.13(d) and is so minimal as to not constitute a use within the meaning of Section 4(f).

Authorized Representative of Local Public Agency

Date



PROJECT LOCATION STUDY AREA

APPROXIMATE LOCATION OF AFFECTED SECTION 4(f) RESOURCES

CLIENT:  **Lake County**
Division of Transportation

TITLE: **PROJECT LOCATION MAP**

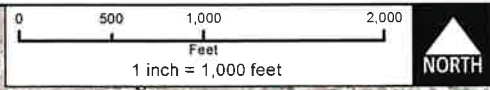
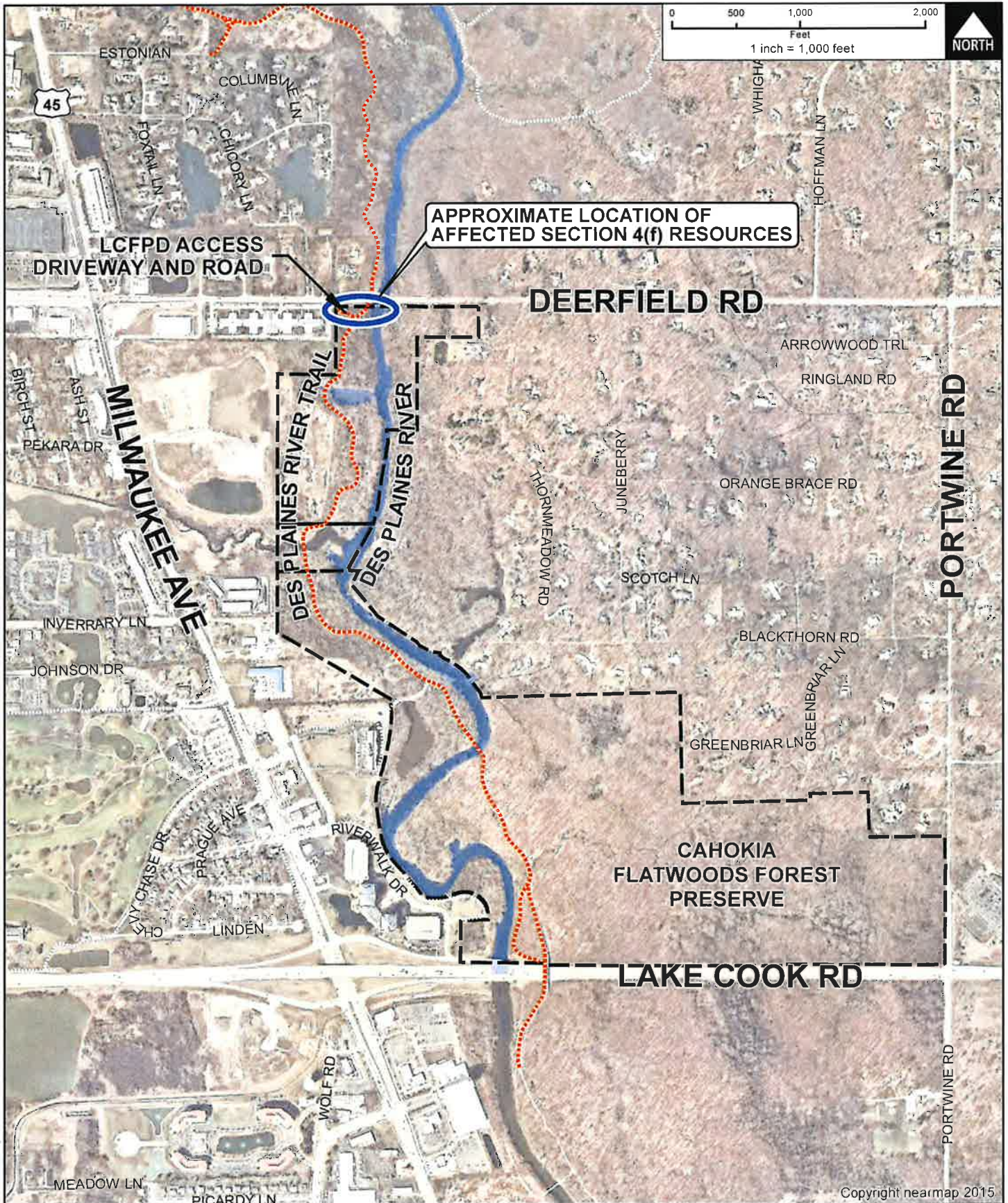
PROJ. NO.	190025
DATE:	03/01/2019
SHEET	1 OF 1
ATTACHMENT:	

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DSGN.		SCALE:	1:36,000
DWN.	DRW	AUTHOR:	DWALTERS
CHKD.		PLOT DATE:	8/8/2019
FILE:	Location Map Attachment A		

A

Path: N:\LICDOT\15033\GIS\Exhibits\Location Map Attachment A.mxd



APPROXIMATE LOCATION OF AFFECTED SECTION 4(f) RESOURCES

LCFPD ACCESS DRIVEWAY AND ROAD

DEERFIELD RD

MILWAUKEE AVE

DES PLAINES RIVER TRAIL

DES PLAINES RIVER

PORTWINE RD

CAHOKIA FLATWOODS FOREST PRESERVE

LAKE COOK RD

Copyright nearmap 2015

CLIENT:



TITLE:

AERIAL MAP

PROJ. NO.	150331
DATE:	08/07/2019
SHEET	1 OF 1
ATTACHMENT:	

CB **CHRISTOPHER B. BURKE ENGINEERING, LTD.**
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DSGN.		SCALE:	1:12,000
DWN.	DRW	AUTHOR:	DWALTERS
CHKD.		PLOT DATE:	8/8/2019
FILE:	Aerial Map Attachment B		

B

Path: N:\LCCDOT\150331\GIS\External\Aerial Map Attachment B.mxd

NOTE: AERIAL PHOTOGRAPH TAKEN FROM NEARMAP, DATED: 4/09/2019

ANTICIPATED TREE REMOVALS	
ID #	Species DBH*
466a	Siberian Elm 13
467a	Siberian Elm 11
* DIAMETER AT BREAST HEIGHT	

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3620 DEERFIELD RD 1526400019

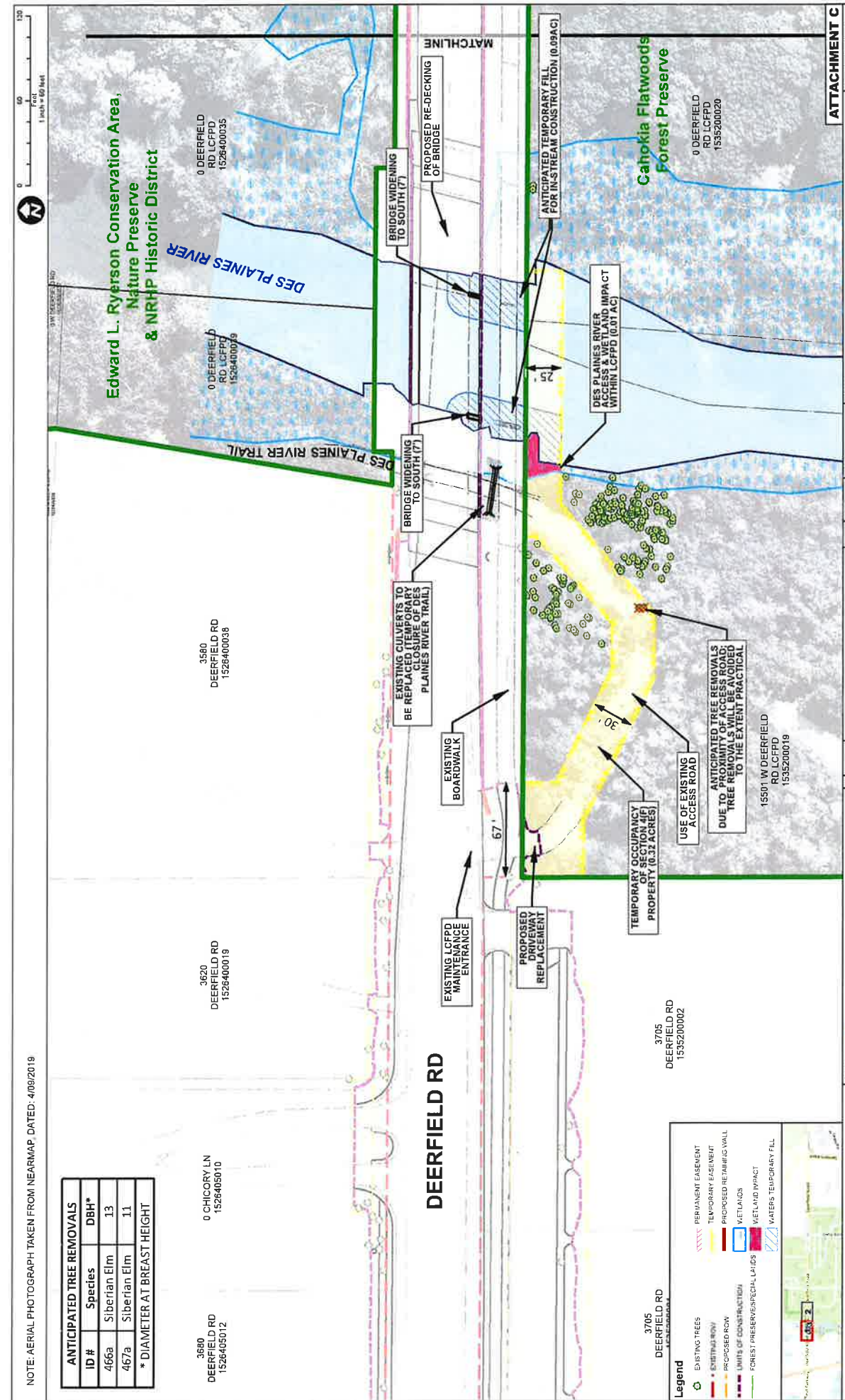
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15501 W DEERFIELD RD LCFPD 1535200019

Legend	
	EXISTING TREES
	PERMANENT EASEMENT
	TEMPORARY EASEMENT
	PROPOSED REMAINING WALL
	LIMITS OF CONSTRUCTION
	FOREST PRESERVE/SPECIAL USES
	WETLANDS
	WETLAND IMPACT
	WATERS TEMPORARY FILL



CPB CHRISTOPHER B. BURKE ENGINEERING LTD
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 Rosemont, Illinois 60018
 (847) 823-0500

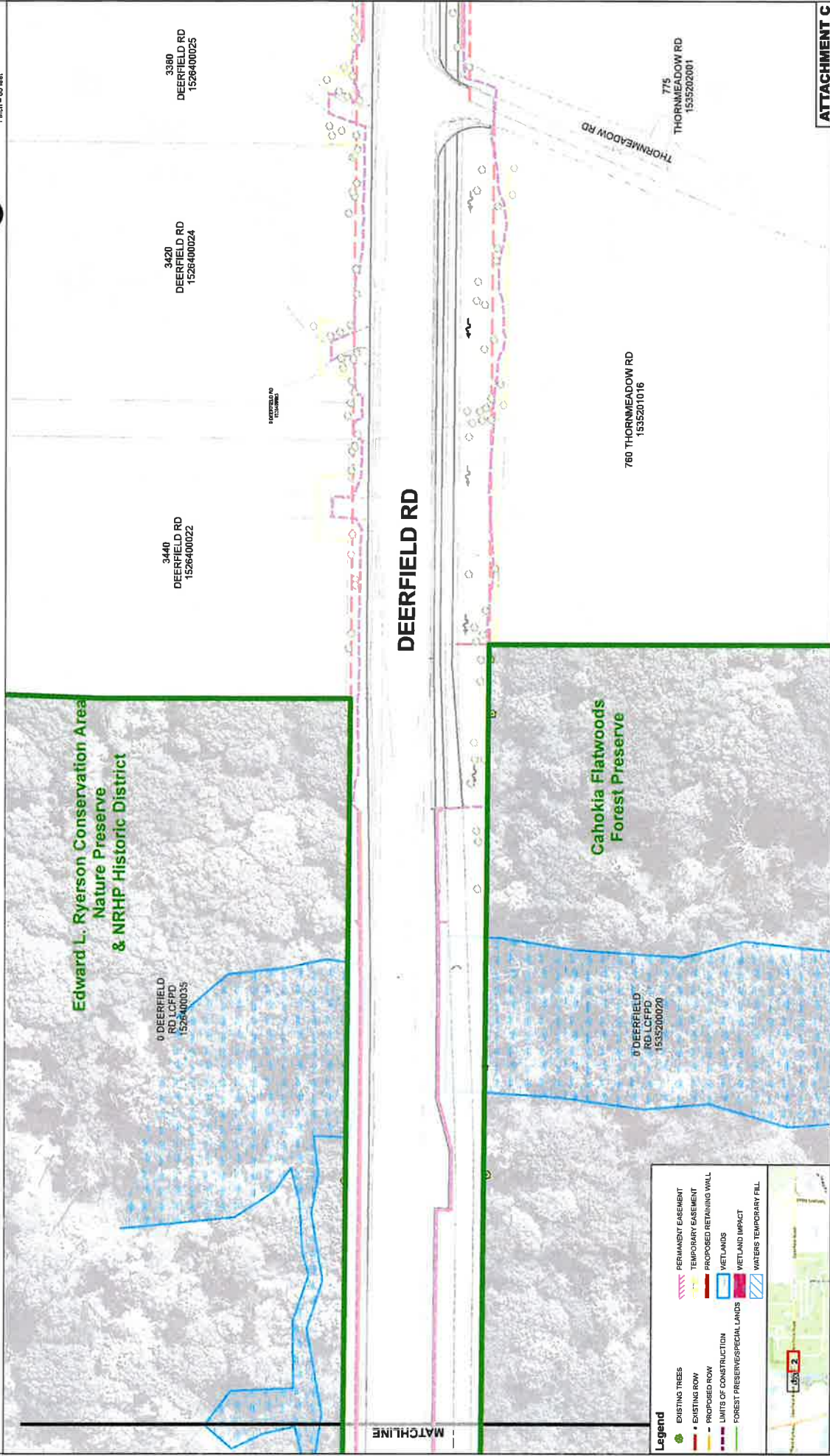
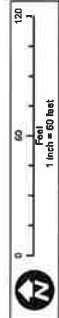
Lake County
 Division of Transportation

NO.	DATE	DESIGNED BY	CHECKED BY	DATE	SCALE	PROJECT NO.	DATE	SCALE
1								

SECTION 4(F) EXHIBIT
DEERFIELD ROAD TO
MILWAUKEE AVENUE TO
SAUNDERS ROAD

ATTACHMENT C
 SHEET 1

NOTE: AERIAL PHOTOGRAPH TAKEN FROM NEARMAP, DATED: 4/09/2019



Legend

- EXISTING TREES
- EXISTING ROW
- PROPOSED ROW
- LIMITS OF CONSTRUCTION
- FOREST PRESERVESPECIAL LANDS
- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- PROPOSED RETAINING WALL
- WETLANDS
- WETLAND IMPACT
- WATERS TEMPORARY FILL

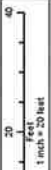
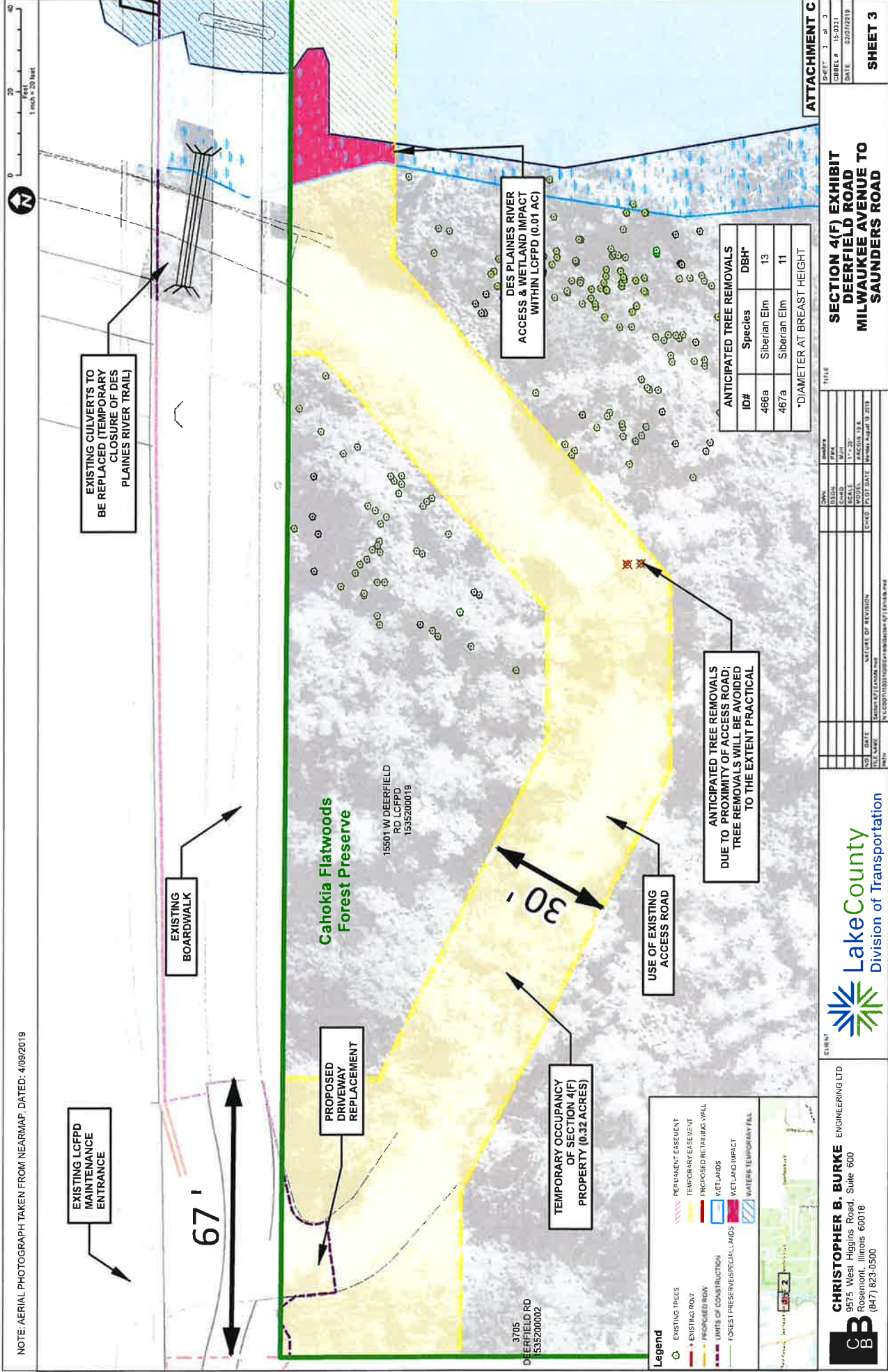
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LakeCounty
 Division of Transportation

NO.	DATE	BY	DESCRIPTION
1	08/13/19	MB	INITIAL DESIGN
2	08/13/19	MB	REVISED DESIGN
3	08/13/19	MB	REVISED DESIGN
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100	08/13/19	MB	REVISED DESIGN

ATTACHMENT C

NOTE: AERIAL PHOTOGRAPH TAKEN FROM NEARMAP, DATED: 4/09/2019



EXISTING CULVERTS TO BE REPLACED (TEMPORARY CLOSURE OF DES PLAINES RIVER TRAIL)

DES PLAINES RIVER ACCESS & WETLAND IMPACT WITHIN LCFPD (0.01 AC)

ANTICIPATED TREE REMOVALS DUE TO PROXIMITY OF ACCESS ROAD; TREE REMOVALS WILL BE AVOIDED TO THE EXTENT PRACTICAL

ANTICIPATED TREE REMOVALS		
ID#	Species	DBH*
466a	Siberian Elm	13
467a	Siberian Elm	11
*DIAMETER AT BREAST HEIGHT		

Legend

- EXISTING TREES
- EXISTING ROW
- PROPOSED ROW
- LIMITS OF CONSTRUCTION
- FOREST PRESERVE/SPECIAL LANDS
- RIPIAN EASEMENT
- TEMPORARY EASEMENT
- PROPOSED RETAINING WALL
- WETLANDS
- WETLAND IMPACT
- WATER TEMPORARY FILL

ATTACHMENT C
SHEET 3 OF 3
CDBEL # 15-0311
DATE: 02/27/2019

**SECTION 4(F) EXHIBIT
DEERFIELD ROAD
MILWAUKEE AVENUE TO
SAUNDERS ROAD**

NO.	DATE	BY	DESCRIPTION
1	11-20-19	J.B.B.	PRELIMINARY
2	02-27-19	J.B.B.	REVISED



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