



LAKE COUNTY FOREST PRESERVES
www.LCFPD.org

Preservation, Restoration, Education and Recreation

DATE: January 6, 2020

MEMO TO: John Wasik, Chair
Planning Committee

Agenda Item# 9.8

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

RECOMMENDATION: Recommend approval of a Resolution approving a Real Estate Exchange Agreement with the Illinois Department of Transportation (IDOT), in which the Lake County Forest Preserve District will grant approximately 0.85 acres of permanent and temporary easements on Grand Avenue at Duck Farm Forest Preserve in exchange for fee-simple ownership of a 5.6-acre parcel north of Olde Half Day Road adjacent to Half Day Forest Preserve.

STRATEGIC DIRECTIONS SUPPORTED: Public Access and Connections; Leadership; Conservation; Organizational Sustainability.

FINANCIAL DATA: There is no financial impact at this time. The exchange will be completed as an even exchange with no additional compensation required from either party.

BACKGROUND: IDOT requires permanent and temporary construction easements on District property at Duck Farm Forest Preserve to complete its Grand Avenue road improvement project from Deep Lake Road to Munn Road. The District proposed to IDOT that it would convey the easements to IDOT in exchange for a portion of a parcel owned by IDOT on Olde Half Day Road, adjacent to Half Day Forest Preserve, on which a portion of the Des Plaines River Trail is located pursuant only to a revocable trail permit.

The no-cost exchange will benefit IDOT, the District, and Illinois taxpayers, as each government entity will obtain property rights it needs without needlessly spending taxpayer funds.

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

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR JANUARY MEETING
JANUARY 14, 2020**

MISTER PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **PLANNING COMMITTEE** presents herewith “A Resolution Approving a Real Estate Exchange Agreement with the State of Illinois (Duck Farm Forest Preserve and Half Day Forest Preserve),” and requests its approval.

PLANNING COMMITTEE:

Date: 1-6-2020 Roll Call Vote: Ayes: _____ Nays: _____
 Voice Vote Majority Ayes; Nays: 0

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

**A RESOLUTION APPROVING A REAL ESTATE EXCHANGE AGREEMENT WITH
THE STATE OF ILLINOIS (DUCK FARM FOREST PRESERVE AND HALF DAY
FOREST PRESERVE)**

WHEREAS, the Lake County Forest Preserve District (the "District") owns property along Grand Avenue between Douglas Lane and Deep Lake Road in Lake County, Illinois known as Duck Farm Forest Preserve (the "District Property"); and

WHEREAS, the State of Illinois, through its Department of Transportation (the "State"), owns an approximately 5.6-acre parcel of land located along Olde Half Day Road between Half Day Road (Route 22) and Milwaukee Avenue (Route 21) in Lincolnshire, Illinois, (the "State Property"); and

WHEREAS, the State Property is generally depicted on Exhibit A and is adjacent to the District's Half Day Forest Preserve; and

WHEREAS, a portion of the District's Des Plaines River Trail (the "Trail"), which extends from Russell Road near the Illinois-Wisconsin state line to Lake-Cook Road on the south, is located within the State Property pursuant to a revocable trail permit; and

WHEREAS, the State desires that the District grant it permanent easements totaling 0.59 acres and temporary construction easements totaling 0.26 acres on the District Property to allow IDOT to build, operate, and maintain its planned Grand Avenue road improvements project from Deep Lake Road to Munn Road (the "Easements"), the location of which are generally depicted on Exhibit B; and

WHEREAS, the District's Planning Committee (the "Committee") has recommended that the District grant the Easements to the State in exchange for the State conveying its interests in the IDOT Parcel to the District, pursuant to an agreement between the District and the State (the "Agreement"), because such exchange will advance the goals and policies of the District; and

WHEREAS, pursuant to Section 6 of the Downstate Forest Preserve District Act, 70 ILCS 805/6, the District may grant easements for the construction, operation, and maintenance upon District property of public services, such as public roads; and

WHEREAS, the District has adopted "an Ordinance Regarding Licenses and Easements" (the "Ordinance") which sets forth the general requirements for the District's grant of easements; and

WHEREAS, pursuant to Section 10 of Article VII of the Illinois Constitution of 1970, units of local government and the State may contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., any power, privilege, function, or authority exercised by a public agency, including the District and the State, may be exercised, combined, transferred, and enjoyed jointly with any other public agency to the extent not prohibited by law; and

WHEREAS, it is in the best interest of the District to approve an Agreement, pursuant to which (i) the State will convey fee simple interest in the State Property to the District via quit claim deed, (ii) the District will grant the Easements to the State, and (iii) other than such conveyance and grant, no further consideration will be required from either party (the "Agreement Criteria"); and

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 Executive Director (or his designee) is hereby authorized and directed to (i) undertake such due diligence as is appropriate to confirm that (a) the State Property does not contain any unacceptable environmental conditions and is not subject to any unacceptable title exceptions and (b) the District is able to grant title to the Easements as required by the Agreement and (ii) negotiate the Agreement consistent with the Agreement Criteria. Following such confirmation and negotiation, the President, Executive Director, Secretary (and their designees) are authorized and directed to execute, on behalf of the District, the Agreement and whatever other documents are necessary to complete the transactions contemplated therein, provided that the Agreement and such other documents comply with the Agreement Criteria and have been approved by the District's Corporate Counsel. In the event that any provision of this Resolution or the Agreement conflicts with the Ordinance, the conflicting provision of the Ordinance is hereby waived.

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 _____, 2020

AYES:

NAYS:

APPROVED this ____ day of _____, 2020

Angelo D. Kyle, President
Lake County Forest Preserve District



ATTEST:

Julie Gragnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____

Exhibit A

Legend

-  Forest Preserve Boundary
-  Des Plaines River Trail

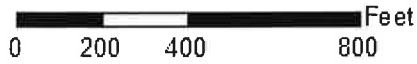
 State Property



Lake County Forest Preserve District
Land Preservation and Special Projects
1899 W Winchester Rd
Libertyville, Illinois 60048
847-968-2251

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 60085-4257
847-377-2373



2017 Aerial Photo

Map Prepared 30 December 2019



Exhibit B

Legend

-  Forest Preserve Boundary
-  Easements (Permanent - 0.59 Acres)
-  Easements (Temporary - 0.26 Acres)

Lake County Forest Preserve District
Land Preservation and Special Projects
1899 W Winchester Rd
Libertyville, Illinois 60048
847-968-3251

Courtesy Copy Only.
Property boundaries indicated are provided
for general location purposes. Wetland
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structure or as a basis for purchasing property.

Prepared using information from Nearmap &
Lake County Department of Information
& Technology: GIS/Mapping Division
18 North County Street
Waukegan, Illinois 60085-4357
847-377-2373



2018 Aerial Photo

Map Prepared 30 December 2019

