



LAKE COUNTY FOREST PRESERVES
www.LCFPD.org

Preservation, Restoration, Education and Recreation

Date: January 5, 2015

Memo to: Carol Calabresa, Chair
Land Preservation and Acquisition Committee

S. Michael Rummel, Chair
Finance and Administrative Committee

From: Alex Ty Kovach
Executive Director

Subject: Tax Sale Agreement with Openlands for the 2014 Annual Lake County Tax Sale

RECOMMENDATION: Recommend approval of a Resolution approving a Tax Sale Agreement with Openlands resulting from the 2014 Annual Lake County Tax Sale, allowing the District to purchase 2 Certificates of Sale from Openlands for a sum not to exceed \$2,322.79.

BACKGROUND: The Land Preservation and Acquisition Committee has recommended that certain land preservation opportunities be pursued through the 2014 Annual Lake County Tax Sale that would benefit the District. In November 2014, the Committee directed staff to investigate parcels on the Annual Tax Sale which would enhance District holdings. Because of timing and procedural issues, the District requested that Openlands attend the Annual Tax Sale on the District's behalf and submit bids on selected parcels. The selected parcels have no existing residences, are adjacent to existing District sites and would be appropriate for eventual acquisition. Openlands attended the Tax Sale, and acquired Certificates of Sale (the "Certificates") on parcels 06-03-304-005 and 10-19-200-014 (the "Parcels") that total approximately 0.75 acres.

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

By purchasing the Certificates, the District may eventually obtain title to the Parcels through tax deeds if the current owners do not redeem the taxes over the next two years. This method of acquisition would save the District land acquisition funds. The current owners have approximately two years to redeem the taxes. If the current owners redeem the taxes before the redemption period ends, the owners are required to repay the District the price bid on the Parcel. If the owners do not redeem the taxes during the redemption period, the District can petition for tax deeds, which would transfer ownership to the District.

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

REVIEWED BY OTHERS: Executive Director, Director of Finance and Legal Counsel

FINANCIAL DATA: The purchase price for the Certificates of Sale is a sum not to exceed \$2,322.79, which is funded from the 2008 Referendum Bonds (2010 Non-BAB) and is included in the adopted FY 2014/15 Budget.

PRESENTER: Alex Ty Kovach

STATE OF ILLINOIS)
) SS
 COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
 LAKE COUNTY FOREST PRESERVE DISTRICT
 REGULAR JANUARY MEETING
 TUESDAY, JANUARY 13, 2015**

PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **LAND PRESERVATION AND ACQUISITION COMMITTEE** and your **FINANCE AND ADMINISTRATIVE COMMITTEE** present herewith "A Resolution Approving a Tax Sale Agreement with Openlands Resulting from the 2014 Annual Lake County Tax Sale" and request its adoption.

LAND PRESERVATION AND ACQUISITION COMMITTEE:

| | Yea | Nay |
|---|-----|-----|
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Carol Calabresa, Chair | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Steven W. Mandel, Vice Chair | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Bonnie Thomson Carter | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Linda Pedersen | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Tom Weber | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Jeff Werfel | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Terry Wilke | | |

FINANCE AND ADMINISTRATIVE COMMITTEE:

| | Yea | Nay |
|---|-----|-----|
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| S. Michael Rummel, Chair | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Linda Pedersen, Vice Chair | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Steve Carlson | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Bill Durkin | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Sandra Hart | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Aaron Lawlor | | |
| _____ <input type="checkbox"/> <input type="checkbox"/> | | |
| Audrey Nixon | | |

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

**A RESOLUTION APPROVING A TAX SALE AGREEMENT WITH OPENLANDS
RESULTING FROM THE 2014 ANNUAL LAKE COUNTY TAX SALE**

WHEREAS, at the direction of the Land Preservation and Acquisition Committee of the Lake County Forest Preserve District (the "District"), the District's Department of Land Preservation (the "Department") analyzed nearly 5,600 parcels of land throughout the County that would be listed on the 2014 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 Department identified certain parcels listed for the Tax Sale that have no existing residences, are located adjacent to existing District sites and that 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 Certificates of Sale at the Tax Sale (the "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 the 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 each of 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. Pursuant to the Tax Sale Agreement with Openlands, the District will purchase the Certificates for the Future Properties for the sum 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 transaction contemplated in the Tax Sale Agreement, provided that the documents have first been approved by the District's Land Acquisition 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 _____, 2015

Ayes:

Nays:

Approved this ____ day of _____, 2015

APPROVED:

Ann B. Maine, President
Lake County Forest Preserve District

ATTEST:



Julie A. Gragnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____

EXHIBIT A

Page 1

Legend

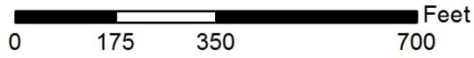
-  Forest Preserve Property
-  Tax Sale PIN 06-03-304-005: 0.45 Acres



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

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



2012 Aerial Photo

Map Prepared 4 December 2014





EXHIBIT A

Page 2

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

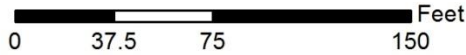
Legend

-  Forest Preserve Property
-  Tax Sale PIN 10-19-200-014: 0.3 Acres



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



2012 Aerial Photo

Map Prepared 4 December 2014



TAX SALE AGREEMENT

This Agreement (“**Agreement**”), made as of _____, 2015, (“**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., 2000 North Milwaukee Avenue, Libertyville, Illinois 60048 (“**District**”). Openlands and the District, for and in consideration of the mutual covenants and conditions herein contained and other good and valuable consideration, hereby agree as follows:

1. Openlands shall, at the request of and for the benefit of the District, attend that certain real estate tax sale respecting 2013 real estate taxes (**the “Tax Sale”**) to be held by Lake County, Illinois commencing Monday, November 17, 2014, 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 for which it acquires a certificate of sale (**a “Certificate-Acquired Property”**) 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 each Certificate-Acquired Property (**the “Initial Acquisition Cost”**), which amount shall in no event exceed the Maximum Acquisition Cost for such Certificate-Acquired Property, 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 Certificate-Acquired 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 Certificate-Acquired 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 Certificate-Acquired Properties during the Holding Period. Openlands shall provide the District with written notice of any additional amounts paid hereunder in connection with the Certificate-Acquired Properties, including but not limited to additional taxes, during the Holding Period (**“Holding Period Costs”**).

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 for each Certificate-Acquired Property; (ii) interest on the Initial Acquisition Cost for each Certificate-Acquired Property, at the rate of 4.75% per annum; and (iii) any additional costs, expenses or fees incurred by Openlands in connection with or related to the acquisition, holding, financing or transfer of the Certificate-Acquired Properties, including but not limited to attorneys’ fees

and staff expenses (which staff expenses shall be charged at the rate of \$150.00 per hour for staff time) and Holding Period Costs.


(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 all of the Certificate-Acquired Properties, including the certificates of sale and any other documentation relating to such Certificate-Acquired 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 notices.

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 Road, Libertyville, Illinois, 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. This Agreement will not be binding on the District unless and until it is approved by a duly adopted ordinance or resolution of the District's Board of Commissioners.

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. Adelman
Its: President & CEO

LAKE COUNTY FOREST PRESERVE DISTRICT

By: _____
Name: _____
Its: _____

OPENLANDS

25 E. Washington
 Suite 1650
 Chicago, Il 60602
 Phone: 312-863-6250
 Fax: 312-863-6251

Invoice

Invoice #: 111714-LCTAX
 Invoice Date: 12/17/2014
 Due Date: 1/20/2015

To:

Lake County Forest Preserve District
 1899 W. Winchester Road
 Libertyville, IL 60048
 Attn: Ken Jones

| | |
|---|---------------------|
| Contact Name: Ken Jones | Client PO: |
| Payment Term: 20-Jan-15 | Payment Ref: |
| Memo: 2013 Lake County Tax Sale - November 17/18, 2014 | |

| Item | Description | Quantity | Rate | Line Total |
|---------------|--|----------|--------|-------------------|
| Tax Sale | 2013 Tax Sale Purchase (11/17/14) | 2 | | \$747.67 |
| Staff Time | Staff Time - November 17 | 9 | 150.00 | \$1,350.00 |
| Staff Expense | Travel Expense to/from Tax Sale | 128 | 0.56 | \$71.68 |
| Reimbursable | Tax Sale List Fee | | | \$100.00 |
| Reimbursable | Tax Sale Take Notices | 2 | 13.56 | \$27.12 |
| Reimbursable | Tax Sale Assignment Fee | 2 | 10.00 | \$20.00 |
| Interest | Interest 4.75% - Nov. 17, 2014 thru January 20, 2015 | | | \$6.32 |
| | | | | \$2,322.79 |

Lake County Tax Sale - Nov 2014 Transaction

| | | | | | | | | | |
|--------------------------------|-------------|--------------------------|--------------------------|-------------------------|----------------------|-------------------------|-------------------------|------------------|--------|
| | | Enter values | | | | | | | |
| Loan amount | | \$ 747.67 | | | | | | | |
| Annual interest rate | | 4.750% | | | | | | | |
| Loan period in years | | 1.00 | | | | | | | |
| Start date of loan (estimated) | | 11/17/2014 | | | | | | | |
| Daily Interest | | \$ 0.10 | 365 days | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| No. | Date | Beginning Balance | Scheduled Payment | Interest Payment | Total Payment | Accrued Interest | Interest Balance | Principal | |
| 14 | 11/17/2014 | 747.67 | | | | \$ 1.36 | \$ 1.36 | 747.67 | 747.67 |
| 31 | 12/31/14 | 747.67 | | | | 3.02 | 4.38 | 747.67 | 747.67 |
| 20 | 1/20/14 | 747.67 | | | | 1.95 | 6.32 | 747.67 | 747.67 |

Check Date: 10/29/2014 Payee/ID: Lake County Collector / LAKE COUNTY

Check Amount: \$100.00

| Date | Memo |
|------------|-------------------------------|
| 10/29/2014 | 2013 Delinquent Tax Sale List |

| Invoice # |
|-----------------|
| 103114-2013LIST |

| Amount |
|--------|
| 100.00 |

Payer: OPENLANDS

L1107M4GY] 4683582
1652

Check Date: 10/29/2014 Payee/ID: Lake County Collector / LAKE COUNTY

Check Amount: \$100.00

| Date | Memo |
|------------|-------------------------------|
| 10/29/2014 | 2013 Delinquent Tax Sale List |

| Invoice # |
|-----------------|
| 103114-2013LIST |

| Amount |
|--------|
| 100.00 |

Payer: OPENLANDS

OPENLANDS - REVOLVING LOAN FUND
25 E. WASHINGTON, SUITE 1650
CHICAGO, IL 60602

US BANK, NA
70-477719

1652

001652

| DATE | CHECK AMOUNT |
|------------|--------------|
| 10/29/2014 | \$100.00 |

PAY One Hundred exactly*****

TO THE ORDER OF: Lake County Collector
18 N. County Street
Waukegan, IL 60085

 AUTHORIZED SIGNATURE
[Signature]
 AUTHORIZED SIGNATURE