



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, Administrative and Education Committee

FROM: Alex Ty Kovach
Executive Director

SUBJECT: Restrictive Covenant for Pine Dunes - Tollway Mitigation Project

RECOMMENDATION: Recommend approval of a Resolution approving a Restrictive Covenant for the Pine Dunes - Tollway Mitigation Site

BACKGROUND: As part of the U. S. Army Corps of Engineers (ACOE) Wetland Permit for the Illinois State Toll Highway Authority's (ISTHA) Elgin O' Hare West Bypass Project, ISTHA was required to provide mitigation for the wetland impacts caused by the construction of the project. The District entered into an Intergovernmental Agreement with ISTHA in May 2013 allowing ISTHA to implement the mitigation by creating and enhancing wetland areas on a portion of the Pine Dunes Forest Preserve (formerly known as the Sexton parcel) and providing for the installation of trails, bridges, and other improvements, all in accordance with plans approved by the District. As part of the ACOE permit, a Restrictive Covenant must be recorded against Pine Dunes to ensure that the new and enhanced wetland areas are protected and limited to those uses.

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

REVIEW BY OTHERS: Executive Director and Legal Counsel.

FINANCIAL DATA: There is no financial impact to the District.

PRESENTER: Alex Ty Kovach

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

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

MADAM PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **LAND PRESERVATION AND ACQUISITION COMMITTEE** and **FINANCE AND ADMINISTRATIVE COMMITTEE** present herewith “A Resolution Approving a Declaration of Restrictive Covenants for the Pine Dunes Forest Preserve – Tollway Mitigation Site,” and request its adoption.

LAND PRESERVATION AND ACQUISITION COMMITTEE	YEA	NAY	FINANCE AND ADMINISTRATIVE COMMITTEE	YEA	NAY
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
Carol Calabresa, Chair			S. Michael Rummel, Chair		
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
Steven W. Mandel, Vice Chair			Linda Pedersen, Vice Chair		
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
Bonnie Thomson Carter			Steve Carlson		
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Pedersen			Bill Durkin		
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Weber			Sandra Hart		
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Werfel			Aaron Lawlor		
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
Terry Wilke			Audrey Nixon		

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

**A RESOLUTION APPROVING A DECLARATION OF RESTRICTIVE COVENANTS FOR
THE PINE DUNES FOREST PRESERVE - TOLLWAY MITIGATION SITE**

WHEREAS, the Lake County Forest Preserve District (the “District”) is the owner of 797.3 acres of land, commonly known as Pine Dunes Forest Preserve; and

WHEREAS, Pine Dunes Forest Preserve is located in Newport Township, Lake County, Illinois; and

WHEREAS, the District desires to place a restrictive covenant over approximately 318 acres of Pine Dunes Forest Preserve (the “Subject Property”); and

WHEREAS, the District has the authority to grant restrictive covenants as conservation rights pursuant to the authority provided in the Real Property Conservation Rights Act, 765 ILCS 120/0.01 et seq.; and

WHEREAS, it is in the best interests of the District to place a restrictive covenants on the Subject Property by approving and executing a declaration of conservation rights and/or restrictive covenants;

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 Property is fully owned by the District and is depicted on the attached Exhibit A, and lies wholly within the limits of the District.

Section 3. Approval of Declaration. The Executive Director of the District is hereby authorized to execute and record against the Subject Property a declaration of conservation rights and/or restrictive covenants, in substantially the form attached hereto or in such other form as is approved by the District’s General Counsel (the “Declaration”).

Section 4. 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
Exhibit No. _____

EXHIBIT A

Pine Dunes Restrictive Covenant Property



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

0 200 400 800 Feet



Legend

- Forest Preserve Property
- Forest Preserve Easements
- Subject to Restrictive Covenant: 318.4 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.

2012 Aerial Photo

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

Map Prepared 29 December 2014