



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.

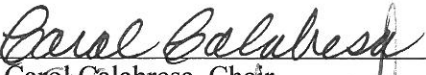
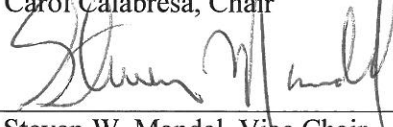
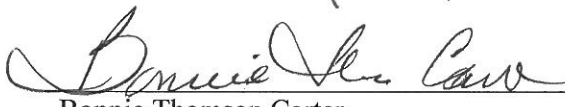

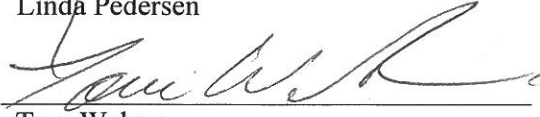


**PRESENTER:** Alex Ty Kovach

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
 Carol Calabresa, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
 Steven W. Mandel, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
 Bonnie Thomson Carter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
 Linda Pedersen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
 Tom Weber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
 Jeff Werfel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
 Terry Wilke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
			S. Michael Rummel, Chair		
			Linda Pedersen, Vice Chair		
			Steve Carlson		
			Bill Durkin		
			Sandra Hart		
			Aaron Lawlor		
			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:

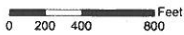
\_\_\_\_\_  
Julie A. Gragnani, Secretary  
Exhibit No. \_\_\_\_\_

EXHIBIT A

Pine Dunes Restrictive Covenant Property



Lake County Forest Preserve District  
 Land Preservation and Special Projects  
 1699 W Winchester Rd  
 Libertyville, Illinois 60048  
 847-968-3351



Legend

- Forest Preserve Property
- Forest Preserve Easements
- Subject to Restrictive Covenant: 316.4 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  
 16 North County Street  
 Waukegan, Illinois 60085-4367  
 847-377-2373

Map Prepared 29 December 2014