



DATE: August 3, 2020

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 ComEd for permanent easements for existing lines of electrical poles along Schwerman Road at Lakewood Forest Preserve and along Grass Lake Road at Sun Lake Forest Preserve.

STRATEGIC DIRECTION SUPPORTED: Organizational Sustainability.

FINANCIAL DATA: ComEd will pay a \$1,000.00 application fee for each easement; there is no other financial impact at this time.

BACKGROUND: Under Section 6 of the Downstate Forest Preserve District Act, the Lake County Forest Preserve District (the “District”) has the “power to grant licenses, easements and rights-of-way for the construction, operation and maintenance upon, under or across any property of [the] District of facilities for water, sewage, telephone, telegraph, electric, gas or other public service...”

ComEd has requested access to District property for the replacement of existing electric poles located along Schwerman Road near Fairfield Road in the southern part of Lakewood Forest Preserve and along the north side of Grass Lake Road at Sun Lake Forest Preserve. In reviewing this request, District staff discovered that the poles are within the existing rights-of-way, but found no easements or other documents granting ComEd the rights to install, maintain, and replace the poles in these locations. While ComEd might have “prescriptive” and unwritten rights to the land, it benefits both ComEd and the District to prepare a written easement that would, (i) grant ComEd a permanent easement to maintain, operate, and replace the existing poles, and any ancillary wires, poles and equipment, within the existing rights-of-way plus an additional 20 feet, (ii) allow ComEd to perform regularly scheduled pole and line maintenance without having to seek permission from the District each time, and (iii) require ComEd to restore any District property damaged by their work.

Staff is seeking approval to negotiate the granting of permanent easements to ComEd as set forth above.

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