



LAKE COUNTY FOREST PRESERVES
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Preservation, Restoration, Education and Recreation

DATE: January 5, 2015

Agenda Item# 9.10

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.

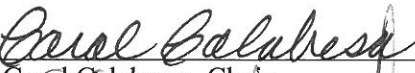

PRESENTER: Alex Ty Kovach

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

**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
 1839 W Winchester Rd
 Libertyville, Illinois 60548
 847-968-3351



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 approximates 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