



DATE: May 3, 2021

MEMO TO: Terry Wilke, Chair
Planning Committee

FROM: Randall L. Seebach
Director of Planning and Land Preservation

REQUEST: Provide policy direction regarding a request from the Village of Volo (the “Village”) to amend the District’s Existing Easement Agreements (defined below) with the Village to allow the Village to perform certain restoration, maintenance, operation, and improvement activities within that portion of the Millennium Trail located within land owned by the Village between Marl Flat and Singing Hills Forest Preserves.

STRATEGIC DIRECTIONS SUPPORTED: Public Access and Connections, Leadership, Conservation, Organizational Sustainability.

FINANCIAL DATA: There is no financial impact at this time.

BACKGROUND: In 2006, 2007, and 2018, the Village granted to the District a series of easements across Village property (the “Easement Premises”) allowing the District (i) to install, construct, maintain, operate, supervise, repair and/or replace a public trail corridor (which is now known as the Millennium Trail), including, without limitation, landscaping, drainage, gates, fencing and signage in connection therewith, (ii) a right of ingress, egress and access to the Easement Premises, and (iii) to install drainage swales adjacent to, and culverts below, the Millennium Trail where appropriate to provide for adequate cross drainage (collectively, the “Easements”; which were granted pursuant to Documents #5953950 recorded in 2006, #6256543 & #6273777 recorded in 2007, and #7476162 recorded in 2018 (the “Easement Agreements”). Subsequent iterations and amendments to the Easement Agreements related to the relocation of the Millennium Trail, corrections to the legal description of the Easement Premises, and permission for the Village to install lights along the Millennium Trail at Fish Lake Road in front of the Village Hall.

The Village has stated that the Easement Grants leave the Village with virtually no rights to do anything on the Easement Premises. It would like to amend the Easement Agreements to give it the right to install signs welcoming Millennium Trail users to the Village, to stain existing fencing, to clear brush and invasive species, and to add landscape enhancements. The full extent of the Village’s request is not yet known, and would only be determined through further discussions.

There are other situations in which other agencies or entities maintain trails on District property or District-held easements, such as the Lyons Woods to Waukegan Savanna trail, a segment of the Chain O’Lakes trail at Grant Woods, a small trail system at Middlefork Savanna next to the Lake Forest Municipal Center on Field Drive, a trail connection from the sidewalk on

Washington Street to the Des Plaines River Trail at Lake Carina, and within a vacated ROW along Old Mill Road at Prairie Wolf. In addition, there are also cases where the District maintains trails that are not on its property, such as the bridge & trail in the southern ROW of Deerfield Road that connects to the Des Plaines River Trail.

Staff is seeking direction whether to continue discussions with the Village regarding the amendment of the Easement Agreements and, if so, whether, following those discussions, to proceed with the negotiation and drafting of such an amendment.

If the Committee directs that negotiations proceed, staff would bring the negotiated amendment back to the Committee for its review and recommendation at a future meeting. Further, if, during negotiations, substantial changes or substantial new issues arise, staff would return to the Committee for further policy direction.

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