



DATE: December 6, 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 City of Waukegan for annexation of District property at Sedge Meadow Forest Preserve

STRATEGIC DIRECTION SUPPORTED: None

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

BACKGROUND: The District recently received a letter from the City of Waukegan (see attached) asking the District to consent to the City's annexation of approximately 57.5 acres of District land at Sedge Meadow Forest Preserve to create contiguity with the Gurnee Truck Stop property on Highway 41. Waukegan stated that the annexation will benefit Waukegan residents by expanding its tax base, reducing the burden on residential property owners, and increasing Motor Fuel Tax, Retailers' Occupation Tax, and other taxes and fees that may be applicable or arise. According to the City, the Gurnee Truck Stop has previously been voluntarily annexed to and de-annexed from Gurnee, and no other municipality has contiguity that would allow annexation.

In exchange for allowing the annexation, the owners of Gurnee Truck Stop propose to donate approximately 3.2 acres of property on the east bank of the Des Plaines River to the District, increasing District ownership of the riverbank. The City or the owners of Gurnee Truck Stop will cover all costs, including the District's costs, related to the donation of land to the District and the annexation of the District's property. The City is willing to draft and enter into a three-party annexation agreement with the District and the Petitioners to memorialize the donation obligation and minimize any risk the District may foresee.

The District's practice has been to consider annexing its property to a municipality, only if doing so (i) has a significant benefit to District operational needs or has other significant benefits for the District and (ii) if doing so has a significant public benefit to the municipality requesting annexation and/or to the public in general. In addition, the District's practice is to annex its property to a municipality, only pursuant to an annexation agreement with the municipality that formalizes any consideration provided to the District. The District has generally not annexed its property to a municipality, if the primary benefit of annexation is (i) to increase municipal tax revenue or (ii) accrues to a private entity or if the annexation is otherwise disputed or controversial.

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



November 11, 2021

Lake County Forest Preserves
Attn: Alex Ty Kovach, Executive Director
1899 West Winchester Road
Libertyville, Illinois 60048

Mr. Mathew E. Norton
Burke, Warren, MacKay & Serritella, PC
330 N. Wabash Ave., Suite 2100
Chicago, IL 60611-3607

Re: Gurnee Truck Stop Proposal for Annexation

Director Kovach:

Let this letter serve as the formal request by the City of Waukegan (“**City**”) to the Lake County Forest Preserve District (“**District**”) to cooperate with and facilitate the annexation of approximately 75 acres of District property (P.I.N.s 07-11-100-001 and 07-11-100-005) into the City, as depicted on the survey attached to this letter as **Exhibit A**.

The purpose of the proposed annexation would be to create sufficient contiguity with the property commonly known as 36725 N. US Highway 41 (P.I.N. 07-10-200-009) which is improved with and occupied by the Gurnee Truck Stop (“**Truck Stop Parcel**”) to allow the Truck Stop Parcel to be simultaneously annexed to the City. The proposed annexation aligns with both the City’s strategic endeavors, and in our review of the District’s Strategic Plan, we believe aligns with yours as well.

Although Section 65 ILCS 5/7-1-1 of the Illinois Municipal Code allows the City to annex property separated from its corporate boundaries by Forest Preserve District property without annexing the intervening District property, the City has determined that, given the distance between the City’s current corporate boundaries and the Truck Stop Parcel, and the lack of connecting means of access, “skipping” over the District property in this case would not be prudent.

The City views this annexation, pursuant to the terms described below, as a transaction that will benefit the City, the District, the owners of the Truck Stop Parcel, and most importantly, the residents of Lake County. To that end, we note the following compelling and significant benefits:

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- The owners of the Truck Stop Parcel have proposed to donate three acres of the property located on the east bank of the Des Plaines River to the District. This donation will provide the District with increased control over portions of the riverbank that were privately held. The City and the Petitioners understand that any donation will require a Phase 1 environmental as a precondition, and all costs associated with this study and donation will be covered by the Petitioners. Any costs associated with the annexation of the District's property will also be paid by the Petitioners or waived by the City. Both the Petitioners and the City are committed to making this process as effortless as possible for the District.
- Annexing the Truck Stop Parcel to the City will help the City meet its obligations to its residents by expanding its tax base and thereby reducing the burden on residential property owners.
- The annexation of the Truck Stop Parcel will provide additional revenue to the City via Motor Fuel Tax, Retailers' Occupation Tax, as well as other taxes and fees that may be applicable or arise as the Petitioners pursue a business expansion plan.
- The City is unaware of any controversy, claim, or dispute involving the Truck Stop Property that would prevent or impede the proposed annexation. The property has previously been voluntarily annexed to and de-annexed from Gurnee, and no other municipality has contiguity that would allow for annexation.
- The City is willing to draft and enter into a three-party annexation agreement with the District and the Petitioners to memorialize the donation obligation and minimize any risk the District may foresee.

The City also attaches the letter of March 16, 2021 from the Petitioners attorney and incorporates it by reference as *Exhibit B*.

On behalf of the City, I look forward to communication with you regarding this proposal and look forward to the District's response to the City's request. Should you need to reach my staff, please contact Planning and Zoning Director Noelle Kischer-Lepper at noelle.kischer-lepper@waukeganil.gov or 847-599-2514.

Sincerely,



Ann B. Taylor
Mayor

Cc: via email
Clayton P. Voegtle

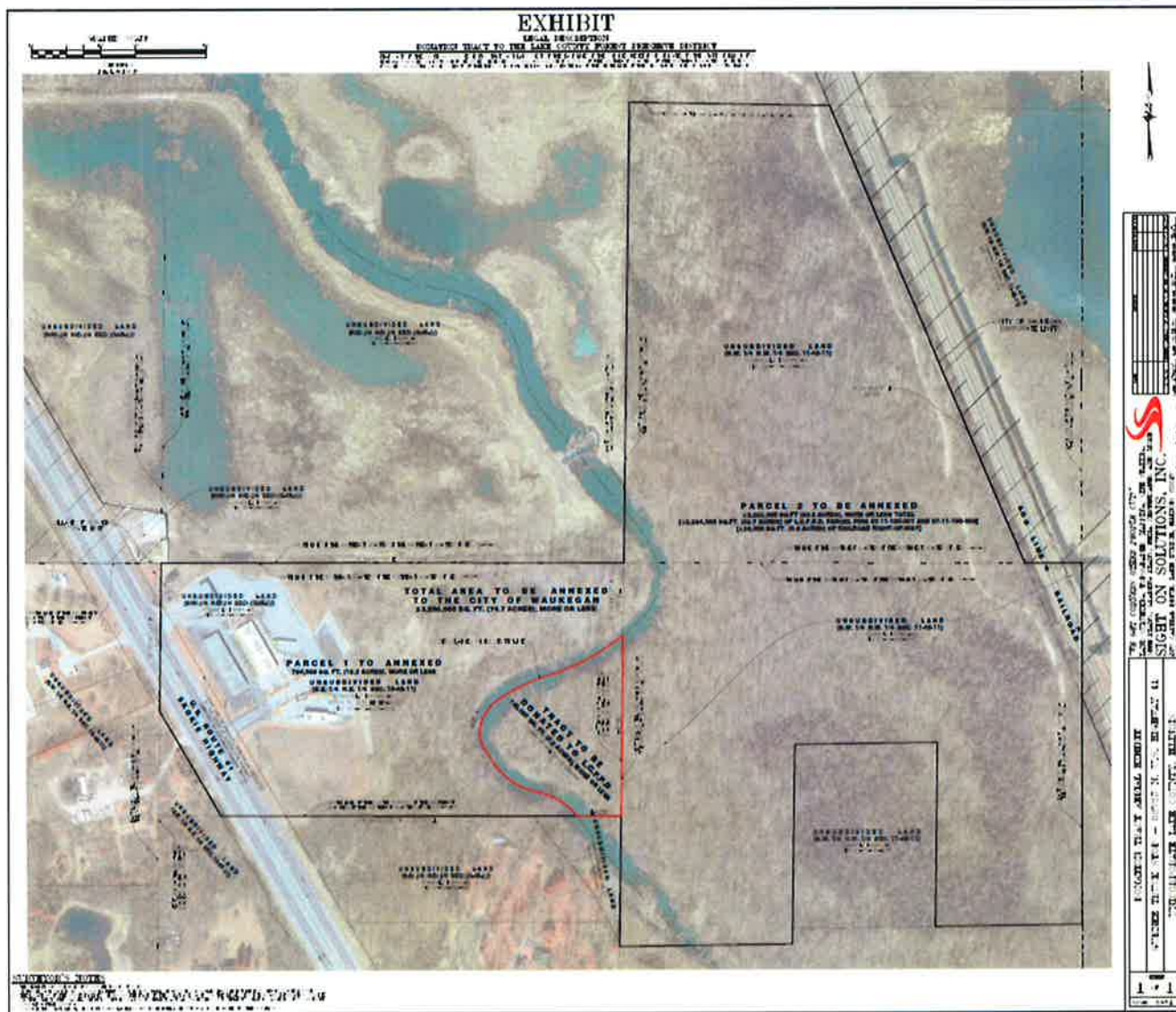
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EXHIBIT A

Aerial exhibit of donation tract and annexation parcels

Legal description of donation tract

Aerial exhibit of donation tract and annexation parcels



**LEGAL DESCRIPTION
OF TRACT INTENDED TO BE DONATED
TO THE LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

THAT PART OF THE NORTH 44 RODS (EXCEPTING THAT PART LYING WEST OF THE EAST LINE OF THE PREMISES HERETOFORE DEDICATED TO THE STATE OF ILLINOIS FOR HIGHWAY PURPOSES BY INSTRUMENT RECORDED DECEMBER 12, 1954, AS DOCUMENT 407151) OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EASTERLY OF THE CENTERLINE OF THE DES PLAINES RIVER, IN LAKE COUNTY, ILLINOIS.

CONTAINING 140,000 SQUARE FEET (3.2 ACRES), MORE OR LESS

Prepared By:
Michael S. Ulibarri, PLS 3520
Sight On Solutions, Inc. (S.O.S. #00215)
557 Capital Drive, Lake Zurich, Illinois 60047
August 11, 2020
SOS #:20371-01

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EXHIBIT B

Letter from property owner's attorney

CLAYTON P. VOEGTLE
Attorney at Law

14047 West Petronella Drive
Suite 202A
Libertyville, Illinois 60048
847/ 918-9840 Telephone
847/ 918-8247 Facsimile
Email: Clayton@VoegtleLaw.com

March 16, 2021
Via US Mail and email

Ms. Noelle Kischer-Lepper
Director of Planning
City of Waukegan
100 N. Martin Luther King, Jr. St.
Waukegan, IL 60085

Mr. Mathew E. Norton
Burke, Warren, MacKay & Serritella, PC
330 N. Wabash Ave., Suite 2100
Chicago, IL 60611-3607

Re: Gurnee Truck Stop, Inc.
Proposal for Annexation

Ms. Kischer-Lepper and Mr. Norton:

This letter replaces my letter of February 26, 2021. Like the prior letter it is sent to clarify two matters for the proposed annexation of my client's property at 36725 N. US Highway 41 to the City of Waukegan. As my client's land is not contiguous to the City of Waukegan, it is necessary that the annexation include some lands owned by the Lake County Forest Preserve District. As an incentive to the LCFPD for its consent my client intends to donate 3.2 acres as described on Exhibit B sent with this letter.

At this time it is contemplated that the LCFPD land that would be annexed would include the 3.2 acres which my client will donate to the LCFPD, the lands that the LCFPD currently own and that are represented by Permanent Identification Numbers (PIN #s) on the Lake County Tax Maps as Pin #s: 07-11-100-001 and 07-11-100-005. Here is a link to Lake county to bring up the parcels on a map: <https://maps.lakecountyil.gov/taxparcelviewer/>.

The land donation to the LCFPD we believe should be made after confirmation from the LCFPD that it will accept the donation and agree to annex LCFPD land to the City of Waukegan. The donation in our view should also be prior to the filing of the petition for annexation.

Secondly, my client has authorized me to state in writing that Gurnee Truck Stop, Inc. will be responsible for and pay all fees and cost, including attorney fees the LCFPD incurs for the annexation of the LCFPD property to the City of

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Waukegan. I am hopeful one petition for annexation will be sufficient with two parties seeking annexation. The city attorney has indicated in an email it would be acceptable for one petition.

We are waiting the LCFPD decision on this matter before modifying a petition to annex to include the LCFPD lands and having a new plat of annexation drawn. I am asking the surveyor if we can get a drawing of the proposed annexation Plat as proposed in this letter. If so, I will send it. I am hoping to hear back from each of you as to these matters. I am also available for telephone conversations or conferences. Sometimes it is easier to call my cell phone, which is 847-924-1313.

Respectfully

Clayton P Voegtle

Cc: via email only
Mr. Douglas S. Dorando
Mr. Jimmy Thomas