



LAKE COUNTY FOREST PRESERVES  
www.LCFPD.org

Preservation, Restoration, Education and Recreation

**DATE:** February 2, 2015

**MEMO TO:** Carol Calabresa, Chair  
Land Preservation and Acquisition Committee

S. Michael Rummel, Chair  
Finance and Administrative Committee

**FROM:** Alex Ty Kovach  
Executive Director

**SUBJECT:** Easement Agreement for Dam Removal at Captain Daniel Wright Woods Forest Preserve

**RECOMMENDATION:** Recommend approval of a Resolution approving an easement agreement with James McShane allowing the District access to the Des Plaines River for the removal of a low-head dam at Captain Daniel Wright Woods Forest Preserve (“Wright Woods”).

**BACKGROUND:** In 2011, as part of the Upper Des Plaines River Phase II Flood Reduction Study, the U.S. Army Corps of Engineers determined that reduced flow above low-head dams at Wright Woods and MacArthur Woods Forest Preserve was causing a decline in habitat quality through deposition of sediments, and the low profile of the dams made them a potential hazard to paddlers.

In September 2013, the District’s Board of Commissioners approved an agreement with the Illinois Department of Natural Resources (IDNR) to accept funding for the removal of these dams. That agreement requires the District to obtain and provide access to the Des Plaines River for the removal of the dam and for future maintenance, including maintenance of the riffle structures to be installed.

In order to remove the dam located at Wright Woods, access is required either from the south or east through a portion of Wright Woods. This would have significant impact to the Des Plaines River Trail and District staff recognized a better access location from the west via property owned by James McShane. District staff has negotiated an agreement with James McShane to establish temporary access across its property to Wright Woods, as required in the intergovernmental agreement with IDNR. Long-term access for maintenance and inspection will be across District land.

**REASON FOR RECOMMENDATION:** Committee recommendation and Board approval are required in accordance with District policy.

**REVIEW BY OTHERS:** Executive Director, Legal Counsel

**FINANCIAL DATA:** There is no financial impact.

**PRESENTER:** Alex Ty Kovach

STATE OF ILLINOIS)  
  ) SS  
COUNTY OF LAKE )

**BOARD OF COMMISSIONERS  
LAKE COUNTY FOREST PRESERVE DISTRICT  
REGULAR MARCH MEETING  
MARCH 10, 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 an easement agreement with James McShane for dam removal at Captain Daniel Wright Woods Forest Preserve,” and request its adoption.

<b>LAND PRESERVATION AND ACQUISITION COMMITTEE:</b>	<b>YEA</b>	<b>NAY</b>	<b>FINANCE AND ADMINISTRATIVE COMMITTEE:</b>	<b>YEA</b>	<b>NAY</b>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Carol Calabresa, Chair			S. Michael Rummel, Chair		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Steven W. Mandel, Vice Chair			Linda Pedersen, Vice Chair		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Bonnie Thomson Carter			Steve Carlson		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Linda Pedersen			Bill Durkin		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Tom Weber			Sandra Hart		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Werfel			Aaron Lawlor		
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Terry Wilke			Audrey Nixon		

**LAKE COUNTY FOREST PRESERVE DISTRICT  
LAKE COUNTY, ILLINOIS**

**A RESOLUTION APPROVING AN EASEMENT AGREEMENT WITH JAMES MCSHANE  
FOR DAM REMOVAL AT CAPTAIN DANIEL WRIGHT WOODS FOREST PRESERVE**

**WHEREAS**, the Lake County Forest Preserve District (the "District") owns property that is adjacent to the Des Plaines River known as Captain Daniel Wright Wood Forest Preserve (the "Property"); and

**WHEREAS**, the District and the Illinois Department of Natural Resources (the "IDNR") have entered into an Intergovernmental Agreement to fund removal of a low-head dam at the Property (the "Project"), which degrades the quality of the water upstream from the dam and may present potential safety hazards to people recreating on the waters near the dam; and

**WHEREAS**, the Project has been identified as a project in the U.S. Army Corps of Engineers Upper Des Plaines River Flood Reduction Phase II Study; and

**WHEREAS**, James McShane ("McShane") owns certain property (the "McShane Property") adjacent to the Property, and the District desires to gain access across the McShane Property so that the District can perform the Project; and

**WHEREAS**, it is in the best interests of the District to enter into an agreement with McShane that grants an easement to the District allowing it to gain access to the Property through the McShane Property so that the District can perform the Project, in substantially the form attached hereto (the "Easement Agreement"); and

**WHEREAS**, it is in the best interests of the District to approve the Easement Agreement in substantially the form attached hereto;

**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 a part of this Resolution by this reference.

Section 2. Approval of Easement Agreement. The Easement Agreement is hereby approved. The President, Secretary and Executive Director of the District are hereby authorized and directed to execute and attest to, on behalf of the District, the Easement Agreement and all other documents that are necessary to complete such transaction provided that the documents have first been approved by the District's Counsel.

Section 3. 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

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Ann B. Maine, President  
Lake County Forest Preserve District

ATTEST:

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Julie A. Gragnani, Secretary

Exhibit # \_\_\_\_\_

# Exhibit A

Lake County Forest Preserve District  
Department of Land Preservation & Special Projects  
1899 W Winchester Rd  
Libertyville, IL 60048  
847-968-3351

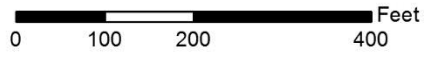
## Legend

-  Forest Preserve Boundary
-  License Area



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.

Prepared using information from:  
Lake Co. Dept. of Information & Technology: GIS/Mapping Division  
18 North County Street  
Waukegan, Illinois 60085-4357  
847-377-2373



2012 Aerial Photo

Map Prepared 10 July 2012

