

DATE: April 4, 2022

MEMO TO: Terry Wilke, Chair
Planning Committee

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

REQUEST: Provide policy direction regarding a requested amendment to a Conservation Easement to permit the mowing of equestrian trails.

STRATEGIC DIRECTION SUPPORTED: None

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

BACKGROUND: In October 1989, the District filed a Complaint for Condemnation for approximately 58.6 acres of property designated as Parcel MFS 12, as an addition to Middlefork Savanna Forest Preserve.

In the course of negotiating a settlement to the case, the District purchased 43.3 acres in fee simple, as well as a Conservation Easement on 8 acres. The terms of the Judgment Order and Settlement Stipulation for the Conservation Easement were broad and imprecise. The Conservation Easement states that the property owner “shall not remove or destroy any natural vegetation, trees, bushes ... located on or under the property without the express written consent of the District.” In addition, it grants the District the “right to manage and maintain the conservation easement ... and take other conservation action as may be required for forest preserve and flood control purposes.”

The new owner of the property subject to the Conservation Easement desires to use the property for private equestrian trails and also to periodically mow such trails. While equestrian use is not prohibited by the Conservation Easement, mowing grass would “remove . . . natural vegetation” and therefore requires “the express written consent of the District.” The best means of providing that consent would be through an amendment to the Conservation Easement. The owner has asked the District to consider an amendment that would clarify the owner’s right to private equestrian use of the property and specifically grant the right to mow equestrian trails. Since the District operates and mows equestrian trails on some sites it owns in fee simple, the request seems reasonable. If the Committee gives direction to proceed, staff would work with Counsel and the property owner to draft an amendment to the Conservation Easement.

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