



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.

LAND PRESERVATION AND ACQUISITION COMMITTEE:

YEA NAY

FINANCE AND ADMINISTRATIVE COMMITTEE:

YEA NAY

Carol Calabresa
 Carol Calabresa, Chair

S. Michael Rummel
 S. Michael Rummel, Chair

Steven W. Mandel
 Steven W. Mandel, Vice Chair

Linda Pedersen
 Linda Pedersen, Vice Chair

Bonnie Thomson Carter

Steve Carlson

Linda Pedersen

Bill Durkin

Tom Weber

Sandra Hart

Jeff Werfel

Aaron Lawlor

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

Ann B. Maine, President
Lake County Forest Preserve District

ATTEST:

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

0 100 200 400 Feet

2012 Aerial Photo

Map Prepared 10 July 2012

