



DATE: August 29, 2022

MEMO TO: Terry Wilke, Chair
Planning Committee

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

REQUEST: Provide policy direction regarding the negotiation of a temporary easement and long-term restriction to allow the grading of District property to provide for a compensatory stormwater storage area for Lake County Division of Transportation's Patriot Path at Independence Grove Forest Preserve.

STRATEGIC DIRECTION SUPPORTED: Public Access and Connections

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

BACKGROUND: The Lake County Division of Transportation (LCDOT) has completed the Phase I engineering study for the regional east/west bike path project referred to as the "Patriot Path". The proposed path will stretch 5.5 miles along the Illinois Route 137 corridor connecting two regional trails, the Des Plaines River Trail and the Robert McClory Bike Path. The Patriot Path is an important part of Lake County's Non-Motorized 2040 Plan and has received overwhelming support from residents and stakeholders.

A common requirement for constructing a project of this complexity is land acquisition. In April 2019, the Planning Committee provided policy direction authorizing participation in the project as a non-funding co-sponsor and to negotiate the required easements of the project with LCDOT which included approximately 0.41 acres of permanent easement and approximately 0.28 acres of temporary easement from the District for the construction and maintenance of three short sections of the proposed path at Wilmot Woods Forest Preserve. Having the District serve as a non-funding co-sponsor indicates to the Federal Highway Administration (FHWA) that the District is supportive of the project and the District is aware and supportive that the acquisition of District property is needed to implement the improvement and may help LCDOT avoid or minimize the delay resulting from the typical Section 4(f) review process.

LCDOT has now begun the Phase II engineering for the project which includes a more detailed design including the compensatory stormwater storage (Comp Storage) requirements that will offset the amount of earth fill placed within the flood plain to construct the path. Based on current rainfall data, the Lake County Stormwater Management Commission has changed its Comp Storage requirements since planning on the Patriot Path commenced. As per the regulations, Comp Storage is required for the project and must be placed near the river and within close proximity to the project. LCDOT has identified the need to acquire approximately 0.62 acres of temporary easement from the District to perform the grading required for the Comp Storage. It is also likely that the Stormwater Management Commission (SMC) will also require a permanent restriction within this area to ensure

that its grade does not substantially change. LCDOT and District staff have worked together to select a location that is consistent with the regulations and has minimal impact to District property. District staff has also been working with LCDOT on the grading design to ensure that the storage area will have a natural appearance.

Staff is seeking authorization to negotiate the terms of the temporary easement with LCDOT and a permanent restriction (likely, in favor of SMC) which will require final approval of the corporate authorities of the District and the County at some point in the future.

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