



LAKE COUNTY FOREST PRESERVES

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Preservation, Restoration, Education and Recreation

DATE: April 6, 2015

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

Bonnie Thomson Carter, Chair
Planning and Restoration Committee

S. Michael Rummel, Chair
Finance and Administrative Committee

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

SUBJECT: Revised Lot Line Agreement at Wilmot Woods

Agenda Item# 9.2

as amended

RECOMMENDATION: Recommend approval of a Resolution approving a Lot Line Agreement between Environmental Engineering Solutions, LLC. (EES) and the District to allow EES to construct a portion of its proposed subdivision driveway apron within a portion of the Buckley Road right-of-way that is directly adjacent to Wilmot Woods Forest Preserve.

BACKGROUND: In November, 2014, the District approved a Lot Line Agreement with Environmental Engineering Solutions (EES), the developer (EES) of "The Preserves," a proposed three-lot subdivision off of Buckley Road in Libertyville, adjacent to Wilmot Woods Forest Preserve. EES desires to construct its driveway to Buckley Road near the District's property line. According to the developer, the placement of the driveway will allow for the preservation of some trees located on its property. While no part of the driveway will be located on District property, the "apron" of the driveway within the IDOT-owned Buckley Road right of way will flare out and cross into (by 17.5 feet) that portion of the right of way that fronts District's property. This is illustrated on the exhibit attached to the attached agreement.

As part of the subdivision plan review, the Illinois Department of Transportation will approve the proposed location of the driveway apron only if a Lot Line Agreement is approved by the adjacent land owners. This is IDOT policy whenever there is a possible "encroachment" into the right-of-way adjacent to one of the owner's property. Under the lot line agreement, the District would approve the location of the driveway apron within the IDOT-owned right of way. A resolution that would approve such an agreement is attached. The previous agreement approved November 11, allowed the District to place any driveway on its property on the lot line. However, because of the potential for intersecting driveway aprons, IDOT has asked that any District driveway be at least 17.5 feet from the lot line. The attached resolution would approve a new agreement, with the 17.5 foot separation requirement, and terminate the old agreement.

The District does not currently have plans to use that portion of the right of way adjacent to its property and has no plans for a driveway within that portion of its property. Future plans for Wilmot Woods Forest Preserve could include a trail extension to Buckley Road. For several years, the District has been in discussions with Libertyville Township and several subdivisions east of the Des Plaines River to provide a safe and direct trail connection to the Des Plaines River Trail and Independence Grove Forest Preserve. The Lake County Division of Transportation will soon begin a Phase I Feasibility Study for the possible extension of a shared-use path along Buckley Road from the Great Lakes Navy Base, west to the Des Plaines River Trail. The extension of the Buckley Road shared-use path could present an opportunity to connect the residential areas and Libertyville Township's Lindholm Park to the Des Plaines River Trail.

The approval of this lot line agreement would not present any negative impacts to the District's ability to access this strip of land for possible future trail development.

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

REVIEW BY OTHERS: Chief Operations Officer, Director of Finance, Legal Counsel

FINANCIAL DATA: There is no direct financial impact with the approval of this agreement.

PRESENTER: Randall L. Seebach

STATE OF ILLINOIS)
) SS
 COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
 LAKE COUNTY FOREST PRESERVE DISTRICT
 REGULAR APRIL MEETING
 APRIL 14, 2015**

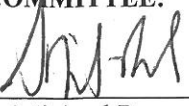
MADAM PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **LAND PRESERVATION AND ACQUISITION COMMITTEE, PLANNING AND RESTORATION COMMITTEE** and **FINANCE AND ADMINISTRATIVE COMMITTEE** present herewith "A Resolution Approving a Lot Line Agreement with Environmental Engineering Solutions, LLC for The Preserves Subdivision," and request its adoption.

| LAND PRESERVATION AND ACQUISITION COMMITTEE | YEA | NAY | PLANNING AND RESTORATION COMMITTEE | YEA | NAY |
|---|-------------------------------------|--------------------------|--|-------------------------------------|--------------------------|
|  Carol Calabresa, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Bonnie Thomson Carter, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Steve W. Mandel, Vice-Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Nick Sauer, Vice-Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Bonnie Thomson Carter | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Carol Calabresa | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Linda Pedersen | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Bill Durkin | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Tom Weber | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Sandra Hart | <input type="checkbox"/> | <input type="checkbox"/> |
|  Jeff Werfel | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  Diane Hewitt | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  Terry Wilke | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Sid Mathias | <input type="checkbox"/> | <input type="checkbox"/> |
| | | |  Craig Taylor | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | |  Tom Weber | <input checked="" type="checkbox"/> | <input type="checkbox"/> |


FINANCE AND ADMINISTRATIVE
COMMITTEE:


YEA NAY



S. Michael Rummel, Chair

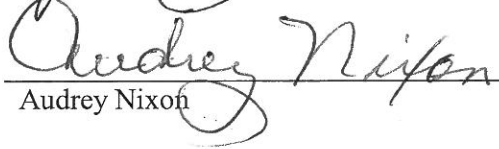

Linda Pedersen, Vice-Chair


Steve Carlson


Bill Durkin


Sandra Hart


Aaron Lawlor


Audrey Nixon

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

**A RESOLUTION APPROVING A LOT LINE AGREEMENT WITH
ENVIRONMENTAL ENGINEERING SOLUTIONS, LLC FOR THE PRESERVES SUBDIVISION**

WHEREAS, the Lake County Forest Preserve District (the "District") owns property located in Libertyville, Illinois known as the Wilmot Woods Forest Preserve, with frontage along the State-owned Buckley Road; and

WHEREAS, Environmental Engineering Solutions, LLC (the "EES") owns subdivided property located adjacent to Wilmot Woods Forest Preserve, known as The Preserves (the "Property"); and

WHEREAS, EES is desirous of constructing a portion the proposed driveway within a portion of the IDOT-owned Buckley Road right-of-way (the "Construction"), which is directly adjacent the District's Wilmot Woods Forest Preserve; and

WHEREAS, before it will approve the Construction, Illinois Department of Transportation ("IDOT") requires a Lot Line Agreement between the two adjacent land owners (the District and EES) because the driveway will be located within a portion of the right of way that is directly adjacent to the District's property; and

WHEREAS, on November 11, 2014, the District approved a resolution approving a Lot Line Agreement with EES (the "Original Agreement"); and

WHEREAS, according to IDOT the Original Agreement does not provide adequate separation between the potential driveways; and

WHEREAS, it is in the best interest of the District to terminate the Original Agreement and enter into a new Lot Line Agreement with EES for the Construction in substantially the form attached hereto (the "New Agreement");

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 the New Agreement. The New Agreement is hereby approved in substantially the form attached hereto. The President and Secretary of the District are authorized to executed and attest to the New Agreement.

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

ATTEST:

Ann B. Maine, President
Lake County Forest Preserve District

Julie A. Gragnani, Secretary
Lake County Forest Preserve District

Exhibit _____

AGREEMENT

This Agreement made and entered into this _____ day of _____, 2015 by and between Environmental Engineering Solutions (EES), LLC, hereinafter referred to as First Party, and Lake County Forest Preserve District, hereinafter referred to as Second Party.

WITNESSETH

WHEREAS, First Party is the owner of the following described real estate located in the NORTHEAST QUARTER of SECTION 10 TOWNSHIP 44 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, County of LAKE, State of Illinois. EES, LLC's said property is commonly known as THE PRESERVES SUBDIVISION, and

WHEREAS, Second Party is the owner of the following described read estate located in the NORTHEAST QUARTER of SECTION 10 TOWNSHIP 44 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN county of LAKE, and State of Illinois

Lake County Forest Preserve District's said property is more commonly known as 15757 BUCKLEY ROAD, LIBERTYVILLE ILLINOIS 60048, and

WHEREAS, First Party is desirous of constructing a driveway on the property that will be located 7.5 feet from the aforescribed property owned by Second Party in accordance With the attached plan (see Exhibit A), and has applied to the Department of Transportation, of the State of Illinois, to do so, and

WHEREAS, Second Party is agreeable to the construction of said driveway and to certain future limitations should Second Party hereafter to construct a driveway on its premises.

WHEREAS, the parties previously entered into an agreement approved by the Second Party on November 11, 2014 (the "Original Agreement");

NOW, THEREFORE, in consideration of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, it is mutually understood and agreed by and between the parties hereto as follows:

1. Second Party hereby grants permission to First Party to construct a driveway on premises owned by First Party on that part of First Party's premise which is at least 7.5 feet from Second Party's premises.
2. Second Party agrees that, should it in the future construct a driveway elsewhere on its premises, such driveway, at its intersection with the north lot line of Second Party's premises, will be located no closer than 17.5' from the common north-south lot line between the two parcels. This agreement does not prohibit Second Party's construction of a pedestrian and bicycle trail at any location on its premises, with the understanding that the trail's location within the Route 137 right-of-way is subject to the approval of the appropriate government agency. This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors, and assigns of the parties hereto.
3. The Original Agreement is hereby terminated.

DATED AT _____, Illinois this _____

day of _____, 2015.

First Party: EES, LLC
Name: Peter Manhard
Title: Manager

Second Party: Lake County Forest Preserve District
Name: Ann B. Maine
Title: President

Lake County Forest Preserve District Seal

