

Agenda Item # 56

Distribution
Div. of Building (2)
Div. Development Review (2)
Div. of Transportation
Map Services

STATE OF ILLINOIS }
COUNTY OF LAKE } SS #05 -08

COUNTY BOARD, LAKE COUNTY, ILLINOIS
REGULAR SEPTEMBER AD 2005 SESSION
FEBRUARY 14, 2006

MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee herewith presents a Resolution in the matter of the petition of DANIEL J. HEALY and PATRICIA A. HEALY, for the vacation of North Avenue located in Robert Collet's Subdivision, Unit Two, West Deerfield Township, Lake County, Illinois. The Board of Vacation by a vote of 3 "Ayes" and 0 "Nays" recommends that the vacation request be approved. On the motion "to approve" the prayer of the petitioner your Planning, Building and Zoning Committee vote is 5 "Ayes", 2 "Nays".

An affirmative vote of at least two-thirds of the members of the County Board is required to grant this resolution.

Respectfully Submitted,

	Aye	Nay		Aye	Nay
<i>Ledy Martini</i> Chairman		<input checked="" type="checkbox"/>	<i>[Signature]</i> Chairman	<input checked="" type="checkbox"/>	
<i>Samuel D. Healy</i> Vice-Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Stevenson J. [Signature]</i> Vice-Chairman	<input checked="" type="checkbox"/>	
<i>Stevenson J. [Signature]</i>	<input checked="" type="checkbox"/>		<i>Ann Fleming [Signature]</i>		
<i>Randy Whitmore</i>	<input checked="" type="checkbox"/>		<i>Robert Sabonjian</i>	<input checked="" type="checkbox"/>	
<i>Robert Sabonjian</i>	<input checked="" type="checkbox"/>		<i>Carol Calahan</i>	<input checked="" type="checkbox"/>	
<i>Susan L. [Signature]</i>	<input checked="" type="checkbox"/>		<i>Steph E. [Signature]</i>	<input checked="" type="checkbox"/>	
Planning, Building, & Zoning Committee			Financial & Administrative Committee		

RESOLUTION

WHEREAS, a public hearing was held before the Board of Vacation pursuant to Article 3, Section 3.12 of the Lake County Unified Development Ordinance, as amended, on the petition of DANIEL J. HEALY and PATRICIA A. HEALY, for the vacation of North Avenue located in Robert Collet's Subdivision, Unit Two, West Deerfield Township, Lake County, Illinois. More fully described as follows:

All that part of the dedicated public street known as North Avenue that is located East of the Northern extension of the East right-of-way line of Montgomery Road and north of Lot 10 in Robert Collet's Subdivision, Unit No. Two, being a subdivision of part the NE ¼ of Section 30, Township 43 North, Range 12 East of the third principal meridian, according to the plat thereof recorded November 23, 1959 as Document 1052474 in Book 34 of Plats page 150 in Lake County, Illinois and as more fully set forth on the plat.

WHEREAS, the petitioners' are the owners of the following parcel of real estate, to-wit:

Lot 10 in Robert Collet's Subdivision, Unit No. Two, being a subdivision of part the NE ¼ of Section 30, Township 43 North, Range 12 East of the third principal meridian, according to the plat thereof recorded November 23, 1959 as Document 1052474 in Book 34 of Plats page 150 in Lake County, Illinois.

WHEREAS, after reviewing the testimony presented at the December 15, 2005 and January 25, 2006 public hearings of the Board of Vacation, said Board has submitted its recommendation and report to the Planning, Building and Zoning Committee; and

WHEREAS, the Board of Vacation recommends by a vote of 3-0 that the vacation request described above be granted; and

WHEREAS, on February 6, 2006 the Planning, Building and Zoning Committee of the said County Board duly considered the petition and report, and by a vote of ____ "Ayes", ____ "Nays" recommend that above-described street be vacated.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the public right-of-way, as described above, is hereby vacated and those portions of said Plat of Subdivision be hereby revoked, annulled and set aside.

BE IT FURTHER RESOLVED, that this resolution shall take effect and be in force for and after its passage provided that said petitioners' shall after the passage of this resolution, file for recording in the office of the County Recorder of Deeds, a certified copy of this resolution, the Deeds of Vacation and the proper vacation instrument(s) that combine the vacated right of way to adjacent parcels owned by the petitioners' in accordance with the provisions of the Unified Development Ordinance.

Minutes
Vacation Petition # 05-08– West Deerfield Township
A petition to vacate a portion of North Avenue located in Robert Collet's Unit
Two Subdivision
Public Hearing Conducted on December 15 and January 25, 2005

Petitioners: Daniel and Patricia Healy

Board Members Present

*Pat Tierney – Development Review Division
Steve Crivello – Building Division
Joe Meyer – LCDOT
Robert Mosteller - Development Review Division

Others in Attendance

Daniel Healy
Matthew Keps
James Keps

* Denotes Vacation Officer and non-voting member

Public Hearing Conducted on December 15, 2005

Mr. Tierney opened the hearing at 10:35 A.M. and reviewed the petition with those in attendance. The pledge of allegiance was stated, members of the Vacation Board were introduced to those in attendance, and the petitioners' as well as members of the audience were sworn in. Mr. Tierney explained that the petition was legally advertised in the News Sun on November 29, 2005 and that the affidavit was available for review if anyone was interested in reviewing the document. Mr. Tierney stated that he had also received correspondence from Deerfield Township stating that they were in support of the vacation.

Petitioner's Testimony

Mr. Daniel Healy was present to explain the purpose for the vacation request and to respond to questions from the Board and the public in attendance. Mr. Healy stated that he felt the right-of-way was overgrown with noxious vegetation and he wanted to clear much of it to control disease transfer (Dutch Elm). He also wanted to combine it with his property so it could not be improved in the future for a road.

Board Questions

Member Mosteller asked Mr. Healy what he planned on doing with the property if the vacation was successful. Mr. Healy stated that he had no immediate plans for use of the property but did want to clear the area of diseased trees and buckthorn that had invaded the property.

Member Crivello stated that the area had a mapped wetland and he mentioned that if any work was going to be done, that permits would need to be obtained from the Engineering and Environmental Services Division.

Mr. Healy stated that the area has never been wet so he would find it hard to believe that the area contained a wetland. He did mention that the portion of North Avenue

located west of Montgomery was lower and conveyed water to the west so that area may be the wetland area picked up by the maps.

Public Questions

Mr. Matthew Kreps stated that he was the property owner that lived east of Mr. Healy, and that he was opposed to the vacation because he wanted to have a garden on the north side of this property and would like to use the right-of-way for access. He felt that the vacation would preclude his ability to access the rear of his property. He mentioned that when he sold the property to Mr. Healy that he reserved a scenic corridor easement that would be left open but could be used for public utilities. He did that so his view to the south would be protected. Mr. Kreps stated that with the vacation, he could not access the rear of his property. He produced a copy of the easement for the Board to review.

Member Mosteller stated that the easement as written already preserved Mr. Kreps access rights and that vacating the road would do nothing to affect the terms of that easement.

James Keps, representing Mr. Matthew Kreps, stated that he felt the vacation would unfairly increase the value of Mr. Healy's property to the detriment of his client. It was his opinion that it would extinguish the rights of his client in favor of Mr. Healy and therefore affect his client's property value.

Member Mosteller stated that it was his opinion that the vacation may actually increase his property value because with the vacation, the road could not ever be built.

After consulting with his client, James Kreps requested that the hearing be continued for 60-90 days so his client could obtain an appraisal to determine the fiscal impact the vacation would have on his client's property value.

The Board assessed Mr. Kreps request and decided that an appraisal could be done in less than 60-90 days and agreed to continue the hearing for 45 days or until January 25, 2006. Member Mosteller stated that if an appraisal was done, that the appraisal should provide a property value if the road was and was not vacated, and further, is shall provide a value if an access easement were retained as part of the Board's action.

A motion was made by Member Mosteller to continue the hearing to January 25, 2006 at 9:00 a.m. This motion was seconded by Member Crivello and passed unanimously.

A motion to adjourn was made by Member Crivello and seconded by Member Mosteller. The motion passed unanimously.

Continued Hearing Conducted on January 25, 2006

Mr. Tierney opened the continued hearing at 9:00 A.M. and swore in those members present that were not in attendance or had not been sworn in at the previous hearing. Mr. Tierney summarized the events of the earlier hearing. He also stated that he had received a request for an additional 30 day extension from Mr. Keps attorney, James

Keps, so they could obtain the requested appraisal that would determine what impact the vacation would have on the value of his client's property. The floor was then opened to continue testimony.

Mr. Healy indicated that over the last two days he and Mr. Keps had reached an agreement that involved relocating the previous easement into the vacated right-of-way so there would be no net loss of the scenic corridor. The Board stated that since the agreement did not involve the County, it would not be made part of their motion concerning the vacation.

Closing Statement

The petitioner stated that he had no further comments he wished to present. This statement was also confirmed by Mr. Keps attorney. Testimony for the hearing was closed.

Announcement of Land Cost

Mr. Tierney announced that the cost to vacate the right-of-way was \$29,418.78 and the petitioner would be responsible for these charges prior to placing the item on the agenda for the County Board.

Motion

Member Mosteller made a motion to grant the vacation for the following reasons: 1. there was no current or future need for the road, 2. the property would be placed on the tax rolls, 3. the vacation would remove liability from the County over the right-of-way. Member Crivello seconded the motion and the motion passed unanimously.

Adjournment

Member Crivello moved to adjourn the meeting. This motion was seconded by member Mosteller and passed unanimously. The meeting was adjourned at 9:15 a.m.

PETITION FOR VACATION

**TO THE COUNTY BOARD,
LAKE COUNTY, WAUKEGAN, ILLINOIS.
TO THE CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:**

Your petitioners, Daniel J. Healy and Patricia A. Healy, being the owners of certain land in Robert Collet's Subdivision, Unit No. 2, represent that they are the sole legal owner(s) of: **Lot 10 in Robert Collet's Subdivision, Unit No. Two, being a subdivision of part of the North ½ of the Northeast ¼ of Section 30, Township 43 North, Range 12, East of the third principal meridian, according to the plat thereof recorded November 23, 1959 as Document 1052474 in Book 34 of Plats page 150 in Lake County, Illinois. PIN No. 16-30-202-001**

and do hereby petition your Honorable Board to approve the attached Deeds of Vacation and to revoke, annul, vacate and set aside that part of said plat of subdivision as follows:

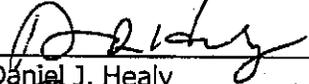
All that part of the dedicated public street known as North Ave. located East of the Northern extension of the East right-of-way line of Montgomery Road and north of Lot 10 in Robert Collet's Subdivision, Unit No. Two, being a subdivision of part of the third principal meridian, according to the plat thereof recorded November 23, 1959 as Document 1052474 in Book 34 of Plats page 150 in Lake County, Illinois and as more fully set forth on the plat attached.

Your petitioners further represent that there are no conflicting interests; that they are the sole owners of all lots in the subdivision adjacent to said street.

Your petitioners indemnify and hold harmless the County of Lake for damages resulting to any person or persons, which may be incurred due to such vacation.

Your petitioners further represent that the street is not needed for public use and that there is no public need, necessity, or interest in said street. The street has not been improved or used in any manner

Respectfully submitted


Daniel J. Healy

11/3/05


Patricia A. Healy

11/3/05

SUBSCRIBED AND SWORN to before me this [REDACTED] day of

[REDACTED]

20 [REDACTED].

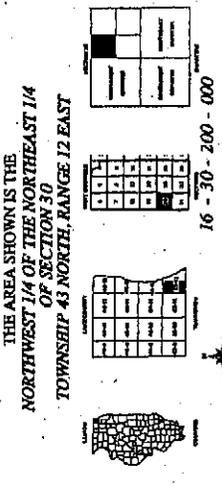
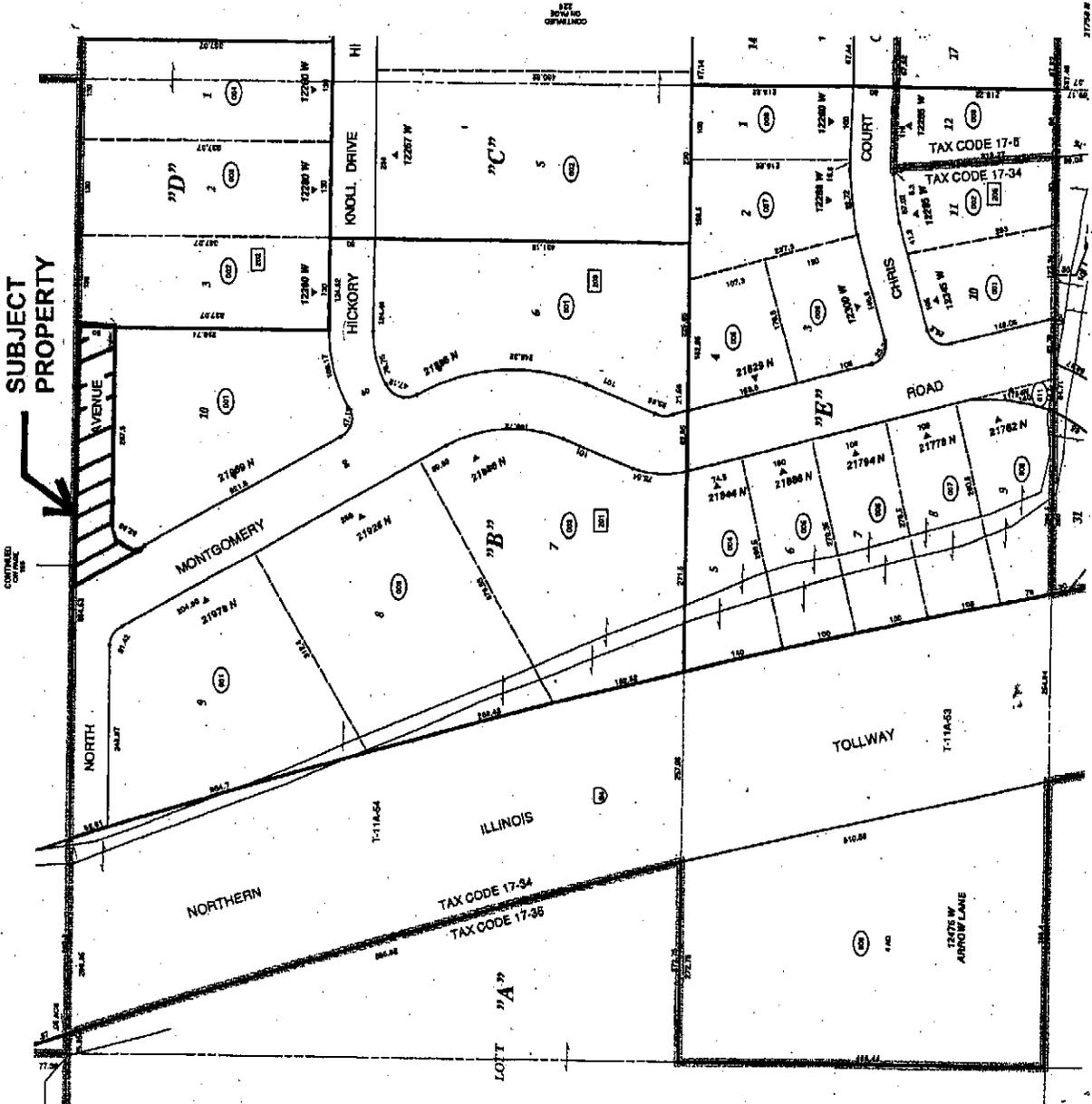
[Handwritten Signature]

[REDACTED]

Notary Public



SUBJECT PROPERTY



TAX CODES

TAX CODE 17-4
 ELEMENTARY SCHOOL DISTRICT 006
 WEST DEERFIELD DISTRICT 013
 AMBER COLLIER DISTRICT 023
 HICKORY DISTRICT 033
 HICKORY DISTRICT 043
 HICKORY DISTRICT 053
 HICKORY DISTRICT 063
 HICKORY DISTRICT 073
 HICKORY DISTRICT 083
 HICKORY DISTRICT 093
 HICKORY DISTRICT 103
 HICKORY DISTRICT 113
 HICKORY DISTRICT 123
 HICKORY DISTRICT 133
 HICKORY DISTRICT 143
 HICKORY DISTRICT 153
 HICKORY DISTRICT 163
 HICKORY DISTRICT 173
 HICKORY DISTRICT 183
 HICKORY DISTRICT 193
 HICKORY DISTRICT 203
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 HICKORY DISTRICT 243
 HICKORY DISTRICT 253
 HICKORY DISTRICT 263
 HICKORY DISTRICT 273
 HICKORY DISTRICT 283
 HICKORY DISTRICT 293
 HICKORY DISTRICT 303

TAX CODE 17-34
 ELEMENTARY SCHOOL DISTRICT 006
 WEST DEERFIELD DISTRICT 013
 AMBER COLLIER DISTRICT 023
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 HICKORY DISTRICT 063
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 HICKORY DISTRICT 303

TAX CODE 17-36
 ELEMENTARY SCHOOL DISTRICT 006
 WEST DEERFIELD DISTRICT 013
 AMBER COLLIER DISTRICT 023
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 HICKORY DISTRICT 253
 HICKORY DISTRICT 263
 HICKORY DISTRICT 273
 HICKORY DISTRICT 283
 HICKORY DISTRICT 293
 HICKORY DISTRICT 303

SUBDIVISION AND CONDOMINIUM LOCATION INDEX

LOCATION
 "A"
 "B"
 "C"
 "D"
 "E"

ADDRESS NAME
 HICKORY AVENUE
 HICKORY AVENUE
 HICKORY AVENUE
 HICKORY AVENUE
 HICKORY AVENUE

MAP REPRESENTATION

SECTION LINE
 QUARTER SECTION LINE
 QUARTER QUARTER LINE
 QUARTER QUARTER QUARTER LINE
 FENCE BOUNDARY
 SHORELINE
 CENTER LINE OF HIGHWAY

CONDOMINIUM
 LOT LINE
 ROAD CENTERLINE
 ROAD RIGHT-OF-WAY
 FENCE AND SHED
 ALLEYS AND TRAILS
 EASEMENTS

TAX CODE

