

Agenda Item # 32

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

STATE OF ILLINOIS }
 COUNTY OF LAKE } SS #07 -01

COUNTY BOARD, LAKE COUNTY, ILLINOIS
 MARCH 13, 2007

MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee herewith presents a Resolution in the matter of the petition of George and Carole Dreyer and John J. Gloff to vacate an alley between Lots 1-4 in Stratton's Second Subdivision, Grant Township, Lake County, Illinois. The Board of Vacation by a vote of 3 "Ayes" and 0 "Nays" recommends that the vacation request be approved subject to the conditions expressed in Exhibit "A" attached. On the motion "to approve" the prayer of the petitioner your Planning, Building and Zoning Committee vote is 6 "Ayes", 0 "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
<u>Samuel D. Vecchi</u> Chairman	✓	_____	<u>[Signature]</u> Chairman	X	_____
<u>[Signature]</u> Vice-Chairman	✓	_____	<u>[Signature]</u> Vice-Chairman	✓	_____
<u>[Signature]</u>	✓	_____	<u>[Signature]</u>	X	_____
<u>Randolph Whitman</u>	✓	_____	<u>Alana O'Kelly</u>	✓	_____
<u>[Signature]</u>	X	_____	<u>[Signature]</u>	✓	_____
_____	_____	_____	<u>[Signature]</u>	✓	_____

Robert Sabonjian
 Planning, Building, & Zoning Committee

Financial & Administrative Committee

RESOLUTION

WHEREAS, on January 30, 2007 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 George and Carole Dreyer and John Joseph Gloff AS LEGAL OWNERS to vacate a 15 foot alley lying east of and adjoining Lots 1, 2 and 3 in Stratton's Second Subdivision, Grant Township, Lake County, Illinois. More fully described as follows:

All that part of a 15 foot alley lying east of and adjoining Lots 1, 2 and 3 in Stratton's Second Subdivision, Being a part of the East Third of the Northwest ¼ of fractional Section 12, Township 45 North, Range 9, East of the Third Principal Meridian, according the Plat thereof recorded October 4, 1923 in Book "M" of Plats, Page 19, as document number 230445, in Lake County, Illinois.

WHEREAS, the petitioners are the owners of the following parcel(s) of real estate, to-wit:

George and Carole Dreyer: PIN 05-12-101-002; 05-12-101-003; 05-12-101-004
Lots 1-3 in Stratton's Second Subdivision being a part of the East Third of the Northwest ¼ of fractional Section 12, Township 45 North, Range 9, East of the Third Principal Meridian, according the Plat thereof recorded October 4, 1923 in Book "M" of Plats, Page 19, as document number 230445, in Lake County, Illinois.

and

John J. Gloff: PIN 05-12-102-001
Lot 4 in Stratton's Second Subdivision being a part of the East Third of the Northwest ¼ of fractional Section 12, Township 45 North, Range 9, East of the Third Principal Meridian, according the Plat thereof recorded October 4, 1923 in Book "M" of Plats, Page 19, as document number 230445, in Lake County, Illinois.

WHEREAS, after reviewing the testimony presented at the aforementioned public hearing 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 subject to the conditions listed in Exhibit "A"; and

WHEREAS, on February 27, 2007, the Planning, Building and Zoning Committee of the said County Board duly considered the petition and report, and by a vote of 6 "Ayes", 0 "Nays" recommend that above-described street vacation request be granted subject to the conditions attached hereto as Exhibit "A".

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 is hereby revoked, annulled and set aside subject to the conditions attached hereto as Exhibit "A".

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.

Amendment to Exhibit "A"

1. A 15 foot public utility easement shall be reserved over the southern 100 feet of the alley right-of-way.
2. Lots 1, 2 and 3 of Stratton's Second Subdivision and the vacated alley shall be consolidated into one parcel.

MEMORANDUM
February 27, 2007

TO: Lake County Planning, Building and Zoning Committee

FR: Patrick S. Tierney, Principal Planner

Lake County Department of Planning, Building and Development

RE: Vacation Request 07-01 – Grant Township
Petitioners: George and Carole Dreyer and John J. Gloff
Request: Alley Vacation in Stratton's Second Subdivision

A public hearing was held on January 20, 2007, relative to a petition to vacate an alley located between lots 1-4 in Stratton's Second Subdivision in Grant Township (see attached location map). A copy of the petition, Plat of Vacation, location map, and the minutes of the public hearing are attached.

Recommendation:

After reviewing the petition and considering the testimony presented at the public hearing, the Board of Vacation unanimously recommends that the vacation request be granted.

Conditions of approval:

1. A 15 foot public utility easement shall be reserved over the southern 100 feet of the alley right-of-way.
2. Lots 1, 2 and 3 of Stratton's Second Subdivision owned by the Dreyers shall be consolidated into one parcel.

Reasons for Board of Vacation's recommendation:

1. There is no current or future need for the public to utilize the alley for access purposes. Public access for utility maintenance will be preserved by the easement condition.
2. The property will be placed on the tax rolls.
3. The vacation will remove any liability the County has over the right-of-way.
4. The vacation will improve a nonconforming condition associated with the garage being located in the right-of-way.

Cost of Real Estate Purchase: \$4,513.47

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

Your petitioners, George Dreyer and Carole Dreyer, his wife, and John J. Gloff being the owners of certain lands in Stratton's Second Subdivision in Ingleside Illinois, and,

Your petitioners further represent that they are the sole legal owners of:

George Dreyer and Carole Dreyer, his wife

LOTS 1, 2 AND 3 IN STRATTON'S SECOND SUBDIVISION, BEING A PART OF THE EAST THIRD OF THE NORTHWEST 1/4 OF FRACTIONAL SECTION 12, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1923, IN BOOK "M" OF PLATS, PAGE 19, AS DOCUMENT NUMBER 230445, IN LAKE COUNTY, ILLINOIS.

PIN: 05 - 12 - 101 - 002, 05 - 12 - 101 - 003, and 05 - 12 - 101 - 004

John Joseph Gloff

LOTS 4 AND 5 IN STRATTON'S SECOND SUBDIVISION; BEING A PART OF THE EAST THIRD OF THE NORTHWEST 1/4 OF FRACTIONAL SECTION 12, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1923, IN BOOK "M" OF PLATS, PAGE 19, AS DOCUMENT NUMBER 230445, IN LAKE COUNTY, ILLINOIS.

PIN: 05-12-102-001 and 05-12-102-002

and do hereby petition your honorable board to approve the attached deed of vacation and to revoke, annul, vacate and set aside that part of said plant of subdivision as follows:

THE 15 FOOT ALLEY LYING EAST OF AND ADJOINING LOTS 1, 2 AND 3 IN STRATTON'S SECOND SUBDIVISION, BEING A PART OF THE EAST THIRD OF THE NORTHWEST 1/4 OF FRACTIONAL SECTION 12, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1923, IN BOOK "M" OF PLATS, PAGE 19, AS DOCUMENT NUMBER 230445, 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 adjacent to said alley to be vacated.

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 alley is not needed for public use and that there is no public need, necessity, or interest in said alley. The subject alley has been improved with a frame garage and gravel driveway, both of which have been in existence for more than 50 years and your petitioners, George Dreyer and Carole Dreyer, his wife, and their family have used the alley exclusively for this entire time.

Respectfully submitted,

George Dreyer
Carole A. Dreyer
John J. Hoff

Subscribed and sworn to before me this

27th day of SEPT, 2006.
Curtis E. Edlund
Notary Public

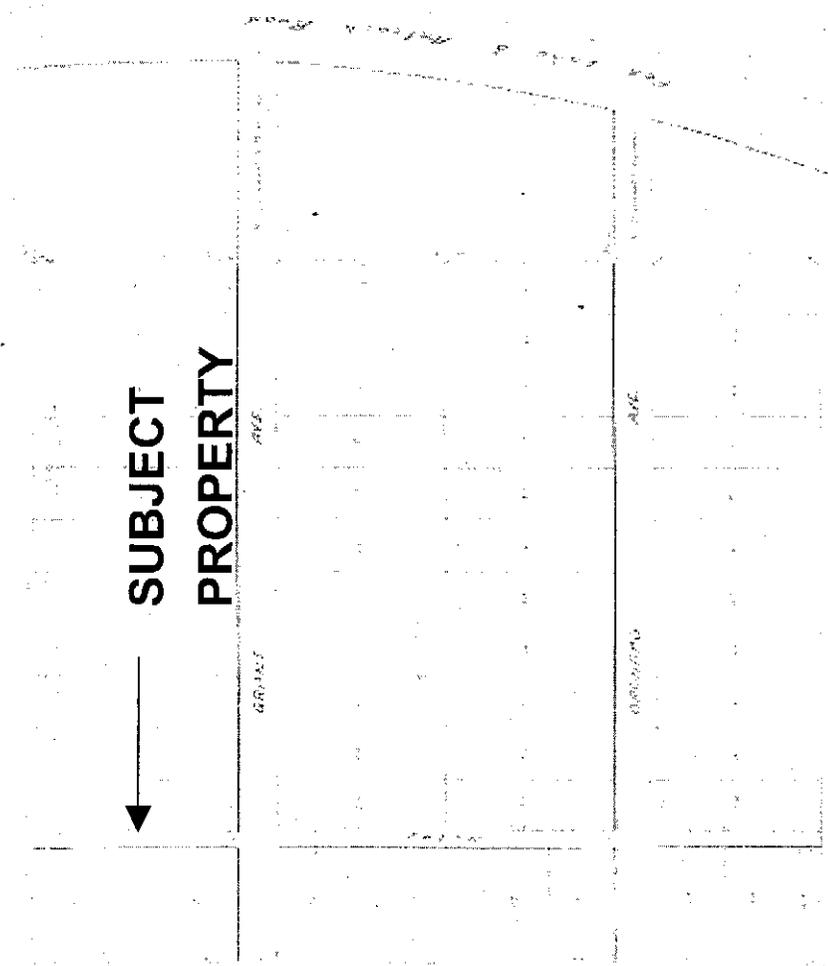




Stratton's Second Subdivision

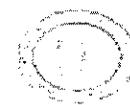
1915
The following is a list of the names of the owners of the lots in the above described subdivision, as shown on the map of the same filed for record in the office of the County Clerk of this County, on the 15th day of June, 1915, and as shown on the map of the same filed for record in the office of the County Clerk of this County, on the 15th day of June, 1915.

By _____
Recorder



**SUBJECT
PROPERTY**

LOT 1



1915
The following is a list of the names of the owners of the lots in the above described subdivision, as shown on the map of the same filed for record in the office of the County Clerk of this County, on the 15th day of June, 1915, and as shown on the map of the same filed for record in the office of the County Clerk of this County, on the 15th day of June, 1915.

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1915
The following is a list of the names of the owners of the lots in the above described subdivision, as shown on the map of the same filed for record in the office of the County Clerk of this County, on the 15th day of June, 1915, and as shown on the map of the same filed for record in the office of the County Clerk of this County, on the 15th day of June, 1915.

Minutes
Vacation Petition # 07-01– Wauconda Township
A petition to vacate an alley located in Stratton's Second Subdivision
Grant Township
Public Hearing Conducted on January 30, 2007

Petitioners: George and Carole Dreyer and John J. Gloff

Board Members Present

*Pat Tierney – Development Review Division
Steve Crivello – Building Division
Paula Trigg – LCDOT
Robert Mosteller - Development Review Division

Others in Attendance

Curtis Edlund
George Dreyer
Carole Dreyer

* Denotes Vacation Officer and non-voting member

Mr. Tierney opened the hearing at 2:05 p.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, the petitioners and members of the audience were sworn in. Mr. Tierney explained that the petition was legally advertised in the News Sun on January 10, 2007 and that the affidavit was available for review if anyone was interested in reviewing the document.

Mr. Tierney stated that he had received correspondence from Comcast Cable Communications, Inc. regarding the petition. Comcast indicated that they had no facilities within the area to be vacated; however, they would need an easement if the vacation went into the Grand Avenue right-of-way. Mr. Tierney, confirmed with the Board, that the vacation did not affect any of Comcast Cable's facilities, and an easement would not be required as part of their action.

Mr. Tierney stated that he had received no further communications from any individual or agency he contacted concerning the petition.

Petitioner's Testimony

Mr. Curtis Edlund, representing the petitioners, stated that his clients owned the three parcels on the west side of the alley since 1929 and had been using the alley since then. He stated that the garage had been located on the alley since the 1930's and that they had been actively using it since that time. The garage was improved in the 1950's.

Mr. Tierney stated that he had contacted the Grant Township Assessor early on in the vacation process, and he was told that they had been assessing the Dreyers for the garage since the 1950's.

Mr. Edlund stated that while working with the Dreyers on their estate planning, he suggested that they consolidate their properties and obtain the alley. He felt it would

better to submit a petition to vacate the alley than work through the court processes via a adverse possession petition.

Mr. Edlund referenced a letter he had written to Mr. Gloff, the co-petitioner, seeking his consent to participate in the vacation process and asking that he convey his half of the alley to the Dreyers. He noted, that Mr. Gloff had signed the letter and a copy was given to the Vacation Officer.

Board Questions

Paula Trigg stated that LCDOT had contacted the Grant Township Highway Commissioner, and the Commissioner indicated that she had no objections to granting the vacation. She noted, that a condition should be added to consolidate the three lots owned by the Dreyers' into one parcel. This was confirmed by the Board.

The Dreyers' representative, Curtis Edlund, stated that his clients had no objection to satisfying the condition if the vacation is successful.

The Board discussed the location of sanitary sewer and other utilities associated with the vacation request. Based on sanitary sewer maps provided by the Lake County Public Works Department and field observations, Member Mosteller stated that he felt sanitary sewer did not go through the alley but stopped midpoint. Sanitary sewer flowed south from the subject alley and north from a lift station located north of the alley. The maps appeared to confirm this observation.

Mr. Dreyer indicated that they were obtaining public water via a service connection from the north of the subdivision from Fox Lake Hills Subdivision, and that they did not have a well. The water main was not located in the alley.

The Vacation Officer reminded the Board that the only correspondence he had received from the utility companies relating to the petition, was from Comcast Cable and they indicated they did not have any utilities within the alley.

Public Statements

No member representing the public was in attendance to provide comments.

Closing Statement

Mr. Edlund stated that he felt his client's petition met the requirements for a vacation, and with the exception of them providing an easement for public utilities, the right-of-way should be vacated.

Announcement of Land Cost

Mr. Tierney announced that the cost to vacate the right-of-way was \$4,513.47, and the petitioners would be responsible for these charges prior to placing the item on the agenda for the County Board.

Board Discussion

Member Mosteller stated that clearly there was no need to preserve the right-of-way for roadway purposes, and provided adequate utility easements were reserved, the vacation should be approved.

This was confirmed by both Members Crivello and Trigg.

Motion

Member Crivello made a motion, which was seconded by Member Trigg, to grant the petition to vacate the subject right-of-way subject to: 1.) the reservation of 15 foot public utility easement along the south 100 feet of the right-of-way; and 2.) the three parcels owned by the Dreyers' shall be consolidated into one parcel.

Action

The motion passed unanimously.

Adjournment

Member Mosteller moved to adjourn the meeting. This motion was seconded by member Crivello and passed unanimously. The meeting was adjourned at 2:25 p.m.