



## RESOLUTION

WHEREAS, on October 4, 2006, October 25, 2006 and January 24, 2007 public hearings were 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 JAMES H. LUBKEMAN, JR. AND CARRIE LUBKEMAN, AS LEGAL OWNERS to vacate all that part of Willow Avenue lying east of Lots 11 and 12, Block 9 in the Channel Lake Shores Subdivision, Antioch Township, Lake County, Illinois. More fully described as follows:

All that part of unimproved Willow Avenue that lies east of Lot 11 and 12, Block 9 and 118.2 feet north of the south line of Willow Avenue in Channel Lake Shores Subdivision, being a subdivision of part of the West half of fractional Section 1, Township 46 North, Range 9, East of the Third Principal Meridian, according to the plat thereof recorded April 23, 1940 as document number 476695, in Lake County Illinois as more fully set forth on the plat attached

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

Lots 9, 10, 11, & 12 (consolidated into one lot) in Block 9 in Channel Lakes Shores, being a subdivision in the West half of fractional section 1, township 46 north, Range 9 east of the third principal meridian, according to the plat thereof recorded April 23, 1940 as document number 476695, in Lake County Illinois. Pin: 01-01-300-011.

and

WHEREAS, after reviewing the testimony presented at the aforementioned public hearings of the Board of Vacation, said Board has submitted its recommendation and report to the Planning, Building and Zoning Committee and the Financial and Administrative 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 April 3, 2007, the Planning, Building and Zoning Committee of the said County Board duly considered the petition and report, and by a vote of 7 "Ayes", 0 "Nays" recommend that above-described street vacation request be granted; and

WHEREAS, on April 4 2007, the Financial and Administrative Committee of the said County Board duly considered the petition and report, and by a vote of \_\_\_ "Ayes", \_\_\_ "Nays" recommend that above-described street vacation request be granted.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the public right-of-way, as described above, is hereby vacated and that portion of said plat of subdivision is 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 petitioner 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 petitioner in accordance with the provisions of the Unified Development Ordinance.



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**MEMORANDUM**

April 3, 2007

TO: Pamela Newton, Chairperson  
Lake County Planning, Building and Zoning Committee

FR:  Patrick S. Tierney, Principal Planner  
Lake County Department of Planning, Building and Development

RE: Vacation Request 06-02 – Antioch Township  
Petitioners: Travis and Jennifer Winegarner, Chris and Amynda Hadfield,  
Doug and Lisa Spooner, James and Carrie Lubkeman  
Status Report: Vacation of Willow Avenue and Alley in the Channel Lake  
Shores Subdivision

Article 3 of the UDO requires that the applicant(s) of a Street or Alley Vacation provide payment for the land contained in the right-of-way being vacated prior to final action being taken by the County Board. The subject vacation has been tabled twice by the County Board at staff's request because the applicants failed to provide the funds to purchase the rights-of-way and staff wanted to provide additional notice to them regarding their financial obligation.

Since only a portion of Willow Avenue, and the entire an alley adjacent to Lot 3 in the Lass-Cox Drive Subdivision and Lots 9 and 12 of the Channel Lake Shores Subdivision have been approved for vacation, only two (Lubkemans, Spooners) of the original four applicants remain eligible to acquire land through the vacation process. Staff has provided two notices to the eligible applicants, and each notice included a deadline to provide the required funds.

Staff recently received a signed receipt of the certified mail from the Spooners, otherwise we have had no further contact with them. We also learned that the mailings for the Lubkemans were going to an incorrect address, so a subsequent mailing had to be done.

During the week of March 19<sup>th</sup>, staff received a call from with Mr. Lubkeman and he stated that he and his wife planned on continuing with the purchase of the Willow Avenue right-of-way; however, they did not plan on continuing with the alley vacation. We also learned from him that the Spooner's home is currently on the market. During that discussion, staff informed Mr. Lubkeman that if he was sincere in purchasing the Willow Avenue right-of-way, he would need to provide the funds on or before March 30<sup>th</sup>. Staff explained that should that deadline not be met, staff would be recommending to the Planning, Building and Zoning Committee that the file be closed, and all action on the account discontinued.

**Recommendation:**

- 1.) Staff requests authorization to close the portion of the vacation petition associated with the vacation of an alley adjacent to Lot 3 in the Lass-Cox Drive Subdivision and Lots 9 and 12 of the Channel Lake Shores Subdivision, should staff not receive funds in the amount of \$977.00 on or before March 30, 2007.
- 2.) Staff requests authorization to close the portion of the vacation related to the vacation of Willow Avenue adjacent to Lots 9 and 12 of the Channel Lake Shores Subdivision, should staff not receive funds in the amount of \$829.00 on or before March 30, 2007.

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