

Agenda Item #

56

Distribution
Div. Development Review (4)
Div. of Transportation
Map Services

STATE OF ILLINOIS }
COUNTY OF LAKE } SS #07 -03

COUNTY BOARD, LAKE COUNTY, ILLINOIS
APRIL 10, 2007

MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning and Financial and Administrative Committees herewith present a Joint Resolution in the matter of the petition of NORSTATES BANK, as TRUSTEE UNDER TURST AGREEMENT DATED APRIL 22, 1988 KNOWN AS TRUST NUMBER 3177 to vacate an alley adjoining Lots 3-8, Block 2 in Frederick H. Bartlett's North Shore Lands Subdivision, Waukegan 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, the vote of your Planning, Building and Zoning Committee is 0 "Ayes", 0 "Nays"; and the vote of your Financial and Administrative Committee is 1 "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>Camelce D. Ueber</u> Chairman	✓		<u>[Signature]</u> Chairman	X	
<u>Judy Martini</u> Vice-Chairman	✓		<u>[Signature]</u> Vice-Chairman	✓	
<u>[Signature]</u>	✓		<u>[Signature]</u>	X	
<u>Robert Sar</u>	✓		<u>[Signature]</u>	✓	
<u>[Signature]</u>	✓		<u>Carol Belcher</u>	X	
<u>[Signature]</u>			<u>Ann Kelly</u>	X	
<u>[Signature]</u> Planning, Building, & Zoning Committee	X		<u>[Signature]</u> Financial & Administrative Committee	X	

RESOLUTION

WHEREAS, on March 22, 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 NORSTATES BANK, as TRUSTEE UNDER TRUST AGREEMENT DATED APRIL 22, 1988 KNOWN AS TRUST NUMBER 3177 AS LEGAL OWNER, to vacate an alley adjoining Lots 3-8, Block 2 in Frederick H. Bartlett's North Shore Lands Subdivision, Waukegan Township, Lake County, Illinois. More fully described as follows:

All that part of a 20 foot alley adjacent to and adjoining Lots 3, 4, 5, 6, 7 and 8, Block 2 in Frederick H. Bartlett's North Shore Lands Subdivision, being a subdivision of the Northwest quarter of the Northeast quarter and that part of the North half of the Northwest quarter lying East of Green Bay Road of Section 7, Township 45 North, Range 12 East of the Third Principal Meridian, according the Plat thereof recorded on November 3, 1926, in Book "Q" of Plats, Page 80, as document number 289244, in Lake County, Illinois, and as more fully set forth on the plat attached.

WHEREAS, the petitioner is the owner of the following parcel(s) of real estate, to-wit:

Lots 3, 4, 5, 6, 7 and 8, Block 2 in Frederick H. Bartlett's North Shore Lands Subdivision, being a subdivision of the Northwest quarter of the Northeast quarter and that part of the North half of the Northwest quarter lying East of Green Bay Road of Section 7, Township 45 North, Range 12 East of the Third Principal Meridian, according the Plat thereof recorded on November 3, 1926, in Book "Q" of Plats, Page 80, as document number 289244, in Lake County, Illinois, and as more fully set forth on the plat attached.

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 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 6 "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 those portions 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.



MEMORANDUM

April 3, 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 07-03 – Waukegan Township
Petitioners: NorStates Bank, Trustee under Trust Agreement No. 3177,
dated April 22, 1988; Roger E. Iles, Beneficiary
Request: Alley Vacation in Frederick H. Bartlett's North Shore Lands
Subdivision

A public hearing was held on March 22, 2007, relative to a petition to vacate an alley located between lots 3-8 in Frederick H. Bartlett's North Shore Lands Subdivision in Waukegan 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.

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.
2. The property will be placed on the tax rolls.
2. The vacation will remove any liability the County has over the right-of-way.

Real Estate Area: 4,857 square feet (.11 acres)

Cost of Real Estate Purchase: \$4,369.00

Minutes
Vacation Petition # 07-03– Waukegan Township
A petition to vacate an alley located in Frederick H. Bartlett's North Shore
Lands Subdivision - Waukegan Township
Public Hearing Conducted on March 22, 2007

Petitioner: NorStates Bank, as Trustee under Trust 3177 dated April 22, 1988

Board Members Present

*Pat Tierney – Development Review Division
Dan Krill – Building Division
Paula Trigg – LCDOT
Robert Mosteller - Development Review Division

Others in Attendance

Paul Zagoras
Roger Iles

* Denotes Vacation Officer and non-voting member

Mr. Tierney opened the hearing at 1:35 p.m. and reviewed the petition with those in attendance. The petitioners were sworn in. Mr. Tierney explained that the petition was legally advertised in the News Sun on March 7, 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 and that they had no objection to the vacation.

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

Petitioner's Testimony

Mr. Paul Zagoras, representing the petitioner, stated that his client owned the properties on both sides of the alley for several years. Mr. Zagoras stated that his client wanted to vacate the alley to improve development opportunities for his land in the future, and to restrict public access. He stated that he suggested the vacation as part of his work on his client's trust. Mr. Iles stated that the well and septic systems for the existing residence are located west of the alley.

Mr. Zagoras reviewed his approach to calculating the purchase cost for the right-of-way with staff and he stated the information was obtained from the Township Assessors Office.

Board Comments/Questions

Member Mosteller stated that the subject alley did not extend to the south side of Wall Avenue. He also noted, that during his inspection he did not observe any other utilities in the right-of-way and subsequently, did not feel there was any reason to retain an easement for utility purposes as part of the Board's motion.

Member Trigg stated that the Division of Transportation had contacted the Waukegan Township Highway Commissioner and the Commissioner was not opposed to the vacation.

Member Krill mentioned in his review of the site, he did not observe any drainage concerns, and therefore, he saw no reason to retain a drainage easement over the alley.

Public Statements

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

Closing Statement

Mr. Zagoras stated that he felt his client's petition met the requirements for a vacation and that the right-of-way should be vacated.

Announcement of Land Cost

Mr. Tierney announced that the cost to vacate the right-of-way was \$4,369.00, and the petitioner 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 access purposes and he was ready to make a motion to approve the vacation.

This was confirmed by both Members Krill and Trigg.

Motion

Member Mosteller made a motion, which was seconded by Member Trigg, to grant the petition to vacate the subject right-of-way for the following reasons: 1.) there was no current or future need for the right-of-way; 2.) the vacation would relieve the County of any liability associated with the alley; 3.) the vacation would place the property on the tax rolls.

Action

The motion passed unanimously.

Adjournment

Member Mosteller moved to adjourn the meeting. This motion was seconded by member Trigg and passed unanimously. The meeting was adjourned at 1:50 p.m.

FREDK H. BAR

NORTH SHORE

BEING A SUBDIVISION OF THE
N.W. 1/4 of the N.E. 1/4, and that part of the N 1/2 of the N.W. 1/4
of Sec. 7 - T. 45 N., R. 12 E of 3rd P

LAKE CO., ILLINOIS

Doc. 289244
Nov 3, 1926

Pg 80

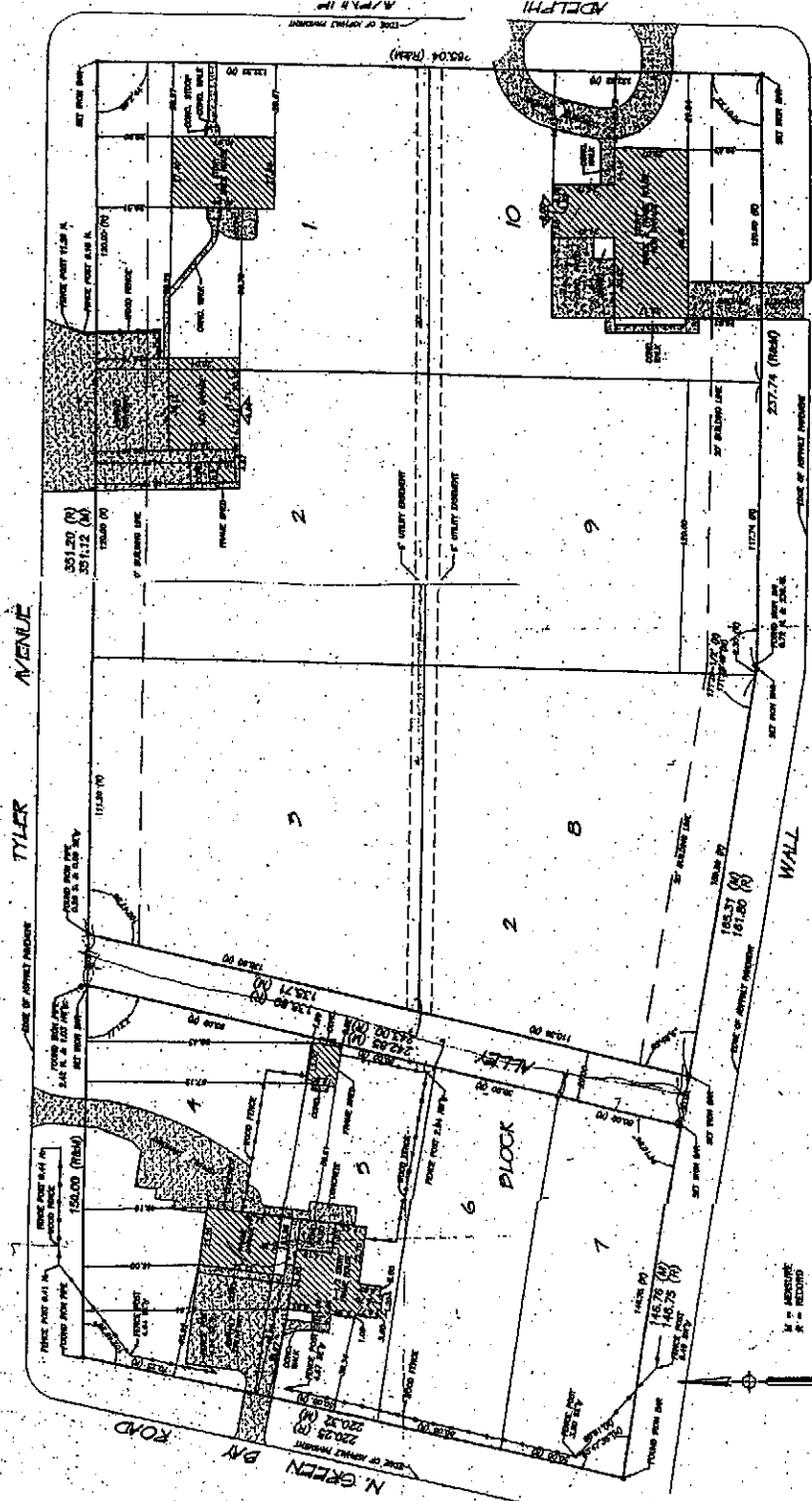


STATE OF ILLINOIS }
OF LAKE } S.S.
I, Raymond C. Russell, deputy to Chas E. Russell,
conveyer for Lake County, in the State aforesaid, do hereby certify
I surveyed, subdivided and staked the land described in the above
and shown on the plat hereon drawn as subdivided, and that said plat
is a true and correct representation of such survey and subdivision.

STATE OF ILLINOIS }
COUNTY OF COOK } S.S.
I, Leroy J. Kenewel of the County of
State aforesaid, do hereby certify that I am the legal owner
described in the above caption and shown on the plat hereon
divided, and that I have caused the same to be surveyed, sub
divided, and that I have caused the same to be surveyed, sub

PEKAY SURVEYING CO., LTD.
PLAT OF SURVEY

LOTS 1 TO 10, BOTH INCLUDING, BLOCK 2-IN, FREDERICK H. BARTLETT'S NORTH SHORE LARGES, BE
 GINS, THE NORTH 1/4 AND THAT PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4 LYING EAST
 TOWNSHIP 45 NORTH, RANGE 15 EAST, T3RD PRINCIPAL MERIDIAN, ACCORDING TO THE 7th
 NOVEMBER 3, 1923, IN BOOK 50 OF PAGES, PAGE 80, IN LAKE COUNTY, ILLINOIS.



STATE OF ILLINOIS
 COUNTY OF LAKE
 THE PROFESSIONAL SURVEYING COMPANY
 STATEWARD OF FINANCE APPLICABLE
 TO BOUNDARY SURVEYS
 GEORGE E. PEKAY
 PEKAY SURVEYING CO., LTD.
 BY: *Edward J. Kelly*
 ILLINOIS PROFESSIONAL LAND SURVEYOR
 STATE OF ILLINOIS LICENSE EXPIRES 11/30/2022



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