

Agenda Item # 41

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

STATE OF ILLINOIS)
) SS #07 -04
COUNTY OF LAKE)

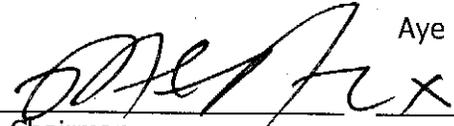
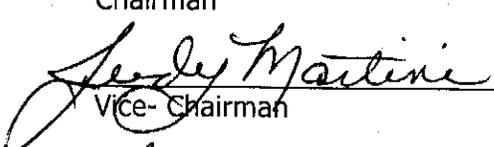
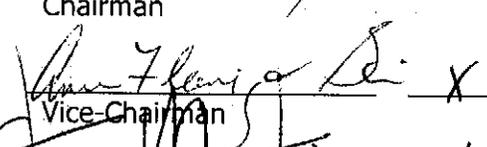
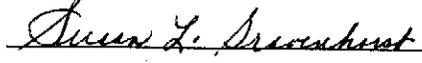
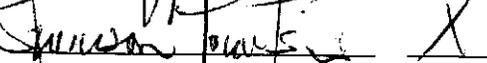
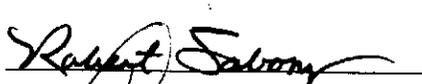
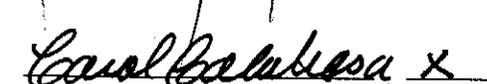
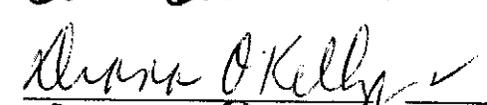
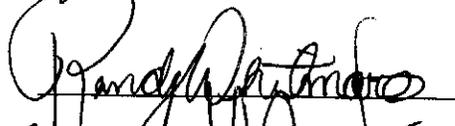
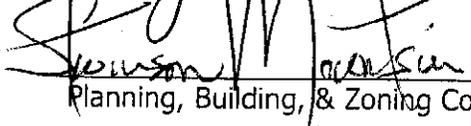
COUNTY BOARD, LAKE COUNTY, ILLINOIS
REGULAR SEPTEMBER, A.D. 2007 SESSION
SEPTEMBER 11, 2007

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 STEPHEN and VIOLET SULLIVAN, as RECORD OWNERS, to vacate a portion of Lee Court adjoining Lot 1, Block 16 in the First Addition to Duck Lake Woods 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 condition expressed in Exhibit "A" attached. On the motion "to approve" the prayer of the petitioner your Planning, Building and Zoning Committee, and Financial and Administrative votes are: Planning, Building and Zoning Committee: 6 "Ayes", 0 "Nays"; Financial and Administrative Committee: 7 "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
_____ Chairman			 _____ Chairman	X	
 _____ Vice-Chairman	✓		 _____ Vice-Chairman	X	
 _____ _____	✓		 _____ _____	X	
 _____ _____	✓		 _____ _____	X	
 _____ _____	✓		 _____ _____	✓	
 _____ _____	✓		 _____ _____	✓	
 _____ Planning, Building, & Zoning Committee	X		 _____ Financial & Administrative Committee		

RESOLUTION

WHEREAS, on August 15, 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 STEPHEN and VIOLET SULLIVAN, as RECORD OWNERS, to vacate a portion of Lee Court adjoining Lot 1, Block 16 in the First Addition to Duck Lake Woods Subdivision, Grant Township, Lake County, Illinois. More fully described as follows:

All that part of Lee Court located north of Lot 1, Block 16 and west of the Fox Lake Channel in the First Addition to Duck Lake Woods, being a subdivision of part of the east half of the southwest quarter of Section 14 and the east half of the northwest quarter of Section 23, Township 45 North, Range 9 East of the Third Principal Meridian, according to the plat thereof, recorded September 9, 1939 as Document 467469, in Book "Z" of plats, pages 55 and 56, in Lake County, Illinois; also

That part of Lee Court described as follows: Beginning at the northwest corner of Lot 1, Block 16 in the First Addition to Duck Lake Woods, continuing west 25 feet at a right angle to a point located 5 ft. east of the east line of Block 8 extended northerly; thence, continue north at a right angle a distance of 57.5 ft. to the north right-of-way line of Lee Court, also being the southwest corner of Lot Y designated as "not part of this plat" on the subject plat of subdivision; thence, easterly along the said north right-of-way line 25 feet; thence, continue south at right angle a distance of 57.5 feet to the place of beginning; located in the First Addition to Duck Lake Woods Subdivision, being in the east half of the southwest quarter of Section 14 and the east half of the northwest quarter of Section 23, Township 45 North, Range 9 East of the Third Principal Meridian, according to the plat thereof, recorded September 9, 1939 as Document 467469, in Book "Z" of plats, pages 55 and 56, in Lake County, Illinois.

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

Lot 1, Block 16 in the First Addition to Duck Lake Woods Subdivision, being a subdivision of part of the east half of the southwest quarter of Section 14 and the east half of the northwest quarter of Section 23, Township 45 North, Range 9 East of the Third Principal Meridian, according to the plat thereof, recorded September 9, 1939 as Document 467469, in Book "Z" of plats, pages 55 and 56, 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 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 subject to the condition expressed in Exhibit "A" attached; and

WHEREAS, on September 4, 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 condition expressed in Exhibit "A" attached; and

WHEREAS, on September 5, 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 subject to the condition expressed in Exhibit "A" attached.

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 condition expressed in Exhibit "A" attached to this resolution.

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.

Exhibit "A"

1. The vacation shall be granted subject to a 15 foot drainage easement being retained for the Grant Township Highway Department along the south side of the portion of Lee Court being vacated.

MEMORANDUM

September 4, 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 07-04 – Grant Township
Petitioners: Stephen and Violet Sullivan
Request: Vacation of a portion of Lee Court in the First Addition to Duck
Lake Woods Subdivision

A public hearing was held on August 15, 2007, relative to a petition to vacate a portion of Lee Court located north of Lot 1, Block 16 in the First Addition to Duck Lake Woods 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:

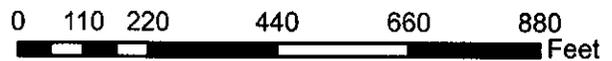
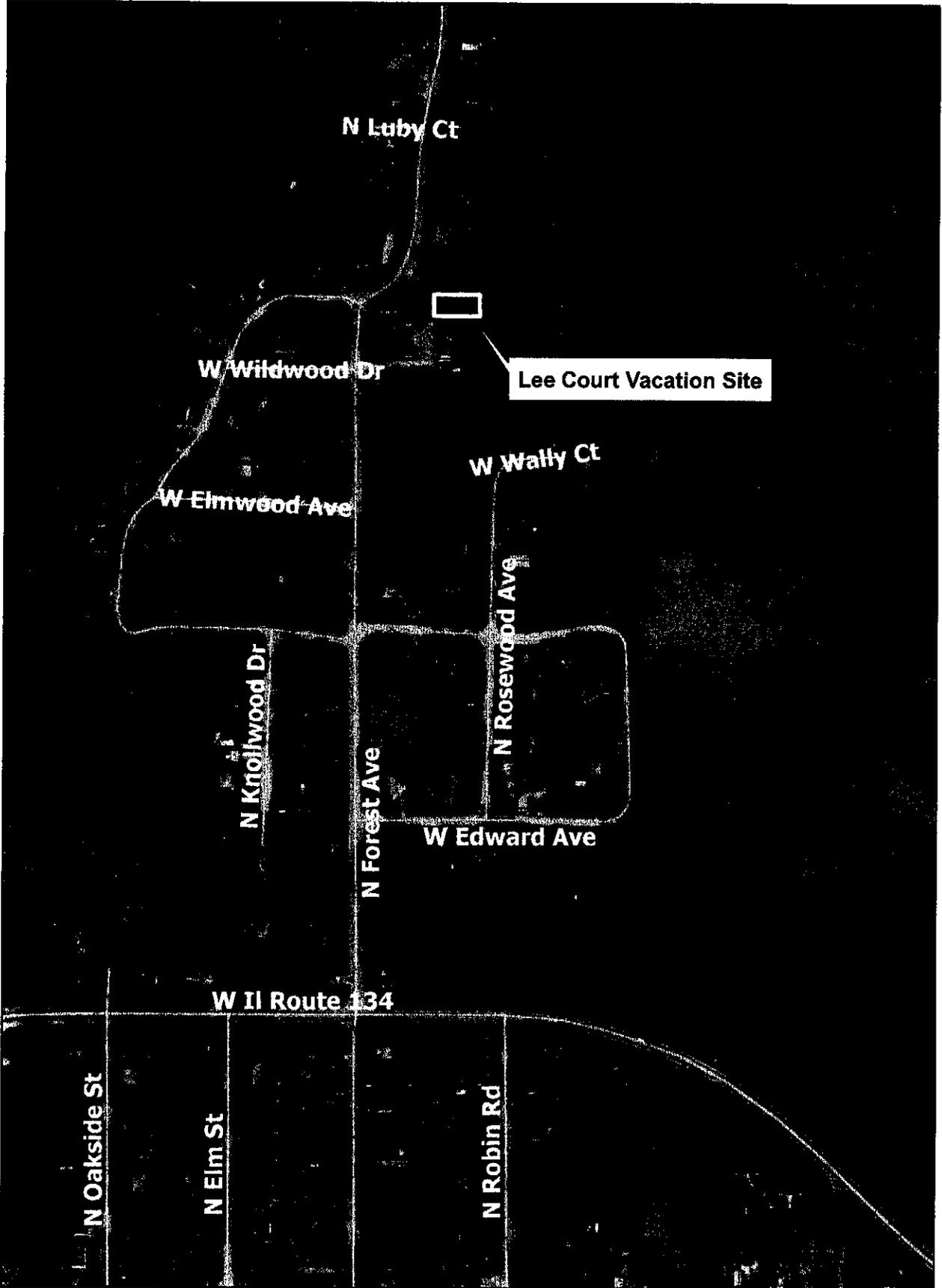
After reviewing the petition and considering the testimony presented at the public hearing, the Board of Vacation unanimously recommends that the vacation request be granted subject to a 15 foot drainage easement being retained for use by the Grant Township Highway Department along the south side of the portion of Lee Court proposed for vacation.

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: 7,320 square feet (.17 acres)**Purchase Cost:** \$16,779

Vacation of Lee Court Stephen and Violet Sullivan



Minutes
Vacation Petition # 07-04
A petition to vacate a portion of Lee Court located in First Addition to Duck Lake Woods Subdivision – Grant Township
Public Hearing Conducted on August 15, 2007

Petitioner: Stephen and Violet Sullivan

Board Members Present

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

Others in Attendance

Stephen Sullivan
John Sullivan

* Denotes Vacation Officer and non-voting member

Mr. Tierney opened the hearing at 1:05 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 July 25, 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. John Sullivan, representing the petitioners, stated that his parents had purchased the adjacent property to the north from the Veterans Administration 20 years ago and they always thought they had owned the right-of-way. They have been maintaining the right-of-way for most of that time, and they use the higher portion of the right-of-way for parking for his parent's residence. He stated that they want to vacate the right-of-way so his parent's property will be more valuable when they sell the property because it would include the parking area as part of the sale.

Mr. Sullivan indicated that he had explored various options to vacate the right-of-way when Mr. Tierney initially told him his parents' lot located north of Lee Court was not part of the First Addition to Duck Lake Woods Subdivision. His parents subsequently purchased the lot located south of Lee Court which gave his parents status to apply for the vacation. He stated he did not believe the vacation would have any negative effect on the public or any public utility.

Board Comments/Questions

Member Trigg asked who maintained the channel located at the end of the right-of-way and were there other ways to access Duck Lake other than through the channel located at the end of the right-of-way.

Mr. Sullivan indicated that there were at least two other access points off of Forest Avenue where people could access the lake.

Member Trigg also asked if a garage could be constructed on his parent's property. Mr. Sullivan stated that his parent's property is very narrow and that the eastern half of the property is low and likely it is in the floodplain and could not be built on.

Mr. Sullivan stated that his parents' pay association dues and that they are members of the association even though his parents' lot was not part of the original subdivision. He also stated that it was his parents' intent to acquire the right-of-way for parking not to use for development purposes.

Member Trigg stated that she discussed the vacation with the Grant Township Highway Commissioner, and the Commissioner stated that she was generally not opposed to the vacation but she would want a drainage easement retained in the vacated right-of-way in the event she needed to install improvements in the right-of-way in the future. Member Trigg also mentioned that the Township Highway Commissioner stated that she heard from some area residents concerning the vacation, and that some were opposed to the vacation. It was pointed out that none of those residents were present at this meeting.

The board discussed the width and location of an easement and it was decided that the easement should be 15 ft., and that it should be granted to the Grant Township Highway Department.

Public Statements

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

Closing Statement

Mr. Sullivan stated that he felt there was no public need for the right-of-way and the vacation would not negatively affect the area. He asked the board for favorable consideration for his parent's application.

Announcement of Land Cost

Mr. Tierney announced that the cost to vacate the right-of-way was \$16,779.00, 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.

Motion

Member Mosteller made a motion, which was seconded by Member Trigg, to grant the petition to vacate the subject right-of-way subject to a 15 foot drainage easement being retained for use by the Grant Township Highway Department along the south side of the right-of-way to be vacated. The reasons to justify the vacation are: 1.) there is 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 Trigg moved to adjourn the meeting. This motion was seconded by member Crivello and passed unanimously. The meeting was adjourned at 1:50 p.m.