

Agenda Item # 53

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

(August 12, 2008)

STATE OF ILLINOIS

COUNTY OF LAKE

SS #08 -01

Agenda Item # 7

(September 9, 2008)

COUNTY BOARD, LAKE COUNTY, ILLINOIS  
AUGUST 12, 2008

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 DAVID L. JONES and LINDA M. JONES, as RECORD OWNERS, to vacate a portion of Sherwin Avenue located South of Lot 19 in vacated Resubdivision of Simon's Klondike Subdivision and North of Lot 97 in Simon's Klondike Subdivision and Lot 24 in the First Addition to Simon's Klondike Subdivision, Antioch 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, and Financial and Administrative Committee votes are: Planning, Building and Zoning Committee: 3 "Ayes", 0 "Nays"; Financial and Administrative Committee: 4 "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,

Samuel D. Nelson ✓ \_\_\_\_\_  
Chairman Aye Nay

[Signature] X \_\_\_\_\_  
Chairman Aye Nay

Fredy Martini ✓ \_\_\_\_\_  
Vice-Chairman Aye Nay

[Signature] X \_\_\_\_\_  
Vice-Chairman Aye Nay

Susan L. Bravenhorst ✓ \_\_\_\_\_  
Aye Nay

[Signature] X \_\_\_\_\_  
Aye Nay

Robert Sarin ✓ \_\_\_\_\_  
Aye Nay

[Signature] X \_\_\_\_\_  
Aye Nay

[Signature] X \_\_\_\_\_  
Aye Nay

[Signature] ✓ \_\_\_\_\_  
Aye Nay

[Signature] X \_\_\_\_\_  
Aye Nay

Planning, Building, & Zoning Committee

Financial & Administrative Committee

TABLED

## RESOLUTION

WHEREAS, on June 25, 2008, 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 DAVID L. JONES and LINDA M. JONES, as RECORD OWNERS, to vacate a portion of Sherwin Avenue located south of Lot 19 in vacated Resubdivision of Simon's Klondike Subdivision and north of Lot 97 in Simon's Klondike Subdivision and Lot 24 in the First Addition to Simon's Klondike Subdivision, Antioch Township, Lake County, Illinois. More fully described as follows:

That part of Sherwin Avenue, lying East of a line drawn from the Northwest corner of Lot 97 in Block 12 in Simon's Klondike Subdivision, recorded as document number 245158, to the Southwest corner of Lot 19 (now vacated) in the Resubdivision of Parts of Simon's Klondike Subdivision recorded as Document number 294420, all being part of the Northeast Quarter of Section 34, Township 46 North, 9 East of the Third Principal Meridian and part of the Northwest Quarter of Section 35, Township and Range aforesaid, in Lake County and 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:

Parcel 1: Lots 93, 94, 95, 96 and 97 in Block 12 in Simon's Klondike Subdivision of part of the Northwest Quarter of Section 35, and part of the Northeast Quarter of Section 34, Township 46 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof, recorded September 2, 1924 as Document 245158, in Book "M" of Plats, Pages 86, 87 and 88, in Lake County, Illinois.

Parcel 2: The North Half of the West 60 Feet of Lot 24 in the First Addition to Simon's Klondike Subdivision in Sections 34 and 35, Township 46 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof, recorded July 21, 1925 as Document 261695, in Book "0" of Plats, Page 10, in Lake County, Illinois.

Parcel 3: That Part of the Northeast Quarter of Fractional Section 34 and of the Northwest Quarter of Fractional Section 35, Township 46 North, Range 9, East of the Third Principal Meridian, formerly known as Lots 17, 18, 19, 20 and 21 in Resubdivision of Parts of Simon's Klondike Subdivision and Lot 24 in First Addition to Simon's Klondike Subdivision in Sections 34 and 35, Township and Range aforesaid, as shown on the Plat of said Resubdivision, recorded February 18, 1927 as Document 294420, in Book "R" of Plats, Page 14, vacated by resolution of the Board of Supervisors adopted March 12, 1934 and recorded march 16, 1934 as document 398796, in Book 400 of Deeds, Page 393 (except that part of Lots 17, 18, 19, 20 and 21 dedicated for Highway purposes by Instrument dated march 30, 1932 and recorded November 15, 1933 as document 395872 and shown on plat thereof, recorded June 6, 1933 as document 391729, in Book "w" of Plats, Page 78), 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 conditions expressed in Exhibit "A" attached, and;

WHEREAS, the Board also stated that due to evidence that the right-of-way is integral to the conveyance and management of storm water in the area, any future development involving the subject right-of-way shall require a Site Development Permit, and the applicant shall demonstrate that storm water will be managed in accordance with the provisions of the Unified Development Ordinance; and

WHEREAS, on July 29, 2008, 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 subject to the condition expressed in Exhibit "A" attached; and

WHEREAS, on August 6, 2008, 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 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 satisfy the conditions expressed in Exhibit "A".

## **Exhibit "A"**

1. Lots 93-97 and the north half of Lot 24 shall be combined with the south half of the vacated right-of-way into one parcel. The north half of the right-of-way shall be combined with the applicant's property to the north into one parcel.
2. There shall be a shared driveway access easement created that would benefit the north and south properties for access to Lake Street.

**MEMORANDUM**

July 29, 2008

TO: Lake County Planning, Building and Zoning Committee

FR: Patrick S. Tierney, Principal Planner

 Lake County Department of Planning, Building and DevelopmentRE: Vacation Request 08-01 – Antioch Township  
Petitioners: David and Linda Jones  
Request: To vacate a portion Sherwin Avenue located in Simon's Klondike Subdivision and a Resubdivision of Simon's Klondike Subdivision

A public hearing was held on June 25, 2008, relative to a petition to vacate the portion of Sherwin Avenue located south of Grass Lake Road and east of Lake Street in Simon's Klondike Subdivision and a Resubdivision of Simon's Klondike Subdivision in Antioch Township (see attached location map). A copy of the 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 the following conditions:

1. Lots 93-97 and the north half of Lot 24 shall be combined with the south half of the vacated right-of-way into one parcel. The north half of the right-of-way shall be combined with the applicant's property to the north into one parcel.
2. There shall be a shared driveway access easement created that would benefit the north and south properties for access to Lake Street.

**Reasons for Board of Vacation's recommendation:**

1. There is no current or future need for the right-of-way for utilities or for ingress and egress 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:** 7,200 square feet (.17 acres)**Cost of Real Estate Purchase:** \$19,811.00

**Minutes**  
**Vacation Petition # 08-01**  
**A petition to vacate a portion of Sherwin Avenue located in Simon's Klondike**  
**Subdivision and a Resubdivision of Simon's Klondike Subdivision – Antioch**  
**Township**  
**Public Hearing Conducted on June 25, 2008**

**Petitioner: David and Linda Jones**

**Board Members Present**

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

**Others in Attendance**

Ted Bond Jr.  
David Jones  
Linda Jones

\* 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 June 5, 2008 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 not received any other correspondence or had any conversations with any other party concerning the petition prior to the hearing.

**Petitioner's Testimony**

Mr. Ted Bond Jr., representing the petitioner, stated that his clients had lived in the area close to 30 years and the right-of-way had never been used as a road over that period. His clients are currently using the right-of-way for access to their garage located south of the right-of-way. He stated that the primary purpose for his clients wanting to vacate the street is to unify their properties on both sides of the right-of-way which will make their land more attractive for a buyer if and when they sell their property in the future. For estate planning purposes, they felt that having the right-of-way bisecting their land would make the land less attractive to a buyer and more difficult to sell.

**Board Comments/Questions**

Member Crivello asked the petitioner to verify their property ownership as it relates to the right-of-way to be vacated. David Jones stated that they owned the land on both sides of Sherwin Avenue and another parcel located north of Grass Lake Road.

Member Meyer asked Mr. Jones if he would be willing to consolidate his lots into one parcel given that the vacation would render one of the lots (Lot 24) landlocked. He also asked Mr. Jones if he would be willing to create one entrance point for both lots if the

vacation was successful; the Division of Transportation would like to avoid a separate access onto Grass Lake Road for the northern parcel and this could be accomplished as part of the vacation process.

Mr. Jones stated that the three lots on the north side of Sherwin Avenue shown on his survey were previously vacated and consolidated into one parcel so those would not need to be consolidated. He stated that he was not opposed to the one access point or consolidating the lots south of Sherwin Avenue.

After some discussion, the Board determined that should the vacation be successful, that the north half of Sherwin Avenue should be consolidated with the property to the north owned by the petitioners, and the south half of Sherwin Avenue should be consolidated with lots 93-97 and the north half of Lot 24 as shown on his survey. This decision was based on the zoning of the property located north and south of the right-of-way. The property located north of the right-of-way is zoned Recreational Commercial (RC) and the property south of the right-of-way as zoned Residential-1 (R-1). The zoning district line bisects the Sherwin Avenue right-of-way.

It was also decided that an access easement would need to be created that would result in a common access point for the resulting two lots and that would avoid the possibility of a separate access to Grass Lake Road in the future.

Member Mosteller asked Mr. Jones if he had any intent on using the right-of-way for development. Mr. Jones indicated that he had no immediate plans to use the right-of-way but he could not speak for the future; either himself or a new owner of the property.

Member Mosteller also asked Mr. Jones if he realized a trailer was located on the right-of-way, and if he acquired the property, the trailer would be encroaching in the right-of-way. Mr. Jones said if the trailer remained on the property following the vacation, that he would notify the owner and have the trailer removed.

Member Crivello reviewed the drainage aspects associated with the petitioner's lots and the Sherwin Avenue right-of-way.

Mr. Jones said at one time, the land located east of the right-of-way was a wetland and it was filled to create the parking lot and trailer court that currently existed on the adjacent property. He stated that LCDOT put in some storm sewer along the Grass Lake Road right-of-way and Lake Street in the past and that most of the water drained west of the intersection of Lake Street and Grass Lake Road. The swale that is located on his property and in the Sherwin Avenue right-of-way was created by him to take the water from his driveway and residence and move it into the channel. Member Crivello stated that he would want the resolution to state that any development on Mr. Jones' property in the future would need to address the drainage through the area so that adjacent properties would not be negatively affected.

The Board discussed this issue and it was decided that the County Board resolution would state that the drainage swale contained in the right-of-way and the applicant's

property would remain open and that all drainage-related issues would be addressed at the time a building permit or site development permit is applied for development on the adjacent properties.

#### Public Statements

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

#### Closing Statement

Neither Mr. Bond nor Mr. Jones made a closing statement.

#### Announcement of Land Cost

Mr. Tierney announced that the cost to vacate the right-of-way was \$19,811.00, and the petitioner would be responsible for these charges prior to placing the item on the agenda for the County Board.

#### Board Discussion

The Board agreed that that clearly there was no need to preserve the right-of-way for access purposes and they were ready for a motion.

#### Motion

Member Crivello made a motion, which was seconded by Member Mosteller, to grant the petition to vacate Sherwin Avenue subject to the following conditions:

1. Lots 93-97 and the north half of Lot 24 shall be combined with the south half of the vacated right-of-way into one parcel. The north half of the right-of-way shall be combined with the applicant's property to the north into one parcel.
2. There shall be a shared driveway access easement created that would benefit the north and south properties for access to Lake Street.

The basis for granting the vacation is as follows:

- 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

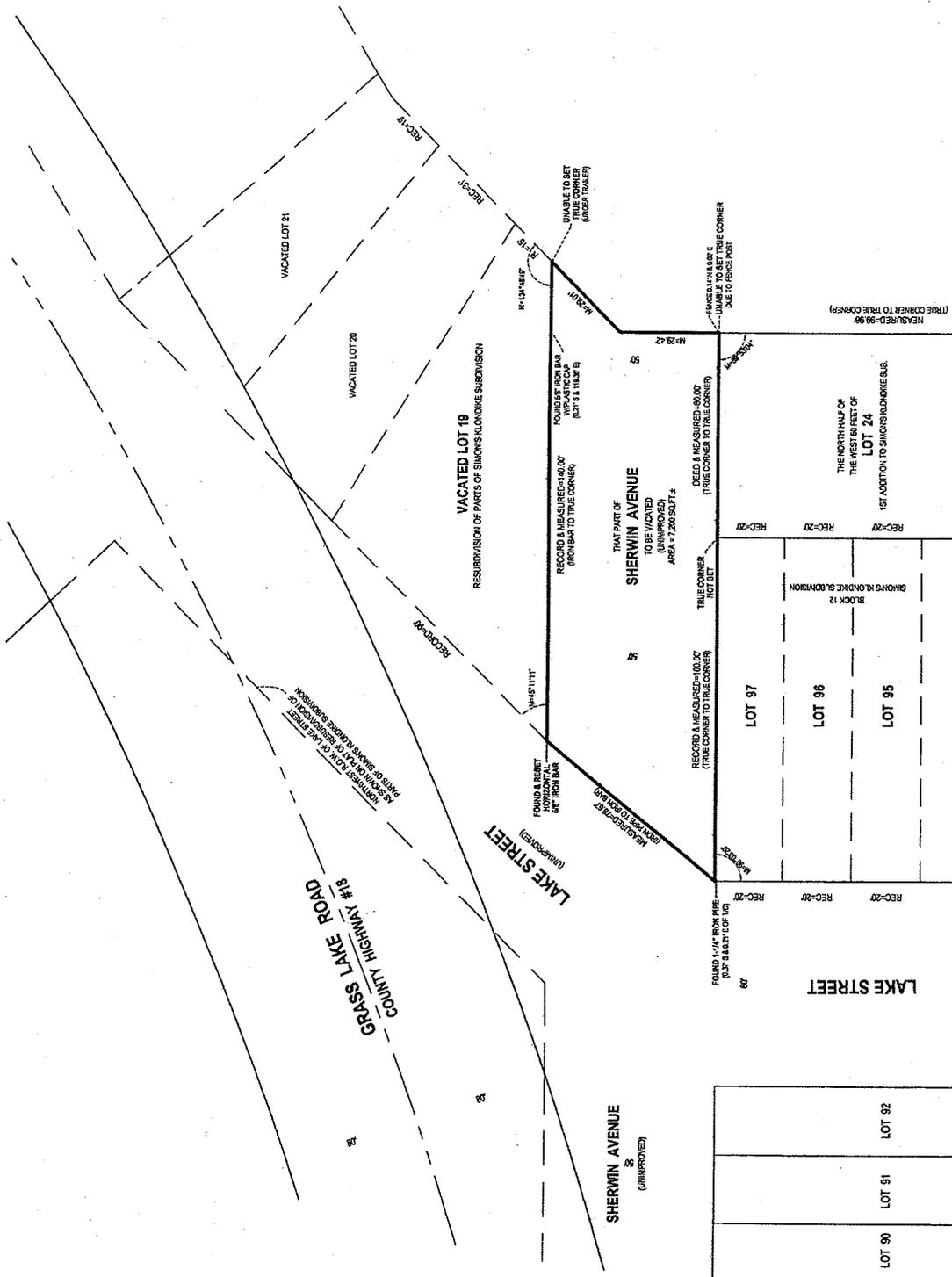
Member Crivello moved to adjourn the meeting. This motion was seconded by member Mosteller and passed unanimously. The meeting was adjourned at 1:55 p.m.

218 N. County Street  
 Waukegan, IL 60085  
 Phone: 847-336-2473  
 Fax: 847-336-2173

**MID WEST SURVEY COMPANY**  
 Illinois Professional Design Firm 18403323  
**PLAT OF SURVEY AND VACATION**

Northwest Suburbs:  
 Phone: 847-392-7600  
 Fax: 847-392-7719

THAT PART OF SHERWIN AVENUE, LYING EAST OF A LINE DRAWN FROM THE NORTHWEST CORNER OF LOT 97 IN BLOCK 12 IN SIMON'S KLONDIKE SUBDIVISION, RECORDED AS DOCUMENT 245158, TO THE SOUTHWEST CORNER OF LOT 19 (NOW VACATED) IN THE RESUBDIVISION OF PARTS OF SIMON'S KLONDIKE SUBDIVISION RECORDED AS DOCUMENT 284420, ALL BEING PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 46 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP AND RANGE AFORESAID, IN LAKE COUNTY, ILLINOIS.



STATE OF ILLINOIS )  
 COUNTY OF LAKE ) S.S.

On behalf of MID WEST SURVEY COMPANY, I hereby certify that the above described property was surveyed under my supervision and that the annexed plat is a correct representation of said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey, Dated April 7, 2008.

APRIL 16, 2008: ADDED AREA OF PROPOSED VACATION.

All Distances shown in feet and decimal parts thereof. No distances are to be determined by scaling.

Field work completed on March 26, 2008.

Job no.: 316599 P.L.N.: None Assigned  
 Address: None Assigned Township: Antioch  
 Ordered By: T.M. Bond, Jr., ESQ. Platted By: gtf & dtm

MID WEST SURVEY COMPANY

By \_\_\_\_\_  
 Illinois Professional Land Surveyor. My license expires 11/30/08

Sherwin Avenue  
Vacation Site

