



# Lake County Illinois

## Master

**File Number: 08-0396**

**File ID:** 08-0396

**Type:** Resolution

**Status:** Old Business

**Version:** 1

**Reference:**

**Controlling Body:** Planning, Building and Zoning Committee

**File Created Date :** 07/23/2008

**File Name:** Sherwin Avenue Street Vacation Petition No. 08-01

**Final Action:**

**Title:** 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: 7 "ayes" and 0 "nays"; Financial and Administrative Committee: 4 "ayes" and 0 "nays".

**Notes:**

**Sponsors:**

**Agenda Date:**

**Attachments:** Report on Vacation Request 08-01 ,Sherwin Avenue Vacation Resolution ,Sherwin Avenue Plat of Vacation ,Sherwin Avenue Site Plan

**Enactment Number:**

**Authorizer:**

**Hearing Date:**

**Entered by:**

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1		07/08/2008					
1	Planning, Building and Zoning Committee	07/29/2008	Approved and referred on to Financial and Administrative Committee				Pass
1	Financial and Administrative Committee	07/30/2008	Recommended for adoption to the Regular Agenda				Pass

1	Lake County Board	08/12/2008	Tabled	Pass
1	Lake County Board	09/03/2008		
1	Lake County Board	09/09/2008	Tabled	Pass
1	Lake County Board	10/14/2008		

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**Text of Legislative File 08-0396**

Title

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: 7 “ayes” and 0 “nays”; Financial and Administrative Committee: 4 “ayes” and 0 “nays”.

Staff Summary

- The applicants have submitted an application to vacate a portion of Sherwin Avenue located south of Grass Lake Road and east of Lake Street.
- The applicants own the properties located adjacent to the right-of-way proposed for vacation, subsequently, they are the sole applicants in the vacation request.
- The applicants have been using the right-of-way for approximately 30 years and would like to obtain the right-of-way so they can combine the right-of-way with their two adjacent parcels. There are no planned improvements to either property at this time.
- The Board of Vacation held a public hearing on June 25, 2008 and unanimously recommends that the vacation be granted subject to conditions related to: 1.) the lots to the south be combined with the south half of Sherwin Avenue and the north half of Sherwin Avenue be combined with Lot #19 to the north, and 2.) the establishment of a common access easement for both lots.
- The cost of the purchase is projected to be \$19, 811.

Body

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 \_\_\_ "Ayes", \_\_\_ "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".

**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 Development

RE: 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

STATE OF ILLINOIS                    )  
   ) SS #08 -01  
 COUNTY OF LAKE                    )

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: \_\_\_ "Ayes", \_\_\_ "Nays"; Financial and Administrative Committee: \_\_\_ "Ayes", \_\_\_ "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	_____	_____
_____ Vice- Chairman	_____	_____	_____ Vice-Chairman	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____ Planning, Building, & Zoning Committee	_____	_____	_____ Financial & Administrative Committee	_____	_____

## 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 \_\_\_ "Ayes", \_\_\_ "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"**

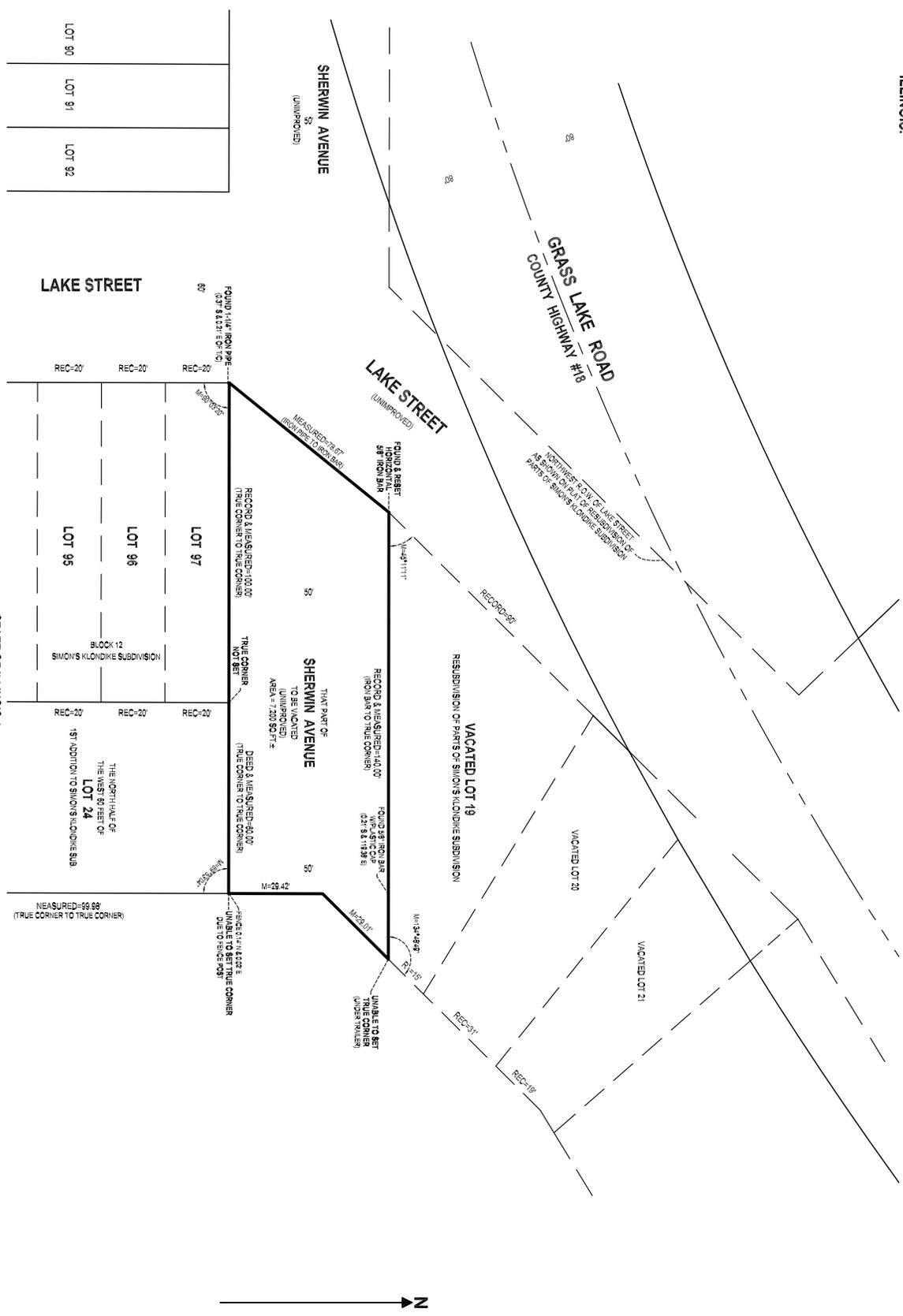
1. Lots 93-97 and the north half of Lot 24 shall be combined with the south half of the vacated right-of-way into one parcel. The north half of the right-of-way shall be combined with the applicant's property to the north into one parcel.
2. There shall be a shared driveway access easement created that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

218 N. County Street  
 Waukegan, IL 60085  
 Phone: 847-336-2473  
 Fax: 847-336-2113

**MID WEST SURVEY COMPANY**  
 Illinois Professional Design Firm 184003832  
**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 294420, 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.



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.

COPYRIGHT 2008 - MID WEST SURVEY COMPANY  
 Job no.: 316599  
 Address: None Assigned  
 P.L.N.: None Assigned  
 Ordered By: T.M. Bond, Jr. Esq. Platted By: gdf & dmh

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

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.

MID WEST SURVEY COMPANY

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



Sherwin Avenue  
Vacation Site