



Lake County Illinois

Master

File Number: 08-0943

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Type: Resolution

Status: Consent Agenda

Version: 1

Reference:

Controlling Body: Public Works and Transportation Committee

File Created Date : 11/06/2008

File Name: North Shore Right-of-Way: Easement Agreement with Commonwealth Edison Company: Temporary Extension

Final Action:

Title: Joint Resolution authorizing the execution of an extension to the existing agreement between Lake County and the Commonwealth Edison Company for an easement along the right-of-way of the former Chicago North Shore and Milwaukee Railway (*County Highway 75*) from December 31, 2008 to December 31, 2009.

Notes:

Sponsors:

Agenda Date:

Attachments: COMED AGRMT_20081106131520.pdf

Enactment Number:

Authorizer:

Hearing Date:

Entered by: LMiller@lakecountyil.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Public Works and Transportation Committee	11/12/2008	Approved and referred on to Financial and Administrative Committee				Pass
	Action Text:	A motion was made by Member Carter, seconded by Member Talbett, that this Resolution be Approved and referred on to Financial and Administrative Committee. The motion carried by the following vote: The motion carried by the following vote:					
1	Financial and Administrative Committee	11/12/2008	Recommended for adoption to the Consent Agenda				Pass
	Action Text:	A motion was made by Member Mountsier, seconded by Member Calabresa, that this Resolution be Recommended for adoption to the Consent Agenda. Motion carried unanimously.					
1	Lake County Board	11/18/2008					

Text of Legislative File 08-0943

Title

Joint Resolution authorizing the execution of an extension to the existing agreement between Lake County and the Commonwealth Edison Company for an easement along the right-of-way of the former Chicago North Shore and Milwaukee Railway (*County Highway 75*) from December 31, 2008 to December 31, 2009.

Body

RESOLUTION

WHEREAS, Commonwealth Edison Company had an easement with the Chicago North Shore and Milwaukee Railway dated March 8, 1957 under which agreement Commonwealth Edison utilization of a portion of said railway right-of-way; and

WHEREAS, subsequent to the execution of said easement the Chicago North Shore and Milwaukee Railway cease to exist as an operating railway company; and

WHEREAS, Lake County acquired title to and possession of a portion of said railway right-of-way such right-of-way and is designated as County Highway 75; and

WHEREAS, Lake County and Commonwealth Edison Company by agreement dated May 10, 1966 extended the conditions of the said easement between Commonwealth Edison Company and the Chicago North Shore and Milwaukee Railway; and

WHEREAS, said agreement dated May 10, 1966 expires on December 31, 2008; and

WHEREAS, Lake County and Commonwealth Edison Company mutually desire to extend the term of said agreement, but as yet have not been able to finalize the terms of such extension; and

WHEREAS, Lake County and Commonwealth Edison Company mutually desire to extend the term of said agreement to December 31, 2009, a draft copy of said extension agreement attached hereto.

NOW, THEREFORE BE IT RESOLVED, by this County Board of Lake County, that the Chair of the County Board, the County Clerk, and the County Engineer of Lake County, Illinois, be authorized and they are hereby directed to execute an agreement between Lake County and Commonwealth Edison Company extending the term of said easement agreement as it relates to the right-of-way of the former Chicago North Shore and Milwaukee Railway to December 31, 2009. The County Engineer shall transmit in writing the final agreement to be executed by the Chair of the Lake County Board and the County Clerk.

Dated at Waukegan, Illinois, this 18TH day of November A.D., 2008

Staff Summary

- North Shore Right-of-Way: Easement Agreement with Commonwealth Edison Company: Temporary Extension

- Commonwealth Edison had an easement agreement with the Chicago North Shore and Milwaukee Railway dated March 8, 1957, which railway subsequently went out of business.
- Lake County subsequently acquired title to and possession of a portion of said railway right-of-way and designated such right-of-way as County Highway 75.
- The current agreement expires December 31, 2008.
- Lake County and Commonwealth Edison Company mutually desire to extend the conditions of said easement as it relates to the right of way but as yet have not been able to finalize the terms of such extension.
- This resolution authorizes an agreement to extend said easement to December 31, 2009.

November 6, 2008

The County of Lake
Lake County Division of Transportation
600 W. Winchester Road
Libertyville, IL 60048

Attn: Martin G. Buehler

Re: Agreement dated May 10, 1966 ("Agreement") between County of Lake ("County") and Commonwealth Edison Company ("ComEd"), concerning that certain Easement Agreement between ComEd and the Chicago North Shore and Milwaukee Railway dated March 8, 1957, and recorded on June 10, 1957 in the Office of the Recorder of Deeds of Lake County as Document No. 953350 (the "Easement Agreement") and that certain Operating Agreement between ComEd and the Chicago North Shore and Milwaukee Railway dated March 8, 1957 ("Operating Agreement")

Dear Mr. Buehler:

This letter confirms following understanding of the parties regarding the above-referenced Agreement and Easement Agreement:

1. The term of the Easement Agreement expires on December 31, 2008. The Agreement provides, among other things, for an extension of the term of the Easement Agreement and the Operating Agreement, as they relate to the portion of the easement premises covered by the Agreement (the "Right of Way"), beyond December 31, 2008, as the County and ComEd may agree.

2. The parties desire to extend the term of the Easement Agreement and the Operating Agreement as they relate to the Right of Way but as yet have not been able to finalize the terms of such extension.

3. The parties agree to extend the Easement Agreement and the Operating Agreement (to the extent they relate to the Right of Way) and the Agreement after December 31, 2008, for one year to December 31, 2009 or until such earlier time as a final extension agreement is mutually agreed upon between the parties.

Please indicate the County's agreement to the terms and conditions of this letter by executing a copy of this letter and returning it to the undersigned.

Yours truly,

Commonwealth Edison Company

Accepted and agree to this __ day of _____, 2008

The County of Lake

By: _____

Name: _____

Its: _____