



Lake County Forest Preserves

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DATE: November 1, 2021

MEMO TO: Terry Wilke, Chair
Planning Committee

Agenda Item# 10.5

FROM: Randall L. Seebach
Director of Planning and Land Preservation

RECOMMENDATION: Recommend approval of a Resolution approving Dedication of a portion of Ivanhoe Road within Lakewood Forest Preserve to Fremont Township.

STRATEGIC DIRECTION SUPPORTED: Public Access and Connections

FINANCIAL DATA: Survey costs for the preparation of the required plats totals \$4,500.00, which will be shared equally by the District and Fremont Township. The District's share of the costs will be funded from 31314100-802100.

BACKGROUND: The District owns portions of land under Ivanhoe Road within Lakewood Forest Preserve, subject to the public's right to use Ivanhoe Road as a vehicular right-of-way (ROW). Ivanhoe Road is a Fremont Township road. A portion of the existing pavement of Ivanhoe Road, just west of Fairfield Road, leaves the ROW and passes through a portion of Lakewood Forest Preserve. In addition, a portion of an existing District parking lot at Lakewood Forest Preserve is partially located within the original ROW.

A 1946 air photo shows the road surface located within the ROW, but a 1961 air photo shows that a portion of the road surface was relocated outside the ROW on to another portion of Lakewood Forest Preserve (the "Relocated Road Area"), apparently to soften the angle of the road's curve at that location. When the District purchased the Lakewood Farm property in 1968, the survey for that property inaccurately showed the road surface within the original ROW, as it had been in 1946. As early as 1974, the District constructed a parking lot adjacent to the road surface, apparently assuming that the road surface was still located within the original ROW. Instead, the parking lot was mistakenly constructed partially within the ROW. In conjunction with the Master Plan efforts underway for Lakewood Forest Preserve, the Planning Committee directed staff to work with Fremont Township to correct the District's boundary and the ROW.

The Fremont Township Highway Commissioner has approved an ordinance vacating the now vacant portion of the ROW. The attached Resolution would approve the dedication to the Township of the Relocated Road Area. Together, the ordinance and resolution will resolve the issue. In order to comply with the Local Government Property Transfer Act, the Township ordinance also declares that it is necessary for it to use the Relocated Road Area for public road purposes and accepts the dedication thereof.

REVIEWED BY OTHERS: Executive Director, Chief Operations Officer, Director of Finance, Legal Counsel.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR NOVEMBER MEETING
TUESDAY, NOVEMBER 9, 2021**

MR. PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **PLANNING COMMITTEE** presents herewith "A Resolution Approving Dedication of a portion of Lakewood Forest Preserve to Fremont Township for Public Road Purposes (Ivanhoe Road)," and requests its approval.

PLANNING COMMITTEE:

Date: 11-1-2021 ☒ Roll Call Vote: Ayes: 9 Nays: 0
 ☐ Voice Vote Majority Ayes; Nays:

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**A RESOLUTION APPROVING DEDICATION OF A PORTION OF LAKEWOOD
FOREST PRESERVE TO FREMONT TOWNSHIP FOR PUBLIC ROAD PURPOSES
(IVANHOE ROAD)**

WHEREAS, the Lake County Forest Preserve District (the "District") owns a certain parcel of land known as the Lakewood Forest Preserve (the "Property"); and

WHEREAS, a portion of Ivanhoe Road (the "Road") is located within the Property; and

WHEREAS, Fremont Township (the "Township") has jurisdiction over the Road; and

WHEREAS, in accordance with Section 2 of the Local Government Property Transfer Act, 50 ILCS 605/2, the Township has adopted an ordinance declaring that it is necessary or convenient for it to use and occupy a portion of the Property, legally described in the attached plat of dedication (the "Plat of Dedication") and depicted in the Plat of Dedication as the land "hereby dedicated for public road purposes" (the "Dedication Parcel") for public road purposes, to be used as part of the Road (the "Township Ordinance"); and

WHEREAS, pursuant to the Local Government Property Transfer Act 50 ILCS 605/0.01 et seq., the District is authorized to transfer its right, title, and interest in the Dedication Parcel to the Township upon such terms as may be agreed to by the District and the Township;

WHEREAS, the Township Ordinance also (i) vacates a portion of the Road, in which the District has an underlying fee simple interest, that is no longer used for public road purposes (the "Vacation Parcel") and (ii) accepts the dedication of the Dedication Parcel, and further states that such vacation and acceptance will be effective upon the District's approval of this Resolution; and

WHEREAS, the Vacation Parcel is legally described in the plat of vacation attached to the Township Ordinance (the "Plat of Vacation") and is depicted in the Plat of Vacation as the land "to be vacated"; and

WHEREAS, it is in the best interests of the District to dedicate the Dedication Parcel to the Township pursuant to the Plat of Dedication and subject to this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois THAT:

Section 1: Recitals. The recitals set forth above are incorporated as a part of this Resolution by this reference.

Section 2: Approval of Dedication. The Plat of Dedication is hereby approved. The President, Secretary, and Executive Director of the District are hereby authorized and directed to execute the Plat of Dedication and all other documents on behalf of the District that are necessary to complete the dedication to the Township of the Dedication Parcel, provided that the documents have first been approved by the District's Corporate Counsel.

Section 3: Ownership. Upon vacation of the Vacation Parcel, fee simple title to the Vacation Parcel shall remain in the District, to the fullest extent permitted by law.

Section 4: Reservation of Rights. The dedication of the Dedication Parcel is subject to any and all pre-existing property rights within the Dedication Parcel, including any easements for the use, maintenance, renewal, construction and reconstruction of any public utilities over, across, through and under the Dedication Parcel.

Section 5: Effective Date. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this _____ day of _____, 2021

AYES:

NAYES:

APPROVED this _____ day of _____, 2021

Angelo D. Kyle, President
Lake County Forest Preserve District

ATTEST:

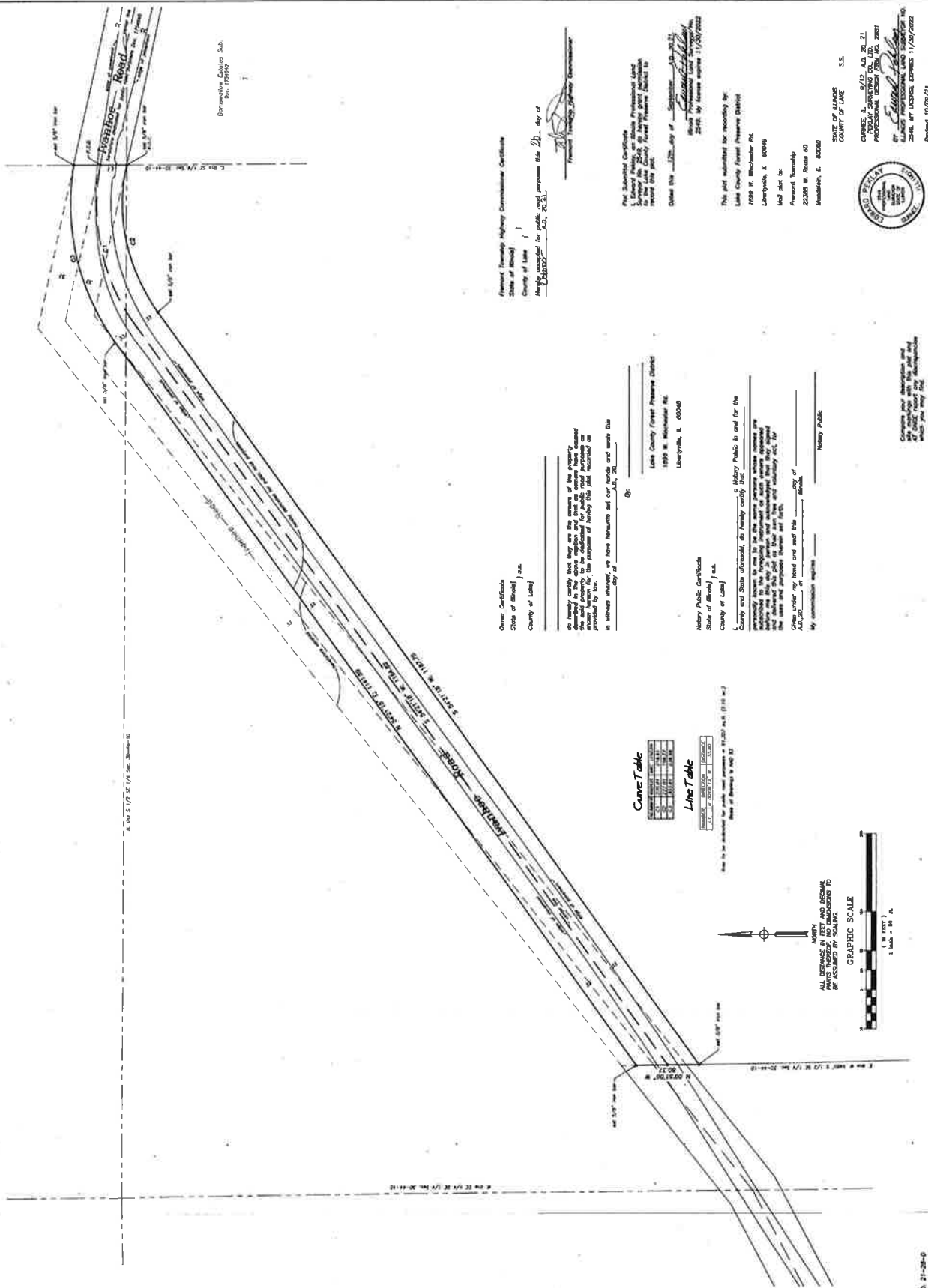
Julie Gragnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____

TO FREMONT TOWNSHIP FOR PUBLIC ROAD PURPOSES

[illegible]

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