

Board of Vacations Minutes
Public Hearing – March 21, 2019

A petition to vacate unimproved Crescent Place located in Golf View Manor, Unit 3 Lakes Center Subdivision
Antioch Township

Petitioners: Cheryl and Kevin Arion, 40035 N. Rena Avenue, 25471-25441 W. Crescent Place, and 40042 N. Circle Avenue, Antioch, IL; Mary Johnson, 40058-40068 N. Circle Avenue and 25440-25470 W. Crescent Place, Antioch, IL; and Marcelina Kempf, 25482-25492 W. Crescent Place, Antioch, IL.

1. **Call to Order**

Street Vacation No. #000328-2018 – Petition to vacate all of Crescent Place, an unimproved right-of-way 40 feet wide and extending approximately 398 feet between Rena Avenue and Circle Avenue, and lying northerly and adjacent 40035 N. Rena Avenue, 25461, 25451, & 25441 W. Crescent Place, and 40042 N. Circle Avenue.

2. **Roll Call**

Board of Vacations representatives:

Planning, Building and Development: Matt Meyers, Division of Building and Zoning

Division of Transportation: Betsy Duckert, Lake County Department of Transportation

Planning, Building and Development: Brad Denz, Division of Planning and Development Services

Vacation Officer*: Krista Barkley Braun, Division of Planning and Development Services

State's Attorney's Office*: Lisle Stalter, Assistant States Attorney

* Non-voting members

3. **Pledge of Allegiance**

4. **Added to the Agenda (none)**

5. **Deferred Matters (none)**

6. **Other Business**

6.1 19-0485

Petition by Cheryl and Kevin Arion, Mary Johnson, and Marcelina Kempf, record owners, for the vacation of an unimproved right-of-way located adjacent to the subject property. The right-of-way sought to be vacated is all that part of Crescent Place, an unimproved right-of-way 40 feet wide and extending approximately 398 feet between Rena Avenue and Circle Avenue, and lying northerly and adjacent 40035 N. Rena Avenue, 25461, 25451, & 25441 W. Crescent Place, and 40042 N. Circle Avenue. The proposed area to be vacated consists of approximately 0.37 acres.

Ms. Barkley-Braun opened the hearing at 3:00 p.m. and reviewed the petition with those in attendance. The petitioner was sworn in. Ms. Barkley-Braun explained that the petition was legally advertised in the Daily Herald on March 5, 2019, thus meeting the legal notice requirement for the hearing.

Ms. Barkley-Braun stated that she received correspondence from Commonwealth Edison, Comcast Cable, First Fire Protection District, Antioch Township Highway Commissioner, and Nicor Gas, none of which had any objection to the proposed vacation. The members of the audience and the Board of Vacations were given a brief review of the distribution of property ownership and the proposed vacation request by staff.

Petitioner's Testimony

Ms. Cheryl Arion, 40035 Rena Avenue, Antioch, Illinois, presented the testimony. Ms. Arion stated that she has owned the property to the south of the proposed vacation area for thirty years and has not been able to construct a garage due to a lack of suitable buildable area next to her house as a result of the septic system location. She stated that if the petition were to be approved, it would allow for the Arions to construct a driveway in order to access the buildable portion of the parcels under their ownership, but which are currently landlocked. She further stated that other than construction of a driveway, the area in the unimproved right-of-way would remain undeveloped.

Ms. Braun stated that the Arions had been working with PB&D staff over the past two years to ascertain the requirements to build a detached accessory structure and to explore alternatives to gain access to lot 104 without detriment to the septic system. After consultation with a septic designer, the Arions determined that relocation of the septic system would be cost prohibitive due to poor soil conditions. At the conclusion of that extensive conceptual design process, which included discussions with neighbors and a site inspection by PB&D staff, they determined that vacation of the right-of-way was the optimal solution.

Ms. Arion further iterated that there are significant drainage issues throughout lots 105 through 108, which would preclude being able to take access to lot 104 from N. Circle Drive.

Board Comments/Questions

Member Meyers asked if the applicant was aware that the purpose of the hearing was to recommend approval for the vacation of the right-of-way, which in no way implied approval for the construction of a garage.

Ms. Arion responded that she understood that this was the first step in the process that needed to be done in order to be able to proceed with getting approval to build a garage.

Member Denz asked if there was any pedestrian traffic through the area and Ms. Arion responded that children used to play in there several years ago but is not accessed now because it is heavily wooded and wet much of the time.

Member Duckert asked to get clarification on the areas that are poorly drained

Ms. Stalter asked if any of the interior lots had been consolidated.

Ms. Braun stated that the lots have not been consolidated but that she had discussed with the petitioners the requirement to consolidate the lots as part of the recordation process if the petition were to be approved. Ms. Arion stated that lot 104 had been consolidated and understood that consolidating the remainder of the lots would also have to be completed.

Ms. Stalter further stated that consolidation would permanently prohibit future separate sales of individual lots and Ms. Arion stated that she understood the ramifications and would comply with the consolidation process.

Member Meyers asked for clarification on how the right-of-way would be divided and distributed. Ms. Braun replied that it would be split in half, with the north 20 feet given to the two property owners that is respectively adjacent to their property and the south 20 feet to the Arions.

Member Meyers asked the applicant if she had discussed locating the proposed driveway in the unimproved right-of-way with Engineering staff. Ms. Braun stated it was not part of any detailed discussion due to the fact that the Arions did not own the land. Member Meyers stated that he was concerned there may be a depressional storage area and possible wetlands in the area that may present challenges during the permit application process to construction a driveway. Member Meyers further stated that the potential presence of wetlands would

not affect the consideration of the vacation request before the Board but wanted to ensure the applicant was fully aware of the issue. Ms. Arion stated that she was aware of the issue.

Member Duckert requested clarification of the letter received by Commonwealth Edison that stated they stipulated a non-inclusive easement reservation and whether a similar letter had been received in the past. There was some discussion regarding the location of Com Ed facilities, and it was determined there was an electrical pole in the right-of-way of Rena Avenue. Ms. Stalter clarified that the letter stipulated that Commonwealth Edison reserved the right to convey an easement over their existing facilities if the vacation was granted and that any cost to relocate the electrical pole if needed would be borne by the property owner. Ms. Stalter further stated that the statement from Commonwealth Edison did not significantly impact the plan to vacate the right-of-way.

Public Statements

None

Closing Statement

None

Close of Testimony

A motion to close testimony was made by Member Denz and seconded by Member Meyers. The motion passed unanimously.

Board Discussion

Member Denz mentioned that he found it an interesting part of older subdivisions to plat as many lots as possible. Mr. Denz stated that he would support a recommendation for approval of the vacation request given the Board had received approval from Antioch Fire District, the Township, and the utility companies, with recognition to the caveat from Commonwealth Edison; that vacation of the right-of-way would benefit the adjacent property owners by allowing the applicant to proceed with improvements to their property; that elimination of the right-of-way would not affect vehicular or pedestrian traffic in the neighborhood due to the close proximity of other improved roads to this area, and finally because vacation would place the land into private ownership and on the tax rolls.

Member Meyers stated that he had no concerns with the proposed petition beyond the issue of the potential wetland, but since that is separate from the vacation request would also recommend approval.

Motion

Member Meyers made a motion to approve street vacation application #000328-2018 as described above and subject to the Commonwealth Edison easement as proposed in their memo, seconded by Member Denz, for the following reasons:

1. Antioch Township has no objection to the request.
2. First Fire Protection District of Antioch has no objection to the request.
3. No objections were received from other agencies or neighboring property owners.
4. The vacation would not hinder pedestrian or vehicular traffic in the neighborhood.
5. The vacation would place the property in private ownership and on the tax rolls.

Action

The motion for a favorable recommendation passed 3-0.

7. Adjournment

Member Denz moved to adjourn the meeting. This motion was seconded by Member Duckert and passed unanimously. The meeting was adjourned at 3:25 p.m.