

## Board of Vacations Minutes

A petition to vacate an unimproved portion of Hickory Lane located in the Morley's Subdivision  
Antioch Township

Public Hearing – August 7, 2019

**Petitioners:** Thomas and Robin Van Sickle 25119 W. Hickory Lane, Antioch, Illinois, 25140 W. Linden Lane, Antioch, Illinois; 43418 N. Private Drive, Antioch, Illinois

### 1. Call to Order

Street Vacation No. #000505-2019 – Petition to vacate a portion of unimproved section of Hickory Lane 25 feet wide extending east 153 feet (on average), located in the Morley's Subdivision, Antioch, Illinois.

### 2. Roll Call

Board of Vacations representatives:

Planning, Building and Development: Brian Frank, Engineering & Environmental Services

Division of Transportation: Betsy Duckert, Manager of Permitting

Planning, Building and Development: Krista Braun, Planning & Zoning Manager

Vacation Officer\*: Brad Denz, Senior Planner/Project Manager

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

\* Non-voting members

### 3. Added to the Agenda (none)

### 4. Deferred Matters (none)

### 5. Other Business

- 5.1 Request by Thomas and Robin Van Sickle, record owners of the properties adjacent to the portion of the right-of-way described as "The portion of public road known as Hickory Lane; that part of Hickory Lane lying east of the west line of Lots 63 and 67 extended north to the south line of Lot 47 and lying west of a line drawn from the northeasterly corner of Lot 64 to the southeasterly corner of Lot 47 in Morley's Subdivision of part of the east half of the east fractional section 1, Township 46 North, Range 9, East of the third principal meridian, according to the plat thereof, recorded May 8, 1924, as document number 239470, in Book "M" of plats, page 76, in Lake County, Illinois." The proposed area to be vacated consists of 0.09 acres.

Mr. Denz opened the hearing at 3:05 p.m. and reviewed the petition with those in attendance. The petitioner was sworn in. Mr. Denz explained that the petition was legally advertised in the Daily Herald on July 19, 2019, thus meeting the legal notice requirements for the hearing.

Mr. Denz stated he received correspondence from Antioch Township Highway Department which stated "no objection" for the request. The Department received correspondence from Commonwealth Edison which also stated, "no objection", contingent upon an exclusive easement dedication on the plat.

### **Petitioner's Testimony**

The applicant's attorney, Matthew DeMartini, stated the Van Sickles own a home and detached garage south of the proposed vacation. The applicants own Lots 64 and 65 and their septic system extends under platted Hickory Lane into Lots 44, 45, 46 and 47, also owned by the applicants. If the street vacation is approved, the applicants intend to consolidate the eight lots which abut Hickory Lane and Oak Lane, which would address the lot frontage. Mr. DeMartini addressed the elimination of access to the channel and he stated there are few homes along Hickory Lane and that access to the channel would technically be still available since a water access channel is available to the north from improved Hickory Lane. Further, access to the channel is also available from Linden Lane, Oak Lane, and Park Lane to the south. Mr. Denz stated the original plat of Morley's

Subdivision did not indicate nomenclature which allows subdivision access to the channel by-right from Hickory Lane.

### **Board Comments/Questions**

Member Duckert:

A. If vacated, would any improvements to the septic system be required?

Thomas Van Sickle stated improvements to the septic field are not required.

Member Braun:

A. The plat of subdivision and the aerial photos indicate access to the channel from Hickory Lane would still be available if the vacation is approved.

B. Do residents utilize the access point to the channel from Hickory Lane?

C. Does the Morley's Subdivision have a homeowners' association?

Mr. DeMartini stated there is access to the channel from the public alley and the paved portion of Hickory Lane. Robin Van Sickle stated that from the location of their home adjacent to Linden Lane, they couldn't verify if the access point from Hickory Lane is used consistently. Mr. Denz stated there is no active homeowner's association.

Member Frank:

A. Lots 44 – 47 is the location of the septic system improvements, are there plans to develop the area north of Hickory Lane?

Robin Van Sickle stated the septic improvements are located on the south side and floodplain to located to the north side. There are no plans to improve this area.

### **Public Statements**

Robert Gruenwald asked if the Linden, Oak and Park Lane are public roads for access to the main channel. Mr. Denz stated they are public roads to the point where the pavement terminates. The Morley's Plat of Subdivision does not indicate nomenclature which designates a right to access the channel. Lisle Statler stated as a road is "platted", it does not mean it is owned by the County. When a subdivision is created, roads are established for access to the lots, as subdivision are developed the roads are improved and are incorporated into the applicable road district jurisdiction. In this case, roads were platted potentially for public use, but they do not have ownership. The street vacation process is executed by the County (as the County approved the plat of subdivision), the statute allows a vacation of a street to transfer to private ownership (as it recognizes not all platted roads will be developed and taken by a governmental entity). Those unimproved areas for Linden and Oak which terminates at the channel, the County does not establish a "position" either way regarding responsibility of these areas.

### **Closing Statement**

Mr. DeMartini stated no further comments.

### **Close of Testimony**

A motion to close testimony was made by Member Duckert and seconded by Member Braun. The motion passed unanimously.

### **Board Discussion**

Member Frank stated the following:

- Given the individual property owner and the consolidation of the lots, the vacation would simplify the lot lines of the parcels.
- Given the septic system and floodplain location, there is no concern with a vacation of Hickory Lane.

Member Braun stated the following:

- In agreement with Member Frank's comments.
- The right of way area does not function in the public interest.
- There are other access points to the channel.

Member Duckert stated the following:

- The Division of Transportation has no objection

### **Motion**

Member Frank made a motion to grant the petition to vacate the right-of-way as proposed, seconded by Member Duckert, for the following reasons:

1. Antioch Township has no objection to the request.
2. Without an active homeowner's association there is no official oversight of the right-of-way use.
3. The vacation would relieve the County of any liability associated with the right-of-way.
4. The vacation would place the property in private ownership and on the tax rolls.
5. There are other access locations to the channel.

### **Action**

The motion passed 3-0.

### **Adjournment**

Member Duckert moved to adjourn the meeting. This motion was seconded by Member Braun and passed unanimously. The meeting was adjourned at 3:30 p.m.