

Minutes

A petition to vacate a portion of Rosewood Avenue being part of the First Addition to Duck Lake Woods Subdivision – Grant Township Public Hearing – March 18, 2015

Petitioners

Donna J. O'Boyle Living Trust dated February 27, 2003, Edward J. O'Boyle, trustee and sole survivor of said trust, and the Duck Lake Woods Improvement Association.

Call to Order:

The Vacation Officer opened the hearing at 1:00 p.m.

Roll Call

Board of Vacation representatives:

Planning, Building and Development: Eric Steffen – Senior Engineer

Division of Transportation: Betsy Duckert – Manager of Permitting

Planning, Building and Development: Brittany Albrecht-Sloan – Zoning Administrator

Vacation Officer*: Patrick Tierney – Principal Planner/Project Manager

States Attorney's Office*: Lisle Stalter – Assistant States Attorney

* Non-voting members.

Petitioners: Dawn Schuhknecht, Edward O'Boyle, Elizabeth Thygesen, President Duck Lake Woods Improvement Association

Members of the public: Krista Barkley-Braun, Hannah Mog, Eric Tooke, Alyssa Bachara

Pledge of Allegiance

Approval of Minutes

Minutes from September 22, 2014 and October 20, 2014 meetings on the previous petition were approved with a motion made by Member Albrecht-Sloan to approve the minutes subject to removing page 6 from the minutes they received as the content was not related to the previous vacation petition. The motion was seconded by Member Duckert and unanimously approved.

Added to the Agenda (None)

Deferred Matters (None)

Other Business

The Hearing Officer introduced the petition as Street Vacation No. 6623 on the petition of Edward J. O'Boyle, trustee and sole survivor of the Donna J. O'Boyle Living Trust dated February 27, 2003, and Elizabeth Thygesen, President of the Duck Lake Woods Improvement Association, record owners of Lots 1, 2 and 3 in Block 8 in Duck Lake Woods Subdivision, and Lot 2 and the North 40 feet of Lot 3 in Block 16 in First Addition to Duck Lake Woods. The

petition requests the vacation of an unimproved portion of Rosewood Avenue. The right-of-way sought to be vacated is 30 feet wide extending north approximately 139.75 feet of Wildwood Avenue. The proposed right-of-way to be vacated consists of 0.096 acres and is located in Grant Township, Lake County, Illinois.

The parameters of the current application were introduced by Vacation Officer Tierney, and an outline of previous discussions and decisions by the Vacation Board were reviewed. All public notices were cited and correspondence received regarding the petition was communicated to those in attendance.

Petitioners' Testimony

Dawn Schuhknecht, daughter of Donna and Edward O'Boyle, and Edward O'Boyle, presented the case. Ms. Schuhknecht stated that Mr. O'Boyle wanted to sell the home and garage to the current tenant of the home. Mr. O'Boyle indicated that his tenant continued to be interested in the property. He recited previous concerns raised by his tenant's bank that the bank would not issue a mortgage for the property with the home and garage separated by the right-of-way. Ms. Schuhknecht indicated there was no traffic on the road, no need for the road and no one was currently maintaining the right-of-way. She stated the right-of-way was improved with gravel installed by her father over the years he had owned the property. The vacation would allow for the consolidation of the home with the garage parcel and it would enable her father's tenant to obtain a mortgage. Mr. O'Boyle indicated that he would be funding the entire vacation application, including publication, surveys, application and purchase costs for the application. He stated that he had owned the property since 1977 and both his lawyer and Chicago Title did not indicate there was anything wrong with the setup when he purchased the property; however, the current lending institution wants the right-of-way vacated prior to them issuing a mortgage for the property. Mr. O'Boyle stated he simply would like to sell the property and continue to live where he currently is without being encumbered with this property. Mr. O'Boyle stated he is the sole trustee of his wife's Trust and that he had provided a death certificate for his wife as part of the application.

Elizabeth Thygesen, President of the Duck Lake Woods Improvement Association, stated that she was the President of the Homeowners' Association and she was authorized to act on behalf of the Association provided the Association did not have to finance any part of the vacation. Ms. Thygesen indicated there currently was a community well house and pump on the property located west of and adjacent to the right-of-way proposed for vacation. She stated the Homeowners' Association had no immediate plans to expand the well house or utilities; however, vacating the road would give them additional area for the expansion. She stated there was never a road adjacent to the property and if the vacation is approved, the Association would maintain and take responsibility for the property. She further stated that she was pleased to assist Mr. O'Boyle in the vacation process.

Board Comments/Questions:

Member Albrecht-Sloan asked if the association owned and maintain the newly added portion of the right-of-way, how would it serve the association?

Ms. Thygesen indicated they would maintain the property and it would be used or reserved in the future for possible expansion of their water facilities.

Member Steffen asked if the Association was aware the site contained a drainage swale and they would need to maintain the swale. That was confirmed by Ms. Thygesen.

Closing Statements:

Ms. Thygesen stated the Association wanted to help her neighbors and they are anxious to get new neighbors in the neighborhood. She indicated the Association was a not-for-profit organization and the vacation would have no tax consequence to the Association.

Announcement of Purchase Price:

Mr. Tierney announced that he had calculated the value of the right-of-way using the formula established by the County Board and determined that the value of the right-of-way with the new portion was \$7,528.96 which is an increase of \$1,391.86 over the previous figure announced during the September 22, 2014 hearing.

Close of Testimony

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

Board Discussion and Motion on Petition

A motion to approve the request was made by Member Albrecht-Sloan to approve the vacation request as submitted based on the finding that: 1.) there is no current or future need for the right-of-way, 2.) the Board has received no objections from residents or review agencies, 3) the Grant Township Highway Commissioner has recommended approval of the application, 4.) the vacation will benefit both property owners , and 5.) the vacation would eliminate liability to the County for the right-of-way. The motion was seconded by Member Duckert and approved unanimously.

Adjourn

Member Duckert moved to adjourn the meeting and the motion was seconded by Member Steffen and passed unanimously.