

Lake County Division of Transportation Excess Property Disposal Policy

Established 3/8/2017

Endorsed by the Public Works and Transportation Committee on 3/8/2017

From: County Engineer

Directed to: Engineer of Design, and Right of Way Agent

Definitions

Excess Property: Real property owned by Lake County Division of Transportation (LCDOT) or Lake County which has been determined by the County Engineer to be unnecessary for current or future transportation improvements.

Excess Right of Way: Roadway Right of Way under the jurisdiction of LCDOT that has been determined by the County Engineer to be unnecessary for current or future transportation projects. (Often Right of Way is in the form of an Easement. An Easement is privilege to pass over the land of another, whereby the holder of the easement acquires only a reasonable and usual enjoyment of the property, and the owner of the land retains the benefits and privileges of ownership consistent with the easement.)

Purpose

LCDOT is responsible for the acquisition, management and maintenance of the property needed for transportation improvements. LCDOT maintains a database of the properties that it owns. In the process of meeting increased traffic, safety, and infrastructure demands, the LCDOT has acquired some real property which, over time, has been determined to be Excess Property. LCDOT reviews the properties itemized in the database to identify those properties that offer no benefit to the County. The purpose of this policy is to establish procedures for the disposal of Excess Property through sale or other means.

The policies established by this document are the result of a collaborative effort involving the LCDOT, the State's Attorney's office, the Lake County Purchasing Division (Purchasing) and the Risk Management Division.

This policy also addresses interim measures relating to property, or Excess Property, such as rental or leasing of some parcels prior to final disposition.

This policy does not cover disposal of Excess Right of Way.

Authority

The Public Works and Transportation Committee (PWTC) has endorsed this policy. Said policy authorizes the LCDOT, under the direction of the County Engineer, to prepare for disposal of Excess Property. The County Engineer will identify those parcels contained within the database which qualify as Excess Property and then the County Engineer shall submit each excess parcel to the PWTC for approval for disposal on a case by case basis. If the policy needs to be amended, the amendment shall be presented to the PWTC for endorsement.

The procedures outlined below shall be followed:

Sale of Excess Property to Private Parties

The following procedures shall apply to the sale of Excess Property to private parties:

1. The County Engineer will present the PWTC with a list of Excess Parcels recommended for sale. The list shall include, at a minimum, the following information:
 - a. Size (acreage)
 - b. Location (PIN number, address)
 - c. Zoning
 - d. Year acquired
 - e. A statement that the parcel(s) is no longer needed to achieve goals/plans of LCDOT or for any other County purpose
 - f. Recommended minimum bid price for each parcel
2. The PWTC shall consider each parcel on a case by case basis and authorize specific parcel(s) to be sold via on-line auction.
3. Once PWTC approves the sale of each parcel, the LCDOT will compile the information to be provided to potential buyers for the auction process. The items may include, but are not limited to, acreage, PIN number, zoning, survey, access, restrictions, taxes, liens, photographs, appraisals, contact information, reserve amounts or minimum bid requirements as needed. The adjacent property owners will be notified by regular mail by LCDOT or Purchasing of the on-line auction prior to the on-line auction commencing.
4. In accordance with the County Board Surplus Policy, the LCDOT will forward this information to Purchasing requesting it to place the Excess

- Property for sale to the public with an on-line auction company. LCDOT and Purchasing will work with the auction company to find a successful bidder.
5. The LCDOT will work with Purchasing, the State's Attorney, and the auction company to finalize the transaction and convey the property to the successful bidder.

Transfer of Excess Property to Government Agencies

The following procedures are recommended for the transfer of Excess Property from the County to another governmental agency where the parcel has little to no value to the County but may serve a public purpose for another other governmental agency as per 50 ILCS 605/ Local Property Transfer Conveyances Act and 765 ILCS 5/ Conveyances Act:

1. The County Engineer will recommend, to the PWTC, the transfer of individual Excess Property parcel(s) to a specific government agency(s) which shall use the property for public purpose.
2. The County Engineer shall present to the PWTC, at a minimum, the following information:
 - a. Size (acreage)
 - b. Location (pin number, address)
 - c. Zoning
 - d. Year acquired
 - e. Local agency(s) that may be interested in acquiring parcel(s)
 - f. A statement that parcel(s) is no longer needed to achieve goals/plans of LCDOT or for any other County purpose.
3. Upon approval from PWTC, the LCDOT will contact the appropriate agency(s) most likely to accept the excess parcel(s) (e.g. municipality, township, park district, Lake County Forest Preserve District, IDOT) with the property information and request that the agency accept the transfer. If multiple agencies exist as possible transferees, LCDOT shall meet with representatives of each such agency and discuss opportunities and provide a recommendation to the PWTC for the final selection of the appropriate agency.
4. If the agency is willing to accept the property, the LCDOT will prepare an intergovernmental agreement identifying the terms of the property transfer.
5. The PWTC and the County Board shall approve the transfer(s) by passing a resolution with 2/3 majority vote of the members at their regular meeting, as required by law.
6. The receiving agency will adopt an ordinance, as required by law, for the acceptance of the property.

7. The LCDOT will prepare the conveyance document in the form of a quit claim deed for execution by the County Board Chair and the County Clerk. The LCDOT will record the deed in the office of the Lake County Recorder and then provide the deed to the receiving agency.

Leasing or Rental of Property or Excess Property Prior to Disposal or Transfer

In the event that private parties or businesses have been using, or make a request to use, a parcel of property owned by LCDOT or the County, the LCDOT will review the request and determine if the use is acceptable. Any lease or rental request will be considered as an interim arrangement prior to future use of the property for a transportation improvement, or disposition of the property, under this policy. If the County Engineer supports the request, the amount of monthly lease/rent shall be determined by a professional real estate appraiser, or as established by the County Board. The lease/renter agreement shall be approved by the County Board and shall include necessary terms of the lease agreement (including payment, indemnity, insurance and termination requirements).

Adverse Possession

If after a period of 20 years of open and notorious use of a parcel of County owned Excess Property by a private party without objection by the County and the property has not been held for a public use, the County Board may, upon recommendation from the State's Attorney and County Engineer, and with the agreement of the private party approve a resolution to quit claim the property to the private party in order to eliminate liability and cost to County government and the taxpayers of Lake County and to eliminate the tax exempt status of the property.

LCDOT will review and inspect Excess Property on a regular basis. If during such inspection LCDOT determines that there is open use of a County owned property by a private party, LCDOT shall direct the private party to cease such use.

Property to be Retained by the LCDOT

The LCDOT may retain any parcels of land that in its judgment would be in the best interest of the County to maintain for possible future improvements, either within or not within the 20 year transportation plan. Also, LCDOT may retain any properties that, after good faith efforts to dispose of, or transfer, or both, are determined to be uneconomic and no interested parties can be found to accept the property.