

## **Minutes**

A petition to vacate an unimproved portion of Rosewood Avenue located in the First Addition to Duck Lake Woods Subdivision  
Grant Township  
Public Hearing – September 22, 2014

**Petitioner:** Donna J. O'Boyle Living Trust dated February 27, 2003, Edward J. O'Boyle trustee and sole survivor of said trust

1. **Call to Order:**

Street Vacation No. 6623 – Petition to vacate an unimproved portion of Rosewood Avenue located adjacent to Lots 1 and 2 Block 8 in Duck Lake Woods and Lot 2, the north half of Lot 3, in Block 16 in the First Addition to Duck Lake Woods

2. **Roll Call**

Board of Vacation representatives:

Planning, Building and Development: Steve Crivello – Deputy Director/Chief 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.

3. **Pledge of Allegiance**

4. **Approval of Minutes**

5. **Added to the Agenda**

6. **Deferred Matters**

7. **Other Business**

7.1 – Request by the Donna J. O'Boyle Living Trust dated February 27, 2003, Edward J. O'Boyle trustee and sole survivor of said trust, record owner of Lots 1 and 2 Block 8 in Duck Lake Woods and Lot 2, the north half of Lot 3, and all of Lot 4 in Block 16 in the First Addition to Duck Lake Woods, for the vacation of an unimproved portion of Rosewood Avenue located adjacent to the subject lots. The right-of-way sought to be vacated is 30 feet wide extending north approximately 90 feet of Wildwood Avenue, lying easterly and adjacent to 35177 N. Forest Avenue. The proposed right-of-way to be vacated consists of 0.06 acres.

Mr. Tierney opened the hearing at 1:00 p.m. and reviewed the petition with those in attendance. The petitioner was sworn in. Mr. Tierney explained that the petition was legally advertised in the News Sun on May 23, 2014 to meet the legal notice requirements for the hearing.

Mr. Tierney stated that he had not received any correspondence from any utility companies regarding the petition. He stated that he had received an email from the Antioch Township Highway Commissioner indicating that the Highway Commissioner was not opposed to granting

the proposed vacation and copies of this correspondence had been given to the Vacation Board members.

Mr. Tierney stated that he had not received any other correspondence concerning the petition prior to the hearing. The members of the audience and the Board of Vacation were given a brief review of the proposed vacation by staff.

#### **Petitioner's Testimony**

Kenneth Parker stated that he is the sole beneficiary of the trust and that the road right-of-way was existed when he purchased the property. He stated the purpose for him vacating the right-of-way was to remove the irregularities on his north property line and to give him the "peace of mind" that the road would not be used in the future. He asked for a favorable decision by the Board.

#### **Board Comments/Questions**

Member Albrecht-Sloan questioned how Mr. Parker intended on using the property. Mr. Parker responded stating that it would remain vegetated as it is now and that he had no immediate plans for the property. Member Albrecht-Sloan asked Mr. Parker if he was aware of natural resources and floodplain in the area. Mr. Parker indicated he was aware of the presence of floodplain on the east side of his property and that the property may be impacted by the 100 year floodplain.

Member Crivello asked Mr. Parker if he knew of any utilities in the right-of-way. Mr. Parker indicated that the electric feed was rerouted in the area in the past and it currently ended at his property line to serve his home but did not continue down the right-of-way. He did not believe there were any utilities in the right-of-way.

Mr. Tierney stated that he had not received any notices of easement needs from any of the utilities contacted as part of the vacation notices he had sent out.

Member Duckert ask if Mr. Parker knew of any easements associated with the right-of-way. Mr. Parker indicated that the original electric power line was removed 10-15 years ago and the power service was rerouted to serve his residence and properties located north of him. He knew of no easements associated with the right-of-way that served the area.

#### **Public Statements**

No comments were made from members of the public in attendance.

#### **Announcement of Land Cost**

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 was \$3,434.25. He stated that the petitioner would be responsible for these charges prior to placing the item on the agenda for the County Board.

#### **Closing Statement**

Mr. Parker indicated he had no further comments and asked for a favorable vote by the Board on the proposed vacation.

#### **Close of Testimony**

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

#### **Board Discussion**

The Board agreed that that clearly there was no need to preserve the right-of-way for access purposes because it was landlocked and would provide no ingress and egress needs in the future for adjacent properties. The Board agreed that it was better to have the property placed in private ownership so that it could be maintained and it would be placed on the tax rolls.

**Motion**

Member Crivello made a motion to grant the petition to vacate the alley as proposed for the following reasons:

1. The road segment is landlocked with no current or future need for the right-of-way.
2. The vacation would relieve the County of any liability associated with the right-of-way.
3. The vacation would place the property in private ownership and on the tax rolls.

**Action**

The motion passed 3-0.

8. **Adjournment**

Member Crivello moved to adjourn the meeting. This motion was seconded by member Albrecht-Sloan and passed unanimously. The meeting was adjourned at 1:25 p.m.