

Board of Vacations Minutes

A petition to vacate an unimproved portion of Belden Avenue located in J.L. Shaw's Second Subdivision on Fox Lake and Lotus Woods Subdivision
Antioch Township

Public Hearing – February 28, 2018

Petitioners: Timothy and Michelle Koertgen, 27573 W. Lake Shore Drive, Spring Grove, Illinois; Connie Fulton, 38257-38273 Dawn Circle, Spring Grove, Illinois.

1. Call to Order

Street Vacation No. #000294-2017 – Petition to vacate a portion of unimproved of Belden Avenue, 40 feet wide and extending east from Lake Shore Drive and Dawn Circle approximately 298 feet and located in J.L. Shaw's Second Subdivision on Fox Lake and the Lotus Woods Subdivision.

2. Pledge of Allegiance

3. Roll Call

Board of Vacations representatives:

Planning, Building and Development: Matt Meyers, Deputy Director/Chief Engineer

Division of Transportation: Betsy Duckert, Manager of Permitting

Planning, Building and Development: Brittany Albrecht-Sloan, Deputy Director/Zoning Administrator

Vacation Officer*: Krista Barkley Braun, Planner/Project Manager

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

* Non-voting members

4. Approval of Minutes

The minutes from the February 7, 2018 meeting have been distributed and will be approved separately.

5. Added to the Agenda (none)

6. Deferred Matters (none)

7. Other Business

7.1 – Request by Timothy and Michelle Koertgen, record owners of the properties adjacent to the portion of the right-of-way described as "all of that part of Belden Avenue lying north of and adjacent to Lot 1 in J.L. Shaw's Second Subdivision of Fox Lake according to the Plat thereof, recorded January 20, 1912 as Document 139398 and also that part of Belden Avenue lying south of and adjacent to Lot 60 in Lotus Woods according to the Plat thereof recorded July 21, 1926, as Document 283116, containing 11,497 square feet, more or less, all in Lake County, Illinois." The proposed area to be vacated consists of approximately 0.25 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 February 6, 2018, thus meeting the legal notice requirements for the hearing.

Ms. Barkley-Braun stated that she received correspondence from Eric Ring, Antioch Township Highway Commissioner, which conferred that he had no plans to improve the unimproved portion of Belden Avenue and has no objection to the proposed street vacation. However, Mr. Ring did express a concern that the right-of-way connects to the park along the water's edge, which may be of interest to the LWPOA. Ms. Barkley-Braun stated that she also received correspondence from Kenneth Bryant, a representative of the Lotus Woods Property Owners Association (LWPOA), which had no interest in purchasing any portion of the unimproved road and had no objection to the right-of-way vacation. It was noted the LWPOA was a non-active, non-functioning association. Additionally, Ms. Barkley-Braun received correspondence from Comcast Cable which stated, "Comcast has no cable facilities within the area to be vacated on Belden Avenue and therefore, has no

objection to the vacation". Additionally, Ms. Barkley-Braun received correspondence from Nicor Gas, which stated Nicor Gas has no objection to the vacation as proposed. Ms. Barkley-Braun also stated that an on-site meeting was held with Joe Keller, Executive Director of the Fox Waterway Agency on December 14, 2017 who verbally expressed no objection to the proposed vacation during the meeting.

Ms. Barkley Braun stated that she had not received any other correspondence concerning the petition prior to the hearing. The members of the audience and the Board of Vacations were given a brief review of the proposed vacation by staff.

Petitioner's Testimony

Mr. Adam Kingsley, the attorney representing the petitioners, and Mr. Timothy Koertgen, 27573 W. Lake Shore Drive, Spring Grove, Illinois, presented testimony. Mr. Kingsley stated his clients have owned the property to the south of the proposed vacation area for many years and are concerned with the lack of maintenance of the area, especially regarding the eastern portion of the right-of-way, which is completely overgrown and contains several trees that are currently in danger of falling onto their property. Mr. Kingsley stated that if the petition is approved, the Koertgens' plan to clear and prune the trees that are posing a hazard and then use the property as an extended side yard. Mr. Koertgen stated that the western portion of the right-of-way is frequently inundated with water and currently was under water, which makes it unsuitable for improvement. Mr. Koertgen also stated that he, along with some assistance from the Township Commissioner, has already cleared the western portion of the unimproved right of way.

Mr. Kingsley stated that his clients had reached out to a representative of the Lotus Woods Property Owners Association, who stated the association's sole function was to maintain the park area. Mr. Kingsley stated that due to the area of the right of way abutting the park property being overgrown and frequently underwater, rendered it useless to the Association and they had no desire to obtain additional property.

Mr. Kingsley stated that the adjacent property owner to the north of the proposed vacation area, Connie Fulton, 38257-38273 Dawn Circle, is a co-applicant of the petition. If the vacation is approved, Ms. Fulton will transfer the northern portion of the vacated Belden Street right-of-way to Mr. & Mrs. Koertgen. In terms of the benefit for the County, if the right-of-way is vacated, Mr. Kingsley stated the acquired land area would be maintained and become part of the tax-base for the County.

Board Comments/Questions

Member Duckert asked if the Township had submitted any objection. Ms. Barkley-Braun stated that a log of a phone conversation between the Antioch Township Highway Commissioner and Joe Meyer, Lake County Division of Transportation was forwarded to her by Mr. Meyer, which conveyed the Commissioner only expressed concern regarding the connection to the park but had no objection.

Member Sloan asked the applicant if they intended to retain the entire right-of-way pursuant to the 0.25 acres represented on the plat of vacation. Mr. Kingsley stated the Koertgens would acquire the entire width of the right-of-way, as Ms. Fulton has no desire to own additional property. Member Sloan asked the applicant about the current use of the unimproved right-of-way, and specifically about one area in the unimproved right-of-way that appeared on the aerial map to be paved. Mr. Koertgen replied that the paved area functioned as a driveway that was rarely used and was in existence prior to the Koertgens' purchase of their property.

Member Meyers asked the applicant who used the park to the north and if there was a boat launch. The applicant replied that there was only a fishing pier that was seldom used and mostly accessed by nearby property owners.

Public Statements

None

Announcement of Land Cost

Ms. Barkley-Braun announced that she 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 \$6,458.00.

Closing Statement

Mr. Kingsley indicated the proposed vacation would enable the petitioners to maintain the area and be an improvement to the neighborhood, thanked the Board for their consideration 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 Sloan and seconded by Member Duckert. The motion passed unanimously.

Board Discussion

The Board agreed there were no objections or need to preserve the subject area of the Belden Avenue right-of-way for access purposes because as Antioch Township has no objection to the request, and the park was already accessible via N Primrose Path.

Motion

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

1. Antioch Township has no objection to the request.
2. The Lotus Woods Property Owners Association has no interest in acquiring any portion of the right-of-way and have no objections to the request.
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.

Action

The motion passed 3-0.

Adjournment

Member Duckert moved to adjourn the meeting. This motion was seconded by Member Meyers and passed unanimously. The meeting was adjourned at 3:21 p.m.