



Lake County Illinois

Legislation Text

File #: 15-0368, **Version:** 1

Joint resolution to vacate an unimproved portion of Rosewood Avenue located north of Wildwood Avenue, in the First Addition to Duck Lake Woods Subdivision, on a request by 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.

- Edward J. O'Boyle, Trustee and sole survivor of the Donna J. O'Boyle Living Trust, and Elizabeth Thygesen, President of the Duck Lake Woods Improvement Association, are requesting the vacation of an unimproved section of Rosewood Avenue located north of Wildwood Avenue as shown on the Final Plat of the First Addition to Duck Lake Woods Subdivision in unincorporated Grant Township.
- The Board of Vacations held public hearings on September 22, 2014, October 20, 2014 and March 18, 2015 and recommended by unanimous vote to grant the vacation.
- The area being conveyed to the petitioners consists of 4,193 square feet. Based on the current fee schedule; the value of the conveyed real estate is \$7,528.96.
- Following recommendations by the Planning, Building & Zoning and Finance & Administrative committees, the vacation request will proceed to the County Board for final action.

WHEREAS, Unified Development Ordinance Subchapter: Vacations (151.204 et seq.) authorizes the County Board to vacate platted, unimproved public rights of way in subdivisions recorded with the County Recorder; and

WHEREAS, Rosewood Avenue is an unimproved public right-of-way contained in the First Addition to Duck Lake Woods Subdivision recorded with the County Recorder on September 9, 1939; and

WHEREAS, a petition has been filed by 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, PIN Numbers 05-14-321-001, 05-14-321-002, and 05-14-321-003; and Lot 2 and the North 40 feet of Lot 3 in Block 16 in First Addition to Duck Lake Woods, PIN Number 05-14-322-011, for the vacation of the unimproved segment of Rosewood Avenue located adjacent to the subject lots and north of the Wildwood Avenue right-of-way in said subdivisions, Grant Township, Lake County, Illinois. More fully described as follows:

Rosewood Avenue, as shown on the plat of subdivision of the First Addition to Duck Lake Woods, a subdivision of part of the East half of the South West Quarter of Section 14 and the East half of the North West Quarter of Section 23, Township 45 North, Range 9, East of the Third Principal Meridian, according to the plat thereof recorded September 9, 1939, as document 467469, in Book Z of Plats, Pages 55 And 56, adjacent to Lots 1, 2 and the North 40 feet of Lot 3 in Block 16 In First Addition to Duck Lake Woods, described as follows: Beginning at the Southwest corner of the North 40 feet of Lot 3 In Block 16; thence North 89 Degrees 41 Minutes 10 Seconds West 30.00 feet to the West line of Rosewood Avenue and the Southeast corner of Lot 1 in Block 8 in Duck Lake Woods; thence North 0 Degrees 23 Minutes 00 Seconds West on the West line of Rosewood Avenue, 139.76 feet to

the Northeast corner of Lot 3 in Block 8 in Duck Lake Woods; thence South 89 Degrees 55 Minutes 13 Seconds East 30.06 feet to the Northwest corner of vacated Lot 1 in Block 16 in the First Addition to Duck Lake Woods; thence South 0 Degrees 19 Minutes 24 Seconds East 139.89 feet on the East line of Rosewood Avenue to the point of beginning, in Lake County, Illinois.

WHEREAS, the Board of Vacations held public hearings on September 22, 2014, October 20, 2014 and March 18, 2015 to consider testimony relevant to the proposed vacation; and

WHEREAS, the Board received no objections from the public or public utilities, and received a letter from the Grant Township Highway Commissioner indicating the right-of-way was not needed for public or highway use and that there was no public need, necessity, or interest in said right-of-way; and

WHEREAS, after receiving the testimony presented at the aforementioned public hearings of the Board of Vacation, and announcement of a purchase price of \$7,528.96 for the real estate contained in the vacated right-of-way, said Board of Vacations has submitted its recommendation and report to the Planning, Building and Zoning Committee and the Financial and Administrative Committee; and

WHEREAS, the Board of Vacations recommends the vacation be approved by a vote of 3 "Ayes", 0 "Nays" based on the findings that: 1.) there is no current or future need for the right-of-way for utilities or for public roadway purposes; 2.) the vacation would eliminate liability to the County for the right-of-way, 3.) the local roadway authority is in support of the vacation, 4.) no member of the public has indicated a public need to retain the right-of-way, and 5.) the vacation will benefit both petitioners; and

WHEREAS, on April 7, 2015, the Planning, Building and Zoning Committee of the said County Board duly considered the petition and report, and by a vote of 7 "Ayes", 0 "Nays" recommend that above-described street vacation request be granted; and

WHEREAS, on April 8, 2015, the Financial and Administrative Committee of the said County Board duly considered the petition and report, and by a vote of 5 "Ayes", 0 "Nays" recommend that above-described street vacation request be granted.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the public right-of-way, as described above, is hereby vacated and that portion of said plat of subdivision is hereby revoked, annulled and set aside.

NOW THEREFORE, BE IT FURTHER RESOLVED, that this resolution shall take effect and be in force for and after its passage provided that said petitioner shall after the passage of this resolution, file for recording in the office of the County Recorder of Deeds, a certified copy of this resolution, the application and the Deeds of Vacation.

DATED AT WAUKEGAN, Lake County, Illinois, this 14th day of April, 2015.