



**Forest Preserve District of Cook County
Real Estate Committee Report**

Monday, September 8, 2014

**10:00 AM Cook County Building, Board Room, Rm 569
118 North Clark Street, Chicago, Illinois**

SECTION 1

ATTENDANCE

Present: Vice Chair Gorman, Commissioners Collins, Daley, Gainer, García, Moore, Reyes, Schneider, Silvestri, Sims, Steele, Suffredin and Tobolski (13)

Absent: Chairman Murphy, Commissioners Butler, Fritchey, and Goslin (4)

PUBLIC TESTIMONY

Vice Chairman Gorman asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code, Sec. 2-107 (dd)

1. George Blakemore, Concerned Citizen

14-0331

Presented by: ARNOLD L. RANDALL, General Superintendent

EASEMENT REQUEST

Request: Requesting authorization for the Forest Preserve District of Cook County (“the Preserves”) to grant a temporary easement to the Illinois Department of Transportation (“IDOT”) at the northeast corner of Illinois Route 50 (Cicero Ave.) and Vollmer Road for use of 0.066 Acre or 2,890 square feet.

Reason: IDOT has requested the temporary easement to construct a paved shared use trail connection from the existing crosswalk at the northeast corner of Illinois Route 50 (Cicero Ave.) and Vollmer Road to the Tinley Creek Paved Trail. Construction of the shared use trail will connect the existing FPCC Trail on the north side of Vollmer Road to a signalized crosswalk connecting to the existing sidewalk on the south side of Vollmer Road.

Construction of the trail connection will improve the public’s access to the Tinley Creek Paved Trail and encourage the use of the crosswalks at the signalized intersection. IDOT will construct the trail connection at no cost to the Preserves. The Preserves will accept future maintenance responsibility for the portion of the trail connection on the Preserves property.

The area for the permanent easement is 0.066 acres. IDOT indicates that no trees are expected to be removed for this project.

Easement Fee: None

Tree Mitigation Fee: None

Concurrence(s):

The Comptroller and Chief Attorney have approved this item.

District(s): 5

Legislative History: 7/22/14 FPD Board of Commissioners referred to the Real Estate Committee.

A motion was made by Commissioner Silvestri, seconded by Commissioner Daley, that this Easement Request be Approved. The motion carried by the following vote:

Ayes: Vice Chair Gorman, Commissioners Collins, Daley, Gainer, García, Moore, Reyes, Schneider, Silvestri, Sims, Steele, Suffredin and Tobolski (13)

Absent: Chairman Murphy, Commissioners Butler, Fritchey, and Goslin (4)

14-0332

Presented by: ARNOLD L. RANDALL, General Superintendent

EASEMENT REQUEST

Request: Requesting authorization for the Forest Preserves of Cook County (“the Preserves”) to grant a temporary easement to the Illinois Department of Transportation (“IDOT”) at the southwest corner of Illinois Route 43 (Harlem Ave.) and 47th Street for the use of 0.030 Acre or 1,320square feet.

Reason: IDOT has requested the temporary easement to construct a paved shared use trail connection from a proposed crosswalk at the southwest corner of Illinois Route 43 (Harlem Ave.) and 47th Street to the Salt Creek Greenway Paved Trail. Construction of the shared use trail will connect the existing Preserve Trail on the west side of Harlem Ave. to a signalized crosswalk connecting to the existing sidewalk on the east side of Harlem Ave.

Construction of the trail connection will improve the public’s access to the Salt Creek Greenway Paved Trail and encourage the use of the crosswalks at the signalized intersection. IDOT will construct the trail connection at no cost to the Preserves. The Preserves will accept future maintenance responsibility for the portion of the trail connection on the Preserves property.

The area for the permanent easement is 0.030 acres. IDOT indicates that no trees are expected to be removed for this project.

Easement Fee: None

Tree Mitigation Fee: None

Concurrence(s):

The Comptroller and Chief Attorney have approved this item.

District(s): 16

Legislative History: 7/22/14 FPD Board of Commissioners referred to the Real Estate Committee.

A motion was made by Commissioner Silvestri, seconded by Commissioner Reyes, that this Easement Request be Approved. The motion carried by the following vote:

Ayes: Vice Chair Gorman, Commissioners Collins, Daley, Gainer, García, Moore, Reyes, Schneider, Silvestri, Sims, Steele, Suffredin and Tobolski (13)

Absent: Chairman Murphy, Commissioners Butler, Fritchey, and Goslin (4)

14-0333

Presented by: ARNOLD L. RANDALL, General Superintendent

PROPOSED LICENSE REQUEST

Request: Requesting authorization for the Forest Preserves of Cook County (“the Preserves”), as Licensor, to grant a License to AT&T, Grantee, to locate, operate and maintain 300 linear feet of underground 4-inch conduit to contain fiber optic cable along 167th Street in Oak Forest. The proposed facilities will provide a source of high speed internet, video, and improved telephone service for residents south of the Preserves. The location of the conduit will be confined to the existing right of way of 167th Street. The conduit will be installed underground by directional bore to minimize surface disturbance. AT&T will also remove their existing cabinet on the Preserves property installed in 1980 under License No. 1188; there will be no visible structures on the Preserves property.

Term: 10 (Ten) Years

License Fee: \$7,024.79

License Application Fee: \$1,000.00

YELAR Fee: \$3,400.00

Total one-time upfront fee of \$11,424.79 for the term of the License (Sec. 5-2A-4 and 5-2B-4)

Tree Mitigation Fee: None

The area of the License is: 0.103 Acre

Concurrence(s):

The Comptroller and Chief Attorney have approved this item.

Grantee has met the insurance requirements under the License Agreement.

The Forest Preserves staff has reviewed this license application and plans and has found them to be acceptable; therefore, it is recommended that the Forest Preserve District Board of Commissioners approve the issuance of this license.

District(s): 6

Legislative History: 7/22/14FPD Board of Commissioners referred to the Real Estate Committee

A motion was made by Commissioner Silvestri, seconded by Commissioner Reyes, that this License Request be Approved. The motion carried by the following vote:

Ayes: Vice Chair Gorman, Commissioners Collins, Daley, Gainer, García, Moore, Reyes, Schneider, Silvestri, Sims, Steele, Suffredin and Tobolski (13)

Absent: Chairman Murphy, Commissioners Butler, Fritchey, and Goslin (4)

14-0374

Presented by: ARNOLD L. RANDALL, General Superintendent

PROPOSED ORDINANCE AMENDMENT

FOREST PRESERVE LANDS AND PROPERTY

Amending the Forest Preserve District of Cook County (the “Preserves”) code of ordinances to facilitate the ability of owners of residential property adjacent to land owned by the Preserves to obtain a license to allow them to continue to maintain building or other structures on land owned by the Preserves under certain very limited circumstances.

BE IT ORDAINED, by the Forest Preserve District of Cook County Board of Commissioners, that Title 2 - Forest Preserve Lands and Property, Chapter 3 - Trespass and Use of Property, Section 1 - Erection and Ownership of Structures of the Forest Preserve District of Cook County Code is hereby amended as Follows:

Chapter 3 -Trespass and Use of Property.

2-3-1: ERECTION AND OWNERSHIP OF STRUCTURES.

2-3-2: DESTRUCTION OF PROPERTY.

2-3-3: GOODS AND VEHICLES AS OBSTRUCTIONS.

2-3-4: OBSTRUCTING USE OF PREMISES.

2-3-5: DUMPING GARBAGE; LITTERING.

2-3-6: SIGNS AND BILLBOARDS.

2-3-7: ABANDONED MOTOR VEHICLES.

2-3-8: GLASS BEVERAGE CONTAINER ORDINANCE.

2-3-9: PENALTY.

2-3-1: ERECTION AND OWNERSHIP OF STRUCTURES.

A. Permit to Erect; License to Use: No person shall stage any equipment or erect, construct or maintain any fence, building or other structure within the Forest Preserve District, or assert any right to the exclusive use and occupancy of any structure or any portion of said structure, without first having obtained a permit in writing from the District for the staging of equipment, or erection, construction or maintenance of such fence, building or other structure, or a license for the use and occupancy of such property. Where private property, located adjacent to property of the Forest Preserve District, benefits from an unlawful fence, building or other structure within the Forest Preserve District, described in this Chapter, there shall be a rebuttable presumption that the owner of the private property is responsible for the erection, construction or maintenance of the unlawful fence, building or other structure.

B. Structures on Property of District; Authority: Any fence, building or other structure erected, whether lawfully or unlawfully, shall immediately become the property of the Forest Preserve District, and the use or tenancy of any structure or land may be terminated at any time when, in the discretion of the District, it is in the best interests of the public and of the Forest Preserve District to so terminate such use or tenancy. Any such structure, whether erected lawfully or unlawfully, may be removed or destroyed by the Forest Preserve District, unless otherwise provided in said permit or license.

C. Unless otherwise approved by the Board, any permit issued pursuant to this section shall at a minimum include a fee based upon a per day square footage use as calculated from the annual cost per acre fee for licenses as stated in

Title 5 Chapter 2 of this Code.

D. Residential Land Use License - Extreme Hardship: Upon receipt of a citation for violating the provisions of this Section, the owner of a residential parcel of real estate, on which a significant building or structure was erected that encroaches on land owned or controlled by the District, may apply to the District for a limited, non-assignable, renewable license to allow the building or structure to remain on land owned or controlled by the District for up to ten (10) years under the following circumstances: (1) the owner complies with the land use licensing requirements of Title 5, Chapter 2, Article A of the District's Code of Ordinances (except for the application fee, which shall not be required, referenced in Section 5-2A-1); (2) the encroaching building or structure was not erected by the current owner seeking such license and the encroaching building or structure was erected prior to the current owner's acquisition of the relevant adjacent parcel to which the encroaching building or structure has been associated; (3) the owner provides proof, as shall be determined by the General Superintendent or his designee, that immediate removal of the building or other structure would result in a undue hardship; (4) the owner agrees to remove or tear down the encroaching building or structure prior to, or in connection with, the sale or transfer of the relevant adjacent property.

Effective date: This ordinance shall be in effect immediately upon adoption.

Legislative History: 7/22/14 FPD Board of Commissioners referred to the Real Estate Committee.

A motion was made by Commissioner Silvestri, seconded by Commissioner Daley, that this Ordinance Amendment be Approved. The motion carried by the following vote:

Ayes: Vice Chair Gorman, Commissioners Collins, Daley, Gainer, Garcia, Moore, Reyes, Schneider, Silvestri, Sims, Steele, Suffredin and Tobolski (13)

Absent: Chairman Murphy, Commissioners Butler, Fritchey, and Goslin (4)

ADJOURNMENT

A motion was made by Commissioner Sims, seconded by Commissioner Schneider, that this committee meeting be adjourned. The motion carried by the following vote:

SECTION 2

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTERS NAMED HEREIN**

File 14-0331
File 14-0332
File 14-0333
File 14-0374

Recommended for Approval
Recommended for Approval
Recommended for Approval
Recommended for Approval

Respectfully submitted,



Vice Chairman Gorman



Secretary

*A video recording of this meeting is available at <https://fpdcc.legistar.com/Calendar.aspx>