



# FOREST PRESERVE DISTRICT OF KANE COUNTY COMMISSION MEETING

December 10, 2013

The Forest Preserve Commission meeting was called to order by President Hoscheit at 9:00 a.m. on Tuesday, December 10, 2013, in the County Board Room at the Kane County Government Center, Building A, 719 Batavia Avenue, Geneva, Illinois.

The Pledge of Allegiance was led by Commissioner Molina

- Present:**
- Monica Meyers, Executive Director
  - Ken J. Stanish, Director of Finance
  - Drew Ullberg, Director of Natural Resources
  - Jerry Culp, Director of Planning and Development
  - Laurie Metanchuk, Director of Community Affairs
  - John Goreth, Director of Operations
  - Tracey Smith, Director of Human Resources
  - Mike Gilloffo, Police Chief
  - Jerry Hodge, Attorney
  - Patricia Hestekin, Recording Secretary

The roll call of Commissioners present included: Allan, Auger, Barreiro, Davoust, Donahue, Ford, Frasz, Gillam, Haimann, Kojzarek, Laesch, Lewis, Molina, Pollock, Schefflow (late), Silva, Smith, Taylor, and Wojnicki.

Commissioners absent: Castro, Kenyon, Starrett and Vazquez

**MINUTES:** President Hoscheit called for approval of the November 12, 2013 minutes.

**Motion** - Motion to approve the November 12, 2013 meeting minutes as read, by Commissioner Haimann, seconded by Commissioner Lewis: motion carried.

**PUBLIC COMMENT:** None

**BILLS:** President Hoscheit called for approval of the bills.

**-Motion** – Motion to approve the bills as presented, Commissioner Ford, seconded Commissioner Laesch; motion carried.

### COMMISSIONERS PER DIEM

Allan, Deborah	\$ 30.00	Kenyon, Michael	\$ 30.00
Auger, Maggie	\$ 60.00	Kojzarek, Kurt	\$ 90.00
Barreiro, Theresa	\$ 30.00	Laesch, Jennifer	\$ 30.00
Davoust, Mark	\$ 30.00	Lewis, Phil	\$ 90.00
Donahue, Michael	\$ 60.00	Molina, Myrna	\$ 30.00
Ford, Ron	\$ 60.00	Schefflow, Douglas	\$ 60.00
Frasz, Drew	\$ 30.00	Smith, Thomas	\$ 30.00
Gillam, Rebecca	\$ 30.00	Taylor, Melisa	\$ 30.00
Haimann, Joseph	\$ 60.00	Wojnicki, Barbara	\$ 60.00
		Total	\$900.00

Commissioners voting in the affirmative: Allan, Auger, Barreiro, Davoust, Donahue, Ford, Frasz, Gillam, Haimann, Kojzarek, Laesch, Lewis, Pollock, Silva, Smith, Taylor, and Wojnicki; motion carried.

### BIDS AND PROPOSALS:

President Hoscheit called for a motion to bring to the floor Resolution FP-R-12-13-2269 a resolution accepting a bid for demolition of structures at the Bowes Creek Woods Forest Preserve.

**-Motion by** Commissioner Laesch, seconded by Commissioner Frasz, to bring to the floor Resolution FP-R-05-13-2216

Commissioners voting in the affirmative: Allan, Auger, Barreiro, Davoust, Donahue, Ford, Frasz, Gillam, Haimann, Kojzarek, Laesch, Lewis, Pollock, Silva, Smith, Taylor, and Wojnicki; motion carried.

**LAND ACQUISITION:**

President Hoscheit called for a motion to bring to the floor Resolution FP-R-12-13-2270 a resolution authorizing the acquisition of lands by purchase or eminent domain the Wm. R. and Catherine H. Muetze Rev Living Trusts property, located in Blackberry Township.

**-Motion by** Commissioner Frasz, seconded by Commissioner Davoust, to bring to the floor Resolution FP-R-12-13-2270.

Commissioners voting in the affirmative: Allan, Auger, Barreiro, Davoust, Donahue, Ford, Frasz, Gillam, Haimann, Kojzarek, Laesch, Lewis, Pollock, Silva, Smith, Taylor, and Wojnicki; motion carried.

President Hoscheit called for a motion to bring to the floor Resolution FP-R-12-13-2271 a resolution authorizing the sale of Forest Preserve District property in St. Charles Township.

**-Motion by** Commissioner Davoust, seconded by Commissioner Ford, to bring to the floor Resolution FP-R-12-13-2271.

Commissioners voting in the affirmative: Auger, Barreiro, Davoust, Donahue, Ford, Frasz, Gillam, Haimann, Kojzarek, Laesch, Lewis, Pollock, Silva, Smith, Taylor, and Wojnicki. Voting in the negative: Allan; motion carried.

**INTERGOVERNMENTAL:**

President Hoscheit called for a motion to bring to the floor Resolution FP-R-12-13-2272 a Resolution authorizing a cooperative agreement with Kane County for drainage improvements and wetland enhancement along the Fox River in the Gunnar Anderson Forest Preserve.

**-Motion by** Commissioner Allan, seconded by Commissioner Wojnicki, to bring to the floor Resolution FP-R-12-13-2272.

Commissioners voting in the affirmative: Allan, Auger, Barreiro, Davoust, Donahue, Ford, Frasz, Gillam, Haimann, Kojzarek, Laesch, Lewis, Pollock, Silva, Smith, Taylor, and Wojnicki; motion carried.

**ORDINANCES:**

President Hoscheit called for a motion to bring to the floor Ordinance FP-O-12-13-497 an Ordinance authorizing an intergovernmental agreement with the Village of Pingree Grove for the acquisition of the Harrison Property.

**-Motion by** Commissioner Ford, seconded by Commissioner Smith, to bring to the floor Resolution FP-O-12-13-497.

Commissioners voting in the affirmative: Allan, Auger, Barreiro, Davoust, Donahue, Ford, Frasz, Gillam, Haimann, Kojzarek, Laesch, Lewis, Pollock, Scheflow, Silva, Smith, Taylor, and Wojnicki; motion carried.

**COMMENTS BY PRESIDENT:** President Hoscheit thanked Director Smith and the Staff for putting together a great event last Friday. The Employee Recognition Party is a great time to say thanks to the Staff for all the hard work they put in over the year.

**EXECUTIVE SESSION:** None

**REPORTS:** President Hoscheit called for a motion to place the reports on file.

**Motion by:** Commissioner Haimann, seconded by Commissioner Auger, to place the reports on file: motion carried.

**ADJOURNMENT:** There being no further business to come before the Committee, the meeting was duly adjourned on a motion by Commissioner Haimann, seconded by Commissioner Davoust, to 9:00 a.m. on Tuesday, January 14, 2014, at the Kane County Government Center, Geneva, Illinois.

John Hoscheit, President  
Forest Preserve District of Kane County

Respectfully Submitted

*Patricia Hestekin*

Patricia Hestekin  
Recording Secretary

**RESOLUTIONS:**

STATE OF ILLINOIS

SS.

COUNTY OF K A N E

**RESOLUTION NO. FP-R-12-13-2269**

**A RESOLUTION ACCEPTING A BID FOR DEMOLITION  
OF STRUCTURES AT THE BOWES CREEK WOODS FOREST PRESERVE**

WHEREAS, the Forest Preserve District of Kane County was gifted 10.71 acres of land that is now part of the Bowes Creek Woods Forest Preserve; and

WHEREAS, the District included the five (5) structures that need to be removed from the property in a bid coordinated by Kane County; and

WHEREAS, the apparent low qualified bidder, with respect to the demolition of structures at the Bowes Creek Woods Forest Preserve is Molenhouse Environmental of Warrenville, Illinois with a bid amount of \$31,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Forest Preserve District of Kane County, Illinois, that the bid from Molenhouse Environmental of Warrenville, Illinois in the amount of \$31,000 for demolition of structures at the Bowes Creek Woods Forest Preserve be, and hereby is accepted and approved.

APPROVED AND PASSED this 10th day of December, 2013.

APPROVED:

\_\_\_\_\_  
President, Board of Commissioners  
Forest Preserve District of Kane County

ATTEST:

\_\_\_\_\_  
Secretary, Board of Commissioners  
Forest Preserve District of Kane County

STATE OF ILLINOIS

SS.

COUNTY OF K A N E

**RESOLUTION NO. FP-R-12-13-2270**  
**A RESOLUTION AUTHORIZING ACQUISITION OF LANDS BY PURCHASE OR**  
**EMINENT DOMAIN THE WM. R. AND CATHERINE H. MUETZE REV LIVING TRUSTS PROPERTY,**  
**LOCATED IN BLACKBERRY TOWNSHIP**

WHEREAS, the Forest Preserve District of Kane County, Illinois is organized and existing under an Act of the General Assembly of the State of Illinois entitled "An Act to Provide for the Creation and Management of Forest Preserve Districts" approved June 27, 1913, as amended; and

WHEREAS, it has been deemed advisable, necessary and in the best interests of said Forest Preserve District of Kane County that the Board of Commissioners of said Forest Preserve District acquire additional lands for Forest Preserve purposes, which said lands, together with all lands heretofore acquired, will not exceed 55,000 acres.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That it is hereby determined by the Board of Commissioners of the Forest Preserve District of Kane County that a Forest Preserve should be laid out, established, enlarged, constructed and/or otherwise maintained on certain real property hereinafter described, said real property being located within the corporate boundaries of the Forest Preserve District of Kane County, Illinois and that said Forest Preserve be used, occupied, improved, maintained and developed for Forest Preserve purposes in a manner necessary and convenient for public use.

2. That it is hereby determined by the Board of Commissioners of the Forest Preserve District of Kane County that it is necessary and desirable that the Forest Preserve District of Kane County, Illinois, shall acquire title to or any interest in and possession of the following described real property for the foregoing purpose, which said real property is necessarily required and needed for such Forest Preserve and such Forest Preserve purposes as legally described in Exhibit A, incorporated herein by reference.

3. That the Board of Commissioners of the Forest Preserve District of Kane County direct the President of the District, or his delegates(s), be authorized, empowered and directed to negotiate for, and in behalf of, the Forest Preserve District of Kane County, Illinois with the owner or owners, and other parties having an interest herein, of the hereinabove real property for the purchase thereof by the Forest Preserve District of Kane County, Illinois, upon such terms and conditions as the District's Executive Committee shall approve, provided, however, that the purchase price shall not exceed the fair cash market value thereof as determined by the appraisal method required by law.

4. In the event that the President of the Forest Preserve District of Kane County, Illinois is unable to agree with the owner or owners, and other parties having an interest therein of said real property described in Paragraph 2 of this resolution, as to the compensation to be paid, the title or any interest in and possession to said real property may be acquired by the Forest Preserve District of Kane County, Illinois under the provisions of the eminent domain laws of the State of Illinois. The Board of Commissioners of the Forest Preserve District of Kane County hereby authorizes the President of the District and the District's attorney, with the consent of the Forest Preserve Commission of the District, to institute proceedings in any Court of competent jurisdiction to acquire title to or any interest in and possession of property for said Forest Preserve District of Kane County, Illinois in accordance with the eminent domain laws of the State of Illinois.

APPROVED AND PASSED this 10th day of December, 2013.

APPROVED:

Attest:

\_\_\_\_\_  
President, Board of Commissioners  
Forest Preserve District of Kane County

\_\_\_\_\_  
Secretary, Board of Commissioners  
Forest Preserve District of Kane County

STATE OF ILLINOIS

ss.

COUNTY OF K A N E

**RESOLUTION NO. FP-R-12-13-2271  
A RESOLUTION AUTHORIZING SALE OF FOREST PRESERVE  
DISTRICT PROPERTY IN THE ST. CHARLES TOWNSHIP**

WHEREAS, the Forest Preserve District of Kane County, through its Commissioners has determined and resolved the following, regarding the sale of lots of less than one acre along the Fox River in St. Charles Township:

That the District is authorized to sell one or more parcels of land that are an acre or less in size.

That the District is in a county with a population of less than 550,000 people.

That the District has determined that the sale of the properties which are shown and sub-divided in Exhibit A to this resolution is advantageous to the District.

That the properties shall be sold at public auction to the lowest responsible bidder.

The District staff and attorneys are authorized to conduct the public auction after the properties have been appraised by MAI appraiser of State Certified real estate within one year prior to the sale of the property.

That each parcel of property to be sold at the auction shall have a minimum reserve established by the real estate appraisal. The property cannot be sold for less than such minimum reserve. Before the auction commences all potential buyers shall be informed that any bid made will be subject to confirmation of the District Commission at the next regular scheduled meeting. The District reserves the right to reject any and all bids for any reason.

The net proceeds of the sale shall be set aside by the District solely for future land acquisition by the District.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Forest Preserve District of Kane County that the President and Secretary of said District be, and hereby are, authorized to execute and carry out the requirements of this resolution on behalf of the Forest Preserve District of Kane County.

APPROVED AND PASSED THIS 10<sup>TH</sup> day of November, 2013.

APPROVED:

\_\_\_\_\_  
President, Board of Commissioners  
Forest Preserve District of Kane County

ATTEST:

\_\_\_\_\_  
Secretary, Board of Commissioners  
Forest Preserve District of Kane County

STATE OF ILLINOIS

SS.

COUNTY OF K A N E

**RESOLUTION NO. FP-R-12-13-2272**

**A RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT WITH KANE COUNTY FOR DRAINAGE IMPROVEMENTS AND WETLAND ENHANCEMENT ALONG THE FOX RIVER IN THE GUNNAR ANDERSON FOREST PRESERVE**

WHEREAS, the Forest Preserve District of Kane County and the County of Kane desire to enter into a cooperative agreement for the improvement of the aging drainage system, and the wetland buffer between the preserve and the Fox River; and

WHEREAS, said proposed plan will improve drainage across the forest preserve, and enhance the wetland buffer along the Fox River for improved water quality by filtering water before it enters the Fox River. Kane County's Environmental Resource Department is proposing to complete the improvements on Gunnar Anderson Forest Preserve as part of the proposed improvements to repair their aging drainage infrastructure per the attached Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Forest Preserve District of Kane County that permission to enter into a cooperative agreement with Kane County's Environmental Resource Department for the drainage improvements and wetland enhancements along the Fox River in the Gunnar Anderson Forest Preserve be, and hereby is, granted and that the President and the Secretary of the District be, and hereby are, authorized and directed to execute this agreement and deliver the same to the Kane County's Environmental Resource Department.

APPROVED AND PASSED this 10th day of December, 2013

APPROVED:

\_\_\_\_\_  
President, Board of Commissioners  
Forest Preserve District of Kane County

ATTEST:

\_\_\_\_\_  
Secretary, Board of Commissioners  
Forest Preserve District of Kane County

STATE OF ILLINOIS

SS.

COUNTY OF K A N E

**ORDINANCE NO. FP-O-12-13-497  
AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE  
VILLAGE OF PINGREE GROVE FOR THE ACQUISITION OF THE  
HARRISON PROPERTY**

WHEREAS, the Forest Preserve District of Kane County and the Village of Pingree Grove desire to enter into an intergovernmental agreement for the acquisition of approximately 42 acres on the west side of Pingree Grove Forest Preserve, presently known as the Harrison property; Exhibit A; and

WHEREAS, the Village of Pingree Grove and the District have determined that such a transaction is necessary, advantageous, and services the public interest and promotes public health, welfare and safety; and

WHEREAS, the Village of Pingree Grove agrees to vacate all existing plats and shall prepare and record the revised plat for the property, which divides the property into two parcels and within 30 days of the replating/rezoning will transfer the acquisition to the Forest Preserve District of Kane County.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Forest Preserve District of Kane County that an intergovernmental agreement with the Village of Pingree Grove be, and hereby is, granted and that the President and the Secretary of the District be, and hereby are, authorized and directed to execute this easement and deliver the same to the City of Carpentersville.

APPROVED AND PASSED this 10th day of December, 2013

APPROVED:

\_\_\_\_\_  
President, Board of Commissioners  
Forest Preserve District of Kane County

ATTEST:

\_\_\_\_\_  
Secretary, Board of Commissioners  
Forest Preserve District of Kane County

## **Intergovernmental Agreement Relating to Sale of Property**

This Intergovernmental Agreement is entered into by and between the Forest Preserve District of Kane County (“the District”) and the Village of Pingree Grove (“the Village”) as of the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**WHEREAS**, the District is forest preserve district organized and existing under the laws of the State of Illinois, including the Downstate Forest Preserve Act (70 ILCS 805/1 *et.seq.*); and,

**WHEREAS**, the Village is a municipal corporation organized and existing under the laws of the State of Illinois, including the Illinois Municipal Code (65 ILCS 5/1-1-1); and,

**WHEREAS**, the Village is the owner of that certain parcel of property comprising approximately 54.87 acres of real property located within the Village and the District’s corporate limits, commonly referred to as the Harrison Property, which property is depicted on the attached Exhibit A, and which is comprised of two parcels of land which are legally described in Exhibit B (“the West Parcel”) and Exhibit C (“the East Parcel”); and,

**WHEREAS**, the Village is desirous of selling a portion of the Harrison Property and the District is desirous of acquiring the same, and the Village and District have determined that such a transaction is necessary, advantageous, and serves the public interests and promotes the public health, welfare, safety and morals; and,

**WHEREAS**, the Village and District are authorized to undertake an intergovernmental transfer of land pursuant to the Local Government Property Transfer Act, 50 ILCS 605/0.01, *et. seq.* (“the Transfer Act”), and,

**WHEREAS**, prior to such a transfer occurring, the Village would need to undertake certain steps to vacate existing plats and approve and record a revised plat for the Harrison Property; and,

**WHEREAS**, therefore the Village and District are undertaking this Intergovernmental Agreement to commit to the underlying transaction, so that the Village may undertake all conditions precedent to such transaction;

**NOW THEREFORE**, the Village and District agree as follows:

- 1) Village Preparation: The Village shall vacate all existing plats for the Harrison Property, and shall prepare and record, at its sole expense a revised plat for the property which divides the property into two parcels (the East Parcel and the West Parcel) consistent with the exhibits hereto. The Village may also rezone the Harrison Property contemporaneously with the replatting, provided that any such rezoning shall permit the public purposes contemplated by the District. This replatting/rezoning shall be completed within 60 days of the date on which this Agreement is signed. The East Parcel shall be replatted into a single, undivided parcel in the format as generally contemplated by Exhibit A.
- 2) Sale of Property: Within 30 days of the date on which the Village replats/rezones the Property, the District shall pass an ordinance in compliance with the Transfer Act, directing the acquisition of the East Parcel, comprising 42.38 acres, at a price of Thirteen Thousand Five Hundred Dollars (\$13,500.00) per acre, for a gross purchase price of Five Hundred Seventy Two Thousand One Hundred and Thirty Dollars (\$572,130.00), in accordance with the terms hereof. The East Parcel shall be conveyed to the District via General Warranty Deed, but the Village shall not undertake any obligation to provide title insurance or a title commitment. At its first Village Board meeting occurring after receipt of the District ordinance, the Village shall vote to approve the sale of the East Parcel on these terms and conditions, and shall thereafter provide a deed in accordance with the terms hereof within seven days.



- 3) **Additional Terms of Sale:** The Village shall terminate the existing agricultural lease for the Harrison Property and shall convey the property free and clear of any leases. The Village and District acknowledge that the Village’s easements for water and wastewater shall remain on the Village’s parcel (i.e. the West Parcel). Otherwise, the property shall be conveyed only subject to: , subject only to: (a) covenants, conditions, and restrictions of record; (b) private, public and utility easements of record and roads and highways, if any; (c) general real estate taxes not yet due and payable as of the Closing (as hereinafter defined); (d) rights of adjoining owners to the uninterrupted flow of any stream which may cross the land; (e) rights of way for drainage tiles, ditches, feeders and laterals, if any; and (f) acts of the District(the “Permitted Exceptions”).
- a. The Village shall deliver and the District agrees to accept possession of the Real Estate on the day of Closing.
  - b. The Village will provide evidence satisfactory to the District at the Closing that general real estate taxes (or so much thereof as shall have come due) have been paid in full. The District shall receive a credit at Closing for general real estate taxes levied against the Real Estate not yet due or payable or due but not yet paid. Taxes shall be prorated on the basis of the latest tax bill issued.
- 4) **Counterparts:** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Approved, as of the date set forth above.

**FPDKC:**

**FOREST PRESERVE DISTRICT OF KANE COUNTY**

By: \_\_\_\_\_

**Its President**

**ATTEST:**

\_\_\_\_\_

**Secretary**

**PINGREE GROVE:**

**VILLAGE OF PINGREE GROVE**

By: \_\_\_\_\_

**Its Mayor**

**ATTEST:**

\_\_\_\_\_

**Secretary**