

Agenda Item #

52

DISTRIBUTION
County Board
County Clerk
County Administrator
Public Works
Planning

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

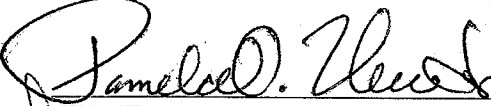
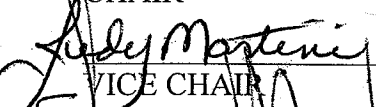
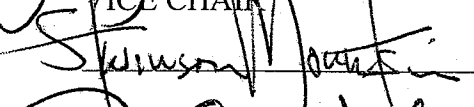
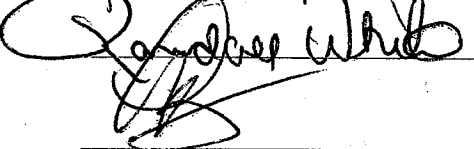

ADJOURNED REGULAR JUNE, A.D., 2008 SESSION

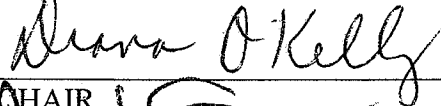

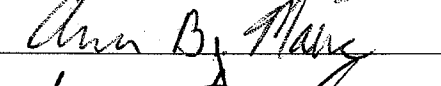

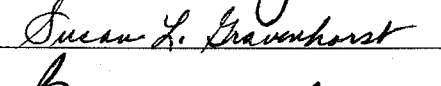
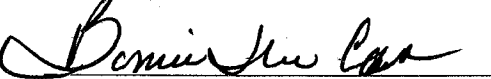
JULY 8, A.D., 2008

MADAM CHAIR AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building, and Zoning, Public Works & Transportation and Financial and Administrative Committees present herewith a Joint Resolution authorizing the execution of an Agreed Order between Millineum Maintenance Management, Inc., Capital Development Group, LLC, Village of Mettawa, Deerpath Farms Subdivision LLC, Fred Baird, and County of Lake in Case No. 06 MR 752, and request its adoption.

Respectfully submitted,

	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
CHAIR	<u>present</u>	
		
VICE CHAIR		
	X	
	X	
	Present	

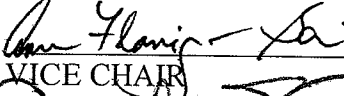
	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
CHAIR		
		<input checked="" type="checkbox"/>
VICE CHAIR		
		<input checked="" type="checkbox"/>
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PLANNING, BUILDING AND ZONING COMMITTEE

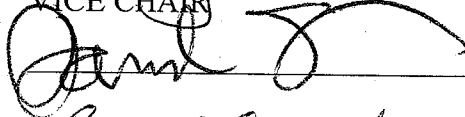
PUBLIC WORKS AND TRANSPORTATION COMMITTEE

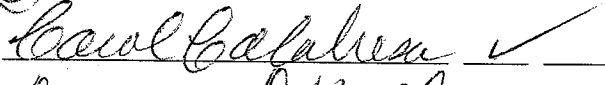
 Aye Nay

CHAIR

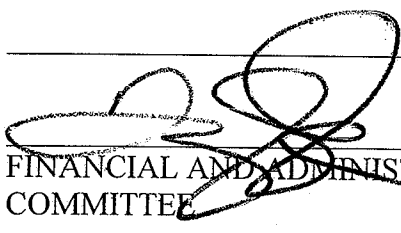
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VICE CHAIR

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FINANCIAL AND ADMINISTRATIVE
COMMITTEE

RESOLUTION

WHEREAS, Millineum Maintenance Management, Inc. and Capital Development Group, LLC (“Plaintiffs”) are the owner and developer of the approximately forty acre tract on the west side of Bradley Road and north of Route 60 near the Village of Mettawa (the “Subject Property”); and

WHEREAS, on April 27, 2005, Plaintiffs applied to Lake County to rezone the Subject property from the Estate zoning district to the Residential-1 zoning district and for a conditional use permit to allow a privately owned and operated surface discharge wastewater treatment facility upon the Subject Property to serve a proposed development of 31 detached single family homes; and

WHEREAS, beginning on July 25, 2005, and continuing from time to time, through December 1, 2005, the Zoning Board of Appeals conducted public hearings on Plaintiffs’ application for rezoning from the Estate zoning district to the Residential-1 zoning district and for a Conditional Use Permit; and, at the conclusion of the hearings, the ZBA recommended that the Plaintiffs’ application for rezoning be approved if public sanitary sewers were available to serve the Subject Property and that Plaintiffs’ request for a Conditional Use Permit to allow an onsite wastewater treatment facility with surface discharge be denied; and

WHEREAS, on April 11, 2006, the County Board denied both of Plaintiffs’ requests for rezoning and for a conditional use permit; and

WHEREAS, Plaintiffs have filed a lawsuit (case no. 06 MR 752), challenging the denial of the rezoning and the denial of the conditional use permit, in which suit, the Village of Mettawa, Deerpath Farms Subdivision, LLC and Fred Baird have intervened as party defendants; and

WHEREAS, the parties to the lawsuit have concluded that it is in the best interests of all the parties to settle and compromise their respective claims and demands as set forth in the Agreed Order; and

WHEREAS, pursuant to the proposed settlement terms, the Subject Property may be developed

with 26 single-family detached units served by sanitary sewer, and sanitary sewer line extensions to the County's Vernon Hills Sewer System will be installed at minimal cost to the County to serve certain other unincorporated parcels as well as other parcels within the Village of Mettawa; and

WHEREAS, an Agreed Order reflecting the terms of the settlement has been prepared that is acceptable to all the parties;

NOW, THEREFORE, BE IT RESOLVED, by this County Board of Lake County, Illinois, as follows:

1. That the Chairman of the County Board is hereby authorized and directed to execute the attached Agreed Order, substantially in the form attached hereto, with such final revisions as may be authorized and approved by the Chairman, County Administrator, and State's Attorney's Office, and to execute any other required court pleadings or documents, on behalf of County of Lake, which comport with and/or effectuate this Board-approved settlement.

DATED, at WAUKEGAN, LAKE COUNTY, ILLINOIS, on this 8th day of July, A.D., 2008.