

USE OF FOREST PRESERVE DISTRICT PROPERTY WITHIN THE VILLAGE

In 1989, the Lake County Forest Preserve District (the “Forest Preserve District”) proposed to acquire large tracts of farmland for what has become known as the Grassy Lake-Flint Creek Preserve, including approximately 349 acres of land which was then located in and still remains part of the Village of Lake Barrington. At that time, it was the Forest Preserve District’s policy to use its eminent domain (i.e., condemnation) authority to acquire land it wanted, even in cases where the property owners did not wish to sell their property to the Forest Preserve District.

The open space acquisitions proposed by the Forest Preserve District in 1989 included several tracts of farmland that had been held by long-time residents of Lake Barrington, including one family whose ancestors had been some of the earliest settlers of the Village who first began farming their land in the 1840’s.

In order for the Forest Preserve District to acquire land within a municipality, Illinois statutes required the Forest Preserve District to first obtain the written consent of the municipality. Members of the Village of Lake Barrington Village Board at the time had greatly differing views of the Forest Preserve District’s use of its eminent domain authority to acquire these large tracts of land within the Village, but after a great deal of debate, a majority of the Village of Lake Barrington Village Board decided they favored giving the Village’s consent to the Forest Preserve District for land acquisitions within the Village, but only if the Forest Preserve District would enter into an intergovernmental agreement with the Village which would limit the way such land in the Village could be used by the Forest Preserve District in the future. The resulting Intergovernmental Agreement, which was negotiated and executed by the Village of Lake Barrington and the Lake County Forest Preserve District in 1989, specified the land to be acquired within the Village could only be used as a “nature preserve site” for nature observation and study, photography, for hiking and educational purposes, and that improvements to the land would be limited to nature trails, related signage and limited parking areas.

Because of the concerns expressed at that time by Village residents whose homes would be adjacent to or in close proximity to the lands to be acquired by the Forest Preserve District, the 1989 Intergovernmental Agreement also specifically prohibited more active recreational uses such as, among other things, athletic fields and sports courts, camping grounds, playgrounds, use of the trails for bicycles and

for motorized vehicles, archery, trap and skeet shooting, hunting, as well as use of the trails by dogs, horses, and other domestic animals, launch areas for balloons, gliders and/or model aircraft, landfills and other solid waste facilities.

In 1989, other forest preserve districts in Northern Illinois were permitting such activities as trap and skeet shooting, model aircraft facilities and landfills on land acquired by those forest preserve districts which facts helped convince the members of the Village Board that retaining the Village's authority to impose certain land use restrictions on Forest Preserve land was important to include in the Village's 1989 Intergovernmental Agreement with the Lake County Forest Preserve District in order to protect nearby Village residents from the potential adverse effects of such possible uses of the Lake County Forest Preserve District's land in the future.

The Village's 1989 Intergovernmental Agreement has withstood the test of time over almost three decades. It has been amended twice, once to allow the public access to the Forest Preserve District's trails through the Village of Lake Barrington's Village Hall property and to allow the members of the public who use the Forest Preserve District's trails to share the use of the parking facilities available at the Village of Lake Barrington Village Hall. Most recently, in 2004, the 1989 Intergovernmental Agreement was amended to allow members of the public to bring their dogs onto the Forest Preserve District's trails.

To date, the Forest Preserve District has indicated a willingness to also allow the use of bicycles on the trails of the District's Grassy Lake-Flynt Creek Preserve, but only if the Village would also agree to remove the other continuing land use restrictions which are still part of the 1989 Intergovernmental Agreement. The Village has been reluctant to give up these local controls which were intended to protect Village residents who live in close proximity to Forest Preserve District's holdings. The Village will continue to discuss these subjects with representatives of the Forest Preserve District to endeavor to find a common ground with the Forest Preserve District so that bicycles might initially be allowed on the Forest Preserve District's trails, but the Village also remains committed to continuing the local controls that are provided through the 1989 Intergovernmental Agreement.

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