

# RESOLUTION

## **Resolution Authorizing Execution of a Stormwater Management Conservation Easement In Lieu of Stormwater Storage for Permit J-9927 at 2719 Paulson Road, Harvard, IL, Hartland Township (10)**

**WHEREAS**, 55 IL CS 5/5-1062 grants counties authority to manage and mitigate the effects of stormwater drainage and flooding through ordinance rules and regulations; and

**WHEREAS**, McHenry County adopted the McHenry County Stormwater Management Ordinance on January 20, 2004, with the most recent amended version dated September 15, 2020; and

**WHEREAS**, the Stormwater Management Ordinance contains stormwater storage exemption provisions under Article VI, Section B, Paragraph 5.a; and

**WHEREAS**, the Department of Planning and Development, Water Resources Division issued Permit J-9927 for stormwater storage for a portion of the property in conformance with the applicable provisions of the SMO; and

**WHEREAS**, the Water Resources Division staff have approved the use of the conservation easement in lieu of stormwater storage for other adjoining properties; and

**WHEREAS**, stormwater storage is being provided for the areas of the property that are adjacent to the Paulson Road right-of-way but still contained within the conservation easement; and

**WHEREAS**, the Planning, Environment, and Development Committee has reviewed the resolution.

**NOW, THEREFORE BE IT RESOLVED**, by this County Board of McHenry County, Illinois, that it hereby authorizes the County Board Chairman to execute a conservation easement in lieu of stormwater storage for Permit J-9927 on the property located at 2719 Paulson Road, Harvard, IL, in Hartland Township as provided for in the Stormwater Management Ordinance; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the County Administrator, County Recorder, Director of Planning and Development, Chief Stormwater Engineer, State's Attorney's Office, and Office of Assessments.

**DATED** at Woodstock, Illinois, this 15<sup>th</sup> day of April, A.D., 2025.

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Michael Buehler, Chairman  
McHenry County Board

ATTEST:

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Joseph J. Tirio, County Clerk

## RESOLUTION

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**SUBJECT:** Resolution Authorizing Execution of a Stormwater Management Conservation Easement In Lieu of Stormwater Storage for Permit J-9927 at 2719 Paulson Road, Harvard, IL, Hartland Township (10)

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**Board / Committee Action Requested:**

To approve a resolution authorizing the County Board Chairman to execute a conservation easement in lieu of stormwater storage as part of Permit J-9927 on the property at 2719 Paulson Road, Harvard, IL in Hartland Township as provided in the Stormwater Management Ordinance.

**Background and Discussion:** The McHenry County Stormwater Management Ordinance was adopted by the County Board on January 20, 2004, with the most recent amended version dated September 15, 2020. The Stormwater Management Ordinance includes a provision allowing the use of a conservation easement on a property in lieu of stormwater storage under Article VI, Section B, Paragraph 5.a. Under this provision, stormwater storage is not required for impervious areas placed within a conservation easement if that impervious area does not exceed 5% of the contiguous property.

Permit J-9927 was issued for additional buildings and outdoor riding areas for horses. Stormwater storage was provided as part of that permit. At the time of final inspection, it was observed that the owner had added additional impervious area to other parts of the property and adjacent properties not included as part of Permit J-9927. The current proposal is to place all impervious area on all contiguous properties (PINs: 07-20-200-010, 07-20-200-011, 07-20-200-012, 07-20-200-013) within the Conservation Easement and keep the stormwater detention basin that is adjacent to Paulson Road. An aerial has been provided showing all of the parcels.

The detention basin that was constructed as part of Permit J-9927 will remain. It serves a critical function of providing a controlled runoff release to the Paulson Road right-of-way that conveys stormwater to an existing culvert under Paulson Road as shown in the provided Aerial Exhibit. This will minimize flood risks to Paulson Road at that existing culvert.

Staff have reviewed the plans and calculations for the proposed design and the use of the conservation easement. It was determined the project meets the criteria for use of the conservation easement provision of the Stormwater Management Ordinance. Once signed by both the applicant and the County, the conservation easement document will be recorded with

the County Recorder's Office. The conservation easement may be modified in the future, as necessary, to accommodate future improvement changes.

**Impact on Human Resources:** None.

**Impact on Budget (Revenue; Expenses, Fringe Benefits):** None.

**Position Reclassification or Regrade, please address the following:** None.

**Impact on Capital Expenditures:** None.

**Impact on Physical Space:** None.

**Impact on Other County Departments or Outside Agencies:** None.

**Conformity to Board Ordinances, Policies and Strategic Plan:** None.