

Mr. Barney Baxter,

As a reader of your blog, I was surprised to find myself and my office as topics on your site and wanted to correct some of the "factual errors" you've shared with your readers.

There has been a long running dispute amongst property owners around Wooster Lake as to whether or not it is a no-wake or unrestricted body of water. I believe since 2005 there have been attorneys, villages, IDNR, judges and property owners involved in trying to determine who is legally correct.

Grant Township Assessor has historically valued the waterfront land on Wooster Lake as restricted, giving it LOWER LAND VALUES than many of the other lakes in Grant Township, which is an advantage to the homeowner who supplied you with "the facts" of our treachery.

His 2014 land value was \$128,063 for 46,435sf on Wooster Lake. Land values for a property on Fox Lake is \$206,993 for 21,440sf or half the land for Wooster. The property owner asked questions and was responded to on May 19, 2014 by my Senior Deputy, Lorry Spencer, who was more knowledgeable on the subject than I having worked here since 1992, whereas my term began January 1, 2010.

In June 2014, the property owner made us aware that he had won in court and sent us documentation confirming that Wooster Lake is not restricted (see documents provided). In September 2014 the property owner appealed his assessment with an appraisal dated 9/23/2014 which claimed restricted water use when in fact the property owner has been disputing this and won his court case clarifying the use of the lake as unrestricted prior to having the appraisal done. When it was convenient for the property owner to call the lake restricted he did so knowing that he had recently settled the long running dispute he's been fighting for years.

The time frame and court decision are the factor that lead to the two different responses by my office NOT any other implied reason.

I am also attaching a spread sheet to dispute the allegations made on your blog regarding favorable treatment to any neighborhood including Tanneron Bay. Tanneron Bay is made up of condos and would have lower values than single family homes with an acre of property on the lake.

Assessments are based on sales of like properties from the previous three years in the same neighborhood with similar amenities.

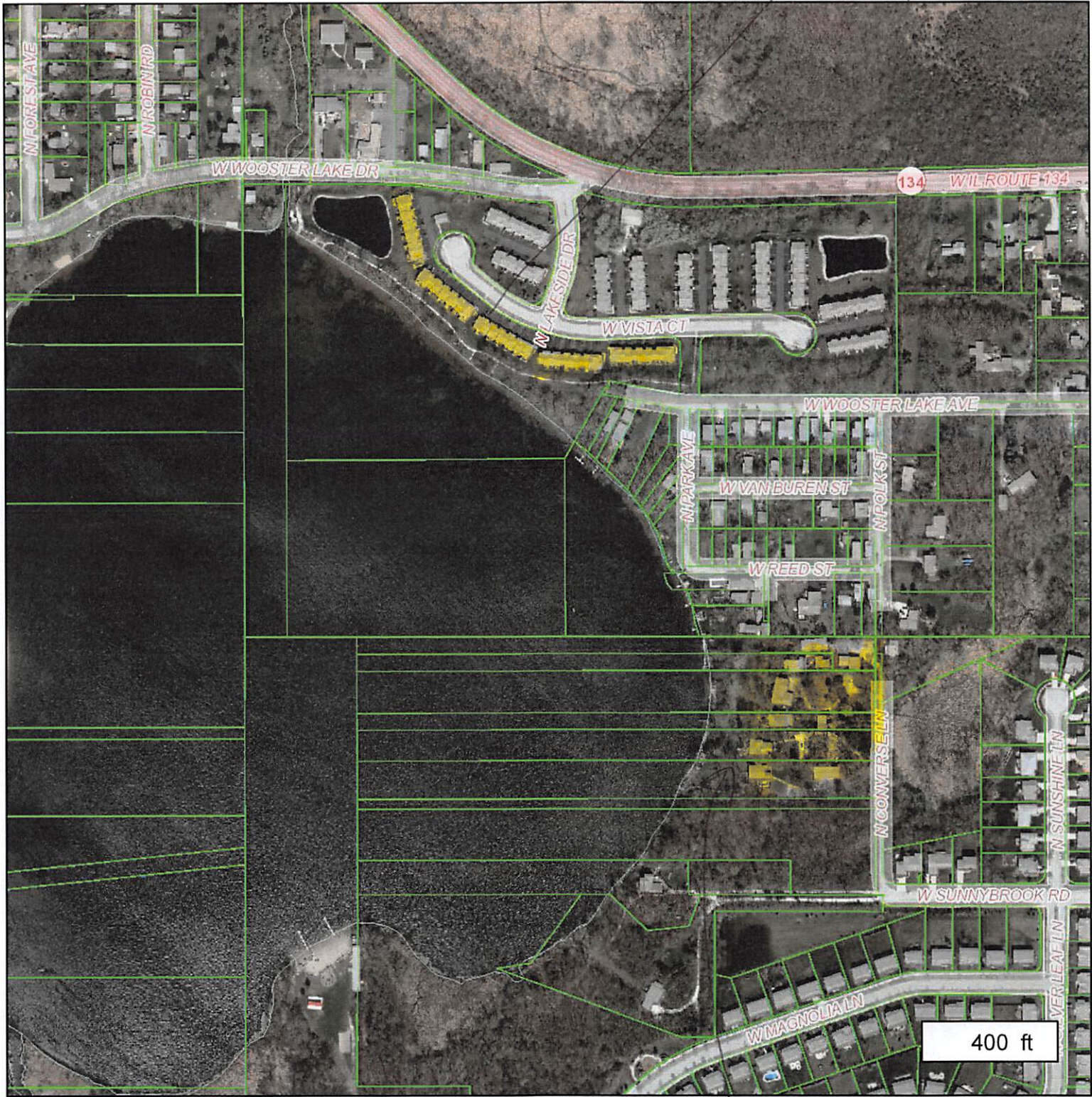
The second letter did not "deny the homeowner's tax appeal" it was in response to the appeal filed with the Board of Review in Waukegan disputing the appraisal submitted by the property owner and pointing out differences in the comps that were not adjusted for.

Although I was not contacted for information prior to the posting of this erroneous information, I welcome the opportunity to further discuss this matter with you or Dr. Bhatschidtkhrazzi to give any additional information requested which might help you understand what actually transpired, how we determine values and that the implications made in these postings were unfair and untrue. Thank you for your time.

Jeri Barr

Lake County, Illinois

TRANERON
BAY CONDOS



 **LakeCounty**
Geographic Information System

Grant Township Assessor
26725 W Molitor Rd
Ingleside IL 60041
(847) 546-8880

Map Printed on 4/24/2015



— Tax Parcels

SINGLE FAMILY
PROPERTIES

Disclaimer:

The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

Lake County, Illinois



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Lake County, Illinois



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(847) 546-8880

Map Printed on 4/24/2015
Parcel 0509300001 is outlined.



— Tax Parcels

Selected Features:
Various Tax Parcels
0523206012

Disclaimer:

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BOARD OF REVIEW DECISIONS 2011-2014

TANNERSON BAY

<u>PIN</u>	<u>BR YR</u>	<u>REASON</u>	<u>FROM</u>	<u>TO</u>	<u>% CHANGE</u>	
05-23-206-016	2011	BASED ON CURRENT PURCHASE PRICE	\$183,442	\$174,998	-4.60%	
05-23-206-030	2013	BASED ON CURRENT PURCHASE PRICE	\$150,942	\$134,998	-10.56%	
05-23-206-046	2013	BASED ON CURRENT PURCHASE PRICE	\$104,497	\$89,001	-14.83%	GOV S
05-23-207-016	2013	NO CHANGE	\$156,316	\$156,316	0.00%	
05-23-207-036	2013	NO CHANGE	\$116,379	\$116,379	0.00%	

WOOSTER LK

05-23-401-001	2011	BASED ON COMPS SUBMITTED	\$360,198	\$342,322	-4.96%	
05-23-111-053	2012	BASED ON EVIDENCE & TEST. OF APPELLANT	\$716,568	\$650,000	-9.29%	
05-23-111-055	2012	NO CHANGE	\$151,410	\$151,410	0.00%	
05-23-111-060	2012	NO CHANGE	\$159,457	\$159,457	0.00%	
05-23-401-001	2013	NO CHANGE 16-80	\$321,989	\$321,989	0.00%	
05-23-401-003	2013	BASED ON COMPS SUBMITTED	\$456,184	\$427,000	-6.40%	
05-23-401-005	2013	C/E CORRECT ERROR ON PRC	\$265,179	\$254,863	-3.89%	
05-23-401-006	2013	IN OFFICE BR - BASED ON DEMO	\$315,173	\$236,343	-25.01%	
05-23-111-053	2014	NO CHANGE - NO EVIDENCE SUBMITTED	\$613,774	\$613,774	0.00%	
05-23-111-055	2014	NO CHANGE - NO EVIDENCE SUBMITTED	\$146,859	\$146,859	0.00%	
05-23-111-060	2014	NO CHANGE - NO EVIDENCE SUBMITTED	\$145,932	\$145,932	0.00%	
05-23-200-060	2014	NO CHANGE - APPRAISAL SUBMITTED	\$263,279	\$263,279	0.00%	
05-23-300-002	2014	BASED ON CURRENT PURCHASE PRICE	\$321,503	\$240,900	-25.07%	
05-23-401-001	2014	NO CHANGE	\$298,128	\$298,128	0.00%	
05-23-401-003	2014	NO CHANGE	\$396,358	\$396,358	0.00%	
05-23-401-004	2014	NO CHANGE	\$272,502	\$272,502	0.00%	
05-23-401-005	2014	NO CHANGE	\$233,474	\$233,474	0.00%	

		Last recorded sale		2011				2012				2013				2014
PIN		Date	Amount	AV	state fact	Exempt	Tax Rate	AV	State Fact	Exempt	Tax Rate	AV	State Fact	Exempt	Tax Rate	AV
05-23-206-037	CONDO	10/1/98	\$229,987	\$56,831	1.028	\$6,000	8.758	\$57,187	1.019	\$6,000	9.465	\$50,309	1.000	\$6,000	10.565	\$48,201
05-23-206-040	CONDO	9/1/98	\$188,469	\$52,332	1.028	\$10,000	8.758	\$49,649	1.019	\$10,000	9.465	\$41,487	1.000	\$11,000	10.565	\$40,476
05-23-206-012	CONDO	11/1/97	\$183,424	\$54,376	1.028	\$10,000	8.758	\$49,800	1.019	\$10,000	9.465	\$46,976	1.000	\$11,000	10.565	\$45,962
05-23-207-010	CONDO	8/1/97	\$161,927	\$47,633	1.028	\$6,000	8.758	\$41,129	1.019	\$6,000	9.465	\$34,829	1.000	\$6,000	10.565	\$34,726
05-23-206-027	CONDO	4/1/99	\$205,000	\$59,284	1.028	\$10,000	8.758	\$51,957	1.019	\$10,000	9.465	\$45,625	1.000	\$11,000	10.565	\$45,733
05-23-206-023	CONDO	3/1/03	\$230,000	\$51,850	1.028	\$6,000	8.758	\$45,795	1.019	\$6,000	9.465	\$38,154	1.000	\$11,000	10.565	\$37,916
05-23-206-035	CONDO	8/3/98	\$227,779	\$53,310	1.028	\$6,000	8.758	\$57,187	1.019	\$6,000	9.465	\$50,309	1.000	\$6,000	10.565	\$48,202
05-23-206-042	CONDO	6/5/13	\$129,000	\$49,343	1.028	\$10,000	8.758	\$41,223	1.019	\$10,000	9.465	\$30,992	1.000	\$11,000	10.565	\$30,752
05-23-206-029	CONDO	1/8/14	\$132,500	\$52,832	1.028	\$6,000	8.758	\$52,638	1.019	\$6,000	9.465	\$45,455	1.000	\$6,000	10.565	\$43,382
05-23-207-012	CONDO	9/20/04	\$162,000	\$40,771	1.028	\$10,000	8.758	\$34,311	1.019	\$10,000	9.465	\$24,998	1.000	\$11,000	10.565	\$24,892
05-23-202-015	SINGLE FAMILY	6/7/02	\$259,900	\$61,868	1.028	\$0	8.758	\$58,193	1.019	\$0	9.465	\$57,230	1.000	\$0	10.565	\$50,828
05-23-202-010	SINGLE FAMILY	9/12/80	\$73,550	\$57,317	1.028	\$6,000	8.758	\$53,912	1.019	\$6,000	9.465	\$53,912	1.000	\$6,000	10.565	\$45,937
05-23-401-001	SINGLE FAMILY	n/k	n/k	\$114,096	1.028	\$6,000	8.758	\$107,319	1.019	\$6,000	9.465	\$107,319	1.000	\$6,000	10.565	\$99,366
05-23-401-003	SINGLE FAMILY	12/27/93	n/k	\$161,648	1.028	\$6,000	8.758	\$152,046	1.019	\$6,000	9.465	\$142,319	1.000	\$6,000	10.565	\$132,106
05-23-401-008	SINGLE FAMILY	12/5/14	tax sale	\$70,742	1.028	\$0	8.758	\$66,540	1.019	\$0	9.465	\$66,540	1.000	\$0	10.565	\$65,131
05-23-100-025	SINGLE FAMILY	3/16/05	\$347,000	\$113,385	1.028	\$6,000	9.444	\$106,650	1.019	\$6,000	10.230	\$106,650	1.000	\$6,000	11.433	\$92,540
05-23-111-053	SINGLE FAMILY	7/1/03 (vacant)	\$175,000	\$253,915	1.028	\$0	9.444	\$216,645	1.019	\$0	10.230	\$216,645	1.000	\$11,000	11.433	\$204,571
05-23-100-028	SINGLE FAMILY	5/1/05 *(jewish council)	\$29,225	\$91,809	1.028	\$0	9.444	\$86,355	1.019	\$0	10.230	\$86,355	1.000	\$0	11.433	\$90,789

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

FILED

JUN 19 2014

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

KIRK DENZ & CYNTHIA DENZ

Keith Brin
CIRCUIT CLERK

vs.

GEN. NO. 1356 5277

WOOSTER LAKE CONSERVATION AND

CONTROL ASSN., INC.

JUDGMENT ORDER

PLAINTIFF(S) PRESENT / NOT PRESENT, DEFENDANT(S) PRESENT / NOT PRESENT IN OPEN COURT, THIS
MATTER COMING ON FOR TRIAL / RETURN DATE, AND THE COURT FINDING ISSUES IN FAVOR OF: _____

PLAINTIFF KIRK DENZ & CYNTHIA DENZ

IT IS HEREBY ORDERED THAT JUDGMENT IS ENTERED AGAINST:

DEF. WOOSTER LAKE CONSERVATION AND CONTROL ASSN., INC.

IN THE SUM OF \$ 4,359.04 PLUS / INCLUDING COSTS OF SUIT.....

FILING FEE \$ 160.68

SERVICE FEE \$ 82.00 (42140)

OTHER FEES \$ _____

PAID - V. H. AND
ON DANKS.

TOTAL JUDGMENT \$ 4,601.72

Dated at Waukegan, IL this 19 day
of June, 2014.

ENTER:

[Signature]

Order prepared by:

[Signature]
ARDC

931 JUDGE

Fun on the Fox Message Board

Bringing You the Boating Lifestyle
<http://www.funonthefox.com/board/>

Wooster Declared a "Wake Lake" By Lake County Sheriff's Dept

<http://www.funonthefox.com/board/viewtopic.php?f=80&t=22412>

Wooster Declared a "Wake Lake" By Lake County Sheriff's Dept Page 1 of 1
by **boatguardian** Posted: Tue Jul 22, 2014 1:02 pm

In June 2014, a Lake County Civil Court judge ruled against the "Wooster Lake Conservation & Control Association", the defendant in the law suit alleged to be fraudulently claiming the lake properties were restricted.

thelocalview.info/wp-content/uploads/2014/07/Court-Judgment-Order-against-WLCCA-6_19_2014.pdf

The Judgment Order was for the entire sum of money that the Defendant had available in its coffers.

In May 2014, the Lake County Sheriff's Department (continuing to field calls from resource-wasting morons on Wooster Lake complaining of tubing, water skiing, jet skiing) emailed a written statement that the Sheriff's Department agrees with an IDNR October 2013 letter stipulating Wooster has NEVER had any special restrictions on it. NEVER. The Sheriff's Department went further to write Wooster Lake is considered by the Department a **"Wake Lake"**. Not for just select few but for all who have legal access to use the lake. The Sheriff's Marine Unit has pledged to tell all incoming callers to be informing them Wooster is considered by that Department a **"Wake Lake"** without any special restrictions.

Re: Wooster Declared a "Wake Lake" By Lake County Sheriff's

by **boatguardian** Posted: Tue Jul 22, 2014 1:44 pm

Some local media coverage pertaining to the issue:

www.dailyherald.com/article/20140711/discuss/140719866/

[www.lakecountyeye.com/2014/06/in-wake-o ... t-day.html](http://www.lakecountyeye.com/2014/06/in-wake-o...t-day.html)

Re: Wooster Declared a "Wake Lake" By Lake County Sheriff's

by **boatguardian** Posted: Tue Jul 22, 2014 6:37 pm

The Lake County Sheriff Department's letter dated May 9, 2014 reads:

"....The Lake County Marine Unit has agreed with the IDNR's (October 23, 2013) statement regarding the wake status of Wooster Lake, in that it is a "Wake Lake."...."

The IDNR's letter dated October 23, 2013 reads:

"....Beyond the regulations found in the Illinois Boat Registration and Safety Act (which

applies to all waters of the state), the IDNR does not have any administrative rules; currently and to my knowledge previous, that impose any recreational boating restrictions on Wooster Lake. This includes a no wake restriction....."

It doesn't get much clearer than those letters from the authorities,, assuming people have actually been provided a copy.

Both the IDNR's and the Lake County Sheriff's written statements are in stark contrast to what leaders in associations and/or in local government have been falsely telling the general public for decades. At the helm of the lying is Lake County Board Member Carter who has been a staunch advocate to spread this no wake lie. Carter has been the leader and inspiration of a mob bent on slandering boaters who create wake recreating on the lake, falsely painting them as criminals who don't obey "the rules." Rules that aren't even real or legal. Carter is a former resident of Wooster Lake and is on public record soliciting for a local ordinance to specifically reinforce the slanderous and fraudulent WLCCA Declaration's restrictions recorded at Lake County at area developments. Her words, relying on the WLCCA Declaration to get the reinforcing municipal ordinance. Carter is also on record soliciting for a deal with local municipal mayor to adopt the prohibited-by-state-law extraterritorial ordinance and to ignore the advice of the municipal attorney. A quid pro quo to have municipal officials knowingly violate the law, ignore their own attorney, and reinforce the fraud.

One has to wonder why Michael Waller's and Michael Nerheim's Office have refused to prosecute and hold accountable all those who have verifiably deceived and defrauded so many. Tax dollars "hard at work" in Lake County.

"

Re: Wooster Declared a "Wake Lake" By Lake County Sheriff's

by **boatguardian**

Posted: **Fri Jul 25, 2014 7:24 pm**

Though 9 months has past since the IDNR wrote its letter declaring Wooster Lake has never had any restrictions, very few people have been provided a copy of it. The Lake County State's Attorney's Office confirms the IDNR 2 weeks ago sent its letter to the following list of Officers of area associations:

Peter Dziadus - Tanneron Bay Townhomes & Condominium Association President
Peggy Trelford - Wooster Lake Conservation & Control Association (WLCCA) Treasurer & Wooster Lake Improvement Association (WLIA) Member
Sara English - Wooster Lake Improvement Association Registered Agent
Jill Mager - Eastshore Improvement Association of Wooster Lake President
George Hoefle - Silver Leaf Glen Association President
Robert Quedens - Cambridge at Holiday Park Homeowners' Association President
Dave Bond - Wooster Lake Conservation & Control Association President

Dave Bond In October 2013 and again in July 2014 has forwarded it to:

Joe Nakanishi - WLCCA Board Member & Cambridge at Holiday Park HOA Member
Joanna Lubash-Kretschmer - WLCCA Board Member & WLIA Member

Gale Pitasch - WLCCA Board Member & Eastshore Improvement Association Member
Victor Ligenza - WLCCA Board Member
Ruth Bond - WLCCA Secretary
Steve Pearson - WLCCA Vice President
Peggy Trelford - WLCCA Treasurer & WLIA Member

A copy can be obtained from any of these association Officers.

Re: Wooster Declared a "Wake Lake" By Lake County Sheriff's

by Jono

Posted: **Sat Jul 26, 2014 2:57 pm**

Where is the public access boat ramp for Wooster lake?

Re: Wooster Declared a "Wake Lake" By Lake County Sheriff's

by boatguardian

Posted: **Sat Aug 02, 2014 8:48 am**

Private Wooster Lake has 2 publicly owned properties of/to the lake, 1 owned by the Village of Fox Lake on the west side and 1 owned by the Village of Round Lake on the south east side. One has a locked gate placed on it and the other is intentionally overrun with trees, shrubs, etc. preventing the public from accessing the lake.

These are the same 2 villages which have used tax payer resources to adopt unlawful ordinances on behalf of Bonnie Carter and her group of liars, all to advertise bogus and unenforceable (no-wake) restrictions of Wooster Lake.

Re: Wooster Declared a "Wake Lake" By Lake County Sheriff's

by Jono

Posted: **Sun Aug 03, 2014 6:36 am**

Fox Lake owns no property on that lake much less a boat ramp. So there is no public access and it is a private lake. Again, why would anyone care about this?

Re: Wooster Declared a "Wake Lake" By Lake County Sheriff's

by boatguardian

Posted: **Mon Aug 04, 2014 11:59 am**

Not true, Jono. 2 public properties do exist adjacent to Wooster Lake. One owned by the Village of Round Lake (which you seem to agree with). The other is an easement on the west side of the lake that is inside the borders of Village of Fox Lake. No Permanent Index Number exists for it. It is controlled by Fox Lake as it is inside the Village border.

Other launch points are privately owned, but owners are by law allowed to allow their guests to launch too. So to your point, Jono, public access is limited, I agree.

If public access is so limited and it's a "private" lake, why have public resources at the county level and municipal levels been so widely used to advertise for so many years no wake restrictions on the lake's waters? No doubt that is why the Lake County Sheriff in May 2014 drafted a letter to confirm the IDNR letter recently redistributed in the last few weeks. No doubt law enforcement is tired of being caught in the middle, fielding complaints about the liars' lies.

Lake County Eye

Keeping an Eye on
Lake County Illinois!

Saturday, October 26, 2013

In the Wake of the News: Private Covenants

A story I posted here, [In the Wake of the News](#), needs a correction. I said that the Village of Round Lake passed a zoning ordinance restricting the use of watercraft on Wooster Lake. And that Kirk Denz then reciprocated by getting a state law passed to overturn these zoning ordinances. That is not quite correct. Denz obtained a clarification of the law from Springfield, which had the effect of overturning the zoning ordinances.

This is important because the story revolves around a Declaration of Conditions, Covenants and Restrictions (DCCR) -- or more simply put, a homeowners covenant -- between residents of Wooster Lake. The basic issue, as I see it, is over how and by whom are these covenants enforced.

Denz has subsequently filed a lawsuit against the homeowners association, Wooster Lake Conservation & Control Association (WLCCA). One statement alleged in the suit leapt out when I read it. *One year prior to the Round Lake zoning ordinance, Deputies on August 6, 2004*

"... arrived at the Petitioner's home in a Lake County Sheriff's squad car while fully uniformed, waved a provided copy of the WLCCA DCCR's in the faces of Petitioner Kirk Denz and his guest Jim Murray, repeatedly threatening ticket and arrest ..."

DENZ VS WOOSTER LAKE CONSERVATION

19. On August 6, 2004, the Lake County Sheriff's Marine Unit was contacted by WLCCA Member/Officer Sue Rosenlof complaining that people were jet skiing on Wooster Lake and as a WLCCA Official advised the police officers this was in violation of WLCCA DCCR's. The WLCCA Officer convinced the police officers to harass owners of the lake including the Petitioners and guests to enforce the DCCR's by providing the police officers with a copy and contending the Petitioners and guests were in violation of them.

Without highlighting any other issues, police officers inexplicably obliged Rosenlof and after arriving at the Petitioner's home in a Lake County Sheriff's squad car while fully uniformed, waved a provided-copy of the WLCCA DCCR's in the faces of Petitioner Kirk Denz and his guest Jim Murray, repeatedly threatening ticket and arrest, while specifically pointing to and citing the purported "no jet skiing" verbiage purported in the association's restrictive covenants.

See Lake County Sheriff's Report 04-11448 dated 8/8/04 attached, Computer Aided Dispatch notes dated 8/6/04 for 04-11448 and supplemental report 04-11448 dated 8/27/04 following up with the Lake County State's Attorney, confirming Sheriff's Deputies should not be enforcing any association's covenants, whether they be valid or invalid.

See written statement from Jim Murray, Denz's guest on 8/6/04.
See written statement from Kirk Denz regarding the 8/6/04 incident.

My immediate question was: On whose authority were Lake County Sheriff Deputies sent to enforce a homeowners covenant? These covenants are basically legal agreements between homeowners and have no statutory force.

Not too long ago, the political career of a Lake County State Senator was cut short when it was revealed that she requested inappropriate favors of the Lake County Sheriff's Department. Is there a mindset among some elected Lake County officials that the Sheriff's Department is their private police force?

To my knowledge, this incident with Kirk Denz was never investigated by the State's Attorney or the press.

Posted by redtail at 11:00 PM

Want to contact us?

We are an independent blog covering politics in and around Lake County IL. If there is something newsworthy (or even noteworthy) to report, contact us at lakecountyeve@gmail.com

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Local Blogs of Note

① [Gates Goes Down | Citizens United](#)

Value Capture a.k.a. Highway Robbery
1 day ago

[The McHenry County Blog](#)

Hammerand Comments on UDO, the Proposed County Zoning Ordinance
2 weeks ago

🗨️ [The Local View](#)

Warren Area Lacrosse Association Youth League 2014
2 months ago

📰 [CountyLeaks](#)

November 9-21, 2011 - Was Crucial Evidence of the Criminal IT Case Intentionally Destroyed by DuPage Forest Preserve during these Twelve Days?
6 months ago

[Rate Lake County](#)

4 comments:

Anonymous said...

The incident referred to in the article occurred in August 2004. Lt. Scottberg of the Sheriff's Dept. wrote up a report which alluded to his Officers and the covenants of the lake but really didn't tell the story of what HIS officers had done with these covenants and restrictions. Denz's and Murray's statements as well as a witnessing neighbor's testimony all reflect this Department was "influenced" to utilize the covenants at that time and the Lieutenant was not telling the whole story in his report.

It is worth noting the Lake County Sheriff's Dept. by February 2012 had improved its procedures. Chief Deputy Parker for example had written Wooster Lake is:

"an open lake by the laws of Illinois"

This while covenants and restrictions of the lake remain recorded at Lake County Recorder of Deeds.

[October 27, 2013 at 8:30 AM](#)

Anonymous said...

Also worth noting is this same Lt. Scottberg of the Lake County Sheriff's Dept. in May 2005 distributed an email with a false legal opinion that a neighboring village could adopt an ordinance to restrict largely Ingleside-Wooster Lake. At the time of this false legal opinion, Illinois State law prohibited any type of extraterritorial zoning of private properties beyond municipal borders.

This Lake County Lieutenant seemed much more interested in appeasing the Lake County Board Member's interests rather than just enforcing the law like he was supposed to.

[October 27, 2013 at 9:27 AM](#)

Interview Wooster Liars said...

Eye on Lake County should interview the officials at Tanneron Bay and at Holiday Park and other associations around Wooster Lake who insist to tell on the internet, in Bylaws, in Declarations recorded at the county that the private properties of Wooster Lake are somehow regulated with special restrictions.

Get them on record why they still advertise this lie!

[October 28, 2013 at 8:41 PM](#)

Anonymous said...

https://app.sugarsync.com/wf/D2932044_289_67797560

Read the signed letters from Attorney Richard Nakon and the Illinois Dept of Natural Resources.

RESTRICTIONS ON WOOSTER LAKE ARE ILLEGAL.

[November 2, 2013 at 8:14 AM](#)

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► March (14)

► February (19)

► January (10)

Derz 05-2340005

Wooster Lake Conservation & Control Association; Dispute about restrictive usage of Wooster Lake

According to the Lake County Recorder of Deeds Office, document #5094179 belonging to one of the lake's adjacent new developments contains the "Wooster Lake Conservation and Control Association (WLCCA) Declaration of Covenants, Conditions, and Restrictions" which was recorded January 13, 2003. The recorded Declarations' "Exhibit B" lists owners, addresses, and Property Identification Numbers of the lake. The Declaration also claims listed restrictions which are binding against the lake's owners. No jet skiing, no tubing, no snowmobiling, no hunting, 'no wake after sunset' are among the listed lake-usage restrictions.

An attorney – named on the Declarations' cover - however reportedly provided a written letter to the WLCCA President and Vice President, dated September 1, 2011, indicating the attorney never finalized the WLCCA Declaration, that he had only prepared a draft, and that the owners of the lake had never actually signed the WLCCA Declaration. See Unfinished & Unsigned WLCCA Declaration allegations (<http://thelocalview.info/2011/11/16/the-saga-of-wasted-resources-continued/>).

As of May 2014, adjacent associations disregard the attorney's "cease and desist" mandate and continue to advertise the Declared restrictions of the lake with the attorney's name on the cover. See Tanneron Bay display of WLCCA Declaration (<http://www.tanneronbay.com/WLCCAcov.pdf>). The WLCCA Declaration within #5094179 remains intact at the Lake County, Illinois Recorder of Deeds.

In its letter dated October 23, 2013 the Illinois Department of Natural Resources, the authority of Wooster Lake, drafted an opinion classifying private Wooster Lake as a lake void of any IDNR-sanctioned special restrictions. "Beyond the regulations found in the Illinois Boat Registration and Safety Act (which applies to all waters of the state), the IDNR does not have any administrative rules; currently and to my knowledge previous, that impose any recreational boating restrictions on Wooster Lake. This includes a no wake restriction."

Homeowner associations disregard the IDNR and continue the dissemination -via the Recorder's Office and the internet- said special use of Wooster Lake's waters.

Further Restriction Attempts on Wooster Lake

9/16/2014

Wooster Lake - Wikipedia, the free encyclopedia

In 2005 a Lake County Board Member Bonnie Thomson Carter is on written record in the Recorded Village of Round Lake Minutes (http://www.eroundlake.com/pdf/minutes/2005-09-06_min.pdf) soliciting for village officials to adopt a new, restrictive use ordinance over Wooster Lake. "No-Wake Ordinance" 05-O-27 was received that same evening September 6, 2005. The audio of the Village of Round Lake Meeting September 6 2005 (<http://www.eroundlake.com/audio/2005-09-06.mp3>) reveals the county board member wanted the village ordinance in part because many had "bought into" the restrictive lake covenants found in the recorded Declaration.

Though the village adopted the new No-Wake Ordinance, the Village repealed 05-O-27 (http://www.eroundlake.com/pdf/minutes/2011-06-20_193000_minutes.pdf) in June 2011. For 3–4 years earlier, certain owners of Wooster Lake had pursued clarification legislation in Springfield, Illinois. At the crux of the legislation were allegations municipal officials never had jurisdictional authority to adopt 05-O-27 over Wooster Lake, predominantly an unincorporated community and 65 ILCS 5/7-4-4 -a state statute on which the village relied- was allegedly being misinterpreted. To address the issue, House Representative JoAnn Osmond of northeastern Lake County sponsored HB3441 (<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=3441&GAID=9&DocTypeID=HB&LegId=32312&SessionID=51&GA=95>) in the 95th General Assembly where it was enacted in August, 2008, clarifying 65 ILCS 5/7-4-4 does not give municipalities authority to zone over water against properties located beyond its corporate borders.

Historical Litigation Over Wooster Lake Usage

In June 2014, the Lake County Circuit Court in case 13SC5244 ruled on behalf of Plaintiffs - certain lake bed owners of Wooster Lake- and against the defending WLCCA, Inc.. In 13SC5244 Plaintiffs filed, alleged, and submitted evidence of widespread fraud around and of private Wooster Lake properties, multiple violations of Illinois state laws, clouding and encumbrance of titles, harassment, bullying, misuse of watercraft to intimidate others into submission of "*said rules*", endangerment of adults and children, and misuse of multiple local government powers and resources to facilitate many of these alleged illegalities. Centering 13SC5244 was Plaintiffs' allegations of the invalidity of the WLCCA Declaration of Covenants, Conditions, and Restrictions, a document widely disseminated.

In 2006, prior to the 2007-2008 legislative clarification in HB3441, certain Wooster Lake owners had filed suit in Lake County Circuit Court against a nearby Village for the adoption of the new restrictive ordinance 05-O-27. The suit was voluntarily dismissed in 2007 to make way for clarifying legislation, HB3441 was enacted in 2008, and the restrictive ordinance was repealed in June 2011.

In 1962, the Illinois Supreme Court filed an opinion regarding Wooster Lake usage in County of Lake v. MacNeal (<http://law.justia.com/cases/illinois/supreme-court/1962/36649-5.html>). The summary indicates the County of Lake brought suit against MacNeal, one of the lake's riparian owners. A group called the "Wooster Lake Improvement Association" located north of MacNeal's parcels had "likewise filed a brief" in the court. The complaint claimed ordinance violations by MacNeal and his guests, specifically their usage of and around Wooster Lake. The Lake County Circuit Court found in favor of MacNeal, and the Illinois Supreme Court in 1962 affirmed the decree of the Circuit Court of Lake County on behalf of MacNeal.

References

1. ^ "Wooster Lake" (http://geonames.usgs.gov/apex/f?p=gnispq:3::NO::P3_FID:421501). Geographic Names Information System, U.S. Geological Survey.



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September 30, 2009

VIA E-MAIL & U.S. MAIL

Hon. James R. Dietz
Village President, Village of Round Lake
442 N. Cedar Lake Road
Round Lake, IL 60073

Re: Round Lake Village Ordinance 05-0-27, an
ordinance establishing rules and regulations for
Wooster Lake usage

Dear Mayor Dietz:

I have been contacted by several residents of Wooster Lake regarding an apparent ongoing dispute over the use of watercraft on Wooster Lake. During the course of my discussions with these lake property owners (persons who actually own parts of Wooster Lake), I was advised that the Village of Round Lake adopted an ordinance in 2005 that purported to restrict the use of watercraft on Wooster Lake. While the Alpine Club has no interest in Wooster Lake, *per se*, we are concerned with the adoption of any ordinance which attempts to restrict the use of private waters in unincorporated Lake County. Accordingly, I thought it would be helpful to provide you with our views as to the legality of the subject ordinance.

The ordinance in question first cites the "three mile jurisdiction" statute as the basis for the village's exercise of municipal authority over Wooster Lake. As you are aware, I am sure, the three-mile jurisdiction statute has been amended to make it clear, on its face, that the statute does not supersede the restrictions on municipal zoning authority contained in the Illinois Municipal Code. However, as can be readily seen from the legislative history of the recent amendment, the law was not actually changed in any way. That is, the purpose of the amendment was to provide clarity to municipalities who erroneously disregarded the clear limitations of municipal authority contained in the Municipal Code. In this regard, and for your information, I have enclosed a copy of my letter to (then) Governor Blagojevich outlining the development of the amendment to the statute.

The law governing municipal authority, as it existed at the time your ordinance was adopted, specifically prohibits the exercise of a municipality's zoning power outside the

Hon. James R. Dietz
September 30, 2009
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corporate boundaries of the municipality. 65 ILCS 5/11-13-1. The three-mile jurisdictional statute does not act to extend a municipality's zoning power outside of its corporate boundaries. *County of Will v. City of Naperville*, 266 Ill. App. 3d 662, 589 N.E.2d 1090 (3rd Dist. 1992). Notwithstanding the foregoing, some have argued that the jurisdiction statute affords municipalities blanket authority up to three miles beyond the corporate boundaries, over water. This is a patently erroneous assertion which, in our opinion, would have been defeated had we chosen to litigate the matter. Fortunately, when the Alpine Club was faced with a potential exercise of municipal authority by the villages surrounding Round Lake, we were able to convince the mayors of the three villages to refrain from such efforts. Nevertheless, we were concerned with future efforts to invoke the three mile jurisdiction statute notwithstanding the unambiguous limitation on that jurisdiction set forth in the modern Municipal Code. This was the reasoning for our efforts to amend the ancient three mile jurisdiction statute to bring clarity to this area of the law.

Even though the Village of Round Lake is restricted from exercising zoning power beyond its municipal boundaries, the village retains "jurisdiction" over Wooster Lake, by virtue of the three mile jurisdiction statute. Round Lake shares that "jurisdiction" with the other municipalities which border the unincorporated lake. This "jurisdiction" is limited, however, by virtue of the Illinois Municipal Code. The village may exercise police power to enforce state law such as the Boat Registration and Safety Act and the Criminal Code. However, any effort to restrict the use of private property by its owners, is, by definition, zoning and the adoption of any ordinance which restricts the use of private property outside of the municipal boundaries of the village is prohibited by the Municipal Code. Similarly, the other key statutes cited in your ordinance (65 ILCS 5/11-44-3 and 625 ILCS 45/5-7) apply to harbors and waters located within the municipality and do not apply to private property located in unincorporated areas.

Finally, characterizing an ordinance as a public safety/public health measure, while refraining from designating a restriction as a zoning measure, does not somehow revive an otherwise prohibited exercise of extra-territorial jurisdiction by a municipality. Any exercise of municipal authority which attempts to restrict the use of private property by its owners is, by definition, zoning. Many zoning restrictions are adopted for the protection of the health and safety of the public. A municipality cannot regulate the use of private property outside of its municipal boundaries, regardless of the purported purpose of the ordinance. The Municipal Code treats any restriction on the use of private property as an exercise of zoning power, regardless of the justification for the measure.

In reviewing the other factors regarding the adoption of this ordinance, it also appears that the village may have failed to follow appropriate procedures in the adoption of the subject ordinance. Clearly, no notice was given to the owners of the property to be affected by the

Hon. James R. Dietz
September 30, 2009
Page 3

ordinance. Additionally, it seems that the ordinance was a "late entry" onto the agenda for the meeting of the village board of September 6, 2005. Additionally, the audio record of the board meeting shows that there was no second reading for this ordinance. Additional factors may call into question the veracity of this ordinance. Accordingly, it is not clear that the subject ordinance was properly adopted. Whether properly adopted or otherwise, the ordinance in question was not given the fair public hearing it should have been afforded. Statements were made by the proponents of the ordinance which were false and misleading and, given the lack of notice to anyone who might be in opposition to the ordinance, those statements went unopposed.

The simplest way to deal with an ordinance which was a mistake is to repeal the ordinance. You may find it efficacious to revoke the ordinance or otherwise de-certify the ordinance due to the illegality of its adoption or due to the fact that the exercise of zoning power contained therein is prohibited by the Municipal Code. In any event, something should be done to address this ordinance as it, apparently, has formed the basis for several confrontations on Wooster Lake.

Should you wish to discuss any of the foregoing, I would be happy to meet with you, or your village attorney (or the both of you). The Alpine Club remains committed to the preservation of the private waters of Round Lake, the rights of private land owners of those waters and the free, safe and lawful public use of all of the waters of Round Lake, both public and private.

Very Truly Yours,

CLAUSEN MILLER P.C.

By:



Martin C. Sener

MCS:ac

ORDINANCE 05-O-27

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR
WOOSTER LAKE USAGE**

WHEREAS, pursuant to 65 ILCS 5/7-4-4, the corporate authorities in all municipalities have jurisdiction over all waters within or bordering upon the municipality, to the extent of 3 miles beyond the corporate limits, but not beyond the limits of the State; and

WHEREAS, pursuant to 65 ILCS 5/11-44-3, the corporate authorities of a municipality may regulate and prohibit water craft used about a harbor or within the municipality's jurisdiction; and

WHEREAS, pursuant to 625 ILCS 45/5-7, municipalities may designate certain water areas as restricted areas; and

WHEREAS, the corporate authorities of the Village of Round Lake deem it to be in the best interests of the public to promote safety for persons and property in and connected with the use, operation, and equipment of vessels on Wooster Lake; and

WHEREAS, the corporate authorities of the Village of Round Lake deem Wooster Lake to be in need of protection due to the following reasons:

- A. Wooster Lake contains both state threatened and endangered fish and plant species.
- B. Wooster Lake is a high quality, Advanced Identified (ADID) wetland;
- C. Wooster Lake is listed on the State of Illinois Natural Area Inventory;
- D. Wooster Lake has the best water quality of all lakes in the Fish Lake watershed, due to the excellent biodiversity of plants which maintain the high water quality;
- E. The majority of the Wooster Lake residents already follow the "agreement" and operate their water craft at no wake;
- F. Increased use of water craft on lakes in Lake County, usually results in increased management, which can have a deleterious effect on both biodiversity and water quality;
- G. The existing use of sailing by young children at Camp Henry Horner.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Round Lake, Lake County, Illinois, as follows:

SECTION ONE: The Village of Round Lake hereby establishes the following rules and regulations:

- A. A "No Wake" area is hereby declared for the entire surface waters of Wooster Lake under the jurisdiction of the Village. For the purposes of this Ordinance,

the term "wake" is defined as a movement of the water created by a water craft underway great enough to disturb a boat at rest. Notwithstanding the foregoing, under no circumstances shall a watercraft underway exceed 5 miles per hour on the lake.

SECTION TWO: Any person convicted of a violation of this Ordinance shall be fined a sum of not less than Fifty Dollars (\$50) nor more than Seven Hundred Fifty (\$750) Dollars. Notwithstanding the foregoing, whenever any enforcement official authorized to charge a person or arrest a person without a warrant for violation of this Ordinance, the enforcement official may, in lieu of filing a complaint in court, issue the alleged violator a citation, which citation shall contain statements which in substance: advise the person that he has violated a specific Ordinance; request him to make payment as set forth herein as settlement of the violation claim; and inform him that upon failure to so settle, a complaint will be filed in the Circuit Court of Lake County, 19th Judicial Circuit Court, charging him with the violation.

SECTION THREE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION FOUR: That this Ordinance shall be in force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form as provided by law.

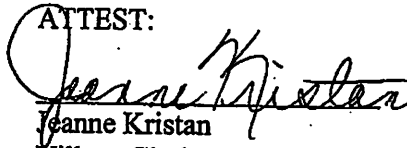
PASSED: September 6, 2005

APPROVED: September 6, 2005



William Gentes
Village President

ATTEST:


Jeanne Kristan
Village Clerk

PUBLISHED: September 7, 2005

AYES: Blauvelt, Brubaker, Del Prato, Newby, Perkowitz, Shaw

NAYS: None

ABSENT: None



Tanneron Bay Townhome Condominium Association
26445 W. Vista Court; Ingleside IL 60041
www.tanneronbay.com

September 6, 2005

To: Lake County; Village of Fox Lake; Village of Round Lake
Subject: Wooster Lake No-Wake Ordinance Enforcement

It is our understanding that the Villages of Fox Lake and Round Lake are currently considering passing ordinances that will restrict the use of Wooster Lake to only those activities of a no-wake nature. The Tanneron Bay Townhome Condominium Association is situated on the northwestern shoreline of Wooster Lake and represents approximately 175 residents of unincorporated Lake County. Tanneron Bay has been in existence since 1997. Since that time, we have always maintained a no-wake restriction as part of our by-laws and our rules and regulations. We have consistently enforced this restriction over that time period and fully intend to continue doing so going forward. We are staunch advocates for the preservation and safe use of Wooster Lake. We, therefore, fully support the passage of these ordinances by both Fox Lake and Round Lake.

It is also our understanding that provisions will need to be made for enforcement of the ordinances by the Lake County Sheriff's Department marine unit. This letter is to confirm that the Tanneron Bay Townhome Condominium Association will ensure that Lake County is reimbursed for the expenses associated with enforcing these ordinances on an ongoing basis. We are willing to enter into a contractual agreement with the County to establish the terms of the enforcement services and reimbursement of the associated expenses.

Should anyone have any questions concerning this letter, please do not hesitate to contact me or any other member of our board of Directors. Thank you very much for your support of the preservation and safety of Wooster Lake. We and all of our residents sincerely appreciate your efforts in this important matter.

Best Regards,

Penny Cummings

President

Tanneron Bay Townhome Condominium Association

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Letter to the Editor updated: 6/26/2011 7:42 AM

Most know, obey Wooster rules

Let's set the facts straight regarding Wooster Lake:

- Yes, Wooster is a private lake. No Round Lake residents own Wooster lake bottom, but a Round Lake subdivision is adjacent to the lake, and the village owns a portion of lake bottom. So, the village does have a stake in this issue.
- Yes, Round Lake has spent tax dollars to resolve the issue of use of Wooster. One citizen, not a Round Lake resident, complains of this, but he himself has forced the village of Round Lake to expend tax dollars by flooding its email server with his rhetoric and taking up excessive public meeting time.
- Fox Lake showed much interest in preserving Wooster through a no-wake ordinance. The Fox Lake mayor and trustees (as well as Round Lake trustees) attended a public meeting facilitated by Bonnie Thomson Carter at which almost 500 Wooster users were represented to support a no-wake lake. Only after critics sued Round Lake for passing the ordinance did Fox Lake demure. Who wouldn't? Incidentally, why did the plaintiffs drop the lawsuit and how much unnecessary expense did Round Lake incur to defend this obviously frivolous lawsuit?
- The Round Lake questionnaire sent to Wooster residents wasn't the first attempt to gather constituent opinion regarding Wooster. Before enacting the ordinance, Mayor Gentes met with Silver Leaf Glen residents to solicit input regarding use of the access point owned by Round Lake. The majority agreed that Wooster should remain a low-impact use lake and that they might eventually like to see a public usage point, such as a fishing pier.
- Round Lake did not rely on a statute in conflict with IL Muni-Code in enacting the ordinance. IL Muni-Code at the time allowed ordinances such as the no-wake to be enacted. HB3441 only further defined allowable governance of water bodies adjacent to municipalities.
- All around Wooster know that there has been a no/low-wake "gentlemen's agreement" in place for decades. Why does one person continue to disrespect his neighbors by being the only one on Wooster to disregard it? Is it that he is truly not a "gentleman"?

9/29/2014

Most know, obey Wooster rules - DailyHerald.com

Penny Cummings

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