



Forest district to seize land

Board votes to condemn 100 acres by Klein fen

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The Forest Preserve District of DuPage County Tuesday moved to seize 100 acres near West Chicago, handing a partial victory to residents who have fought for months to keep the land open.

District board members voted 6-1 to condemn the property owned by the Jemsek-Hinckley family, who also operate the nearby St. Andrews Golf and Country Club.

The parcel _ 200 open acres in all _ sits in unincorporated territory on the western end of Klein Road.

Supporters of the district's action say the land feeds needed water into a nearby fen, or rare wetland, that is part of the DuPage West Branch Forest Preserve.

"The rights of individual property owners must be respected, but the rights of the majority must also be respected," district President Dewey Pierotti said.

The fate of the property became a central issue after the Jemsek-Hinckley family asked West Chicago to annex and rezone it, as part of a longstanding agreement with the city.

While the family says it has no plans to sell or build on the land, nearby residents say they worry the rezoning would lead to development that would hurt the adjacent wetland, which is sometimes called the Klein fen.

"This is the right thing to do," said Cary Dittmann, a founding member of the Friends of Klein Fen. "If we don't act now, we will never have this opportunity again.

Dittmann was one of many who asked the board to condemn the entire 200-acre parcel. He said the St. Andrews land could be used for educational opportunities, and restoration efforts could be paid for with private grant money.

Commissioner Joseph Cantore was the only forest preserve board member to vote against the district using its eminent domain powers, even though he supports acquiring the land.

"I can't personally and philosophically support condemnation in this case," he said.

While voting "yes," Commissioner Michael Formento encouraged the Jemsek-Hinckley family to come back to the negotiating table.

"Even though this may pass today, the door is still open for discussion," he said before the board voted.

But St. Andrews President Jerry Hinckley said that isn't the impression he has gotten.

The board's actions have left him confused and without an experienced lawyer, he said.

"I have no idea where we stand,"he said. "I thought we had a deal. We were down to the minutiae. And all of a sudden, it's as if we hadn't talked."∆

Hinckley said district representatives had agreed to buy 80 acres of the property at \$140,000 per acre before the Sept. 4 board meeting.

After that meeting, Hinckley said lawyers for the district told him they were going to pursue 100 acres under condemnation.

Then, late last week, the district said it would revoke Hinckley's right to be represented by Wheaton-based lawyer R. Terence Kalina.

Kalina's firm, Rathje & Woodward LLC, does work for the district. Under an agreement worked out between the district and Hinckley in March, Kalina had to stop representing Hinckley when negotiations ended.

In an interview after Tuesday's meeting, Pierotti said he had offered Hinckley all he could, but by law could not pay more than appraised value.

The district will move swiftly to file condemnation, Pierotti said, since property value is set when proceedings begin, and annexation by West Chicago will increase the price of St. Andrews' land.

Appraisals by St. Andrews and the district price the land at \$225,000 and \$110,000 an acre, respectively.

"I can't wait any longer,"Pierotti said. "I wouldn't be doing my due diligence. His actions will raise the value of the property."

West Chicago Mayor Mike Kwasman has said the city will proceed normally with annexation and rezoning, even if the property is condemned.