

LAND USE

&

DEVELOPMENT

COMMITTEE

RESOLUTIONS



RESOLUTION OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS

DESIGNATING BROWN CEMETERY AS A HISTORIC LANDMARK
(HISTORICALLY KNOWN AS BROWN CEMETERY)

WHEREAS, the County of Will has enacted the Will County Historic Preservation Ordinance, adopted September 17, 1992, and providing for the creation of the Will County Historic Preservation Commission, and

WHEREAS, there exists a cemetery that is deemed significant located at State Highway 113, east of Essex Road, Custer Park, IL 60481, P.I.N: 01-24-15-100-009-0000, and

WHEREAS, the Will County Historic Preservation Commission has the authority to recommend to the Will County Board that the subject property be included on the Will County Register of Historic Places, and

WHEREAS, the Will County Historic Preservation Commission further has the authority pursuant to the Will County Historic Preservation Ordinance, Article IV, to recommend to the Will County Board, properties suitable to be designated as historic landmarks, and

WHEREAS, the property is historically and commonly known as Brown Cemetery, and

WHEREAS, a public hearing was duly held on December 3, 2008, and

WHEREAS, on February 4, 2009, the Will County Historic Preservation Commission voted to recommend landmark designation to the Will County Board for the subject property, and

WHEREAS, the Land Use and Development Committee recommended approval of this request.

NOW, THEREFORE, BE IT RESOLVED, BY THE WILL COUNTY BOARD AS FOLLOWS:

1. That this site, commonly known as the Brown Cemetery and meets the requisite number of criteria necessary for designation as a landmark under the Will County Historic Preservation Ordinance.
2. That this site, historically known as Brown Cemetery be recognized as a Will County Historic Landmark.
3. This resolution shall take effect, following its passage, approval, recording, inspection and publication, as may be required by law.

Adopted by the Will County Board this 19th day of March, 2009.

Vote: Yes ___ No ___ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



**WILL COUNTY HISTORIC PRESERVATION COMMISSION
HISTORIC LANDMARK NOMINATION
STAFF REPORT**

CASE NUMBER: HPC 08-38 (Custer/15)
DATE: November 24, 2008 (Revised February 18, 2009)

GENERAL INFORMATION

APPLICANT: Denise Issert, Will County Historic Preservation Commission Member
ADDRESS OF APPLICANT: 34512 Elevator Rd., Wilmington, IL 60481
DATE RECEIVED: June 18, 2008
DATE FILED: June 18, 2008
REQUESTED ACTION: Nomination as a Will County Historic Landmark
SITE ADDRESS: State Highway 113, east of Essex Road, Custer Park, IL 60481
PROPERTY OWNER: Custer Township
TAX NUMBER: 01-24-15-100-009-0000
COMMON NAME: Brown Cemetery
HISTORIC NAME: Brown Cemetery
APPROXIMATE AGE: Monument erected circa early 1990s
NUMBER OF BUILDINGS NOMINATED: 0;
NUMBER OF BUILDINGS/STRUCTURES ON SITE: 0; 1 monument and site
LEGAL DESCRIPTION: THE E 352.96 FT OF THE NW1/4 OF THE NW1/4 OF SEC. 15, T32N-R9E (EX AN 0.50 ACRE CEMETERY DESC AS THE W 100 FT OF THE E312 FT OF THE N 217.80 FT OF SD

STAFF ANALYSIS/FINDINGS

1. The applicant is seeking historic landmark certification for the property historically known as Brown Cemetery. The nominated site consists of one grave marker in memoriam of the following individuals in the Brown Family, Jonathan L. Brown (1817-1863), Lucy Brown (1825-1864), Francis Brown (1857), and Frankey Brown (1857).
2. The nomination has been submitted by Denise Issert. The cemetery is associated with Ms. Issert's husband, Rick Smith, and his family. Jonathan Brown was the great, great, great grandfather of Mr. Smith.
3. Custer Township is listed as the responsible party of P.I.N. 01-24-15-100-009-0000. At the time of public hearing notification, the Township's ownership or the property was unknown; however, a public notice was posted to notify the property owner of the intent to nominate. On December 1, 2008, Staff discussed the landmark nomination with Custer Township Supervisor Bruce Tammen. Supervisor Tammen confirmed the Township's ownership of the cemetery and also provided additional historical details regarding the site. Adjacent property owners have also been notified. To date, no objections have been received.
4. Staff conducted a site inspection on October 24, 2008. The nominated site appears to be in good condition.
5. According to the *Will County Historic Preservation Ordinance*, Article III, Section 3, landmark nomination eligibility requires the nominated property to meet at least one of the twelve (12) criteria as outlined in the Ordinance. Three of the criteria as set forth in the *Will County Historic Preservation Ordinance* were applied to the subject nomination.

The criteria are as follows:

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(III)(4)(c) It is identified with a person or persons who significantly contributed to the development of the local community, County of Will, State of Illinois, or the Nation.

The nominated site is associated with Civil War Veteran Jonathan L. Brown. Mr. Brown served as a Private in the 100th Regiment Volunteer Illinois Infantry, Company I.¹ He joined the army on August 5, 1862. At that time, the Regiment consisted of 39 commissioned officers and 368 enlistees.² His service was to extend over a three-year period; however, he was discharged on September 14, 1863. The reason for his discharge is unknown, but it was likely due to sickness or wounds. Shortly after his discharge, Private Brown died in Braidwood.

The 100th Regiment Volunteer Illinois Infantry was established at Camp Irwin in Joliet in August of 1862. The Regiment consisted entirely of Will County recruits. Noted battles include: the Battle of Stone's River (December 31, 1862 - January 2, 1863) and Chattanooga, Lookout Mountain, And Missionary Ridge Battles (November 23-25, 1863). The Regiment was mustered out of service on June 12, 1865 in Nashville, TN. Over two hundred (200) men were either injured or killed in this Regiment.³

Mr. Brown was born in Steventown, New York. He later moved to Reed Township, Will County where he was a farmer. He and his wife, Lucy, had five children: Lestian (b. 1843) Mary (b. 1847), and Eli (b. 1848). The property where they are buried was once owned by the Brown family during the late 19th century. It changed hands over the next century; however, approximately 1991 or 1992, one of the Brown descendants, Millie Lardi along with Delores Schweigert, erected a monument to honor her family members. At the time of the monument's placement, Ms. Lardi indicated that Jonathan Brown might have been a Confederate POW.

According to Supervisor Bruce Tammen, Custer Township took ownership during the late 1980s.⁴ There are likely five headstones on premises; however, it is believed that there are additional cemetery stones buried at the location.⁵

(III)(4)(h) Property has a unique location or physical location which makes the nominated property a familiar visual feature in the area.

The cemetery is located along Route 113 in Custer Township, a frequently traveled roadway.

(II)(4)(j) Property is suitable for preservation or restoration.

The monument was erected approximately thirty years ago by Jonathan L. Brown's great granddaughter, Mildred Lardis. Though the monument is less than fifty years old, its association to a civil war veteran heightens its significance. The pioneer cemetery itself was established in the nineteenth century by the Brown family, and it is believed that approximately 20 graves are located on premises (headstones are believed to have been buried underground).

¹ See <http://www.ilsos.gov/genealogy/CivilWarController>

Other Reed Township Civil War Veterans of the 100th Regiment included: Samuel Aspinwall, Martin Bridestein, William Bridenstein, Henry H. Brown, Constant C. Bruechet, El H. Doty, Francis I Fisher, Elisha Gano, William Grudgings, William Hawley, John C. Kenny, Dennis Lahines, Alexander Leach, Elisha P. Leach, Alonzo McCourtesy, Thomas Miller, Horace J. Severance, John Shenk, Edgar Smith, Warner Smith, Harvey Spicer, George Stewart, James Tidball, and James Ward.

² See <http://www.illinoiscivilwar.org/cw100-1b.html> .

³ See <http://www.cyberdriveillinois.com/departments/archives/reghist.pdf>, "100th Regiment" and <http://www.civilwar.nps.gov/cwss/soldiers.cfm> . Please see attached historical summaries regarding the 100th Regiment.

⁴ Per Recorder's Office Record #R89-65831, the property was conveyed to Custer Township on December 1, 1989 with Delores J. Schweigert, great-great-great granddaughter of Lustatia Brown as the Grantor.

⁵ Potentially 20 burial sites may be located on the property.

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6. WILL COUNTY CULTURAL AND HISTORIC PRESERVATION PLAN (1976) AND
WILL COUNTY LAND RESOURCE MANAGEMENT PLAN (2002)

The 2002 Will County Land Resource Management Plan (LRMP) adopted the Will County Cultural and Historic Preservation Plan (1976). In its adoption of the County's Cultural and Historic Preservation Plan, the LRMP recognizes the importance of protecting Will County's heritage and historic character through the preservation of its historic built environment and landscape. To enhance Will County's historic preservation efforts, the LRMP Guiding Principles outline several historic preservation goals and strategies. This landmark nomination addresses the following community issue and accomplishes the accompanying LRMP Goal and Strategy:

ECONOMY

STRATEGY: The County will emphasize the importance of "quality of life" issues such as open space and environmental preservation, development, quality, historic preservation and interpretation, pedestrian orientation and livability of communities, and quality infrastructure in attracting and retaining businesses in the County.

The landmark nomination addresses the role historic preservation plays in enhancing quality of life. Landmark designation is a protective tool to ensure that the historic character of a property and community is retained. The historic preservation of resources is attractive to many residents because of the way it distinguishes one community from another. A community's quality of life is enhanced when historic preservation measures are implemented to safeguard the community's sense of place. People are able to gain a greater sense of place and identity when historic places are identified and recognized.

STAFF RECOMMENDATION

1. Staff recommends approval of the nomination as a Will County Historic Landmark to the site historically known as Brown Cemetery with the following condition:
 - a. If granted landmark status, per the Will County Historic Preservation Ordinance, alterations to the monument and property will require the property owner to file a Certificate of Appropriateness Application.

COMMISSION FINDINGS

1. Based upon the provisions of the *Will County Historic Preservation Ordinance* and supplemental information submitted with the application, the subject landmark nomination application was considered complete and a public hearing for the landmark designation of the nominated building was scheduled.
2. The information provided in the Commission Findings reflects the proceedings of the December 3, 2008 public hearing and regular Commission meeting.
3. At the December hearing, Staff presented a report on the nominated property. Staff provided a brief overview regarding the historic significance of the nominated property.
4. The Commission invited comments from the public. Frank Antos, an adjacent property owner to the cemetery provided his knowledge of the history of the cemetery. Mr. Antos expressed concerns regarding the impacts of landmark designation. Among Mr. Antos' concerns were questions related to privacy and increased visitor traffic to the cemetery. Asst. State's Attorney Phil Mock addressed his questions regarding privacy and landmark designation with regard to ownership, protection, and maintenance funding. Supervisor Bruce Tammen from Custer Township spoke on behalf of the nomination.

Supervisor Tammen indicated that the Township received notification of the public hearing only days

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before due to an incorrect mailing address. Supervisor Tammen noted that the Township Board had not had an opportunity to discuss the nomination. Chairwoman Ferry suggested that further discussion of the nomination be tabled until the Township had an opportunity to review and discuss the nomination.

5. Following the conclusion of public comments, the hearing was closed. The Commission voted to table the nomination.
6. On February 4, 2009, the Commission re-opened discussion regarding the cemetery. At that time, Staff stated that the Custer Township Board reviewed the nomination on January 20, 2009, and that the Township Board voted unanimously to support the landmark nomination. Supervisor Tammen provided additional property documentation for the cemetery and reiterated the Township's support for the nomination.

COMMISSION RECOMMENDATION

1. Following the close of the public hearing and their discussion, the Commission voted on and unanimously approved recommendation to the Will County Board that the site historically and commonly known as Brown Cemetery be granted landmark status. The Commission based its decision on information provided in the application form, the report submitted by Staff, information obtained during the public hearing, and the view that the property satisfactorily meets the applied criteria set out in *Will County Historic Preservation Ordinance*, Article III, Section 4.

ATTACHMENTS

1. Will County Landmark Nomination Application
2. Site Map
3. Site Photograph

Prepared by Amy Munro, Will County Land Use Department, Planning & Zoning Division

Date of Site Inspection: October 24, 2008

Date of HPC Hearing: December 3, 2008

Date of LUDC Meeting: March 10, 2009

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BROWN CEMETERY
CIRCA 1860S

PHOTOS OCTOBER 24, 2008



Photo 1: Front Elevation (Faces West)



Photo 2: North Elevation



Photo 3: South Elevation

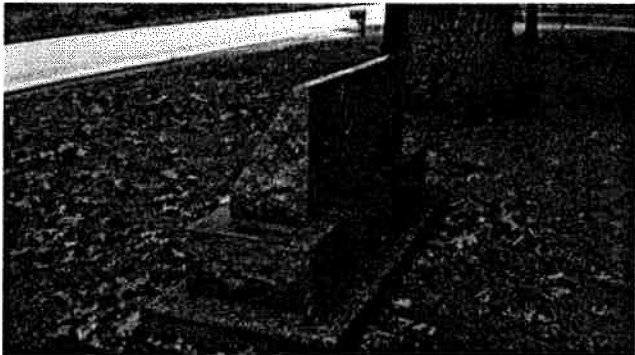


Photo 4: Rear Elevation (Faces East)



Photo 5: Route 113 Looking Northwest



Photo 6: Route 113 Looking South



**WILL COUNTY
HISTORIC PRESERVATION COMMISSION**
58 E. CLINTON STREET, SUITE 500 · JOLIET, ILLINOIS 60432
815/727-8430 · (Fax) 815/774-3386

HISTORIC LANDMARK NOMINATION FORM
Please print or type all requested information.

1. PROPERTY INFORMATION

Common Name: Brown Cemetery

Historic Name: Brown Cemetery

Property Classification: Building Structure Object Site Historic District Landscape

Original Construction Date/Period of Significance (this may be a single date or range) 1?63 *death stone was placed?*

Mailing Address: 37131 Essex Rd., Wilmington, IL 60481

Physical Site Address (Include Street #, City, and Zip): Route 113, Custer Park, IL

Township: Custer Section: 15 Range: T32N-R9E

Names of Roads at Closest Intersection: State Highway 113 - just east of Essex Road
2 miles west of Broadwood 1/4 009

Tax Assessor's Parcel Identification Number (P.I.N.) 01 - 24 - 15 - 100 - 01520000

Description of Property Boundaries (or attach legal description):
Please see attached legal description.

Please attach a map indicating the property location and the boundaries of the property and/or landmark location to be nominated. Attach photographs which show sufficient detail, important features, and significant structures of the property to be nominated. Historic photographs of the property to be nominated are encouraged. If possible, please also provide photographs in digital format.

2. EXISTING RECOGNITION INFORMATION

Is the property and/or landmark to be nominated, or any part of it, listed on or nominated to the Will County, Illinois, or the National Register of Historic Places? Yes No

If yes, which of the following: Will County Illinois National Register

Please attach a copy of the nomination form for any property which has achieved landmark status at either the

County, State, or National levels

3. NOMINATION CRITERIA

Please indicate which of the following criteria apply to the nominated property. (Check all that apply.)

- Property has character, interest, or value which is part of the development, heritage, or cultural character of the community, county, state, or nation.
- Property is the site of a significant local, county, state, or national event.
- Property is identified with a person who significantly contributed to the development of the community, county, state, or nation.
- Structure(s) embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials.
- Property is identified with the work of a master builder, designer, architect, or landscape architect whose work has influenced the development of the area, community, county, state, or nation.
- Structure(s) embodies elements of design, detailing, materials, or craftsmanship that are of architectural significance which is recognized locally, regionally, or nationally.
- Structure(s) embodies design elements that make the nominated property structurally or architecturally innovative.
- Property has a unique location or physical location which makes the nominated property a familiar visual feature in the area.
- Structure(s) is a particularly fine or unique example of a utilitarian structure with a high level of integrity, architectural significance, or historic importance.
- Property is suitable for preservation or restoration.
- Property is located on the National Register of Historic Places.
- Property has yielded, or is likely to yield, information important to prehistory, history, or other areas of archaeological significance.

Attach a statement describing the property, its historical significance, and the reasons why it should be designated as an historic landmark. Please also include any known alterations to the original layout and design of the nominated property (i.e. roof line change, additions, etc.) Please also include a list of the sources of information and bibliographic references.

4. APPLICANT INFORMATION



Will County Historic Landmark Nomination Form (Cont'd.)

Document Number HA 06-38

Include the name, address, telephone number, fax number, e-mail address, and signature of the person(s) submitting this nomination application.

Name: Denise M. Issert

Address: 34512 Elevator Rd
Wilmington IL 60481

Daytime Telephone Number: 815 / 530 0200

Evening Telephone Number: /

Fax Number: 815 / 476 0844

E-mail: _____

Signature: Denise M. Issert

Attach additional signature sheets if more than one person/family is making application.

ADDITIONAL INFORMATION AND PHOTOGRAPHS TO SUPPORT THIS NOMINATION MAY BE REQUIRED BY THE WILL COUNTY HISTORIC PRESERVATION COMMISSION IF THE PROPERTY IS FOUND TO HAVE MERIT FOR CONSIDERATION FOR LANDMARK DESIGNATION.

.....

Commission Staff Use Only

Document Number: HPC 08-38 Date Received 6-19-08

Staff Acknowledgment: [Signature] Application Complete? Yes No

If additional information is required, staff will notify the applicant.

Commission Meeting Date: _____

Action: HPC LUPZDC County Board

Distribution Date:
 HPC LUPZDC County Board



Will County Historic Landmark Nomination Form (Cont'd.)

Document Number HPC 00-38

5. PROPERTY OWNERSHIP INFORMATION

Include the name, address, and telephone number of all legal owners of record of the nominated property. If the property has more than two (2) owners, use Attachment 3.

PLEASE NOTE: When nominating a landscape which incorporates more than one property or when nominating a district, Attachment 1-3 **must** be completed and submitted with this application.

Name: _____

Address: _____

Telephone Number: _____ / _____

Name: _____

Address: _____

Telephone Number: _____ / _____

Has the applicant notified the property owner(s) that this property is being recommended for landmark designation to the Will County Historic Preservation Commission?

Yes No

If yes, was notification made by the applicant _____ in person? _____ by telephone?

_____ in writing? Notice was posted in paper

Has the property owner(s) indicated support or lack of support for nomination of this property?

_____ Support Lack of support?

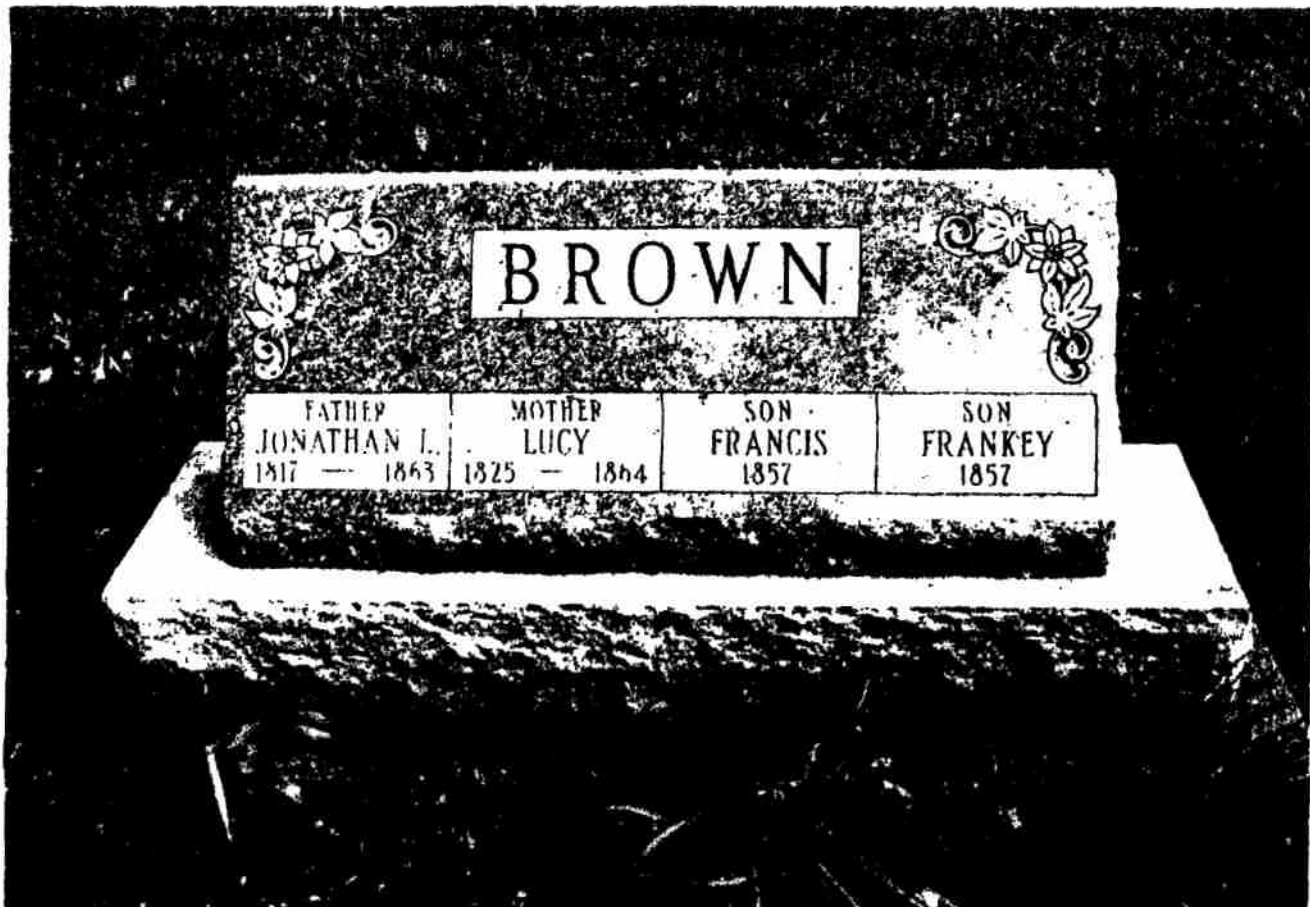
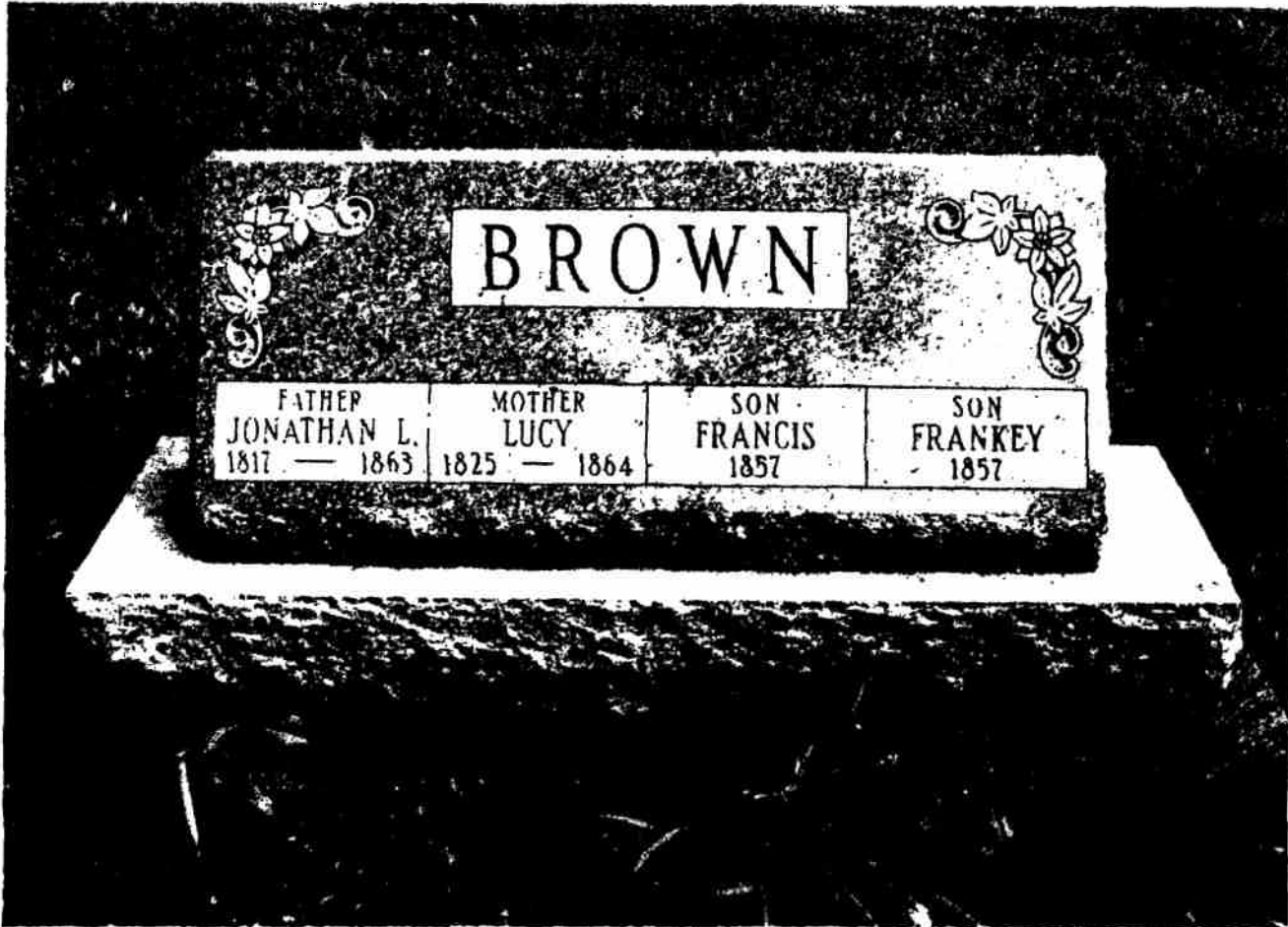
6. PROPERTY STATUS INFORMATION

At the time of the application, is the nominated property:

_____ threatened by demolition or neglect? *(Please provide detailed explanation.)*

_____ considered for new development? *(Please provide detailed explanation.)*

likely to remain in its present condition?



Jonathon L Brown
Civil War Veteran
Born 1817 Steventown - Rensselaer County - New York
Died 1863 Braidwood
Twin sons born 1857
Other children
Eli - born 1848
Mary born 1847
Lestian born 1843.

Private in 100th Illinois US Infantry - Company I
Joined Aug 5, 1862 @ Reid Twnshp (Braidwood)
Discharged Sep 14, 1863 @ Nashville, Tenn

Great, great, great grandfather of Rick Smith

Current stone was placed by my Great Aunt Mildred
who was J L Brown's great grand daughter.

Was discharged either sick or wounded and died
shortly thereafter

ILLINOIS

JESSE WHITE
SECRETARY OF STATE
AND STATE ARCHIVISTISA HOME CONTACT DATABASES ISA HOLDINGS IRAD HOLDINGS RECORDS
MANAGEMENT DEPARTMENTS

ILLINOIS CIVIL WAR DETAIL REPORT

Name BROWN, JONATHON L

Rank PVT Company I Unit 100 IL US INF

Personal Characteristics

Residence REID, WILL CO, IL Age 40 Height 5' 11 1/2 Hair BROWN

Eyes BLUE Complexion FAIR Marital Status MARRIED Occupation FARMER

Nativity STEVENTOWN, RANSALEAR CO, NY

Service Record

Joined When AUG 5, 1862 Joined Where REID, IL

Joined By Whom C H HAMMOND Period 3 YRS

Muster In AUG 30, 1862 Muster In Where JOLIET, IL

Muster In By Whom N/A Muster Out N/A

Muster Out Where N/A Muster Out By Whom N/A

Remarks DISCHARGED SEP 14, 1863 AT NASHVILLE TENN

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From The Braidwood Story^{page 277,} by M.J. Donna

BRAIDWOOD'S OLD INDIAN CEMETERY (?)

Besides the three well-filled large cemeteries, — Bohemian, Catholic and Protestant — on the Essex Road Southeast of the city, and still in use, there is a small private burial plot on the South side of Illinois Route No. 113 S, East of the Essex Road, that has been in disuse for many decades. Many call it an old Indian cemetery, but from the names on the old tombstones, they would indicate that it is the burial plot of some pioneers. Some call it the "Brown" Cemetery.

It is located on a high sandy knoll, bordered by old Oak trees, and once contained twenty or more head stones, most of them badly crumbled. Three seem well preserved, bearing the inscriptions. Mary Grover, 72 years old, died May 17, 1856, over 100 years ago; Children of the J. F. Frankey family — Francis Frankey, born 1837, died 1867; Lucy, daughter of J. L. Brown, Died January 19, 1864.

CITY FACTS

* Braidwood was never a village but was granted a city charter in 1873, under the new law passed that year by the Illinois Legislature.

* Prior to its incorporation as a city, the community was operated under the Township form of government.

* With a voters registration of over 1,000 in the primary to vote on the city's incorporation, there were 940 votes cast.

* To the Braidwoods, after whom the community and city was named at the suggestion of Mr. John H. Daniels, leading coal operator and business leader, was born the first miner's child in the community, and that this couple also had the first child to die in the town.

* Braidwood's son, James, Jr., was killed one Sunday morning when lightning struck the chimney, while the unfortunate young man was shaving. He was 22 years of age and thus became the first person to be buried in the new Protestant Cemetery.

STAMP
This Indenture, Made this Eighteenth day of April in the year of our Lord One Thousand Eight Hundred and Twenty Years, Between Justatia A. Brown, of the County of Will and State of Illinois of the first part and H. H. Brown of the County and State of Illinois of the second part of the second part.

Witnesseth, That the said party of the first part, for and in consideration of One Hundred Dollars in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, and the said party of the second part forever released and discharged therefrom, he is ceded, released, aliened and quit-claim, and by these presents doth remain, release, alien and quit-claim unto the said party of the second part, his heirs and assigns forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lots, pieces or parcels of land, situate in the County of Will and State of Illinois, to wit: The West Half of the North West Quarter and the North East Quarter of the North West Quarter of the North West Quarter of Section Number Fifteen (15) in Township Thirtieth (30) North of Range Number Nine (9) East of the Third Principal Meridian - Containing more or less, also, the South East Quarter of the North West Quarter of the North West Quarter of the North West Quarter of Section Number Fifteen (15) in Township Thirtieth (30) North of Range Number Nine (9) East of the Third Principal Meridian - Containing more or less, except the bearing ground, thereon containing one half acre or thereabout.

To Have and to Hold the same, Together with all and singular the appurtenances thereto belonging in anywise thereto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, his heirs and assigns forever.

In Witness Whereof, the said party of the first part hereunto set hand and seal the day first above written:
James I. Young
Justatia A. Brown

STATE OF ILLINOIS, }
WILL COUNTY, }
I, James I. Young, a Justice of the Peace in and for said County, in the State of Illinois, do hereby certify that Justatia A. Brown who is personally known to me as the real person whose name is subscribed on the above deed, appeared before me this day in person, and acknowledged that he executed and delivered the said deed as his free and voluntary act, for the uses and purposes therein set forth. And the said Justatia A. Brown wife of the said James I. Young having been by me examined, separate and apart and out of the hearing of her husband, and the contents and meaning of the said deed having been by me made known and fully explained to her, she acknowledged that she had freely and voluntarily executed the same, and relinquished her dower to the husband and testamentary executor named, without any compulsion of her said husband, and that she does not wish to retract the same. Given under my hand and seal, this eighteenth day of April in the year of our Lord One Thousand eight hundred and twenty years.
James I. Young J.P.

STATE OF ILLINOIS, }
COUNTY OF WILL, }
The above instrument was filed for record the 16th day of July A. D. 1920, at the hour of 2 o'clock P.M.
B. H. Brown

LEGAL NOTICE

IN THE CIRCUIT COURT OF THE TWELFTH
JUDICIAL CIRCUIT, WILL COUNTY, ILLINOIS
TOWN OF CUSTER, a Municipal Corporation, Plaintiff -vs-
HEIRS AT LAW OF LUSTATIA BROWN, also known as LUCY
BROWN, Deceased, and UNKNOWN OWNERS, Defendants,
Case No. 89 ED 8.

NOTICE OF PUBLICATION

The requisite Affidavit for Publication having been filed, notice is hereby given you, HEIRS AT LAW OF LUSTATIA BROWN, also known as LUCY BROWN, Deceased, and UNKNOWN OWNERS and Nonrecord Claimants, Defendants in the above-entitled cause, that the above action has been commenced in the Circuit Court of Will County by the said Plaintiff against you praying for condemnation of the following described property:

The West 100 feet of the East 312 feet of the North 217.80 feet of the Northwest Quarter of the Northwest Quarter of Section 15, Township 32 North, Range 9 East of the Third Principal Meridian, in Will County, Illinois.
and for other relief;

That Summons was duly issued out of said Court against you as provided by law, and that the above action is still pending.

NOW, THEREFORE, unless you, HEIRS AT LAW OF LUSTATIA BROWN, also known as LUCY BROWN, Deceased, and UNKNOWN OWNERS and Nonrecord Claimants, the said Defendants, file your Answer to the Complaint in said suit or otherwise make your appearance therein in said suit in the Circuit Court of Will County within 30 days after the first publication of this Notice, a trial may be had without your presence and a judgment or decree may be taken against you in accordance with the verdict.

Dated this 5th day of April, 1989.

Helen S. Harshbarger
Clerk of the Circuit Court
of Will County, Illinois.

Published in the Free Press Newspapers, Wilmington, IL
April 12, 19, 26, 1989.

LEGAL NOTICE

STATE OF ILLINOIS)
) SS
COUNTY OF W I L L)

AFFIDAVIT

Patricia Hancasky, being first duly sworn on oath
deposes and states as follows:

1. That this affiant is the duly elected and acting
Supervisor for the Town of Custer, Will County, Illinois;

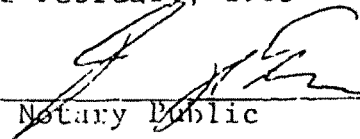
2. That she resides at R.R. 2, Box 180, Wilmington,
Illinois 60481.

3. That the premises described as Parcel No. 24-15-100-009
on the records of Will County, Illinois, is being used and has been
used for many, many years last past as a burial ground where dead
human bodies are buried.

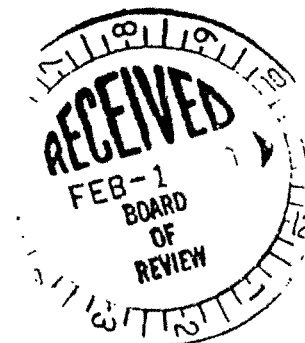
4. That this affidavit is made for the purpose of inducing
any taxing authority to exempt the above-described parcel from
taxation.

Patricia Hancasky

Subscribed and sworn to
before me this first day
of February, 1985



Notary Public



140-219-C
WARRANTY DEED

MAIL DEED TO: STATUTORY FORM

NAME: HELEN ANTOS
ADDRESS: 3305 S. LOMBARD
CICERO, ILLINOIS.
CITY & STATE

FILED-RECORDERS OFFICE
WILL COUNTY, ILL.

72 FEB -4 AM 11:28

R72-3030

Kenneth Hooper
RECORDER
MICROFILMED

140-219-C

THE ABOVE SPACE FOR RECORDER USE

THE GRANTOR JAMES ZAPOTOCKY, a bachelor, FRANK ZAPOTOCKY AND
AUDREY ZAPOTOCKY, his wife

of the City of Braidwood County of Will State of Illinois
for and in consideration of Ten and no/100 DOLLARS
and other good and valuable considerations in hand paid.

CONVEY and WARRANT to HELEN ANTOS
3305 S. Lombard
of the City of Cicero County of Cook State of Illinois
the following described Real Estate situated in the County of Will, in the State of Illinois, to-wit:

The East 522.17 feet of the Northwest quarter of the Northwest quarter of Section 15, Township 32 North and in Range 9 East of the Third Principal Meridian; except a 0.5 acre cemetery described as the West 100.0 feet of the East 512 feet of the North 217.80 feet of the said Northwest quarter of the Northwest quarter and also except that part falling within the right-of-way of Route 113 Highway, all in Custer Township, Will County, Illinois;

Subject to easements, restrictions, covenants of record and taxes for revenue year 1971 and subsequent years.

Revenue Stamp Here

PB
STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX
18-472 101 PE. CO. REVENUE
08.00

COMMONLY KNOWN AS:

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

DATED this 14th day of January 19 72

James Zapotocky (Seal) Frank Zapotocky (Seal)
James Zapotocky (Seal) Audrey Zapotocky (Seal)



EDWARD A. BURMILA
FIRST ASSISTANT

SCOTT NEMANICH
CHIEF, CIVIL DIVISION

EDWARD F. MASTERS

State's Attorney of Will County

COURTHOUSE, JOLIET, ILLINOIS 60431-1359
TELEPHONE (815) 727-8483



April 8, 1987

STEPHEN WHITE
CHIEF, FELONY DIVISION
CHARLES THOMAS, SUPV.
PHILIP MOCK, SUPV.
KATHLEEN PATTON, SUPV.
THOMAS SEALY
MICHAEL PHILLIPS
GEORGE LENARD
JOHN MCCABE
STEVEN HANEY
AMY BERTANI
WILLIAM KUCINIC

JOHN URBAN
STEVE PRODEHL
BARBARA SMILES
CHIEF, MISDEMEANOR DIVISION

THOMAS KNUTH
JEFF TOMCZAK
HEATHER RIBAR
LEANNE LATZ
EVAN ROBERTS
CHARLES JOHNSON

JUVENILE DIVISION
MARY ROSIEK, SUPV.
KEN CHUDWIN

Mrs. Patricia Hancasky
Office of the Supervisor
Custer Township
R.R. #2, Box 180
Wilmington, IL 60481


Dear Mrs. Hancasky:

I am writing in response to your letter dated March 2, 1987 in which you inquired as to the ownership of an old cemetery located on Route 113 near the intersection of Essex Road. Our records show that the last known owner of this property is Helen Antos of 3305 South Lombard in the Town of Cicero, Cook County, Illinois. She allegedly purchased the property on or about February 4, 1972.

If the cemetery is not being maintained by Ms. Antos, the Township has the power to condemn the property to obtain it. Likewise, the County also possesses these powers and, in fact, pursuant to Chapter 21, Section 61 (Illinois Revised Statutes), could appropriate funds for the maintenance of old neglected graves and cemeteries. I would note to you that the County Board has declined to do so.

If you have any further questions, please feel free to contact me.

Sincerely,


Scott E. Nemanich
Chief, Civil Division

SEN:rd



EDWARD A. BURMILA
FIRST ASSISTANT

STEPHEN WHITE
CHIEF, FELONY DIVISION

CHARLES THOMAS, SUPV.
PHILIP MOCK, SUPV.
KATHLEEN PATTON, SUPV.
THOMAS BEALY
MICHAEL PHILLIPS
GEORGE LENARD
JOHN MCCABE
STEVEN HANEY
AMY BERTANI
WILLIAM KUCINIC

EDWARD F. MASTERS

State's Attorney of Will County

COURTHOUSE, JOLIET, ILLINOIS 60431-1359
TELEPHONE (815) 727-8453



November 18, 1987

SCOTT NEMANICH
CHIEF, CIVIL DIVISION

JOHN URBAN
STEVE PRODEHL
BARBARA SMILES
CHIEF, MISDEMEANOR DIVISION

THOMAS KNUTH
JEFF TOMCZAK
HEATHER RIBAR
LEANNE LATZ
EVAN ROBERTS
CHARLES JOHNSON
JUVENILE DIVISION
MARY ROSIEK, SUPV.
KEN CHUDWIN

Mrs. Patricia Hancasky
Town of Custer
Grant Street
Custer Park, Illinois 60481

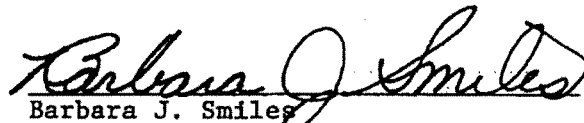
Dear Mrs. Hancasky:

Reference is made to your letter of March 2, 1987, concerning ownership of a cemetery on Route 113 near Essex Road. Your letter indicates this small cemetery is in Custer Township. The oldest deed we have been able to locate conveying the property around the cemetery indicates it to be in Reed Township. It is possible, of course, that township boundaries have been changed since then, which was April, 1864.

The legal description of this cemetery is as follows: The West 100' of the East 312' of the North 217.80' of the Northwest Quarter of the Northwest Quarter of Section 15, Township 32 North, Range 9 East of the 3rd Principal Meridian, Will County, Illinois. You already have the P.I.N. -- 24-15-100-009-0000. With this information you could have Chicago Title Insurance Co. run a tract search. Such a search would reveal the name of the owner if the property was ever conveyed by the original owner to, say, a cemetery association. It is entirely possible and probable that this was strictly a family cemetery and that when the farm was sold, this one-half acre was excepted from the deed of conveyance.

We are closing our file in this matter. If we can be of further help, please feel free to contact us. It has been a pleasure to be of service to you.

Sincerely,


Barbara J. Smiles
Assistant State's Attorney

September 21, 1989

Pat Hancasky
22111 Davy Lane
Wilmington, Ill 60481

Dear Pat:

I did not forget about information on the cemetary, just got around to this. Sorry to be so behind on matters.

The cemetary dates back to 1800's. The land belonged to the Brown family, who lived in the Essex area. From my understanding, Great Great Grandfather Brown was in the Civil War. He was imprisoned in rat infested environment, died during flu epidemic. Great Great Grandma was so overwhelmed by G G Grandpa's death she passed away a few months later. Also a pair of infant babies are buried there. G G Grandma's sister is also there.

In later years a discrepancy occurred. Someone tried to claim the land so my aunt, Millie Lardi, had a monument put up and buried the old stones beneath the new monument. After my aunt's death, with the help of you Pat, have decided to give the burial ground to the county as a public cemetary.

Hope I have filled you in on the this property. I feel this is accurate, from family conversation.

I appreciate all you have done for us regarding this matter.

Best regards,



DeLores Schweigert

Dec. 2, 2008

According to the stone at Brown Cemetery -
Placed by Millie Lardi:

Father	Mother	Son	Son
Jonathon L.	Lucy	Francis	Franky
1817-1863	1825-1864	1857	1857

We also know that Mary Grover, sister of
Lucy Brown, is buried ~~there~~ there. She supposedly died
at 72 years of age on May 17, 1856.

Bruce Samman



ORDINANCE OF THE WILL COUNTY BOARD
WILL COUNTY, ILLINOIS

Amending Sections 16.2 of the Will County Zoning Ordinance
Re: Definition of Height for Electric-Generating Wind Devices

WHEREAS, the Will County Board approved a text amendment (Ordinance 08-191) to the Will County Zoning Ordinance that regulates electric-generating wind devices on May 15, 2008, and

WHEREAS, the text amendment included definitions of height for electric-generating wind devices, and

WHEREAS, the two definitions of height for an electric-generating wind device are in conflict with each other, and

WHEREAS, there should only be one definition of height for an electric-generating wind device, and

WHEREAS, amendments were proposed to the definition for height of electric-generating wind device and the definition for height of electric-generating wind device tower, and

WHEREAS, the Planning and Zoning Commission of Will County held a public hearing on February 3, 2009, regarding amending the Zoning Ordinance, and recommended to the County Board approval of said amendments, and

WHEREAS, on March 10, 2009, the Land Use and Development Committee of the Will County Board reviewed the amendments and recommends their approval.

NOW, THEREFORE, BE IT ORDAINED, by the County Board of Will County, Illinois, that Sections 16.2 of the Will County Zoning Ordinance is hereby amended as described in the attachment to this Resolution (See attached Attachment A).

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Will County Board this 19th day of March, 2009.

Vote: Yes ___ No ___ Pass ___ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



WILL COUNTY LAND USE DEPARTMENT
58 E. Clinton Street, Suite 500 • Joliet, Illinois 60432
815/774-3321 • Fax 815/727-8638



Memorandum

To: Will County Land Use and Development Committee
From: Mr. Brian Radner, AICP
Date: February 26, 2009
Re: Electric-generating wind device definition correction

The County Board approved a text amendment to the Will County Zoning Ordinance that regulates electric-generating wind devices on May 15, 2008. With that amendment, a definition was inadvertently included that regulates the height of an electric-generating wind device tower. The County was protected from any proposed tower that exceeded the stated height limit because there is another definition that regulated the height of an electric-generating wind device. Section 8.1-2 of the Will County Zoning Ordinance deals with conflicting provisions in the Zoning Ordinance; when there are conflicting provisions, the more restrictive provision applies. Staff recommends the changes identified in Attachment A.

If you have any questions, please do not hesitate to contact me at (815) 727-8850 or email me at bradner@willcountylanduse.com.

Attachment A

- 1 Section 16.2 DEFINITIONS
- 2
- 3 HEIGHT OF ELECTRIC-GENERATING WIND DEVICE: The height above grade of the
- 4 system including the **fixed portion of the tower**, generating unit, and the highest
- 5 vertical extend of any blades or rotors.
- 6
- 7 ~~HEIGHT OF ELECTRIC-GENERATING WIND DEVICE TOWER: The height above~~
- 8 ~~grade of the fixed portion of the tower, excluding the generation unit and attached blades~~
- 9 ~~or rotors.~~
- 10