



LAKE COUNTY FOREST PRESERVES
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Preservation, Restoration, Education and Recreation

DATE: June 6, 2016

MEMO TO: Carol Calabresa, Chair
Land Preservation and Acquisition Committee

Bonnie Thomson Carter, Chair
Planning and Restoration Committee

S. Michael Rummel, Chair
Finance and Administrative Committee

FROM: Randall L. Seebach
Director of Planning and Land Preservation

RECOMMENDATION: Recommend approval of a Resolution approving an Intergovernmental Agreement with the Metropolitan Water Reclamation District of Greater Chicago (MWRD) and the Village of Buffalo Grove for the Flood Control Reservoir Expansion and Public Access Improvements at Buffalo Creek Forest Preserve.

STRATEGIC DIRECTIONS SUPPORTED: Public Access and Connections; Conservation; Leadership

FINANCIAL DATA: Execution of this IGA will provide the District with approximately \$3.5 million in public access and restoration improvements.

BACKGROUND: In 1973, the District, MWRD, and the Village of Buffalo Grove entered into an intergovernmental agreement, which they later amended in 1984. Pursuant to the intergovernmental agreement, the District acquired the land that is now Buffalo Creek Forest Preserve and granted to MWRD an easement across a portion of the Preserve for the construction of a flood control reservoir to reduce flooding. MWRD constructed a reservoir within the easement, with approximately 760 acre-feet of storage capacity. The Village has certain maintenance obligations under the intergovernmental agreement.

Since the mid-1980's, the US Army Corps of Engineers and the MWRD have proposed various plans to expand the existing stormwater reservoir. The last proposal was in 2006, at which time the District evaluated a 450-acre-foot expansion with the majority of the proposed expansion to take place west of Schaeffer Road. After a plan was approved by the District, issues of cost and National Park Service approval halted the project.

In September 2012, the District approached MWRD to seek review and approval of the District's proposed Phase II public access improvements, as provided in the easement. At the time, MWRD asked if the District would consider a proposal to expand the existing reservoir east of Schaeffer Road in the range of 110 to 250 acre-feet. In consideration for the District allowing such expansion, MWRD proposed to construct all of the District's Phase II improvements, including paying for engineering. In November 2012, the Planning and Restoration Committee reviewed the reservoir expansion request and authorized staff to negotiate a new intergovernmental agreement with MWRD and the Village authorizing the expansion and the construction of the public access improvements.

The proposed MWRD concept plan includes the expansion of the existing reservoir basin east of Schaeffer Road by approximately 184 acre-feet, the placement of the excavated material in open areas west of Schaeffer Road, completion of the District's proposed public access improvements (including 1.2 miles of new crushed

stone trails, 0.5 miles of relocated trails, seven new boardwalks, two scenic overlooks, and a 30-car expansion of the existing parking lot), tree planting and restoration of all disturbed areas. The reservoir expansion work will be accomplished by de-watering the existing basin, enlarging the existing basin's west and northwest sides by excavating and dredging the material and transporting the material west of Schaeffer Road. The completed grading work will have a natural appearance and include the addition of wetland flats as a natural transition between open water and the upland areas. The construction sequencing will be accomplished so that a portion of the trails and parking lot (except for a 30-day period) are safe and open to the public at all times during construction.

Assuming execution of the IGA in June and permitting approval, construction could begin in the fall 2016 with an anticipated completion in early summer 2018.

REASON FOR RECOMMENDATION: Committee recommendation and Board approval are required in accordance with District policy.

REVIEW BY OTHERS: Executive Director, Chief Operations Officer, Director of Finance, Corporate Counsel

PRESENTER: Randall L. Seebach

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR JUNE MEETING
JUNE 14, 2016**

MADAM PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **LAND PRESERVATION AND ACQUISITION COMMITTEE, PLANNING AND RESTORATION COMMITTEE** and **FINANCE AND ADMINISTRATIVE COMMITTEE** present herewith “A Resolution Approving an Intergovernmental Agreement with the Metropolitan Water Reclamation District and the Village of Buffalo Grove for Flood Control Reservoir Expansion and Public Access Improvements at Buffalo Creek Forest Preserve,” and request its adoption.

LAND PRESERVATION AND ACQUISITION COMMITTEE:

Date: _____ **Roll Call Vote:** **Ayes:** ____ **Nays:** ____
 Voice Vote Majority **Ayes;** **Nays** _____

PLANNING AND RESTORATION COMMITTEE:

Date: _____ **Roll Call Vote:** **Ayes:** ____ **Nays:** ____
 Voice Vote Majority **Ayes;** **Nays** _____

FINANCE AND ADMINISTRATIVE COMMITTEE:

Date: _____ **Roll Call Vote:** **Ayes:** ____ **Nays:** ____
 Voice Vote Majority **Ayes;** **Nays** _____

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
WITH THE METROPOLITAN WATER RECLAMATION DISTRICT AND THE VILLAGE OF
BUFFALO GROVE FOR FLOOD CONTROL RESERVOIR EXPANSION AND PUBLIC ACCESS
IMPROVEMENTS AT BUFFALO CREEK FOREST PRESERVE**

WHEREAS, the Lake County Forest Preserve District (the “District”) owns property that is known as Buffalo Creek Forest Preserve; and

WHEREAS, the District, the Metropolitan Water Reclamation District of Greater Chicago (“MWRD”) and the Village of Buffalo Grove (“Village”) entered into an intergovernmental agreement in 1973, and amended the agreement in 1984 (the “Original IGA”); and

WHEREAS, the Original IGA provided that the District would acquire certain land that is now commonly known as the Buffalo Creek Forest Preserve and grant to the MWRD an easement across a portion of the Buffalo Creek Forest Preserve for flood control and related purposes and for the construction of a flood control reservoir which will reduce flooding within the corporate limits of the MWRD and the Village and other downstream areas of Cook County; and

WHEREAS, on March 1, 1984, in accordance with the Original IGA, the District granted an easement to the MWRD and thereafter, the MWRD constructed a reservoir within a portion of Buffalo Creek Forest Preserve, that has approximately 760 acre-feet of storage capacity (the “Original Reservoir”); and

WHEREAS, the MWRD desires to increase the Original Reservoir’s capacity for flood control by approximately 184 acre-feet of storage; and

WHEREAS, the District desires that certain improvements be constructed within Buffalo Creek Forest Preserve that will enhance the public use of, and restore and preserve the natural features of, Buffalo Creek Forest Preserve, including trails, bridges, boardwalks, overlooks, parking areas, grading, landscaping, and restored areas (the “District Improvements”); and

WHEREAS, the District, MWRD, and the Village have negotiated an intergovernmental agreement, in the form attached hereto, pursuant to which MWRD would expand the capacity of the Original Reservoir and, for the District’s benefit, construct the District Improvements (the “Agreement”); and

WHEREAS, pursuant to the Agreement, the District will grant a temporary easement (the “Temporary Easement”) to MWRD that will (i) allow MWRD to install certain District Improvements within Buffalo Creek Forest Preserve and west of Schaeffer Road, (ii) require MWRD to indemnify the District for claims arising from MWRD’s work, (iii) require MWRD to restore the easement premises following such work, and (iv) terminate upon completion of such work (the “Easement Criteria”); and

WHEREAS, pursuant to Section 10 of Article VII of the Illinois Constitution of 1970, units of local government, such as the District may contract or otherwise associate with MWRD and the Village to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or ordinance; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., any power, privilege, function, or authority exercised by a public agency, including the District, MWRD, and the Village, may be exercised, combined, transferred, and enjoyed jointly with any other public agency of the United States to the extent not prohibited by law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois THAT:

Section 1. Recitals. The recitals set forth above are incorporated as a part of this Resolution by this reference.

Section 2. Approval of the Agreement and Temporary Easement. The Agreement is hereby approved in substantially the form attached hereto. The President and Secretary of the District are authorized and directed to execute and attest to the Agreement on behalf of the District. The District President, or her designee, is authorized to negotiate the Temporary Easement in accordance with the Easement Criteria. Upon completion of such negotiations, the President and Secretary of the District are authorized and directed to execute and attest to the Temporary Easement on behalf of the District.

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this _____ day of _____, 2016

AYES:

NAYS:

APPROVED this _____ day of _____, 2016

ATTEST:

Ann B. Maine, President
Lake County Forest Preserve District

Julie A. Gragnani, Secretary
Lake County Forest Preserve District

Exhibit _____