



LAKE COUNTY FOREST PRESERVES
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Preservation, Restoration, Education and Recreation

DATE: April 4, 2016

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

Bonnie Thomson Carter, Chair
Planning and Restoration Committee

Michael Rummel, Chair
Finance and Administrative Committee

Agenda Item# 9.7

FROM: James L. Anderson
Director of Natural Resources

RECOMMENDATION: Recommend approval of a Resolution approving an Agreement between the Lake County Forest Preserve District (District) and Continental Beeson Corner LLC regarding Offsite Mitigation at Prairie Wolf Forest Preserve.

STRATEGIC DIRECTION SUPPORTED: Conservation

FINANCIAL DATA: As specified in the attached agreement, Continental Beeson Corner LLC will provide \$500,000.00 to the District which will be used to complete a mitigation project at Prairie Wolf Forest Preserve. No District funds will be expended.

BACKGROUND: District staff has been in negotiations with Continental Beeson Corner LLC (an affiliate of Continental Properties) ("Continental") and its consultant Hey and Associates. Continental has proposed a Mariano's Fresh Market on the northeast corner of the intersection of Waukegan Road (IL 43) and Half Day Road (IL 22) within the Village of Bannockburn, Illinois. As determined by the U.S. Army Corps of Engineers, the proposed development will impact wooded wetlands on District property, and Continental will be required to mitigate such impacts. Continental is requesting permission to mitigate these impacts by completing a wetland enhancement and restoration project within a 25-acre parcel of wet savanna habitat at the northern portion of Prairie Wolf Forest Preserve. The proposed mitigation plan has been developed by District staff, and approved by the USACOE. Under the attached agreement, Continental would pay \$500,000.00 to the District, and the District would cause the mitigation work and the necessary follow up maintenance and monitoring to be performed within the 25-acre parcel to achieve compliance with the USACOE permit. In addition, as a condition of the off-site mitigation, the ACOE permit will require the District to record a conservation easement or deed restriction limiting use of the restored portion of Prairie Wolf Forest Preserve in a manner consistent with the permit and mitigation work. This area is dominated by widely scattered oaks and several ephemeral ponds which are excellent amphibian habitat.

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

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

PRESENTER: James L. Anderson

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR APRIL MEETING
APRIL 12, 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 Agreement with Continental Beeson Corner LLC Properties Company, Inc. for Offsite Mitigation at Prairie Wolf Forest Preserve," and request its adoption.

LAND PRESERVATION AND ACQUISITION COMMITTEE

Date: June 6, 2016 Roll Call Vote: Ayes: _____ Nays: _____
 Voice Vote Majority Ayes; Nays: 0

PLANNING AND RESTORATION COMMITTEE:

Date: June 6, 2016 Roll Call Vote: Ayes: _____ Nays: _____
 Voice Vote Majority Ayes; Nays: 0

FINANCE AND ADMINISTRATIVE COMMITTEE:

Date: 6-9-2016 Roll Call Vote: Ayes: _____ Nays: _____
 Voice Vote Majority Ayes; Nays: 0

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

**A RESOLUTION APPROVING AN AGREEMENT WITH CONTINENTAL BEESON CORNER LLC
FOR OFFSITE MITIGATION AT PRAIRIE WOLF FOREST PRESERVE**

WHEREAS, the Lake County Forest Preserve District (the "District") owns certain property known as "Prairie Wolf Forest Preserve" (the "District Property"); and

WHEREAS, Continental Beeson Corner LLC ("Continental") has proposed a development on certain property adjacent to the District Property; and

WHEREAS, the United States Army Corps of Engineers (the "USACOE") has determined that such development will impact the District Property and that such impact must be mitigated; and

WHEREAS, the District and Continental have negotiated an agreement pursuant to which (i) Continental would pay \$500,000.00 (the "Wetland Mitigation Funds") to the District that the District would use for a wetland, enhancement and restoration project on the District Property (the "Project"), that would provide the required mitigation for the wetland impacts to the District Property, (ii) Continental would apply for all necessary permits for the Project, including the required Section 404 Permit under the United States Clean Water Act (the "Section 404 Permit") and (iii) the District would execute the Section 404 Permit, as the off-site mitigation sponsor (the "Agreement"); and

WHEREAS, as a condition of the Section 404 Permit, the District will be required to record a conservation easement, deed restriction, or similar document limiting use of the restored portion of the District Property in a manner consistent with the Section 404 Permit and the Project (the "Deed Restriction"); and

WHEREAS, it is in the District's best interest to enter into the Agreement with Continental in substantially the form attached hereto;

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 part of this Resolution by this reference.

Section 2. Approval of Agreement, Section 404 Permit, and Deed Restriction. The Agreement, in substantially the form attached hereto, is hereby approved. The District President and the District Secretary are hereby authorized and directed to execute and attest to the Agreement, on behalf of the District, in substantially the form attached hereto. The District President and the District Secretary are hereby authorized and directed to execute and attest to the Deed Restriction, on behalf of the District, in a form approved by the District's Corporate Counsel. At such time that Continental delivers a Section 404 Permit to the District that complies with the Agreement, the District President (or her designee) is hereby authorized and directed to execute the Section 404 Permit on behalf of the District as an off-site mitigation sponsor.

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 _____