



LAKE COUNTY FOREST PRESERVES
www.LCFPD.org

Preservation, Restoration, Education and Recreation

DATE: January 9, 2017

MEMO TO: Carol Calabresa, Chair
Planning Committee

Agenda Item# 9.6

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

RECOMMENDATION: Recommend approval of an Ordinance approving an Amendment to an Intergovernmental and License Agreement with County of Lake for the construction and operation of a Wetland Mitigation Bank and Multi-Use Trail at Buffalo Creek Forest Preserve.

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

FINANCIAL DATA: There is no financial impact to this amendment.

BACKGROUND: In October 2016, the District and the County entered into an intergovernmental and license agreement that granted a license to the County for the construction and operation of a wetland mitigation bank on a portion of Buffalo Creek Forest Preserve. Pursuant to the intergovernmental agreement, (i) the County will design, permit and construct the wetland mitigation bank and a District trail, (ii) the County will be responsible for maintenance of the bank through the maintenance and monitoring period until the bank is fully accepted by the U.S. Army Corps of Engineers, (iii) the County will compensate the District approximately \$184,000 for long-term management and maintenance of the bank, and (iv) the District will provide the County compensation in the amount of \$300,000 for the design and construction of the trail.

The intergovernmental agreement defines and depicts (i) the "Licensed Premises" in a map attached to the intergovernmental agreement as Exhibit A, and (ii) the "Work" that is necessary to construct the mitigation bank in a concept plan attached to the intergovernmental agreement as Exhibit B. However, Exhibit A does not include a small portion of land, located east of and adjacent to the Licensed Premises, upon which a portion of the Work will be performed (specifically, wetland enhancement and restoration work). To correct this oversight, the Amendment attached to the attached resolution would amend Exhibit A so that the Licensed Premises matches the scope of the Work.

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

PRESENTER: Randall L. Seebach

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

**AN ORDINANCE APPROVING AN AMENDMENT TO AN
INTERGOVERNMENTAL AND LICENSE AGREEMENT WITH COUNTY OF LAKE
FOR THE CONSTRUCTION AND OPERATION OF A
WETLAND MITIGATION BANK AND MULTI-USE TRAIL AT
BUFFALO CREEK FOREST PRESERVE**

WHEREAS, the Lake County Forest Preserve District (the "District") and the County of Lake (the "County") entered into an intergovernmental and license agreement dated October 11, 2016 (the "Agreement"); and

WHEREAS, the District owns a parcel of land known as Buffalo Creek Forest Preserve (the "Property") located west of Arlington Heights Road and north of Lake Cook Road in Vernon and Ela Townships; and

WHEREAS, the Agreement provides for the District to grant a license to the County, allowing the County to construct and operate a wetland mitigation bank on the Property; and

WHEREAS, it is in the best interest of the District to approve an amendment to the Agreement in substantially the form attached hereto (the "Amendment"), amending the location of the Licensed Premises (as defined in the Agreement); and

WHEREAS, Section 6 of the Downstate Forest Preserve District Act, 70 ILCS 805/6, authorizes the District to grant licenses under or across District property for the construction, operation, and maintenance of public services; and

WHEREAS, pursuant to Section 10 of Article VII of the Illinois Constitution of 1970, units of local government, such as the District and the County, may contract or otherwise associate among themselves 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 and the County, may be exercised, combined, transferred, and enjoyed jointly with any other public agency to the extent not prohibited by law;

NOW, THEREFORE, BE IT ORDAINED 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 Amendment. The Amendment to the Agreement is hereby approved in substantially the form attached hereto. The President and Secretary of the District are authorized to execute and attest to the Amendment.

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 _____, 2017

AYES:

NAYS:

APPROVED this ____ day of _____, 2017

ATTEST:

Ann B. Maine, President
Lake County Forest Preserve District

Julie A. Gragnani, Secretary
Lake County Forest Preserve District

Exhibit _____

**FIRST AMENDMENT TO INTERGOVERNMENTAL AND LICENSE AGREEMENT
BY AND BETWEEN LAKE COUNTY FOREST PRESERVE DISTRICT
AND COUNTY OF LAKE
FOR THE CONSTRUCTION AND OPERATION OF A WETLAND MITIGATION BANK
AND A MULTI-USE TRAIL AT THE BUFFALO CREEK FOREST PRESERVE**

THIS AMENDMENT, entered into this _____ day of _____, A.D. 20____, by and between the COUNTY OF LAKE, Illinois, an Illinois body politic and corporate, acting by and through its Chair and County Board, hereinafter referred to as the COUNTY, and the LAKE COUNTY FOREST PRESERVE DISTRICT, an Illinois body politic and corporate, acting by and through its President and Board of Commissioners, hereinafter referred to as the DISTRICT (The COUNTY and the DISTRICT are hereinafter referred to collectively as “parties” to THIS AMENDMENT, and either one is referred to individually as a “party” to THIS AMENDMENT),

WITNESSETH

WHEREAS, the COUNTY and the DISTRICT have entered into an agreement dated October 11, 2016 hereinafter referred to as the AGREEMENT; and capitalized terms used in this AMENDMENT have the same meanings ascribed to them in the AGREEMENT; and

WHEREAS, the AGREEMENT outlines the terms and conditions for the construction and operation of the WETLAND BANK on the PRESERVE; and

WHEREAS, under the AGREEMENT, the DISTRICT will issue the LICENSE to the COUNTY, allowing the COUNTY to construct and operate the WETLAND BANK on a portion of the PRESERVE defined in the AGREEMENT as the LICENSED PREMISES; and,

WHEREAS, Exhibit A of the AGREEMENT depicts the boundary of the LICENSED PREMISES; and

WHEREAS, Exhibit A does not include all of the PRESERVE that the parties intend to be included within the LICENSED PREMISES and the parties desire to add a portion of the PRESERVE, located directly east of the currently described LICENSED PREMISES, to the LICENSED PREMISES, by replacing the original Exhibit A to the AGREEMENT with the new Exhibit A, attached hereto; and

WHEREAS, it is in the best interest of both parties to approve this AMENDMENT to the AGREEMENT, revising the location of the LICENSED PREMISES boundary as depicted in the new Exhibit A attached hereto ; and

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, made pursuant to all applicable statutes, local ordinances and authority, the COUNTY and the DISTRICT do hereby agree as follows:

1. The AGREEMENT is hereby amended to replace the original Exhibit A with the new Exhibit A attached hereto. All other terms and conditions of the AGREEMENT will remain unchanged and in full force and effect. THIS AMENDMENT supersedes all oral agreements and negotiations between the parties hereto relating to the subject matter hereof.

**LAKE COUNTY
FOREST PRESERVE DISTRICT**

ATTEST:

Secretary
Lake County Forest Preserve District

By: _____
President

Date: _____

RECOMMENDED FOR EXECUTION

Lake County
County Engineer/
Director of Transportation

COUNTY OF LAKE

ATTEST:

Clerk
Lake County

By: _____
Chairman
Lake County of Board

Date: _____

Exhibit A



Legend



Forest Preserve Property

Existing Multi-Use Path

Licensed Premises

Lake County Forest Preserve District
1855 W Winchester Rd
Libertyville, IL 60048
847-357-6640
www.lcfdpd.org

Courtesy Copy Only.
Property boundaries indicated are provided
for general location purposes. Wetland
and flood limits shown are approximate and
should not be used to determine setbacks for
structure or as a basis for purchasing property.

Prepared using information from:
Lake County Dept. of Information & Technology:
GIS/Mapping Division
18 North County Street
Waukegan, Illinois 60085-4357
847-377-2373



2015 Aerial Photo

Map Prepared 14 December 2016

