



LAKE COUNTY FOREST PRESERVES
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Preservation, Restoration, Education and Recreation

DATE: June 5, 2017

MEMO TO: Carol Calabresa, Chair
Planning Committee

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

RECOMMENDATION: Recommend approval of a Resolution approving an Addendum to an Intergovernmental Agreement with Illinois Department of Transportation for Improvements (including a Shared-Use Path and Relocated Entrance) along IL Route 132 between Duck Farm and Fourth Lake Forest Preserves, and for Future Land Conveyances.

STRATEGIC DIRECTION SUPPORTED: Public Access and Connections

FINANCIAL DATA: There is no financial impact.

BACKGROUND: In December 2015, the District approved an Intergovernmental Agreement (IGA) with the Illinois Department of Transportation (IDOT) to include the construction of a shared-use path along Illinois Route 132 (Grand Avenue) and to relocate the existing Duck Farm Dog Exercise Area vehicular entrance as part of IDOT's road improvements to Route 132.

As part of the planned improvements, IDOT will construct an eight foot-wide shared-use path on the north side, and a five foot-wide concrete sidewalk on the south side of IL Route 132 between the Duck Farm and Fourth Lake Forest Preserves. The IGA sets forth the District's local share obligations for the cost of the shared-use path and construction of the relocated vehicular entrance.

The District resolution approving the IGA also authorized the District President to grant permanent easements for traffic signal equipment, the sidewalk, and the shared-use path and temporary easements for grading and construction.

IDOT has advised the District that it needs an additional 0.1-acre temporary easement west of the proposed relocated entrance to the Dog Exercise Area necessary for the construction of the new entrance.

The attached resolution authorizes the District President to grant the additional 0.1-acre temporary easement and an addendum to the IGA, which will include a revised exhibit that depicts the additional 0.1-acre temporary easement west of the relocated entrance to the Duck Farm Dog Exercise Area.

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

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

**A RESOLUTION APPROVING AN ADDENDUM TO AN INTERGOVERNMENTAL AGREEMENT
WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS ALONG
IL ROUTE 132 NEAR DUCK FARM AND FOURTH LAKE FOREST PRESERVES
AND APPROVING FUTURE LAND CONVEYANCES**

WHEREAS, in December 2015, the District approved an Intergovernmental Agreement (“IGA”) with the Illinois Department of Transportation (“IDOT”) (i) obligating IDOT to include the construction of a shared-use path along Illinois Route 132 (Grand Avenue) and to relocate the existing Duck Farm Dog Exercise Area vehicular entrance as part of IDOT’s road improvements to Route 132 and (ii) setting forth the District’s local share obligations for the cost of the shared use path and construction of the relocated vehicular entrance; and

WHEREAS, the District resolution approving the IGA also authorized the District President to grant permanent easements for traffic signal equipment, the sidewalk, and the shared use path and temporary easements for grading and construction; and

WHEREAS, IDOT has now approached the District and requested that the District (i) grant to IDOT an additional 0.1-acre Temporary Easement west of the relocated entrance to the Dog Exercise Area for temporary construction purposes and (ii) approve an addendum to the IGA in substantially the form attached hereto (the “Addendum”), that includes a revised exhibit that depicts the additional 0.1 acre temporary easement west of the relocated entrance to the Duck Farm Dog Exercise Area; and

WHEREAS, the easements requested by IDOT and identified in the exhibits to the Agreement, as amended by the Addendum, are:

- (i) a permanent easement in approximately 0.20 acre of Duck Farm Forest Preserve for traffic signal equipment and the proposed sidewalk,
- (ii) a temporary easement in approximately 0.06 acre of Duck Farm Forest Preserve for grading to meet existing grades,
- (iii) a temporary easement in approximately 0.4 acre of Duck Farm Forest Preserve to relocate and construct the entrance to Duck Farm Forest Preserve,
- (iv) a permanent easement in approximately 0.1 acre of Fourth Lake Forest Preserve for the proposed shared-use path, and
- (v) a temporary easement in approximately 0.1 acre of Duck Farm Forest Preserve for construction purposes (collectively, the “Easements”); and

WHEREAS, pursuant to Section 10 of Article VII of the Illinois Constitution of 1970, units of local government and the State 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 IDOT, may be

exercised, combined, transferred, and enjoyed jointly with any other public agency to the extent not prohibited by law; and

WHEREAS, pursuant to Section 6 of the Downstate Forest Preserve District Act, 70 ILCS 805/6, the District is authorized to grant the Easements, which are easements for public services ; and

WHEREAS, it is in the best interests of the District to approve the Addendum and to authorize the District President to approve the Easements identified below and in the exhibits to the IGA, as amended by the Addendum;

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 Addendum to the IGA. The Addendum is hereby approved in substantially the form attached hereto. The President, Executive Director and Secretary of the District are hereby authorized and directed to execute and attest to, on behalf of the District, the Addendum in substantially the form attached hereto.

Section 3. Approval of Easements. The District President is hereby authorized to approve and execute plats of dedication, plats of easement, deeds, agreements, and any other documents necessary for the District to grant the Easements to IDOT, and to cause other District officers and employees to approve and execute such documents, after such documents have been reviewed and approved by the District's Corporate Counsel.

Section 4. 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

Ann B. Maine, President
Lake County Forest Preserve District

ATTEST:

Julie Gragnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____

FAP Route 541 IL Route 132
State Section: A-TS-2 (12)
County: Lake
Job No. : C-91-004-13
Agreement Number: JN-116-014
Contract No.: 60V55

ADDENDUM AGREEMENT

This Addendum Agreement entered into this ____ day of _____, 2017 A.D., by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION hereinafter called the STATE, and the LAKE COUNTY FOREST PRESERVE DISTRICT of the State of Illinois, hereinafter called the DISTRICT.

WITNESSETH:

WHEREAS, the STATE and the DISTRICT entered into an AGREEMENT, executed on March 17, 2017, for the construction of FAP Route 541, Illinois Route 132, between Munn Road and Deerpath Drive, State Section No. A-TS-2 (12), State Job No. C-91-004-13, hereinafter referred to as the IMPROVEMENT; and

WHEREAS, Exhibit A of the aforementioned AGREEMENT, does not fully depict all temporary easements required by the STATE from DISTRICT properties; and

WHEREAS, the STATE and the DISTRICT are desirous of adding Exhibit A-1 to include one additional Temporary Easement.

NOW, THEREFORE, BE IT AGREED that the aforementioned AGREEMENT is revised to read as follows:

Page 2, 1st Paragraph, of the AGREEMENT shall be revised to be read as follows as if fully incorporated therein by reference:

WHEREAS, the DISTRICT requests that the STATE include in its contract relocation of the Duck Farm Forest Preserve Entrance, as generally depicted on the attached Exhibits A and A-1, and a shared use path extension from the Lindenhurst village limit to the Fourth Lake Forest Preserve Entrance; as generally depicted on the attached Exhibit B, and

All other paragraphs and provisions of the AGREEMENT shall remain as originally presented.

Obligations of the STATE and the DISTRICT will cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available funds for this contract.

This Agreement shall be binding upon and to the benefit of the parties hereto, their successors and assigns.

LAKE COUNTY FOREST
PRESERVE DISTRICT

By: _____
(Signature)

Attest:

By: _____
(Print or Type)

Board Secretary

Title: _____

(SEAL)

Date: _____

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: _____
Anthony J. Quigley, P.E.
Region One Engineer

DATE: _____

Job No.: C-91-004-13
Agreement No.: JN-116-014