



LAKE COUNTY FOREST PRESERVES
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Preservation, Restoration, Education and Recreation

DATE: June 5, 2017

MEMO TO: Craig Taylor, Chair
Operations Committee

Agenda Item # 9.5

S. Michael Rummel, Chair
Finance Committee

FROM: James E. Ballowe
Director of Facilities

RECOMMENDATION: Recommend approval of an Ordinance to Amend the Conserve Lake County License Agreement. This Amendment would extend the term of the Agreement for one year ending on May 31, 2018.

STRATEGIC DIRECTION SUPPORTED: None

FINANCIAL DATA: The District will receive an annual License Fee of \$12.00 during the extended term.

BACKGROUND: For the past five years, Conserve Lake County has had a License Agreement with the District to use and occupy the former Planning, Conservation and Development office at Almond Marsh Forest Preserve. The agreement was originally entered into with Conserve Lake County and the Institute for Environmental Education (the "IEE"). The agreement (unless retroactively extended) expired on June 1, 2017.

In discussions with the former Finance and Administrative Committee, direction was given to staff to discontinue License Agreements for certain District facilities, including the building at Almond Marsh. After being notified that the agreement would not be renewed for an additional five-year term, Conserve Lake County sent the District a written request to extend the license agreement for one additional year. The IEE vacated the property shortly after the agreement was approved in 2012, and would not be a party to the extended agreement. This request was reviewed by the Finance Committee last month, and the Committee directed staff to prepare the extension.

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

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

**AN ORDINANCE APPROVING AN AMENDMENT TO A LICENSE AGREEMENT WITH
CONSERVE LAKE COUNTY**

WHEREAS, on June 1, 2012, the Lake County Forest Preserve District (the "District") entered into a "Building Use and Management License Agreement" (the "License Agreement") with Conserve Lake County (the "Licensee") and the Institute for Environmental Education ("IEE") to use certain property owned by the District at Almond Marsh Forest Preserve (32492 N. Almond Road, Grayslake) (the "Property"); and

WHEREAS, IEE vacated the Property in 2012; and

WHEREAS, the License Agreement (unless retroactively extended) expired June 1, 2017, but the Licensee has requested that the District agree to extend the term of the License Agreement for one year, from June 1, 2017 through May 31, 2018; and

WHEREAS, pursuant to Section 7b of the Downstate Forest Preserve District Act, 70 ILCS 805/7b, the District is authorized to issue licenses for any activity reasonably connected with the purposes for which the District was created; and

WHEREAS, Licensee uses the Property to preserve open land, restore natural areas, and inspire a commitment to land conservation for the benefit of people and wildlife in Lake County and therefore such use is reasonably connected with the purposes for which the District was created; and

WHEREAS, it is in the best interests of the District, to approve an amendment to the License Agreement with Licensee in substantially the form attached hereto as Exhibit A to extend the term of the License Agreement by one year (the "Amendment");

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 Ordinance by this reference.

Section 2: Approval of Amendment. The Amendment is hereby approved in substantially the form attached hereto. The Executive Director and Secretary are hereby authorized and directed to execute and attest to the Amendment.

Section 3: Effective Date. This Ordinance 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 Gragnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____

**AMENDMENT TO
LAKE COUNTY FOREST PRESERVE DISTRICT
CONSERVE LAKE COUNTY LICENSE AGREEMENT**

This Amendment is made as of the 1st day of June, 2017, by and between the **LAKE COUNTY FOREST PRESERVE DISTRICT**, an Illinois unit of local government and a political subdivision, organized and existing under the Downstate Forest Preserve District Act, 70 ILCS 805/0.01 *et seq.*, with its principal office located at 1899 West Winchester Road, Libertyville, Illinois 60048-1199 (the "District"), and Conserve Lake County ("Licensee").

NOW, THEREFORE, in consideration of the recitals and the mutual covenants and agreements set forth below, the parties do hereby agree as follows:

SECTION 1. RECITALS.

- A.** On June 1, 2012, the District, Licensee, and the Institute for Environmental Education ("IEE") entered into that certain "Building Use and Management License Agreement between the Lake County Forest Preserve District and the Institute for Environmental Education and Conserve Lake County" (the "Agreement"). Pursuant to the License Agreement, Licensee uses that certain building owned by the District at 32492 N. Almond Road, Grayslake (the "Property").
- B.** Licensee and the District desire to amend the Agreement by extending the term of the Agreement from June 1, 2017 (retroactively) through May 31, 2018. IEE vacated the Property and will no longer be a party to the Agreement.

SECTION 2. AMENDMENTS.

- A.** Section 3 of the Agreement is hereby amended by deleting the first sentence of Section 3 and replacing it with the following :

The term of this Agreement shall commence on June 1, 2012, and end at 11:59 p.m. on May 31, 2018, unless sooner terminated as provided herein.
- B.** The District and Licensee have approved this Amendment on the condition that IEE is no longer a party to the Agreement. As such, all references to IEE are hereby deleted and IEE is not a party to, and has no rights or obligations under, the Agreement.

SECTION 3. EFFECT.

- A.** Notwithstanding the fact that this Amendment has been approved by the District and Licensee after May 31, 2017, this Amendment will be deemed to be retroactive to June 1, 2017, and the Agreement will be deemed not to have expired on June 1, 2017. All terms, conditions, and provisions of the Agreement not amended by this Amendment will remain in full force and effect.

IN WITNESS WHEREOF the parties have caused this Amendment to be executed, effective as of, and retroactive to, the date first written above.

WITNESS:

CONSERVE LAKE COUNTY

By: _____

ATTEST:

By: _____
Its: Secretary

LAKE COUNTY FOREST PRESERVE DISTRICT

By: _____
Its: President