



LAKE COUNTY FOREST PRESERVES  
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Preservation, Restoration, Education and Recreation

**DATE:** September 23, 2019

**MEMO TO:** Jessica Vealitzek, Chair  
Operations Committee

**Agenda Item#** 9.5

John Wasik, Chair  
Planning Committee

**FROM:** John E. Nelson  
Director of Operations and Infrastructure

**RECOMMENDATION:** Recommend approval of an Ordinance approving a First Amendment to the Memorandum of Agreement between the United States Department of the Army and the District regarding Fort Sheridan.

**STRATEGIC DIRECTION SUPPORTED:** Organizational Sustainability

**FINANCIAL DATA:** No impact.

**BACKGROUND:** On February 20, 1998, the District and the United States Army signed a "Memorandum of Agreement" related to the conveyance of a portion of Fort Sheridan from the Army to the District ("MOA"). The property transferred pursuant to the MOA became Fort Sheridan Forest Preserve. The MOA requires that the District perform certain care and maintenance at the Army's Fort Sheridan Post Cemetery.

The federal government now intends to transfer the land and the associated operational, administrative and jurisdictional responsibilities for 11 cemeteries, including Fort Sheridan Post Cemetery, currently administered by the United States Army ("Army"), to the National Cemetery Administration, Department of Veterans Affairs ("VA") in support of Presidential Executive Order dated March 13, 2017 and OMB Memo 17-22 regarding shared mission assignments across the Federal government for realignment and consolidation opportunities. Consequently, the Army contacted the District and has prepared a First Amendment to the MOA providing that, upon transfer of the Fort Sheridan Post Cemetery from the Army to the VA, the VA will become the federal agency with real property accountability for the cemetery. The Army has requested that the District sign the First Amendment agreeing that the VA will have all future responsibilities and access rights to act for the United States regarding Fort Sheridan Post Cemetery matters. All other provisions of the MOA remain in effect unchanged.

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



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

**AN ORDINANCE APPROVING  
THE FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH  
THE DEPARTMENT OF THE ARMY REGARDING FORT SHERIDAN**

**WHEREAS**, on October 17, 1997, the Lake County Forest Preserve District ("District") passed Ordinance 2658, "An Ordinance Approving a Memorandum of Agreement [the "MOA"] Between the United States of America through the United States Department of the Army and the Lake County Forest Preserve District for the Conveyance of a Portion of Fort Sheridan Located in Lake County, Illinois"; and

**WHEREAS**, the United States of America through the United States Department of the Army ("Army") and the District subsequently executed the MOA, which is dated February 20, 1998; and

**WHEREAS**, the MOA provided for the conveyance by the Army to the District of the property now known as Fort Sheridan Forest Preserve; and

**WHEREAS**, the MOA included certain conditions to transfer the property from the Army to the District, including a condition that the District perform care and maintenance activities at the Army's Fort Sheridan Post Cemetery; and

**WHEREAS**, the Army has entered into a Letter of Intent to transfer the land and the associated operational, administrative, and jurisdictional responsibilities for 11 cemeteries, including the Fort Sheridan Post Cemetery, to the United States Department of Veterans Affairs (the "VA"); and

**WHEREAS**, the District, the Army and the VA mutually desire to amend the MOA to take account of the transfer to the VA of the Fort Sheridan Post Cemetery; and

**WHEREAS**, the District, the Army, and the VA have negotiated a First Amendment to the MOA (the "First Amendment"), a copy of which is attached hereto; and

**WHEREAS**, it is in the best interests of the District to approve the First Amendment in substantially the form attached hereto;

**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 part of this Ordinance by this reference.

**Section 2: Approval of First Amendment.** The First Amendment to the MOA is hereby approved. The President and Secretary are authorized and directed to execute and attest to the First Amendment on behalf of the District.

**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 \_\_\_\_\_, 2019

AYES:

NAYS:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Angelo D. Kyle, President  
Lake County Forest Preserve District

ATTEST:

\_\_\_\_\_  
Julie Gragnani, Secretary  
Lake County Forest Preserve District

Exhibit No. \_\_\_\_\_

FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE  
SECRETARY OF THE ARMY, UNITED STATES DEPARTMENT OF THE ARMY  
AND  
LAKE COUNTY FOREST PRESERVE DISTRICT  
FOR THE CONVEYANCE OF  
A PORTION OF FORT SHERIDAN  
LOCATED IN LAKE COUNTY, ILLINOIS  
DATED FEBRUARY 20, 1998

THIS FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT (MOA) is made and entered into by and between the United States of America, acting by and through: (1) the Deputy Assistant Secretary of the Army (Installations, Housing & Partnerships), United States Department of the Army (hereinafter, the "Army"), and (2) the Deputy Director, Office of Real Property, United States Department of Veterans Affairs (hereinafter the "VA"); and the Lake County Forest Preserve District, a body politic and corporate organized under the Downstate Forest Preserve District Act, 70 ILCS 805/001 et seq (1994) (hereinafter the "District"), collectively, the "Parties".

WHEREAS, the Army and VA have entered into a Letter of Intent (**Enclosure 1**) to transfer the land and the associated operational and administrative and jurisdictional responsibility for 11 cemeteries, including the Fort Sheridan Post Cemetery, currently administered by the Army, to the VA; and

WHEREAS, upon transfer of the Fort Sheridan Post Cemetery from the Army to the VA, the VA will become the federal agency with real property accountability and responsible for its future operation and maintenance of the Fort Sheridan Post Cemetery; and

WHEREAS, the Parties mutually desire to amend the MOA to take account of the transfer of administrative jurisdiction to the VA of the Fort Sheridan Post Cemetery.

WHEREAS, the Army and the District previously entered into that certain "MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE SECRETARY OF THE ARMY, UNITED STATES DEPARTMENT OF THE ARMY AND LAKE COUNTY FOREST PRESERVE DISTRICT FOR THE CONVEYANCE OF A PORTION OF FORT SHERIDAN LOCATED IN LAKE COUNTY, ILLINOIS" (the "MOA"); and

NOW THEREFORE, effective upon the date the Army provides written notification to the District that administrative jurisdiction of the Cemetery has been transferred from the Army to the VA (the "Amendment One Effective Date"), the Parties do hereby agree to amend the MOA as follows:

1. By deleting the term "Army" and replacing it with "VA" in paragraph 2.d under the Section titled, "DELIVERY OF POSSESSION; TITLE; NOTICE; ENCUMBRANCES".

2. By deleting the term "Army" and replacing it with "VA" in paragraphs 2.e, 2.f., and 2.h. under the Section titled, "CONDITIONS TO TRANSFER".

2.3. By adding the following new paragraph 2.o, following paragraph 2.n, under the Section titled, "CONDITIONS TO TRANSFER":

"2.o. Commencing upon the Amendment One Effective Date, VA will have all future responsibilities and access rights to act for the United States regarding Cemetery matters in subsections 2 and 3 of this Section, including the right to (i) amend this MOA, with concurrence of the District, regarding Cemetery matters in subsections 2 and 3 of this Section, (ii) transfer or assign its rights and interests under this MOA, with concurrence of the District, and (iii) approve the District's transfer or assignment of its rights and interests under this MOA as they relate to Cemetery matters in subsections 2 and 3 of this Section. —VA will provide a copy of any such amendment(s), transfer(s), or assignment(s) to the Army for information."

3.4. By inserting the following VA contact information in paragraph 9 under the Section titled, "MISCELLANEOUS":

"To the VA:  
[insert contact information]"

All other provisions of the MOA remain in effect unchanged. The District's execution of this First Amendment will be deemed its written consent (as provided in paragraph 7 under the Section of the MOA titled "MISCELLANEOUS") to the Army's transfer and assignment of its rights and interests under the MOA, as provided in this First Amendment and the Letter of Intent attached as Enclosure 1.

IN TESTIMONY WHEREOF, witness the signature of the United States of America, Department of the Army, acting by and through the Deputy Assistant Secretary of the Army (Installations, Housing and Partnerships), this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

UNITED STATES OF AMERICA  
DEPARTMENT OF THE ARMY  
BY

\_\_\_\_\_  
Paul D. Cramer  
Deputy Assistant Secretary of the Army  
(Installations, Housing & Partnerships)

IN TESTIMONY WHEREOF, witness the signature of the United States of America, Department of Veterans Affairs, acting by and through the Deputy Director, Office of Real Property, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

UNITED STATES OF AMERICA  
DEPARTMENT OF VETERANS AFFAIRS  
BY

\_\_\_\_\_  
[insert name]  
Deputy Director  
Office of Real Property

IN TESTIMONY WHEREOF, witness the signature of the Lake County Forest Preserve District, a body politic and corporate organized under the Downstate Forest Preserve District Act, 70 ILCS 80S/001 et seq (1994), this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

STATE OF ILLINOIS  
LAKE COUNTY FOREST PRESERVE  
DISTRICT

BY:

\_\_\_\_\_  
[insert name] Angelo D. Kyle  
President

Attest:

\_\_\_\_\_  
[insert name] Julie Gagnani  
Secretary

**LETTER OF INTENT BETWEEN  
U.S. DEPARTMENT OF VETERANS AFFAIRS,  
NATIONAL CEMETERY ADMINISTRATION  
AND  
DEPARTMENT OF THE ARMY,  
ARMY NATIONAL MILITARY CEMETERIES**

This letter documents the intention to transfer the land and the associated operational and administrative and jurisdictional responsibility for 11 cemeteries, currently administered by the United States Army, to the National Cemetery Administration ("NCA"), Department of Veterans Affairs. The post cemeteries are:

Vancouver Barracks Cemetery	Vancouver, WA
Fort McClellan Post Cemetery	Anniston, AL
Fort McClellan POW Cemetery	Anniston, AL
Fort Lawton Cemetery	Seattle, WA
Fort Douglas Cemetery	Salt Lake City, UT
Fort Worden Cemetery	Port Townsend, WA
Fort Missoula Cemetery	Missoula, MT
Fort Stevens Cemetery	Hammond, OR
Fort Devens Cemetery	Devens, MA
Benicia Post Cemetery	Benicia, CA
Fort Sheridan Cemetery	Chicago, IL

The Army National Military Cemeteries ("ANMC") and the NCA agree that Army cemeteries which are no longer on active military installations would be more efficiently operated by the NCA. To facilitate the transfer, between the parties, the Deputy Under Secretary for Field Programs and Cemetery Operations, National Cemetery Administration, Department of Veterans Affairs, and the Executive Director, Army National Military Cemeteries, agree to pursue the following:

- NCA and the Army will collaborate in a timely manner to accomplish legal, budgetary, environmental, and cultural requirements, and all other actions necessary to finalize the inter-agency transfer.
- The Army will operate and maintain the post cemeteries until they are transferred to the NCA.
- NCA will operate and maintain the post cemeteries upon transfer from the Army.

This initiative supports Presidential Executive Order dated March 13, 2017, and OMB Memo 17-22, regarding shared mission assignments across the Federal government for realignment and consolidation opportunities.

Glenn R.  
Powers 264420  
Glenn R. Powers  
Deputy Under Secretary for Field Programs  
and Cemetery Operations  
National Cemetery Administration

Digitally signed by Glenn R Powers 264420  
DN: cn=Glenn R Powers 264420  
Date: 2017.09.22 15:41:22 -0400

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AGUILERA.KAREN.L.1230  
610262  
Karen Durham-Aguilera  
Executive Director, Army National  
Military Cemeteries  
Department of the Army

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AGUILERA KAREN L.1230610262  
DN: cn=US, o=U.S. Government, ou=DoD, ou=PKL  
ou=USA, cn=DURHAM-  
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