



STORMWATER MANAGEMENT COMMISSION

MEMORANDUM

Date: August 30, 2022

From: Sharon Østerby, Water Resource Professional
Kurt Woolford, Executive Director

Subject: IDNR Intergovernmental Grant Agreement #371-Extension

ACTION REQUESTED: Approval of the IDNR-OWR Grant Agreement Extension #371

Attached for your approval is the third extension of the Intergovernmental Grant Agreement with the Illinois Department of Natural Resources-Office of Water Resources Agency for grant funding in the amount of \$3,845,901. The cost share for this project is provided for by IDNR at 100% .

This grant agreement provides funding for the purchase, demolition, and site stabilization of 12 residential structures in Lake County. To date, 9 of the 12 properties have been acquired, demolished, and restored as open space property. This extension will allow SMC to complete the demolition of the last remaining property included in this grant later this year.

SMC will continue to administer the project and receive reimbursement for project management and grant administrative services.

If you should have any questions regarding this project, please feel free to contact Sharon Østerby at 847-377- 7706 or Kurt Woolford at 847-377-7720.

AMENDMENT NUMBER THREE
to an
AGREEMENT
between
LAKE COUNTY
and the
STATE OF ILLINOIS/DEPARTMENT OF NATURAL RESOURCES
for the
LAKE COUNTY FLOOD HAZARD MITIGATION PROJECT

Contract Number OWR- 371

THIS AMENDMENT NUMBER THREE is made among LAKE COUNTY, Illinois (hereinafter referred to as the "COUNTY") and the Department of Natural Resources/Office of Water Resources, (hereinafter referred to as the "**DEPARTMENT**") acting for and on behalf of the State of Illinois.

WHEREAS, the DEPARTMENT, and the COUNTY, entered into an agreement, hereinafter referred to as the "**AGREEMENT**", effective September 26, 2019, covering the DEPARTMENT'S participation in the Lake County Flood Hazard Mitigation Project, hereinafter referred to as the "**PROJECT**"; and

WHEREAS, the Illinois General Assembly has appropriated funds to the DEPARTMENT for the PROJECT under Public Act 98-0675, Article 8, Section 10 for expenditure by the Office of Water Resources for statewide flood hazard mitigation projects; and

WHEREAS, it is the intent of the State that all or a portion of the costs of this project will be paid or reimbursed from the proceeds of tax-exempt bonds subsequently issued by the State; and

WHEREAS, the COUNTY requested an extension to the PROJECT because they were unable to complete the scope of work by the time specified in the IGA and requested an extension of the termination date of the original AGREEMENT for an additional one year to allow adequate time to complete the PROJECT; and

WHEREAS, the DEPARTMENT has determined that 1) The circumstances that necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, 2) The change is germane to the original contract as signed, and 3) The circumstances that necessitate the change in performance are in the best interest of the unit of State or local government and authorized by law.

WHEREAS, the DEPARTMENT has determined that the execution of this AGREEMENT is subject to the signature requirements of the "State Finance Act", 30 ILCS

105/9.02; and

NOW THEREFORE, for and in consideration of these premises, the parties hereto agree to the following modifications therein:

1. On page 2, under Item A.4. the first sentence which reads “The DEPARTMENT’s funding obligation of \$3,845,901 will expire upon completion of the work covered hereunder or June 30, 2020, whichever occurs first” should be changed to “The DEPARTMENT’s funding obligation of \$3,845,901 will expire upon completion of the work covered hereunder or June 30, 2024, whichever occurs first.”
2. All other covenants under terms of the September 26, 2019 AGREEMENT remain unchanged and in full force and effect.

It is understood and agreed that this AMENDMENT and the following attachments are essential documents of the AGREEMENT and are a part hereof:

- Exhibit A – Standard Certifications for Intergovernmental Agreements; Taxpayer Identification Number

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year written, and represent that the signatories below are duly authorized to execute this AMENDMENT NUMBER 3 for the LAKE COUNTY FLOOD HAZARD MITIGATION PROJECT AGREEMENT on behalf of their respective bodies, and that the effective date of this AMENDMENT NUMBER 3 is the date approved and executed by the Director of the DEPARTMENT.

STATE OF ILLINOIS

RECOMMENDED:

Loren Wobig, Director
Office of Water Resources

Date: _____

APPROVED:

Colleen Callahan, Director
Department of Natural Resources

Date: _____

APPROVED:

Renee Snow, Legal Counsel

Date: _____

APPROVED:

Meta Darnell, Chief Fiscal Officer

Date: _____

Lake County

ATTEST:

Date: _____

APPROVED:

Date: _____