



# Lake County Illinois

## Signature Copy

resolution: 10-0898

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**File Number: 10-0898**

Ordinance authorizing the execution of an agreement for the sale and transfer of sanitary sewer forcemain by and between North Shore Sanitary District to County of Lake.

### ORDINANCE

This Ordinance, authorizes entering into an agreement for the sale and transfer of sanitary sewer forcemain, by and between the North Shore Sanitary District, a sanitary district created pursuant to the North Shore Sanitary District Act, 70 ILCS 2305/ 1 *et seq.* ("District"), and the County of Lake, a body politic and corporate of the State of Illinois ("County").

**WHEREAS**, the County and the District have the authority to enter into this Agreement pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/ 1 *et seq.*, and the Local Government Property Transfer Act, 50 ILCS 605/1 *et seq.*; and

**WHEREAS**, the District owns, and holds certain easements, permits, and privileges, related to a sanitary sewer forcemain a segment of which commences approximately 150 feet east of the centerline of Portwine Road and terminates at the County's Des Plaines River Wastewater Reclamation Facility consisting of approximately 9,200 linear feet of sanitary sewer forcemain, exclusive of those segments abandoned and whose property rights have been subsequently assigned to others prior to January 1, 2010, as generally depicted on the attached Agreement, Exhibit 1 ("the Forcemain"); and

**WHEREAS**, the District has determined that the Forcemain is no longer required by the District and that the Forcemain would better serve the public benefit if the Forcemain was transferred to the County of Lake; and, the District has agreed to sell and transfer said sanitary sewer Forcemain, together with the related easement and property rights, to the County for a total price of \$400,000.00; and

**WHEREAS**, the County has established a Department of Public Works pursuant to an Act of the General Assembly of the State of Illinois entitled "An Act in Relation to Water Supply, Drainage, Sewage, Pollution, and Flood Control in Certain Counties", as

amended, for the purpose of performing the function of sewage disposal and has prepared a comprehensive plan for the disposal of sewage from areas of the County, including portions of the Southeast Lake Facilities Planning Area established pursuant to the Illinois Water Quality Management Plan, and has prepared plans and programs for providing such service and the related facilities; and

**WHEREAS**, pursuant to such plans and programs, the County has constructed, owns, and operates the Des Plaines River Wastewater Reclamation Facility and a system of interceptor sanitary sewers in the aforementioned facilities planning area to provide sanitary sewer service; and

**WHEREAS**, the County wishes to acquire the Forcemain and all easements, permits, and privileges attendant or relating to the Forcemain held by the District in furtherance of its provision of sanitary sewer services within the Southeast Lake Facilities Planning Area and declares by this Ordinance that it is necessary or convenient to acquire and use such easements and other property rights, now held by the District; and

**WHEREAS**, the District has determined that it is necessary and convenient to convey said easements and other real property rights, relating to the subject Forcemain, described in the attached Agreement, Exhibit 3, by a vote of 2/3 of its Trustees in accordance with the Local Government Property Transfer Act (50 ILCS 605/2 (a)), to the County; and

**WHEREAS**, this County Board of Lake County, Illinois has determined that it is necessary and convenient to acquire the easements and other real property rights, relating to the subject Forcemain, described in the attached Agreement, Exhibit 3, from the District, in accordance with the terms and conditions contained in the attached Agreement, by a vote of 2/3 of its County Board members, all in accordance with the Local Government Property Transfer Act (50 ILCS 605/2 (a)); and

**WHEREAS**, the adoption of this Ordinance will further and enhance the public health and the public policy of intergovernmental cooperation.

**NOW THEREFORE**, be it ordained that:

1. The recitals set forth above are incorporated herein by reference and made a part hereof.
2. That the Agreement for Sale and Transfer of Sanitary Sewer Forcemain, by and between North Shore Sanitary District and County of Lake, appended to this Ordinance, is authorized and approved.

3. That the Director of the Public Works Department is authorized to execute on behalf of the County of Lake the approved Agreement in substantially the form attached hereto, and the Director of the Public Works Department and/or State's Attorney are authorized to execute any assignment, transfer, or closing document(s) needed to complete the afore described Agreement, and conveyance of easements and other property interests to the County, including but not limited to any Bill of Sale.

4. That in accordance with the Local Government Property Transfer Act, 50 ILCS 605/2, the District has by ordinance, adopted Ordinance 2010-0-1 on November 10, 2010, declared that it is necessary or convenient for it to sell or transfer the subject easements and other real estate interest(s), relating to the subject Forcemain, to the County.

**DATED**, at Waukegan, Lake County, Illinois on this 16th day of November, A.D., 2010.

At a meeting of the Lake County Board on 11/16/2010, a motion was made by David Stolman, seconded by Craig Taylor, that this resolution be adopted. The motion passed.

Approved by  Date 11-19-10  
Suzi Schmidt

Attest by  Date NOV 22 2010  
Willard R. Helander

Certified by  Date NOV 22 2010  
Willard R. Helander