

MAIL TO :

Lake County Stormwater Management Commission

500 W. Winchester Road, Suite 201

Libertyville, IL 60048

RECORDER'S STAMP

**COUNTY OF LAKE
LAKE COUNTY, ILLINOIS**

JOINT RESOLUTION

WHEREAS, the County of Lake on behalf of the Lake County Stormwater Management Commission entered into a cooperative agreements with the Federal Emergency Management Agency (FEMA), and the Illinois Emergency Management Agency (IEMA), on August 26, 2013, and with the Department of Commerce and Economic Opportunity (DCEO) on June 18, 2012, in which DCEO funds were used to acquire certain floodplain, flood damaged, real property, by the County of Lake, subject to certain perpetual conditions and restrictions; and

WHEREAS, the County of Lake has acquired, with financial assistance from DCEO, certain real property located in Gurnee in Lake County, described in Exhibit A, as a part of the Department of Commerce and Economic Opportunity Ike Property Buyouts Program, and the FEMA Hazard Mitigation Grant Program, located within a floodplain; and

WHEREAS, the County of Lake and the Gurnee Park District are legal entities organized and existing under the laws of the State of Illinois, having among their powers to contract with one another to perform the undertakings described in this Joint Resolution; and

WHEREAS, the Gurnee Park District has determined that it is necessary and convenient to use and occupy the real property described in Exhibit A for the public purpose of open space public use, subject to the conditions and restrictions set forth herein in Exhibit B, pursuant to an ordinance enacted in accordance with the Local Government Property Transfer Act (50 ILCS 605/2; and

WHEREAS, the County of Lake has determined that it is necessary and convenient to convey said the real property described in Exhibit A, to the Gurnee Park District, by a vote of 2/3 of its County Board Members in accordance with the Local Government Property Transfer Act (50 ILCS 605/2 (a)), subject to the conditions and restrictions contained in the aforescribed Exhibit B Agreements with DCEO and IEMA/FEMA, and as hereafter recited in this Joint Resolution; and

WHEREAS, the adoption of this Joint Resolution will further and enhance the public policy of intergovernmental cooperation.

NOW THEREFORE, for and in consideration of the benefits to be derived by the County of Lake and the Gurnee Park District from the implementation of the Department of Commerce and Economic Opportunity Ike Property Buyout Program, and the FEMA Hazard Mitigation Grant Program, the sufficiency of which is hereby acknowledged, it is hereby resolved by the County of Lake as follows:

1. The recitals set forth above are incorporated herein by reference and made a part hereof.

2. That the Chair of the Lake County Board and the County Clerk are authorized to execute the Quit Claim Deed, and any required closing document(s), necessary to complete the aforescribed conveyance to the Gurnee Park District.
3. That the real property, described in attached Exhibit A, shall be transferred to the Gurnee Park District subject to, in perpetuity, the following Restrictive Covenants in Exhibit B:
 - a. That the real property is dedicated in perpetuity for open space public use and purposes.
 - b. That the Gurnee Park District shall maintain the real property in a safe, neat, and manageable condition, and shall faithfully manage the real property for its designated open space purpose and for public use.
 - c. That the Gurnee Park District shall not erect or permit to be erected any structure or other improvements on the real property unless such structures and improvements are pre-approved in writing by the County of Lake and the IEMA/FEMA, who must follow 44 CFR Parts 80.5 and 80.19 regarding compatibility of proposed uses in perpetuity, to assure that they will not be subject to flood damage, and for the properties to remain in compliance with open space requirements specified in 44 CFR part 80.19 (a).
 - d. The County of Lake, the IEMA, and FEMA reserve all present rights and any future rights which may occur to enforce the restrictive covenants or agreements both at law and in equity, per 44 CFR part 80.19(e). The Gurnee Park District agrees that any breach or threatened breach of the covenants and conditions may be enjoined upon the application by the County of Lake or by the IEMA. In addition, the County of Lake or the IEMA will have the option to reclaim the real property if the Gurnee Park District fails to remove or correct any violation of the covenants and conditions within thirty (30) days after the mailing of written notice thereof by the Chair of the County Board or the Director of the Illinois Emergency Management Agency to the Gurnee Park District.
 - e. The Gurnee Park District shall not convey the real property or any interest therein without the prior express written consent of the County of Lake and the IEMA, who must follow 44 CFR part 80.19(6) Subsequent Transfer. Only conveyance of the real property by the Gurnee Park District to another unit of local government for open space public use and purposes is acceptable.
 - f. All the foregoing restrictive covenants and agreements shall run with the real property.

DATED, at the City of Waukegan, Lake County, Illinois on this 11th day of April, A.D., 2023.

Roll Call

Aye:

Nay:

Absent:

Sandy Hart, County Board Chair

Attest:

Anthony Vega, County Clerk