

AMENDED INTERGOVERNMENTAL AGREEMENT
between the
LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
and the VILLAGE OF GREEN OAKS for
CRANBROOK ROAD & KENTON LANE DRAINAGE IMPROVEMENT PROJECT

THIS IS AN AGREEMENT, by and between the LAKE COUNTY STORMWATER MANAGEMENT COMMISSION, 500 West Winchester Road, Libertyville, Illinois 60048 (hereinafter called SMC) and the VILLAGE OF GREEN OAKS, 2020 O'Plaine Road, Green Oaks IL 60048 (hereinafter called GREEN OAKS).

PROJECT DESCRIPTION

The eastern portion of GREEN OAKS is generally flat and low lying with a corresponding poorly defined drainage system. As a result of these conditions, a number of properties within the tributary area experience extended periods of ponding/inundation after rainfall events. GREEN OAKS has been systematically addressing chronic drainage and nuisance flooding problems working upstream along the Middle Fork of the North Branch Chicago River. The Cranbrook Road & Kenton Lane Drainage Improvement Project is the next project GREEN OAKS will undertake. This project work is hereinafter called the PROJECT.

The PROJECT scope is divided into three (3) phases and two (2) grant funding sources; the Watershed Management Board (WMB) grant and the Stormwater Capital Improvement Project (STOCIP). The PROJECT scope of work includes:

Phases 1 & 2:

1. WMB & STOCIP Funding: The construction of a natural and defined outlet for Banbury Lake that will discharge into the Cranbrook Road ditches. The outlet will be restored with native vegetation and turf reinforcement mat or erosion control blanket. The roadside swales along Cranbrook Road will be regraded for better drainage and planted with native vegetation to further prevent erosion. Currently, many of the ditches do not have sufficient vegetation due to long periods of inundation and vegetation that does not match the hydrologic regime. The PROJECT will help alleviate flooding, provide local demonstrations of best management practices (BMPs), and improve water quality.
2. WMB Funding: The construction of a new outlet control structure at the northeast corner of Doe Lake; located on the south side of Kenton Lane in Green Oaks. In addition, the PROJECT shall reshape the ditch and replace one driveway culvert along the south right-of-way of Kenton Lane from the outlet control structure extending to Cranbrook Road. The grading and culvert replacement will improve positive drainage conveyance and reduce local drainage issues. The ditches downstream of Doe Lake have been previously improved and other local drainage projects have been implemented in this area.

Phase 3:

3. STOCIP Funding: Phase 3 applies to properties located at 1970, 1990, 1941, 1951, 1971 and 1930 Cranbrook Road. The PROJECT scope includes regrading/reshaping the ditches on those properties and replacing culverts under the driveways for positive drainage conveyance. The grading and culvert

replacement will improve positive drainage conveyance and reduce local flooding and drainage issues.

The PROJECT location is shown in Exhibit 1.

SCOPE OF WORK

1. GREEN OAKS will complete the PROJECT as described above and within the Scope of Work.
2. GREEN OAKS will hire all consultants and/or contractors and procure all materials and/or equipment necessary to complete the PROJECT.
3. SMC will provide limited technical assistance to GREEN OAKS during the implementation of the PROJECT. This may include review of design documents, methodology, materials and equipment that will be used during construction.
4. GREEN OAKS will obtain all land rights necessary to complete the PROJECT, including, if necessary, owner-authorized land access and/or land rights or evidence of possessory interest, in the form of previously recorded documentation or written authorization, from all property owners affected. Documentation or authorization may include, recorded permanent easements; land covenants, deed-restricted areas, or prescriptive easement (with the owner's authorization or evidence of possessory interest); or other owner-approved and SMC accepted legal instruments (i.e., owner-executed license agreement). Work within public road rights-of-way shall not be performed without appropriate permits or authorization from the jurisdictional road authority. Evidence of such land rights shall be provided to SMC prior to construction.
5. GREEN OAKS will obtain all permits necessary to complete the PROJECT, including, but not limited to, if necessary, a wetland permit from the US Army Corps of Engineers, a Watershed Development Permit from SMC or, if applicable, the appropriate certified community, and a construction stormwater permit from the Illinois Environmental Protection Agency. Evidence of such permits shall be provided to SMC prior to construction. Please note that all permit fees are the responsibility of GREEN OAKS and are not reimbursable under this AGREEMENT; however, such permit fees may count toward GREEN OAK's share of the total PROJECT cost.
6. During the PROJECT, GREEN OAKS will prepare and submit to SMC a brief one to two-page written update report and, upon completion of the PROJECT, a brief one to two page written final report.

SCHEDULE

GREEN OAKS shall submit PROJECT status update to the SMC before October 30, 2020.

GREEN OAKS shall complete the PROJECT on or before November 30, 2020.

GREEN OAKS shall submit a written final report on the PROJECT to SMC on or before November 30, 2020.

GREEN OAKS shall submit a written request for reimbursement of eligible PROJECT expenses to SMC on or before November 30, 2020.

COMPENSATION

1. The total cost of the PROJECT is approximately \$517,561.25.
2. SMC funding shall not exceed \$205,561.25. See Table 1 for a PROJECT cost-share summary breakdown.
3. Payment of WMB reimbursable expenditures shall become due and payable by the SMC after satisfactory completion of the PROJECT and the receipt of a written request for reimbursement from GREEN OAKS for the requested WMB reimbursement amounts, complete with adequate documentation of the PROJECT expenditures (i.e.: invoices and cost documentation) including in-kind labor.

Table 1: PROJECT Cost-Share Summary

Phases	Total Costs	Green Oaks Costs	*WMB Funding	**STOCIP Funding
1	\$ 225,000	\$ 152,000	\$ 10,000	\$ 63,000
2	\$ 180,000	\$ 160,000	\$ 20,000	--
3	\$ 112,561.25	--	--	\$ 112,561.25
TOTALS	\$ 517,561.25	\$ 312,000	\$ 30,000	\$ 175,561.25

**Phase 1, FY15 Banbury Lake Outlet/Cranbrook Road Ditch Improvements Phase I; and Phase 2, Kenton Lane Stormwater Conveyance Improvements were both approved by the Watershed Management Board (12/11/14, 12/04/19) and Lake County Stormwater Management Commission (01/08/15, 01/09/2020).*

*** STOCIP funding cannot be used towards easements, deeds, plat restrictions or requirements as part of a regulatory permit.*

TERMS AND CONDITIONS

1. The terms of this AGREEMENT are valid until November 30, 2020.
2. Either party may terminate this AGREEMENT upon thirty days written notice to the other party. In event of termination, SMC shall reimburse GREEN OAKS for 50% of eligible PROJECT expenditures made up to the date of termination, up to a maximum of \$205,561.25.
3. All adjustments, additions, and/or deletions to this AGREEMENT, including changes to the PROJECT description and/or scope of work are subject to the written approval of both parties.
4. This AGREEMENT shall be governed by and construed according to the laws of the State of Illinois.
5. GREEN OAKS will include in any publications for external general circulation (including brochures, newsletters, website and presentation materials) the following phrase: *"Funding for this project was*

provided in part by Lake County Stormwater Management Commission through the Watershed Management Board Grant and Stormwater Capital Improvement Project.”

6. This AGREEMENT supersedes any and all other Agreements, oral or written, between the parties hereto with respect to the subject matter hereof.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed, as evidenced by the signatures of their duly authorized representative as affixed below.

**LAKE COUNTY STORMWATER
MANAGEMENT COMMISSION:**

VILLAGE OF GREEN OAKS:

Michael D. Warner, P.E., CFM,
Executive Director

Bernard Wysocki,
Mayor

Date: _____

Date: _____

Exhibit 1: Cranbrook Road & Kenton Lane Drainage Improvement Project Site Map

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