



STORMWATER MANAGEMENT COMMISSION

July 28, 2020

MEMORANDUM

To: Stormwater Management Commission

From: Kurt Woolford, Chief Engineer

RE: First Amendment to the IGA between SMC and East Skokie Drainage District (ESDD) pertaining to the mitigation of Isolated Waters of Lake County

ACTION: APPROVAL

SMC and the ESDD entered into an agreement on June 10, 2015 to utilize isolated wetland mitigation credits that were required for impacts from the ESDD Proctor & Gamble channel project. SMC constructed multiple phases of wetland/flood mitigation projects at the Jaime properties to create the mitigation credits.

The original IGA with ESDD was expensed to cover the typical wetland mitigation cost, although we have worked over a series of construction and maintenance contracts to save funding in hope of expanding the use of these funds in the watershed. ESDD has been aware of these efforts and supported that concept.

The attached IGA amendment was approved by the ESDD to allow unused funds to be utilized for the Route 41-Naval Station Great Lakes (NSGL) flood mitigation engineering study. This allows SMC to pay for the study from our current FY20 expense budget. SMC will be reimbursed 100% (revenue) for the engineering study.

All three projects (Proctor & Gamble channel, Jaime mitigation properties, and the Route 41-NSGL engineering study) are in the Skokie River sub-watershed within the City of North Chicago.

Please contact Kurt Woolford at kwoolford@lakecountyil.gov or 847-377-7720 with any questions.

**FIRST AMENDMENT
TO INTERGOVERNMENTAL AGREEMENT BETWEEN LAKE COUNTY
STORMWATER MANAGEMENT COMMISSION AND THE EAST SKOKIE
DRAINAGE DISTRICT PERTAINING TO THE MITIGATION
OF ISOLATED WATERS OF LAKE COUNTY**

This First Amendment to Intergovernmental Agreement between the Lake County Stormwater Management Commission and the East Skokie Drainage District pertaining to isolated waters of Lake County mitigation is made and entered into as of the date the last duly authorized representative executes this agreement.

RECITALS

WHEREAS, the Lake County Stormwater Management Commission ("SMC") and the East Skokie Drainage District ("ESDD") entered into an agreement dated June 10, 2015, whereby the parties agreed that ESDD was authorized to utilize mitigation credits that were required to proceed with the ESDD Proctor & Gamble Project. That in-lieu of purchasing mitigation credits outside of the Skokie River Sub-Watershed, ESDD agreed to pay \$260,095 to SMC to utilize IWLC mitigation credits from stormwater improvements at the "Jaime Parcel" project located in North Chicago, Illinois; and

WHEREAS, ESDD paid the sum of \$260,095 for IWLC mitigation credits that were required as part of the Proctor & Gamble Project; and,

WHEREAS, a portion of the payment made by ESDD for IWLC mitigation credits was not needed to completed Phase 3 of the Jaime Project; and,

WHEREAS, SMC and ESDD desire to amend the existing IGA Agreement to include a hydrologic and hydraulic (H&H) engineering study to evaluate the improvements undertaken by ESDD in the North Chicago area and determine recommended what additional drainage infrastructure improvements would benefit the drainage system, which would include the study of (1) new drainage pipes leading to the ESDD's open channel within the City of North Chicago; (2) possible removal of Virginia Avenue culvert crossing; and, (3) possible upsizing of Alabama Avenue culvert. Further, authorization would be provided to use any remaining funds for stormwater improvements at the Jamie parcel.

NOW, THEREFORE, for and in consideration of the mutual covenants herein made and pursuant to all applicable statutes and for other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the Parties do hereby agree that Section 3 and Section 8 of the existing IGA shall be amended by adding the following subparagraphs to each section as follows:

Section 3. ESDD Agreements. ESDD agrees as follows:

- d) That ESDD agrees that SMC is authorized to utilize any unused funds paid to receive the IWLC mitigation credits derived from the Jamie parcel for a hydrologic and hydraulic (H&H) engineering study to evaluate (1) new drainage pipes leading to the ESDD's open channel within the City of North Chicago; (2) possible removal of Virginia Avenue culvert crossing; and, (3) possible upsizing of Alabama Avenue culvert.
- e) That ESDD agrees any remaining funds after the completion of the hydrologic and hydraulic (H&H) engineering study, should be utilized for stormwater improvements at the Jamie parcel.

Section 4. SMC Agreements. SMC agrees as follows:

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- e) SMC agrees to utilize any unused funds paid by ESDD to receive IWLC mitigation credits derived from the Jamie parcel toward the completion of a hydrologic and hydraulic (H&H) engineering study to evaluate (1) new drainage pipes leading to the ESDD's open channel located within the City of North Chicago, (2) possible removal of Virginia Avenue culvert crossing; and, (3) possible upsizing of Alabama Avenue culvert. The completed hydrologic and hydraulic (H&H) engineering study shall be made available to ESDD as a stakeholder and sponsor of the engineering study.
- f) SMC agrees any remaining funds previously paid by ESDD in connection with this agreement should be utilized for stormwater improvements at the Jamie parcel.

IN WITNESS HEREOF, ESDD and SMC, respectively have caused this Agreement to be executed by their respective duly authorized representatives for each public entity.

East Skokie Drainage District

By Joseph L. Bridges
District Chairman

Date: July 8, 2020

Lake County Stormwater Management

By _____
Executive Director

Date: _____