



Lake County Illinois

Legislation Details (With Text)

File #: 12-0878 **Version:** 1 **Name:** 3201 North Lewis Avenue, Waukegan: Highway Authority Agreements with BP Products North America, Inc. (BP)

Type: resolution **Status:** Passed

File created: 8/1/2012 **In control:** Public Works and Transportation Committee

On agenda: **Final action:** 8/14/2012

Title: Joint resolution authorizing the execution of an Illinois Environmental Protection Agency (IEPA) standard formal Highway Authority Agreement, and a Lake County Supplemental Highway Authority Agreement, between BP Products North America, Inc. (BP) and Lake County, as required by the IEPA in order for it to consider the issuance of a “No Further Remediation” (NFR) letter to BP for its property at 3201 North Lewis Avenue, Waukegan, Illinois, which is necessary for the redevelopment of said property.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 12-0878 3201 North Lewis Avenue HAA Agreement Draft, 2. 12-0878 3201 North Lewis Avenue Supplemental HAA Agreement Draft, 3. 12-0878 3201 North Lewis Avenue HAA Exhibit A, 4. 12-0878 3201 North Lewis Avenue HAA Exhibit B, 5. 12-0878 3201 North Lewis Avenue HAA Exhibit C

Date	Ver.	Action By	Action	Result
8/14/2012	1	Lake County Board	adopted	Pass
8/8/2012	1	Financial & Administrative Committee	recommended for adoption to the consent agenda	Pass
8/8/2012	1	Public Works and Transportation Committee	approved and referred on to the Financial and Administrative Committee	Pass

Joint resolution authorizing the execution of an Illinois Environmental Protection Agency (IEPA) standard formal Highway Authority Agreement, and a Lake County Supplemental Highway Authority Agreement, between BP Products North America, Inc. (BP) and Lake County, as required by the IEPA in order for it to consider the issuance of a “No Further Remediation” (NFR) letter to BP for its property at 3201 North Lewis Avenue, Waukegan, Illinois, which is necessary for the redevelopment of said property.

- 3201 North Lewis Avenue, Waukegan: Highway Authority Agreements with BP Products North America, Inc. (BP).
- BP owns property situated at 3201 North Lewis Avenue, Waukegan, Illinois, which has or had leaking underground storage tanks impacting the right-of-way of Lewis Avenue and York House Road.
- BP is requesting a NFR letter from the IEPA relative to this property.
- As a condition of granting said NFR letter, the IEPA requires property owners to enter into standard formal Highway Authority Agreements stating rights and obligations relative to contaminants that may have migrated into nearby highway rights-of-way.
- Lake County has determined that a Supplemental Highway Authority Agreement is also necessary.
- This resolution authorizes the execution of both agreements with BP.

RESOLUTION

WHEREAS, BP is the owner of property situated at 3201 North Lewis Avenue (County Highway 27); and

WHEREAS, BP is the owner or operator of leaking underground storage tanks presently, or formally, located at said site which caused the release of contaminants into the soil and/or groundwater, including within the right-of-way of Lewis Avenue and York House Road (County Highway 65); and

WHEREAS, BP is in the process of remediating contamination at said property located at 3201 North Lewis Avenue, Waukegan, Illinois; and

WHEREAS, BP has requested from the IEPA a NFR letter to enable the redevelopment of said site; and

WHEREAS, as a condition of granting the NFR letter, the IEPA requires the owner, or owners, of sites containing leaking underground storage tanks to enter into standard formal agreements with adjacent highway authorities; and

WHEREAS, Lake County, as the highway authority with jurisdiction of Lewis Avenue and York House Road, desires further stipulations over and above the IEPA standard formal highway authority agreement setting forth further rights and obligations between BP and Lake County resulting from the release of contaminants into the right-of-way of said Lewis Avenue to enable the County's unimpeded use, and its approved permittees unimpeded use, of said right-of-way of Lewis Avenue and York House Road; and

WHEREAS, said agreements require the County, as highway authority, to notify any future permittees or parties that may be performing construction activities within the right-of-way of said Lewis Avenue or York House Road of the potential contaminated groundwater and soils; and notification to BP to be responsible for all reasonable costs incurred in site investigation and remediation of the right-of-way associated with any future permit work or construction within said rights-of-way; and

WHEREAS, as a term and condition of Lake County executing said IEPA standard formal Highway Authority Agreement, a draft copy of which is attached hereto, Lake County and BP are desirous of entering into a Supplemental Highway Authority Agreement, a draft copy attached hereto, both agreements setting forth the rights and obligations between BP and Lake County arising out of the said release of contaminants into the rights-of-way of said Lewis Avenue and York House Road.

NOW, THEREFORE BE IT RESOLVED by this Lake County Board, that the County Board Chair, the County Clerk and the Acting County Engineer be authorized and are hereby directed to execute a standard formal IEPA Highway Authority Agreement and Lake County Supplemental Highway Authority Agreement, both agreements between BP and Lake County setting forth the rights and obligations between BP and Lake County arising out of and resulting from the release of contaminants into the rights-of-way of Lewis Avenue and York House Road associated with BP site situated at 3201 North Lewis Avenue, Waukegan, Illinois.

DATED at Waukegan, Illinois on August 14, 2012.