



Lake County Illinois

Legislation Details (With Text)

File #: 12-0671 **Version:** 1 **Name:** 25809 North Midlothian Road, Mundelein: Highway Authority Agreements with True North, LLC
Type: resolution **Status:** Passed
File created: 5/31/2012 **In control:** Public Works and Transportation Committee
On agenda: **Final action:** 6/12/2012

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 True North, LLC, and Lake County, as required by the IEPA in order for it to consider the issuance of a “No Further Remediation” (NFR) letter for the property at 25809 North Midlothian Road, Mundelein, Illinois, which is necessary for the redevelopment of said property.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 12-0671 25809 N Midlothian Rd Mundelein Exhibit A, 2. 12-0671 25809 N Midlothian Rd Mundelein Exhibit B, 3. 12-0671 25809 N Midlothian Rd Mundelein Exhibit C, 4. 12-0671 25809 N Midlothian Rd Mundelein HAA Agreement, 5. 12-0671 25809 N Midlothian Rd Mundelein Supplemental HAA

Date	Ver.	Action By	Action	Result
6/12/2012	1	Lake County Board	adopted	Pass
6/6/2012	1	Financial & Administrative Committee	recommended for adoption to the consent agenda	Pass
6/6/2012	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 True North, LLC, and Lake County, as required by the IEPA in order for it to consider the issuance of a “No Further Remediation” (NFR) letter for the property at 25809 North Midlothian Road, Mundelein, Illinois, which is necessary for the redevelopment of said property.

- 25809 North Midlothian Road, Mundelein: Highway Authority Agreements with True North, LLC.
- True North, LLC owns property situated at 25809 North Midlothian Road, Mundelein, Illinois, which has or had leaking underground storage tanks impacting the intersection of Gilmer Road and Midlothian Road.
- True North, LLC 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 the right-of-way of Gilmer Road.
- Lake County has determined that a Supplemental Highway Authority Agreement is also necessary.
- This resolution authorizes the execution of both agreements with True North, LLC.

RESOLUTION

WHEREAS, True North, LLC is the owner of property situated at 25809 North Midlothian Road, Mundelein, Illinois, which intersects Gilmer Road (County Highway 26) and Midlothian Road

(unmarked State Highway); and

WHEREAS, True North, LLC 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 Gilmer Road; and

WHEREAS, True North, LLC is in the process of remediating contamination at said property located at 25809 North Midlothian Road, Mundelein, Illinois; and

WHEREAS, True North, LLC 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 Gilmer Road, desires further stipulations over and above the IEPA standard formal highway authority agreement setting forth further rights and obligations between True North, LLC, and Lake County resulting from the release of contaminants into the right-of-way of Gilmer Road to enable the County's unimpeded use, and its approved permittees unimpeded use, of said right-of-way of Gilmer 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 Gilmer Road of the potential contaminated groundwater and soils; and notification to True North, LLC 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 right-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 True North, LLC are desirous of entering into a Supplemental Highway Authority Agreement, a draft copy attached hereto, both agreements setting forth the rights and obligations between True North, LLC and Lake County arising out of the said release of contaminants into the right-of-way of Gilmer Road.

NOW, THEREFORE BE IT RESOLVED by this Lake County Board, that the County Board Chair, the County Clerk and the 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 True North, LLC, and Lake County setting forth the rights and obligations between True North, LLC, and Lake County arising out of and resulting from the release of contaminants into the right-of-way of Gilmer Road associated with True North, LLC situated at 25809 North Midlothian Road, Mundelein, Illinois.

Dated at Waukegan, Illinois, on June 12, 2012.