



Lake County Illinois

Legislation Text

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Joint resolution authorizing the execution of an Illinois Environmental Protection Agency standard formal Highway Authority Agreement and a Lake County Supplemental Highway Authority Agreement between Nizar M. Somani and Fehmida M. Somani Living Trust and Lake County for the issuance of a “No Further Remediation” letter for 731 West Rollins Road, Round Lake Beach, Illinois.

- 731 West Rollins Road, Round Lake Beach, Illinois: Highway Authority Agreements with Nizar M. Somani and Fehmida M. Somani Living Trust
- The Nizar M. Somani and Fehmida M. Somani Living Trust owns property situated at 731 West Rollins Road, Round Lake Beach, Illinois, which has or had leaking underground storage tanks impacting the right of way of Rollins Road.
- The Trust is requesting a “No Further Remediation” letter from the Illinois Environmental Protection Agency (IEPA) relative to this property.
- As a condition of granting said “No Further Remediation” 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 Nizar M. Somani and Fehmida M. Somani Living Trust.

RESOLUTION

WHEREAS, Nizar M. Somani and Fehmida M. Somani Living Trust, is the owner of property situated at 731 West Rollins Road, Round Lake Beach, Illinois, (*County Highway 31*); and

WHEREAS, Nizar M. Somani and Fehmida M. Somani Living Trust 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 Rollins Road; and

WHEREAS, Nizar M. Somani and Fehmida M. Somani Living Trust is in the process of remediating contamination at said property located at 731 West Rollins Road, Round Lake Beach, Illinois; and

WHEREAS, Nizar M. Somani and Fehmida M. Somani Living Trust has requested from the Illinois Environmental Protection Agency (IEPA) a “No Further Remediation” letter (*NFR*) 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 Rollins Road desires further

stipulations over and above the IEPA standard formal highway authority agreement setting forth further rights and obligations between Nizar M. Somani and Fehmida M. Somani Living Trust and Lake County resulting from the release of contaminants into the right-of-way of said Rollins Road to enable the County's unimpeded use, and its approved permittees unimpeded use, of said right of way of Rollins 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 Rollins Road of the potential contaminated groundwater and soils; and notification to Nizar M. Somani and Fehmida M. Somani Living Trust to be responsible for all reasonable cost 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 Nizar M. Somani and Fehmida M. Somani Living Trust are desirous of entering into a Supplemental Highway Authority Agreement, a draft copy attached hereto, both agreements setting forth the rights and obligations between Nizar M. Somani and Fehmida M. Somani Living Trust and Lake County arising out of the said release of contaminants into the right-of-way of said Rollins Road.

NOW, THEREFORE BE IT RESOLVED, by this County Board of Lake County, Illinois, that the Chair of the County Board, 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 Nizar M. Somani and Fehmida M. Somani Living Trust and Lake County setting forth the rights and obligations between Nizar M. Somani and Fehmida M. Somani Living Trust and Lake County arising out of and resulting from the release of contaminants into the right-of-way of Rollins Road associated with Nizar M. Somani and Fehmida M. Somani Living Trust site situated at 731 West Rollins Road, Round Lake Beach, Illinois.

DATED at Waukegan, Illinois, on April 12, 2011