



Lake County Illinois

Legislation Text

File #: 12-0533, Version: 1

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 Equilon Enterprises, LLC, d/b/a Shell Oil Products US (SOP US) and Lake County, as required by the IEPA in order for it to consider the issuance of a “No Further Remediation” (NFR) letter to SOP US for its property at 1207 W. Park Avenue, Libertyville, Illinois, necessary for the redevelopment of said property.

- 1207 W. Park Avenue, Libertyville: Highway Authority Agreements with SOP US.
- SOP US owns property situated at 1207 W. Park Avenue, Libertyville, Illinois, which has or had leaking underground storage tanks impacting the right of way of Butterfield Road.
- SOP US 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 SOP US.

RESOLUTION

WHEREAS, Equilon Enterprises, LLC, d/b/a Shell Oil Products US (SOP US), is the owner of property situated at 1207 W. Park Avenue, Libertyville, Illinois, which intersects Butterfield Road, County Highway 57; and

WHEREAS, SOP US 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 Park Avenue and Butterfield Road; and

WHEREAS, SOP US is in the process of remediating contamination at said property located at 1207 W. Park Avenue, Libertyville, Illinois; and

WHEREAS, SOP US 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 Butterfield Road, desires further stipulations over and above the IEPA standard formal highway authority agreement setting forth further rights and obligations between SOP US and Lake County resulting from the release of contaminants into the right-of-way of said Butterfield Road to enable the County’s unimpeded use,

and its approved permittees unimpeded use, of said right of way of Butterfield 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 Butterfield Road of the potential contaminated groundwater and soils; and notification to SOP US 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 SOP US are desirous of entering into a Supplemental Highway Authority Agreement, a draft copy attached hereto, both agreements setting forth the rights and obligations between SOP US and Lake County arising out of the said release of contaminants into the right-of-way of said Butterfield 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 SOP US, and Lake County setting forth the rights and obligations between SOP US, and Lake County arising out of and resulting from the release of contaminants into the right-of-way of Butterfield Road associated with SOP US site situated at 1207 W. Park Avenue, Libertyville, Illinois.

Dated at Waukegan, Illinois, on May 8, 2012.