



# Lake County Illinois

## Legislation Text

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**File #:** 18-0977, **Version:** 1

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Joint resolution authorizing a Rider to add Lake County to an existing Illinois Environmental Protection Agency (IEPA) Highway Authority Agreement between BP Products North America Inc. (BP) and the Village of Mundelein (Village), and executing a Lake County Supplemental Highway Authority Agreement, between BP and Lake County, related to property located at 4 East Hawley Street, Mundelein, Illinois.

- In 2017, the jurisdiction of Hawley Street, from Midlothian Road to Seymour Avenue, was transferred from the Village to Lake County and as such, a Rider to the existing 2007 Highway Authority Agreement between BP and the Village is necessary to reflect Lake County as the current highway authority of Hawley Street in the area of the property located at 4 East Hawley Street.
- The Supplemental Highway Authority Agreement requires BP to reimburse the County all reasonable costs incurred by the County for work such as site investigations and for the removal and proper disposal of any contaminated soil or ground water from the Hawley street right-of-way.
- The Village approved the Rider at its August 13, 2018 Village Board meeting.

### **RESOLUTION**

**WHEREAS**, BP was the former lessee of certain real estate located at 4 East Hawley Street, Mundelein, Illinois; and

**WHEREAS**, BP was the owner, or operator, of leaking underground storage tanks formally located at the aforementioned site which caused the release of contaminants into the soil and/or groundwater, which extended, or may have extended, into the adjacent Hawley Street right-of-way; and

**WHEREAS**, BP previously conducted corrective action and remediated contamination at the aforementioned site; and

**WHEREAS**, BP requested from the IEPA a No Further Remediation (NFR) letter for the aforementioned site; and

**WHEREAS**, as a condition of granting the NFR letter, the IEPA required BP to enter into standard formal agreements with the adjacent highway authority which at that time was the Village; and

**WHEREAS**, the IEPA standard formal agreement set forth rights and obligations between BP and the Village resulting from the release, or possible release, of contaminants into the right-of-way of Hawley Street to enable the Village's unimpeded use, and its approved permittees unimpeded use, of said right-of-way in the area of the aforementioned site; and

**WHEREAS**, on July 20, 2017, the jurisdiction of Hawley Street between Midlothian Road to Seymour Avenue was transferred from the Village to Lake County; and

**WHEREAS**, a Rider to the 2007 Highway Authority Agreement between BP and the Village is necessary to reflect this jurisdictional transfer and to extend the rights and obligations of the original agreement to Lake County; and

**WHEREAS**, Lake County has determined that a Supplemental Highway Authority Agreement with BP is also necessary to set forth additional rights and obligations over and above the IEPA standard formal agreement; and

**WHEREAS**, the supplemental agreement requires that BP reimburse all reasonable costs to the County for work including investigations, removal, transport, and disposal of any contaminated soils and ground water from the Hawley Street right-of-way adjacent to the aforementioned site; and

**WHEREAS**, Lake County, as highway authority, is required to notify any future permittees or parties that may be performing construction activities within the right-of-way of Hawley Street, adjacent to the aforementioned site, of the potentially contaminated groundwater and soils.

**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, the final documents and any amendments to the Rider for December 12, 2007, Highway Authority Agreement between the Village of Mundelein and BP Products North America Inc. and the Lake County Supplemental Highway Authority Agreement, both the Rider and the Supplemental Agreement setting forth the rights and obligations between BP Products North America Inc. and Lake County arising out of and resulting from the release, or possible release, of contaminants into the right-of-way of Hawley Street, east of US Route 45 associated with the former BP Products North America Inc. site situated at 4 East Hawley Street, Mundelein, Illinois.

**DATED** at Waukegan, Illinois on September 11, 2018.