



Lake County Illinois

Legislation Text

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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 A-Tire County Service and Lake County, for a “No Further Remediation” (NFR) letter for its property at 363 North Cedar Lake Road, Round Lake, Illinois, which is necessary for the redevelopment of said property.

- 363 North Cedar Lake Road, Round Lake: Highway Authority Agreements with A-Tire County Service.
- A-Tire County Service owns property situated at 363 North Cedar Lake Road, Round Lake, Illinois, which has, or had, leaking underground storage tanks impacting the right-of-way of Cedar Lake Road, North of Illinois Route 134.
- A-Tire County Service 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 A-Tire County Service.

RESOLUTION

WHEREAS, A-Tire County Service is the owner of property situated at 363 North Cedar Lake Road, County Highway 28; and

WHEREAS, A-Tire County Service 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 Cedar Lake Road, North of Illinois Route 134; and

WHEREAS, A-Tire County Service is in the process of remediating contamination at said property located at 363 North Cedar Lake Road, Round Lake, Illinois; and

WHEREAS, A-Tire County Service 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 Cedar Lake Road, North of Illinois Route 134, desires further stipulations over and above the IEPA standard formal highway authority agreement setting forth further rights and obligations between A-Tire County Service and Lake County resulting from the release of contaminants into the right-of-way of said Cedar Lake

Road to enable the County's unimpeded use, and its approved permittees unimpeded use, of said right-of-way of Cedar Lake Road, North of Illinois Route 134; 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 Cedar Lake Road of the potential contaminated groundwater and soils; and notification to A-Tire County Service 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 A-Tire County Service are desirous of entering into a Supplemental Highway Authority Agreement, a draft copy attached hereto, both agreements setting forth the rights and obligations between A-Tire County Service and Lake County arising out of the said release of contaminants into the rights-of-way of said Cedar Lake Road, North of Illinois Route 134.

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 A-Tire County Service and Lake County setting forth the rights and obligations between A-Tire County Service and Lake County arising out of and resulting from the release of contaminants into the rights-of-way of Cedar Lake Road, North of Illinois Route 134 associated with A-Tire County Service site situated at 363 North Cedar Lake Road, Round Lake, Illinois.

DATED at Waukegan, Illinois on March 12, 2013.