



# Lake County Illinois

## Legislation Text

---

File #: 21-0714, Version: 1

---

Joint resolution authorizing a Highway Authority Agreement and Supplemental Highway Authority Agreement between Lake County, the City of North Chicago, and AbbVie related to AbbVie property located at the intersection of 14<sup>th</sup> Street and Sheridan Road in North Chicago, Illinois.

- AbbVie owns property at 1410 Sheridan Road in North Chicago, adjacent to the 14<sup>th</sup> Street right-of-way, which has or had leaking underground storage tanks.
- AbbVie is conducting corrective action in response to the release and has requested a No Further Remediation (NFR) letter from the Illinois Environmental Protection Agency (EPA) to enable the use and redevelopment of the property.
- As a condition of granting a NFR letter, the Illinois EPA requires that property owners enter into standard Highway Authority Agreements stating rights and obligations relative to contaminants that may have been released into nearby highway rights-of-way.
- Lake County also requires a Supplemental Highway Authority Agreement with additional rights and obligations above and beyond what is stipulated in the Highway Authority Agreement.
- Since Lake County has jurisdiction over 14<sup>th</sup> Street and previously granted local permitting and maintenance authority to the City of North Chicago, it is necessary that both agencies be party to the agreements.

### **RESOLUTION**

**WHEREAS**, AbbVie is the owner of property situated at 1410 Sheridan Road, North Chicago, Illinois, at the intersection of 14<sup>th</sup> Street and Sheridan Road; and

**WHEREAS**, 14<sup>th</sup> Street, County Highway 13, from Victoria Avenue to Sheridan Road, is a designated route on the County highway system; and

**WHEREAS**, Lake County previously granted local permitting and maintenance authority to the City of North Chicago along this section of 14<sup>th</sup> Street; and

**WHEREAS**, AbbVie is the owner/operator of leaking underground storage tanks located at the site which caused the release of contaminants into the soil and/or groundwater and which may have released into the adjacent 14<sup>th</sup> Street right-of-way; and

**WHEREAS**, AbbVie is in the process of remediating contamination at said property and has requested from the Illinois Environmental Protection Agency (EPA) a No Further Remediation (NFR) letter to enable the use and redevelopment of said property; and

**WHEREAS**, as a condition of granting the NFR letter, the Illinois EPA requires that the owner enter into standard Highway Authority Agreements with adjacent highway authorities; and

**WHEREAS**, Lake County also requires a Supplemental Highway Authority Agreement with additional rights and obligations above and beyond what is stipulated in the Highway Authority Agreement; and

**WHEREAS**, said agreements require the highway authority to notify any future permittees or parties that may be performing construction activities within the 14<sup>th</sup> Street right-of-way of the potential contaminated groundwater and soils along with notification to AbbVie who is 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**, Lake County, North Chicago, and AbbVie are desirous of entering into a Highway Authority Agreement and Supplemental Highway Authority Agreement setting forth the rights and obligations between Lake County, North Chicago, and AbbVie arising out of the potential release of contaminants into the rights-of-way of 14<sup>th</sup> Street, draft copies of which are attached hereto.

**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 Illinois EPA Highway Authority Agreement and Lake County Supplemental Highway Authority Agreement, between Lake County, the City of North Chicago, and AbbVie setting forth the rights and obligations arising out of and resulting from the potential release of contaminants into the 14<sup>th</sup> Street right-of-way associated with AbbVie property located at 1410 Sheridan Road in North Chicago, Illinois.

**DATED** at Waukegan, Illinois on May 11, 2021.