

STATE OF ILLINOIS )  
 )  
 COUNTY OF LAKE )

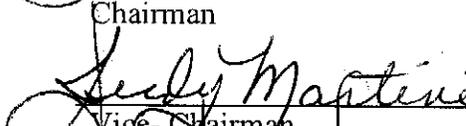
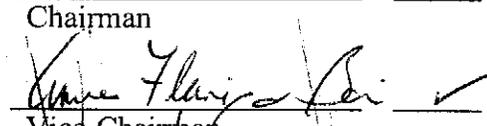
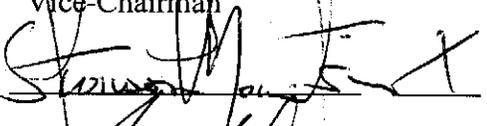
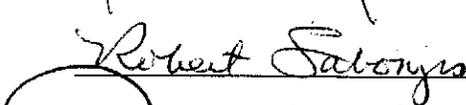
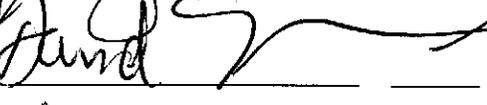
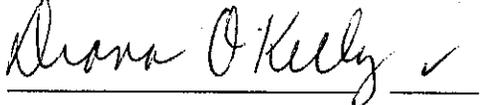
Distribution:  
 County Board  
 State's Attorney

**COUNTY BOARD, LAKE COUNTY, ILLINOIS**  
**ADJOURNED REGULAR JUNE, A.D., 2007 SESSION**  
**July 10, 2007**

MS. CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning and Financial and Administrative Committees present herewith an Ordinance approving the transfer of flood buy-out parcels, subject to Restrictive covenants preserving the real estate in perpetuity for open space, public purposes, to the Village of Gurnee, and authorizing the Chairman and County Clerk to execute property transfer documents approved by the State's Attorney's office, and request its adoption.

Respectfully submitted,

	Aye	Nay		Aye	Nay
 Chairman	X		_____	_____	_____
 Vice-Chairman	✓		 Vice-Chairman	✓	
	X			X	
				X	
	✓				
	✓			✓	

Planning, Building, & Zoning Committee

Financial & Administrative Committee

## ORDINANCE

**WHEREAS**, the Lake County Stormwater Management Commission (“SMC”) entered into a cooperative agreement with FEMA and the STATE (IEMA) dated July 22, 1993, in which Federal/STATE funds were used to acquire certain floodplain, flood damaged, real property, by the SMC, subject to certain perpetual conditions and restrictions; and

**WHEREAS**, the SMC has adopted a long-range flood hazard mitigation plan to acquire privately-owned real property, in conjunction with the FEMA and the STATE, located in Lake County’s various floodplains, for public use, thereby eliminating threats to public health and damages to private dwellings and other structures caused by floods; and

**WHEREAS**, the SMC has acquired, in the name of the COUNTY OF LAKE, with financial assistance from FEMA, the STATE, and the Village of Gurnee (“VILLAGE”), certain real property located in the VILLAGE in Lake County, described in to the 6-14-07 SMC Ordinance, Exhibit A attached hereto, as a part of the Stafford Disaster Relief and Emergency Assistance Act and the Lake County Pre-Disaster Mitigation Flood Buyout Program, located within a floodplain and within the corporate limits of the COUNTY and VILLAGE; and

**WHEREAS**, the COUNTY and VILLAGE are legal entities organized and existing under the laws of the State of Illinois, having among their powers to contract with one another to perform the undertakings described in this Ordinance; and

**WHEREAS**, the SMC has determined that it is necessary and convenient to convey said real property described in the attached 6-14-07 SMC Ordinance, Exhibit A, by a vote of 2/3 of its Commissioners in accordance with the Local Government Property Transfer Act (50 ILCS 605/2 (a)), to the VILLAGE, subject to the restrictions contained in the aforescribed Agreement with IEMA and IEMA, and as hereafter recited in this Ordinance; and

**WHEREAS**, the VILLAGE has determined that it is necessary and convenient to acquire the real property described in the attached SMC Ordinance, Exhibit A, from the COUNTY and SMC for open space public use, subject to the conditions and restrictions contained herein, pursuant to an ordinance enacted in accordance with the Local Government Property Transfer Act (50 ILCS 605/2 (a)); and

**WHEREAS**, this Lake County Board hereby determines that it is necessary and convenient to convey the real estate described in the attached SMC Ordinance, Exhibit A to the VILLAGE; and, hereby determines that the adoption of this Ordinance will further and enhance the public policy of intergovernmental cooperation.

**NOW THEREFORE**, for and in consideration of the benefits to be derived from the implementation of the Stafford Disaster Relief and Emergency Assistance Act and Lake

County Pre-Disaster Mitigation Flood Buyout Program, the sufficiency of which is hereby acknowledged, it is hereby ordained by the Lake County Board as follows:

1. The recitals set forth above are incorporated herein by reference and made a part hereof.

2. That transfer of the subject real property, described in the 6-14-07 SMC Ordinance, Exhibit A attached hereto, to the VILLAGE is authorized and approved.

3. As the said real property was acquired by the SMC in the name of the COUNTY OF LAKE, it is hereby authorized and directed that the Chairman of this Lake County Board and the County Clerk execute the Deed(s) and any other documents, approved by the State's Attorney, to effectuate the transfer of the subject real property to the VILLAGE.

4. That the SMC Executive Director and/or the SMC Attorney are authorized to execute any required closing document(s) needed to complete the aforescribed conveyance to the VILLAGE.

5. That the subject real estate, described in attached 6-14-07 SMC Ordinance, Exhibit A, shall be transferred to the VILLAGE subject to, and is subject to, in perpetuity to, the following restrictive covenants:

- a. That the real estate is dedicated in perpetuity for open space public use and purposes.
- b. That the VILLAGE shall maintain the real estate in a safe, neat and manageable condition, and shall faithfully manage the real estate for its designated open space purpose and for public use.
- c. That the VILLAGE shall not erect or permit to be erected any structure or other improvements on the real estate, other than a restroom or other public facility that is open on all sides and is functionally related to the open space use. Any such structures and improvements are subject to pre-approval in writing by the SMC and the STATE, to assure, among other reasons, that they will not be subject to flood damage.
- d. The SMC and the STATE reserve all present rights and any future rights which may occur to enforce the restrictive covenants or agreements both at law and in equity. The VILLAGE agrees that any breach or threatened breach of the covenants and conditions may be enjoined upon the application by the SMC or by the STATE. In addition, the SMC or the STATE will have the option to reclaim the real estate if the VILLAGE fails to remove or correct any violation of the covenants and conditions within thirty (30) days after the mailing of written notice thereof by the Executive Director of the SMC or the Director of the Illinois Emergency Management Agency to the VILLAGE.
- e. The VILLAGE will not convey the real estate or any interest therein without the

prior express written consent of the SMC, the STATE (IEMA), and the Regional Director of FEMA. The only permissible conveyance of the real estate by the VILLAGE is to another unit of local government for open space public use and purposes.

- f. All of the foregoing restrictive covenants and agreements shall run with the real estate.

DATED, at Waukegan, Lake County, Illinois, on this 10<sup>th</sup> day of July, AD 2007.

Roll Call

Aye:

Nay:

**STORMWATER MANAGEMENT COMMISSION**

June 18, 2007

TO: Planning Building and Zoning Committee  
Finance and Administrative Committee

FR: Mike Warner, Executive Director

Re: Floodplain Property Transfer to the Village of Gurnee

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**ACTION REQUESTED: Approval (by supermajority)**

SMC has approved this transfer on June 7<sup>th</sup>. The properties have been purchased and buildings demolished as part of our flood hazard mitigation grant program with funding partnership through FEMA, IEMA and the Village of Gurnee. Since this is a property transfer, a supermajority voting 'aye' will be necessary to complete the transaction. SMC has developed a successful working relationship with the Village in floodplain property purchase. We have leveraged federal and state grants for this purpose and the Village has agreed to take over ownership and perpetual maintenance of the property.

Parcel numbers, addresses and legal descriptions are attached, as well as the ordinance to adopt that will execute the transfer. Your consideration and comments are greatly appreciated. Please contact me at 847-918-5260 with questions or comments. Thank you.

Distribution:  
Executive Director  
SMC Attorney

STORMWATER MANAGEMENT COMMISSION  
LAKE COUNTY, ILLINOIS  
June 14, A.D., 2007

ORDINANCE

**WHEREAS**, the SMC entered into a cooperative agreement with FEMA and the STATE (IEMA) dated July 22, 1993, in which Federal/STATE funds were used to acquire certain floodplain, flood damaged, real property, by the SMC, subject to certain perpetual conditions and restrictions; and

**WHEREAS**, the SMC has adopted a long-range flood hazard mitigation plan to acquire privately-owned real property, in conjunction with the FEMA and the STATE, located in Lake County's various floodplains, for public use, thereby eliminating threats to public health and damages to private dwellings and other structures caused by floods; and

**WHEREAS**, the SMC has acquired, with financial assistance from FEMA, the STATE, and the VILLAGE, certain real property located in the VILLAGE in Lake County, described in Exhibit A, as a part of the Stafford Disaster Relief and Emergency Assistance Act and the Lake County Pre-Disaster Mitigation Flood Buyout Program, located within a floodplain and within the corporate limits of the SMC and VILLAGE; and

**WHEREAS**, the SMC and VILLAGE are legal entities organized and existing under the laws of the State of Illinois, having among their powers to contract with one another to perform the undertakings described in this Ordinance; and

**WHEREAS**, the SMC has determined that it is necessary and convenient to convey said real property described in Exhibit A, by a vote of 2/3 of its Commissioners in accordance with the Local Government Property Transfer Act (50 ILCS 605/2 (a)), to the VILLAGE, subject to the restrictions contained in the aforescribed Agreement with IEMA, and as hereafter recited in this Ordinance; and

**WHEREAS**, the VILLAGE has determined that it is necessary and convenient to acquire the real property described in Exhibit A from the SMC for open space public use, subject to the conditions and restrictions contained herein, pursuant to an ordinance enacted in accordance with the Local Government Property Transfer Act (50 ILCS 605/2 (a)); and

**WHEREAS**, the adoption of this Ordinance will further and enhance the public

policy of intergovernmental cooperation.

**NOW THEREFORE**, for and in consideration of the benefits to be derived from the implementation of the Stafford Disaster Relief and Emergency Assistance Act and Lake County Pre-Disaster Mitigation Flood Buyout Program, the sufficiency of which is hereby acknowledged, it is hereby ordained by the Commissioners of the Lake County Stormwater Management Commission as follows:

1. The recitals set forth above are incorporated herein by reference and made a part hereof.

2. That transfer of the subject real property, described in Exhibit A hereto, to the VILLAGE is authorized and approved. As said real property was acquired by the SMC in the name of the COUNTY OF LAKE, this Ordinance shall be transmitted to the Lake County Board, for approval of the real property transfer, and authorization of the Chairman and County Clerk to execute the Deed(s) and any other documents, approved by the State's Attorney, to effectuate the transfer of the subject real property to the VILLAGE.

2. That the Executive Director and/or the SMC Attorney are authorized to execute any required closing document(s) needed to complete the aforescribed conveyance to the VILLAGE.

3. That in accordance with the Local Government Property Transfer Act, 50 ILCS 605/2, the VILLAGE has by ordinance, adopted \_\_\_\_\_, 2007, declared that it is necessary or convenient for it to use, occupy, or improve the subject real estate for open space use or purposes subject to the following restrictive covenants.

4. That the real estate, described in attached Exhibit A, shall be transferred to the VILLAGE subject to, and is subject to, in perpetuity, the following restrictive covenants:

- a. That the real estate is dedicated in perpetuity for open space public use and purposes.
- b. That the VILLAGE shall maintain the real estate in a safe, neat and manageable condition, and shall faithfully manage the real estate for its designated open space purpose and for public use.
- c. That the VILLAGE shall not erect or permit to be erected any structure or other improvements on the real estate, other than a restroom or other public facility that is open on all sides and is functionally related to the open space use. Any such structures and improvements are subject to pre-approval in writing by the SMC and the STATE, to assure, among other reasons, that they will not be subject to flood damage.
- d. The SMC and the STATE reserve all present rights and any future rights which

may occur to enforce the restrictive covenants or agreements both at law and in equity. The VILLAGE agrees that any breach or threatened breach of the covenants and conditions may be enjoined upon the application by the SMC or by the STATE. In addition, the SMC or the STATE will have the option to reclaim the real estate if the VILLAGE fails to remove or correct any violation of the covenants and conditions within thirty (30) days after the mailing of written notice thereof by the Executive Director of the SMC or the Director of the Illinois Emergency Management Agency to the VILLAGE.

- e. The VILLAGE will not convey the real estate or any interest therein without the prior express written consent of the SMC, the STATE (IEMA), and the Regional Director of FEMA. The only permissible conveyance of the real estate by the VILLAGE is to another unit of local government for open space public use and purposes.
- f. All of the foregoing restrictive covenants and agreements shall run with the real estate.

**DATED**, at the Village of Libertyville, Lake County, Illinois on this 14<sup>th</sup> day of June, A.D., 2007.

Roll Call

Aye: 9

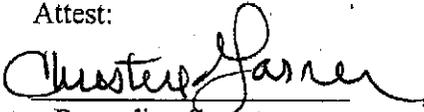
Nay: 0

CERTIFICATION

Michael D. Warner, Executive Director and Keeper of the Records of the Lake County Stormwater Management Commission ("SMC"), does hereby certify that the foregoing June 14, 2007 Ordinance approving the transfer of real property by and between the SMC and the Village of Gurnee regarding the conveyance of those real estate parcels listed on the attached Exhibit A, is a true and correct copy of said Ordinance.

  
MICHAEL D. WARNER

Attest:

  
Recording Secretary

**EXHIBIT A**  
**SMC 6-14-07 Ordinance**

Parcel A: 4634 Old Grand Avenue, Gurnee, Illinois  
PIN 07-14-300-052

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, LYING BETWEEN THE CENTER LINE OF OLD LOCATION OF GRAND AVENUE AND THE NORTHERLY RIGHT OF WAY LINE OF THE PRESENT LOCATION OF SAID GRAND AVENUE WHICH IS DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT A POINT IN THE CENTER OF OLD LOCATION OF GRAND AVENUE 420.6 FEET SOUTH 62 DEGREES EAST FROM A POINT IN THE WEST LINE OF SAID QUARTER QUARTER SECTION, 437.8 FEET NORTH OF SOUTHWEST CORNER THEREOF; THENCE SOUTH ONE DEGREE 46 MINUTES WEST, 208.7 FEET TO A POINT IN NORTHERLY LINE GRAND AVENUE AS NOW LOCATED; THENCE EASTERLY ALONG SAID NORTHERLY LINE GRAND AVENUE AS NOW LOCATED, 80 FEET; THENCE NORTH 1 DEGREE 46 MINUTES EAST, 167.8 FEET TO A POINT IN CENTER LINE OF SAID OLD LOCATION OF GRAND AVENUE; THENCE NORTH 62 DEGREES WEST, 89.18 FEET TO THE POINT OF BEGINNING, BEING PART OF SECTION 14, TOWNSHIP 45 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, LAKE COUNTY, ILLINOIS.

Parcel B: 4542 McClure Road, Gurnee, Illinois  
PIN 07-23-100-027

THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT 692.72 FEET SOUTH AND 247.5 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION, 145.5 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, 160 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION, 145.5 FEET; AND THENCE EAST 160 FEET TO THE PLACE OF BEGINNING (EXCEPTING THE WEST 60 FEET THEREOF), IN LAKE COUNTY, ILLINOIS.

Parcel C: 4439 McClure Road, Gurnee, Illinois  
PIN 07-23-207-002

LOT THREE (3) IN BLOCK ONE (1) IN BIG OAKS, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JUNE 4, 1968 AS DOCUMENT NUMBER 1380376, IN LAKE COUNTY, ILLINOIS.

Parcel D: 610 O'Plaine Road, Gurnee, Illinois  
PIN 07-23-100-029

PARCEL 1:  
A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID EAST HALF OF SAID NORTHWEST QUARTER OF SECTION 23, AFORESAID, IN THE CENTER OF DUNHAM ROAD (SO CALLED),

651.22 FEET SOUTH OF THE NORTHEAST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER AND THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID EAST HALF OF SAID NORTHWEST QUARTER, 247-1/2 FEET; THENCE NORTH 41-1/2 FEET; THENCE EAST PARALLEL WITH SAID NORTH LINE OF SAID EAST HALF OF SAID NORTHWEST QUARTER, 247-1/2 FEET TO THE EAST LINE OF SAID EAST HALF OF SAID NORTHWEST QUARTER; THENCE SOUTH 41-1/2 FEET TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY AN INSTRUMENT RECORDED AUGUST 17, 1970 AS DOCUMENT NUMBER 1469841 OVER AND UPON THE WEST 12-1/2 FEET OF THE SOUTH 41.5 FEET OF THE NORTH 692.72 FEET OF THE EAST 247.5 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.