



Legislation Text

File #: DT-O-0048-23, **Version:** 1

HIGHWAY AUTHORITY BENEFITS AGREEMENT CH 9/LEMONT ROAD & CH33/75TH STREET

WHEREAS, True North Energy, LLC is the former owner of 7500 S. Lemont Road, Woodridge, Illinois (hereinafter referred to as SITE); and

WHEREAS, it has been determined that a portion of the soils and groundwater within the right-of-way owned by the County of DuPage (hereinafter referred to as COUNTY) along CH 9/Lemont Road and CH33/75th Street adjacent to the SITE is or may become contaminated; and

WHEREAS, True North Energy, LLC agrees in the Highway Authority Benefits Agreement (hereinafter referred to as AGREEMENT) that is attached hereto and incorporated herein by reference, to perform or pay for the removal of the contaminated soils or groundwater from the COUNTY right-of-way, should the COUNTY need to manage, remove or remediate the right-of-way area for purpose of work occurring within it; and

WHEREAS, the COUNTY agrees to limit access to soils and groundwater exceeding Tier 1 residential remediation objectives in its right-of-way adjacent to the SITE to be done by COUNTY permit with specific language on such permit as required by 35 IAC 742 Appendix D; and

WHEREAS, the AGREEMENT also provides for True North Energy, LLC to reimburse the COUNTY for fees and costs incurred by the COUNTY and billed to the APPLICANT on March 2, 2016, in the amount of \$143,792.00.

WHEREAS, by entering into the AGREEMENT, the COUNTY postpones disruption to traffic associated with the removal of the contaminated materials, until such time as work is to be performed on the right-of-way that requires the management, removal or remediation of the contaminated materials; and

WHEREAS, the COUNTY by virtue of its powers set forth in 55 ILCS 5/5-1005 and 35 Ill. Adm. Code 742.1020, is authorized to enter into said AGREEMENT; and

WHEREAS, it is in the best interest of the COUNTY to execute the attached AGREEMENT.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County that the Clerk and Chair of said Board be and are hereby directed and authorized to execute said AGREEMENT and all exhibits to said AGREEMENT and any other documents related to said AGREEMENT with True North Energy, LLC; and

BE IT FURTHER RESOLVED that one copy of this ordinance and a duplicate original of the AGREEMENT be sent to True North Energy, LLC, by and through the DuPage County Division of Transportation.

Enacted and approved this 14th day of March, 2023 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK