

**PROPOSED SUBSTITUTE TO ITEM 17-0134  
FPD Real Estate Committee 5-9-2017**

**Presented by:** ARNOLD RANDALL, General Superintendent

**PROPOSED INTERGOVERNMENTAL AGREEMENT**

**Department:** Planning & Development

**Other Part(ies):** Metropolitan Water Reclamation District of Greater Chicago (“MWRD”)

**Request:** Authorization to enter into an Intergovernmental Agreement (“IGA”) with MWRD for the reconstruction and maintenance of the Lyons Levee

**Goods or Services:** Grant of permanent and temporary easements and waiver of tree mitigation fees to allow MWRD to improve, raise, and maintain the Lyons Levee from Joliet Road downstream in Ottawa Trail Woods to south of 47th Street along the west edge of the Chicago Portage National Historic Site

**Agreement Number(s):** N/A

**Agreement Period:** Continuous

**Fiscal Impact:** None

**Accounts:** N/A

**District(s):** 16

**Summary:** MWRD, under an agreement with the United States Army Corps of Engineers (Corps) for the design and construction, proposes to repair, rehabilitate, and replace the Lyons Levee to protect against a 100-year flood event. In April 2013, floodwater from the Des Plaines River overtopped the Lyons Levee and flooded a portion of the Village of Forest View. The Forest Preserves of Cook County (“FPCC”) acquired the property containing the Lyons Levee along the Des Plaines River from MWRD in 1950. The conveyance deed provided that the FPCC, as the grantee, would continue to maintain the existing or new levees. The proposed 11.21 acre permanent easements and 1.05 acre temporary easement will provide access and right of entry to MWRD and the Corps for the construction, operation and maintenance of the levee.

Under the proposed IGA, consistent with the proposed Memorandum of Understanding (MOU) between MWRD and the FPCC placed on the May 11, 2017 board agenda for approval by the FPCC’s Board of Commissioners, the FPCC shall exempt MWRD and the Corps and their contractors from all FPCC permit requirements that may be applicable to the construction, operation, maintenance, repair, rehabilitation, and replacement of the project, including any tree mitigation fees and other associated fees. The FPCC may also grant MWRD and the Corps waivers to applicable work-hour limits and truck-traffic restrictions upon written request. Under the IGA, the FPCC will have recordkeeping and reporting obligations, as well as use restrictions, in relation to MWRD funding certain improvements with bond funds. The proposed IGA is subject to final review and approval by the FPCC’s Legal Department.