



Lake County Forest Preserves

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DATE: February 3, 2025

Agenda Item # 10.3

MEMO TO: Sara Knizhnik, Chair
Operations Committee

FROM: Pati Vitt
Director of Natural Resources

RECOMMENDATION: Recommend approval of an Ordinance approving Amendment #2 to the farm license agreement with Terry Brothers Grain Farm at Dutch Gap Forest Preserve to renew the term of the license through December 12, 2025, and waiving compliance with Section II.B of the District's Farm Management Program Policy regarding public bid process.

STRATEGIC DIRECTIONS SUPPORTED: Conservation; Organizational Sustainability

FINANCIAL DATA: Awarding the license at Dutch Gap Forest Preserve will generate \$87,721.15 which will be credited to the Farmland Management Fund (28642500-403000). Revenue generated from this land in 2024 was \$87,721.15.

BACKGROUND: The farming program is conducted with farmers to provide cost-effective, interim land use and management until the District is ready to convert farmland to other forest preserve purposes. Terry Brothers Grain Farm (the "Licensee") has been the licensee for the Dutch Gap Farm License (the "License Property") since 2017, and their license expired on December 31, 2024.

The District is working with the US Army Corps of Engineers (Corps) to implement an Aquatic Resource Restoration Project at Dutch Gap Forest Preserve. The project was anticipated to begin in early 2025; therefore, the District did not include the License Property in the most recent request for farm license bids. In January 2025, the Corps updated their project schedule and informed the District that the project commencement date has been moved to late fall/winter 2025/2026. Continuing Licensee's farm license for the License Property will provide management of the land until project commencement, thus reducing invasive weed production, as well as generating revenue for the Farmland Management Fund to support restoration goals throughout the District. Because of the time required to complete the bidding process, renewing the license with Licensee is prudent to allow for Licensee's timely farming plans (seed and fertilizer procurement, tillage plans, etc.). Executing a new public bid for this License Property might otherwise delay the start of the farming operations in spring 2025, which could result in no bids and thus no ongoing management of the land or reduced fees.

REVIEW BY OTHERS: Chief Operations Officer, Director of Finance, Manager of Board Operations, and Corporate Counsel

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR FEBRUARY MEETING
FEBRUARY 12, 2025**

MADAM PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **OPERATIONS COMMITTEE** presents herewith “An Ordinance Approving Amendment #2 to the Farm License Agreement with Terry Brothers Grain Farm at Dutch Gap Forest Preserve” and requests its approval.

OPERATIONS COMMITTEE:

Date: 2/3/2025 Roll Call Vote: Ayes: _____ Nays: _____
 Voice Vote Majority Ayes; Nays: 0

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**AN ORDINANCE APPROVING AMENDMENT #2 TO THE FARM LICENSE AGREEMENT
WITH TERRY BROTHERS GRAIN FARM AT DUTCH GAP FOREST PRESERVE**

WHEREAS, the Lake County Forest Preserve District (the “District”) previously entered into a farm license agreement with Terry Brothers Grain Farm (the “Licensee”) dated January 1, 2021 (the “Existing Agreement”) for the sole purpose of farming pursuant to the District’s Farm Management Program on 461.1 acres of land (the “Licensed Area”) at Dutch Gap Forest Preserve; and

WHEREAS, the District previously amended the Existing Agreement on January 5, 2021 to decrease the acreage of the License Area to 403.26 acres due to lack of access and excess soil wetness; and

WHEREAS, the term of the Existing Agreement expired on December 31, 2024, and the Licensed Area was expected to be removed from the District’s Farm Management Program due to a planned restoration project at Dutch Gap Forest Preserve; and

WHEREAS, the anticipated start date of the restoration project has been delayed, and renewal of the Existing Agreement through December 12, 2025 is desirable to continue to provide land management, reduce invasive weed production, and generate revenue for the District’s Farmland Management Fund until commencement of the restoration project; and

WHEREAS, renewal of the Existing Agreement with Licensee will facilitate ongoing management of the Licensed Area; and

WHEREAS, pursuant to Section 7b of the Downstate Forest Preserve Act, 70 ILCS 805/7b, the District is authorized to issue licenses for any activity reasonably connected with the purposes for which the District was created; and

WHEREAS, it is in the best interests of the District to waive compliance with Section II.B of the District’s Farm Management Program Policy (the “Policy”) regarding public bid processes and approve Amendment #2 to the Existing Agreement in substantially the form attached (the “License Agreement Amendment”);

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois, **THAT**:

Section 1: Recitals. The recitals set forth above are incorporated as a part of this Ordinance by this reference.

Section 2: Approval of License Agreement Amendment. The License Agreement Amendment is hereby approved in substantially the form attached hereto. The President and Secretary of the District are hereby authorized and directed to execute and attest to, on behalf of the District, the License Agreement Amendment in substantially the form attached hereto.

Section 3: Waiver of Section II.B of the Policy. The “Public Bid Process” as set forth in Section II.B of the Policy is hereby waived with respect to the District’s approval of the License Agreement Amendment.

Section 4: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this _____ day of _____, 2025

AYES:

NAYS:

APPROVED this ____ day of _____, 2025

Jessica Vealitzek, President
Lake County Forest Preserve District

ATTEST:

Julie Gragnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____



Addendum No. 2

Date: February 12, 2025

**Lake County Forest Preserve District
Farm License at Dutch Gap Forest Preserve**

The licensed acreage, 403.26 acres, for the Farming License Agreement dated January 1, 2021, as previously amended by Addendum No. 1 dated January 5, 2021, at the parcel of land commonly known as Dutch Gap (the "Agreement") is amended as noted in this Addendum No. 2.

Acknowledge receipt of this addendum by signing and dating at the end of the page and returning to: Lake County Forest Preserve District, 1899 W. Winchester Road, Libertyville, IL 60048. This addendum consists of 1 page.

ITEM NO. 1 THE "LICENSE TERM" AS DEFINED IN SECTION 2.C OF THE AGREEMENT IS RENEWED FOR A TERM COMMENCING ON JANUARY 1, 2025 AND ENDING ON THE EARLIER OF THE AGREEMENT'S TERMINATION AS PROVIDED THEREIN, OR DECEMBER 12, 2025 (THE "EXTENDED TERM").

ITEM NO. 2 LICENSEE SHALL PAY A LICENSE FEE OF \$87,271.15 (403.26 ACRES AT \$217.53/ ACRE) FOR THE EXTENDED TERM.

In sum, the Lake County Forest Preserve District (District) is renewing the Agreement for the term of January 1, 2025 to December 12, 2025, subject to payment of a license fee of \$87,271.15.

Licensee Signature – from Terry Brothers Grain

Date

Prepared by Pati Vitt