

# A Scarlet Letter

## NFIP Floodplain Compliance in Illinois



FEMA

IAFSM Conference 2019  
East Peoria, Illinois



# The Community Assistance Visit (CAV)



National Flood Insurance Program (NFIP)  
Guidance for Conducting  
Community Assistance Contacts  
and Community Assistance Visits

FEMA F-776/April 2011



The CAV evaluates a community's floodplain management program and provides a means to render technical assistance to correct program deficiencies and violations.



# Compliance!

100+ community visits per year.

15+ workshops per year.

5,000 technical assistance per year.

Illinois leads the nation in communities on probation or suspended from the National Flood Insurance Program.



I'm here to see your  
**Floodplain permit files and  
Elevation Certificates.**

4 communities nationwide kicked out of NFIP. Half are in Illinois! We are serious!

# What does “compliance” mean?

- “.....correcting program deficiencies and remediating violations to the maximum extent possible.”

(44 C.F.R. §59.24(b))



# Two types of compliance problems:

- “***Program deficiency*** means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those [...] regulations or [NFIP minimum] standards.”
- “***Violation*** means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.”

(44 C.F.R. §59.1)

# Community Assistance Visit

## Possible Violations

Examples of deficiencies and violations.....

- Failure to require ANY permits;
- Failure to obtain state floodway permit;
- Failure to use proper flood elevation data;
- Non-compliant ordinance;
- New or substantially improved structures with low floors below BFE;
- HVAC or electric components not elevated;
- Failure to correct identified violations;
- Pattern & practice of issuing non-compliant variances;
- Allowing non-compliant lower enclosures or no vents;
- Fill and debris;
- Signing “reasonably safe” community acknowledgement with no data.



# WHO'S TO BLAME?

The developer  
The builder  
The owner  
The building official  
The realtor  
The prior  
administration



## We Don't Care


Regardless of who is at fault, the  
violation must be corrected.



# Community Assistance Visit (cont)

The objective of land-use regulation is compliance, not punishment or retribution:

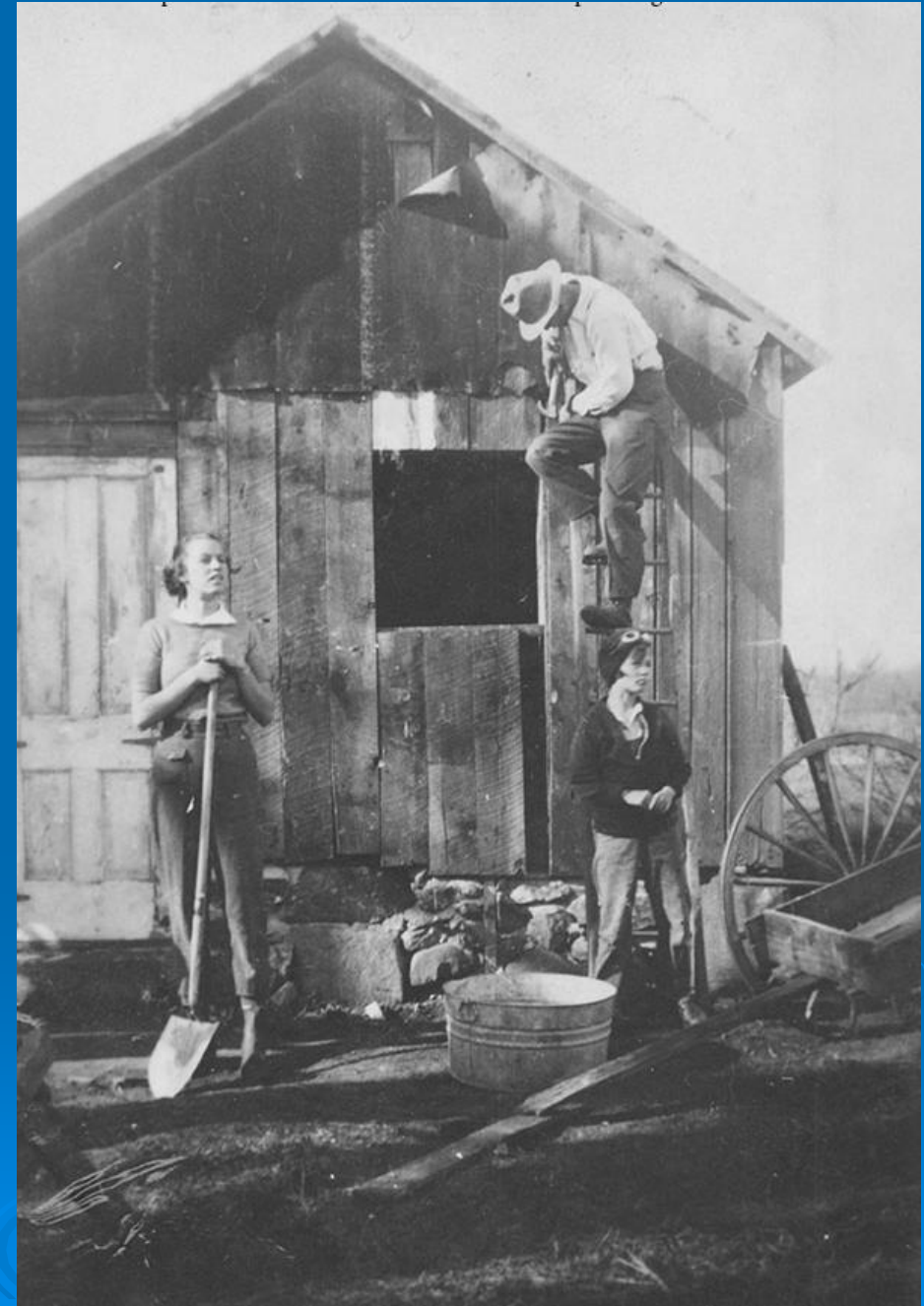
If full compliance is not possible, get what is REASONABLE and PRACTICAL, to limit flood damage exposure to people and property. Save your community's good standing in the National Flood Insurance Program!



# Remedying violations:

- “*Remedy a violation* means to bring a structure or other development into compliance with State or local floodplain management regulations, or if that is not possible, to reduce the impacts of noncompliance.”

(44 C.F.R. §59.1)



# If full compliance isn't possible...

Corrective measures should be coordinated with state NFIP Coordinator and FEMA.



**“...bring the structure or other development into compliance”**

Unpermitted fill and grading in regulatory floodway restored to prior topography



Kristian inspecting the restoration

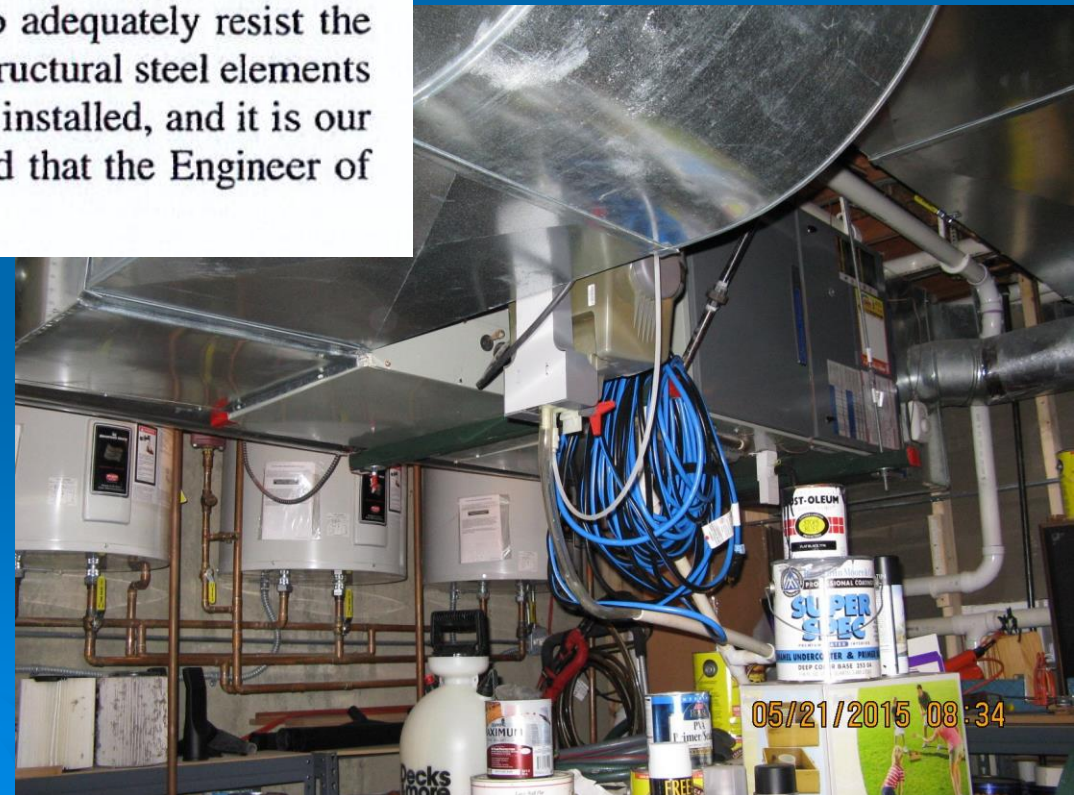
# **“reduce the impacts of noncompliance”**

- Protect the structure from flood damage
- Implement enforcement procedures or otherwise deter future violations
- Reduce federal financial exposure with regard to the structure or other development

# Protect the structure...

It is our understanding that the footprint of the Kirk residence, located at 353 Lockwood Avenue in Northfield, partially lies in the 100 year floodplain. The residence has a basement and a portion of the perimeter wall and first floor wood framing are supported on the perimeter basement walls. Concerns had been expressed that the basement walls may not have adequate structural capacity to resist the hydrostatic forces associated with a 100 year flood, thus jeopardizing the entire residence. At the request of the owners, Wiss, Janney, Elstner Associates, Inc. (WJE) analyzed the basement walls for a high flood water level of 625.50 ft and designed structural bracing to permit the basement walls to adequately resist the hydrostatic pressures associated with this water level. The bracing design utilized structural steel elements and was provided in sealed sketches dated 6 July 2009. The bracing has now been installed, and it is our understanding that a Building Inspector for the Village of Northfield has requested that the Engineer of Record for the bracing design inspect and approve the installation.

Structural bracing of noncompliant basement walls and elevation of mechanical, electrical, and plumbing equipment in basement:



# Implement enforcement provisions...

PARCEL #: 33-46-24-W2-0030E.0110

THIS SPACE FOR RECORDING

BEFORE THE HEARING EXAMINER OF  
LEE COUNTY, FLORIDA IN AND FOR  
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH, FLORIDA :  
Petitioner, :  
vs. :  
GEORGE GANIM AND JOSEPHINE GANIM :  
Respondent :

CASE NO.: 2005-051F

## CODE ENFORCEMENT ORDER

THIS CASE was first heard by the undersigned Lee County Hearing Examiner at a public hearing on , after which an Order was entered which found that a violation existed on the subject property and required the Respondent, , as the responsible person or entity, to complete certain actions that would abate the violation by a date certain or face the imposition of a specified fine.

On, MAY 10, 2006, the Hearing Examiner received competent evidence that the violation had not been abated in accord with the above Order, and therefore finds and decides:

1. That the above-noted Order has not been complied with; and
2. That the violation of changing a single family home into a triplex in RS zoning without a special exception or variance to do so and creating a ground level living unit in violation of flood plane regulations still exists on the subject property; and
3. That the Respondent not paid the prosecution costs in the amount of \$285.00 which are due and owing to the Petitioner per Chapter 162, Florida Statutes.

flo.cnpd.5/17/06

THIS IS A TRUE CERTIFIED  
COPY OF THE ORIGINAL

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
LEE COUNTY, FLORIDA  
CIVIL ACTION

GEORGE GANIM,

Petitioner,

vs.

CASE NO. 06-CA-1972

TOWN OF FORT MYERS BEACH,

Respondent,

## ORDER

THIS MATTER having come before the Court on December 3, 2008, and the Court having heard testimony from the parties and having reviewed the pleadings filed in this matter, it is

## ORDERED AND ADJUDGED as follows:

1. After review of the record and argument of counsel, the Court finds that there was substantial competent evidence for the hearing officer's decision. The Court acting in the appellate capacity must not decide whether they agree with the underlying decision, only whether there is factual support for that decision.

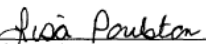
WHEREFORE, the relief requested by the Appellant is Denied.

5<sup>th</sup> **DONE AND ORDERED** in Chambers at Fort Myers, Lee County, Florida, on this day of December, 2008.

  
HONORABLE MICHAEL T. McHUGH  
CIRCUIT COURT JUDGE

Conformed copies have been provided this 5<sup>th</sup> day of December, 2008, to:

Denise Wheeler, Esq.  
Michael Tice, Esq.

BY:   
Lisa Poulston  
Judicial Assistant


# Reduce federal (+state and local) financial exposure...

Section 1316 of the National Flood Insurance Act of 1968:

No new or renewed NFIP flood insurance for a structure declared to be in violation of floodplain management regulations.

...If all else fails.

U.S. Department of Homeland Security  
500 C Street, SW  
Washington, DC 20472


 **FEMA**

SECTION 1316 DECLARATION  
National Flood Insurance Act of 1968  
City of Des Plaines, Illinois  
CID # 170081

The following property has been declared by Timothy P. Oakley, Director of Public Works and Engineering for the City of Des Plaines, an authorized public body representative, to be in violation of provisions set forth in the City of Des Plaines Floodplain Management regulations. These provisions are intended to restrict floodplain development or occupancy. No new flood insurance coverage shall be provided for this property effective on the date listed below.

Owner Name and Mailing Address	Property Address and Legal Description	Violation
Joy C. Braley 436 Columbia Avenue Des Plaines, Illinois 60016	436 Columbia Avenue Des Plaines, Illinois 60016  Lot 7, Block 10, Branigar's Cumberland Terrace  PIN# 09-18-205-007-0000	The unpermitted addition exceeds 50 percent of the value of the structure and therefore constitutes a substantial improvement to the structure. Failure to construct the addition in compliance with Title 14 is a violation of the City's Flood Control Regulations.

Date: 3/9/15

  
Brad J. Kieserman  
Deputy Associate Administrator for Federal Insurance

# Ignoring problems and hoping they'll go away?

- They say “ignorance is bliss.”
- Guess what else? Ignorance is also ignorance.



# Probation

- Formal notification to the community that FEMA regards the community's floodplain management program as not compliant with the minimum standards of the NFIP.
- An additional \$50 dollar premium will be charged on policies sold or renewed during the probation period.
- The minimum probation period is one year.



# Hear ye, hear ye:

Daily Chronicle

## Kirkland faces probationary status with flood insurance program

Published: Friday, Nov. 13, 2015 11:53 p.m. CST

KIRKLAND – Village officials are working to meet federal standards for floodplain management before a Jan. 16 deadline to avoid being put on probationary status with the National Flood Insurance Program.


“I’m positive we’ll be able to do this,” Kirkland Village President Les Bellah said Friday. “This is a problem that’s existed since the 1990s. We couldn’t afford to fix it then, but it has to be done. That’s our commitment to the residents.”

The village is scheduled to be placed on probationary status Jan. 16 unless it takes corrective actions required by the federal government.

# “Dear Flood Insurance Policyholder:...”

- “...a \$50.00 probation surcharge will be added to the premium for each NFIP policy...”
- “to voice your concerns, please contact the community official, Mayor McCheese, by phone at 555-555-5555, or letter at 1234 Main St, Anytown, USA 99999”

National Flood Insurance Program  
U.S. Department of Homeland Security  
P.O. Box 310  
Lanham, MD 20703-0310

 **FEMA**

Community: George County, Mississippi  
NFIP Community Identification Number (#): 280223

Community's Probation Effective Date: 11/28/2018

Flood Insurance Policyholder: XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX

Flood Insurance Policy #: XXXXXXXXXXXX

Property Location:  
XXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

Insurance Company:  
XXXXXXXXXXXXXXXXXXXX

The Federal Emergency Management Agency (FEMA) has notified your community that it will be placed on probationary status in the National Flood Insurance Program (NFIP) unless certain remedial measures are taken by November 28, 2018.

In accordance with the National Flood Insurance Act of 1968, communities that participate in the NFIP must adopt and enforce floodplain management regulations that meet minimum NFIP criteria. Meeting these criteria makes communities more resistant to the damaging effects of flooding on lives, property, and local prosperity.

To avoid probation, your community must correct one or more deficiencies in its floodplain management program and/or remedy one or more violations of its floodplain management regulations before the date above. FEMA has explained the problem area(s) to your community—and the steps required to keep its good standing in the NFIP.

While flood insurance coverage would still be available should your community be placed on probation, a \$50.00 Probation Surcharge would be added to the premium for each NFIP flood policy written or renewed in your community for at least one year. This surcharge is needed to offset some of the added risk assumed by the NFIP because of your community's noncompliance.

If your community does not take the steps required to remain in good standing, it may be suspended from the NFIP and federally backed flood insurance will no longer be available. In suspended communities, the following protections against floods and other disasters are also prohibited by the Flood Disaster Protection Act of 1973.

- Grants, loans, or guarantees from federal agencies—like the Federal Housing Administration, the Department of Veterans Affairs, and the Small Business Administration—to buy or construct an insurable building in a Special Flood Hazard Area (SFHA).
- Federal disaster assistance to buy, construct, or repair an insurable building in an SFHA.
- Post-disaster, individual and family grant assistance for housing and personal property in an SFHA.

For more information, or to voice your concerns, please contact the community official Larry McDonald, George County Board of Supervisors President, by phone, 601-947-7506, or letter at 329 Ratliff St., Lucedale, MS 39452.

www.fema.gov

# Suspension

- A community is subject to suspension unless it corrects program deficiencies and remedies all violations by the compliance deadlines set during the probation period.



# Effects of Suspension or Non-Participation in the NFIP

- No NFIP flood insurance anywhere in the community.
- No federal/state grants, loans, or indirect financial assistance (like mortgage insurance) for construction or acquisition of buildings in the SFHA.
- No federal flood disaster assistance for repair or replacement of buildings in the SFHA.

# Nation Wide Probation (2)



**Kirkland, IL**

1/16/16

14 policies

\$2,172,600 coverage

\$1,245.60 ave. premium

**George County, MS**

11/28/18

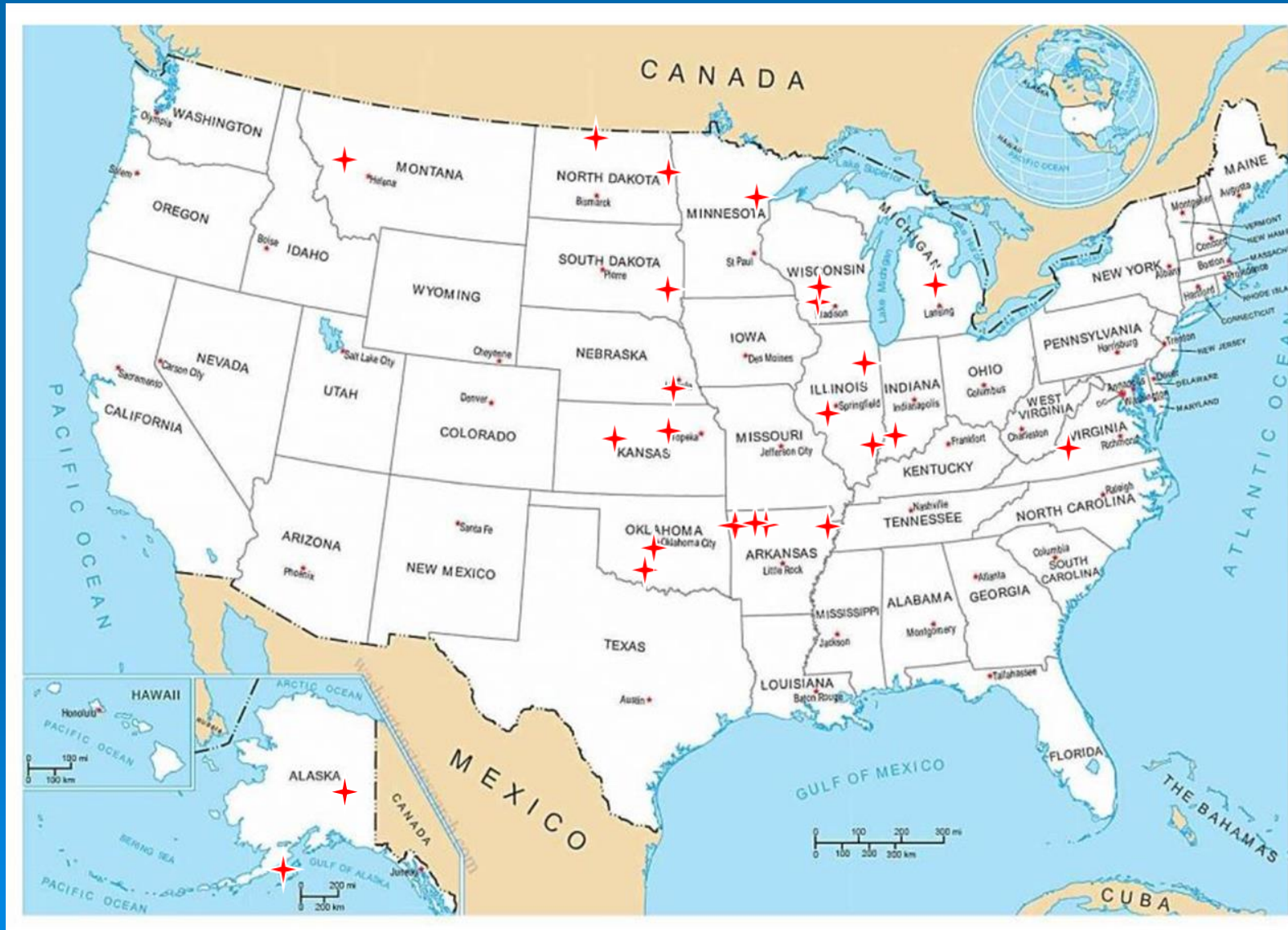
113 policies

\$16,430,600 coverage

\$747.50 ave. premium

# Nation Wide Withdrawn for Compliance (24)

Delta Jct., AK  
Kodiak, AK  
Adonia, AR  
Baxter Co, AR  
Gilmore, AR  
Green Forest, AR  
Lawrence County, IL  
Naples, IL  
Wheeler, IL  
Shoals, IN  
Alexander, KS  
Simpson, KS



Porter, MI  
Brookston, MN  
Blue Mt., MS  
Grass Range, MT  
Northwood, ND  
Stafford, ND  
Marshall County, OK  
Stuart, OK  
Corsica, SD  
Galax, VA  
Barneveld, WI  
Lyndon Station, WI

# Nation Wide Suspension for Compliance (4)



Enforcement Suspension

Grand Tower, IL

Hamilton County, IL

Campton, KY

Chauncey, OH

# Kirkland, Illinois



1<sup>st</sup> CAV  
August  
1987!

# 1996 Buyout 65 parcels - \$1.6 Million



+

-

Home

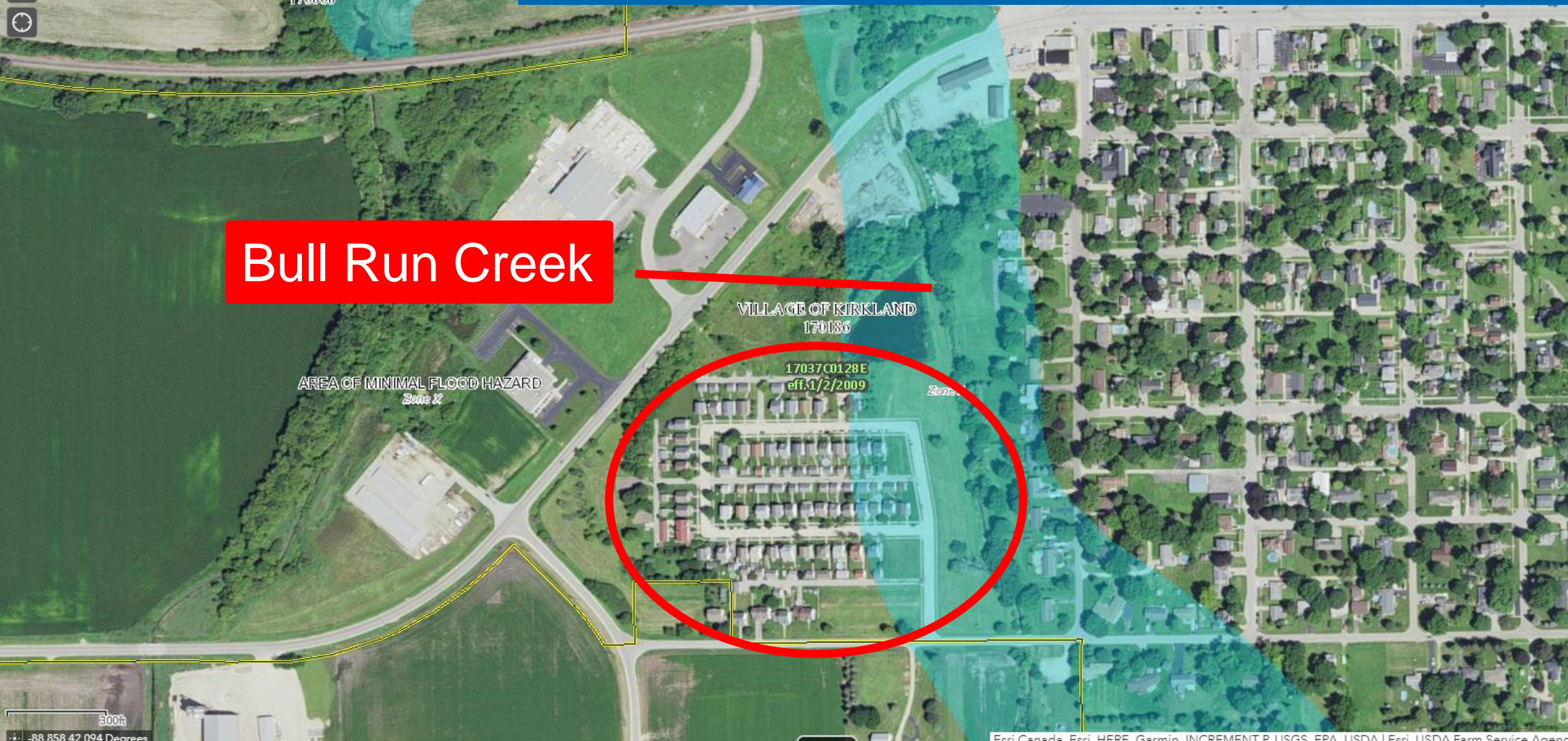
Refresh

Kirkland, IL, USA

Show search results for Kirkland, IL, U...

# Colonial Estates Subdivision

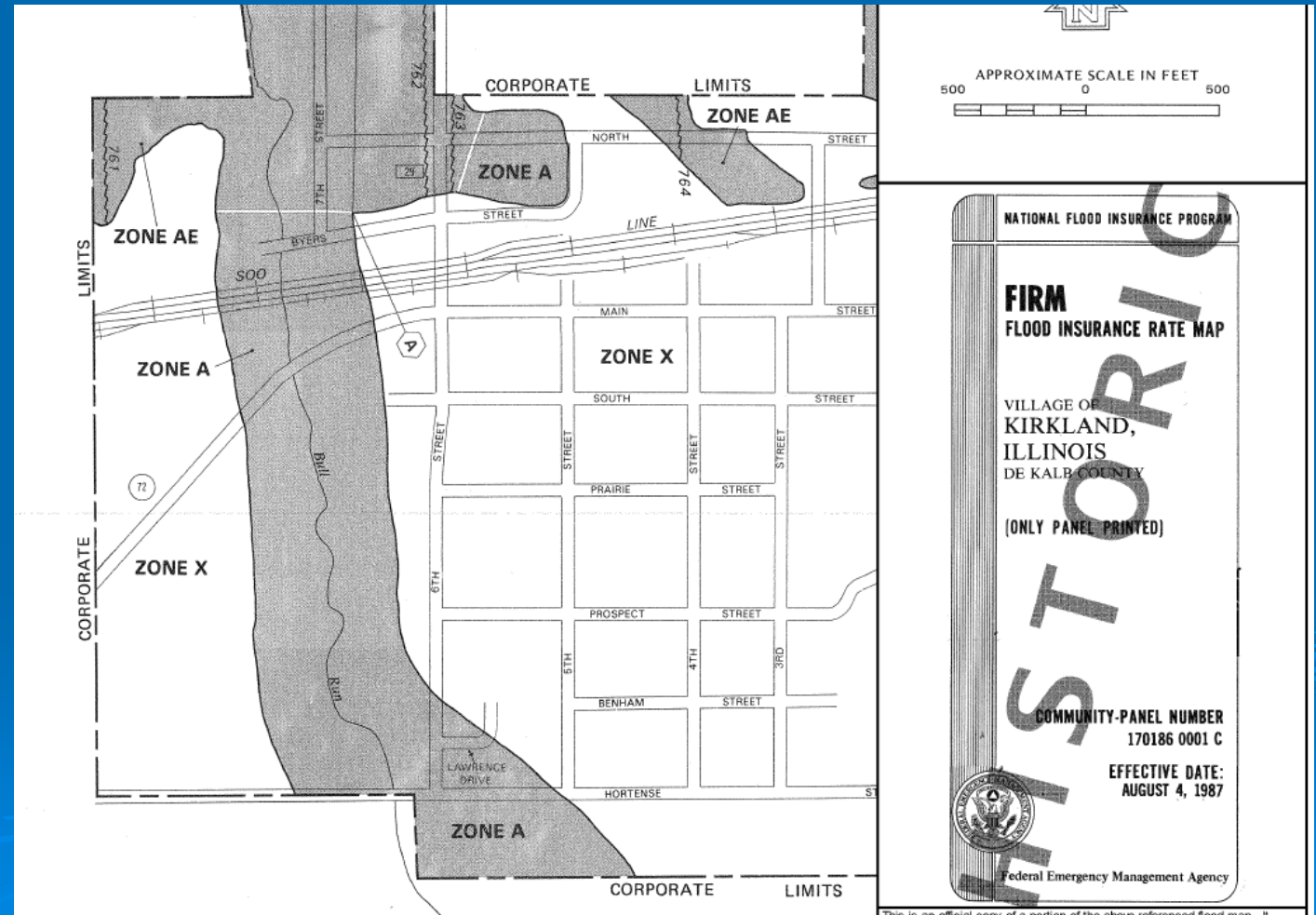
Bull Run Creek



# Bull Run Creek, July 24, 1939



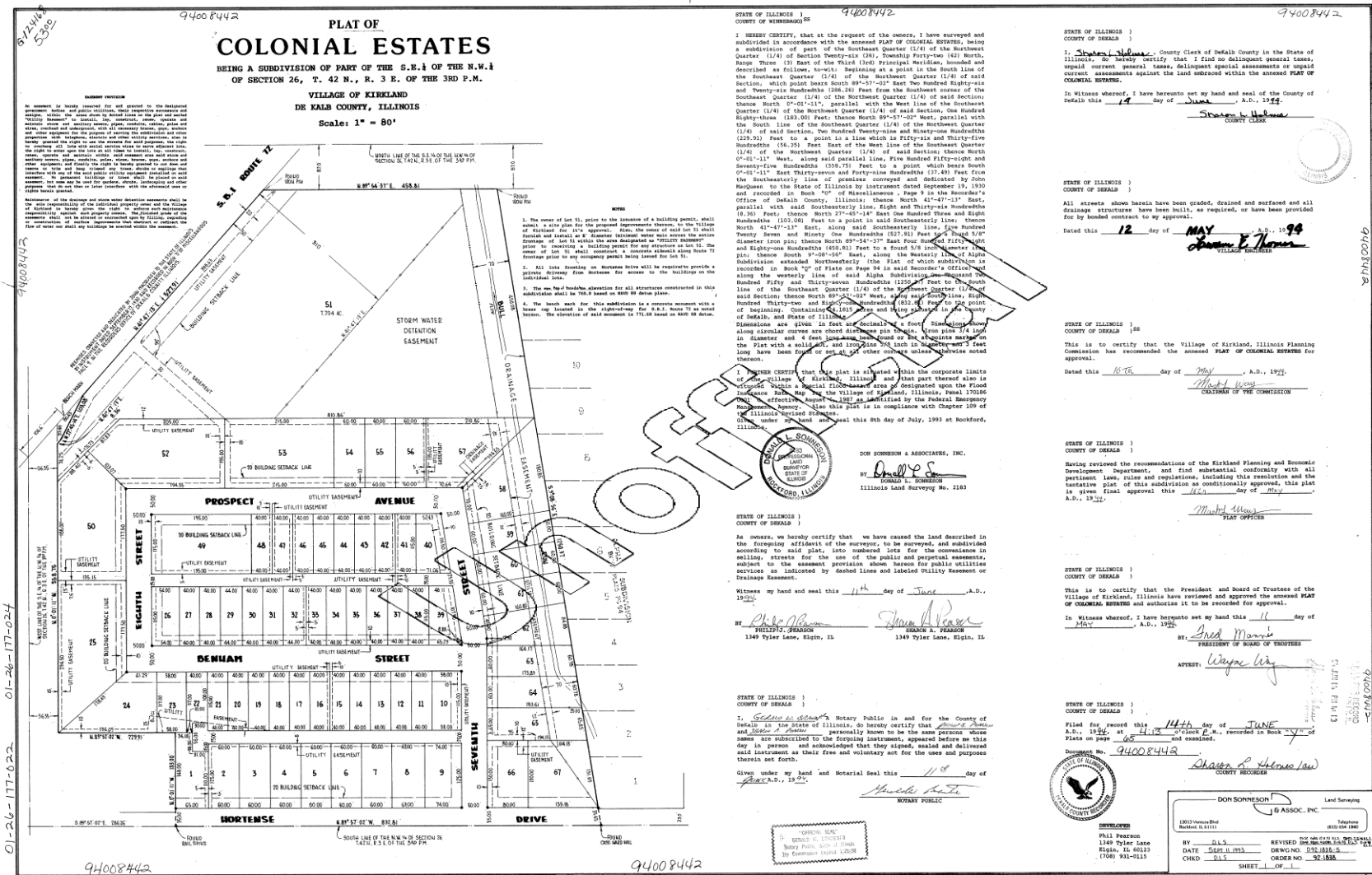
# Village of Kirkland Flood Insurance Rate Map: Effective August 4, 1987




FIRM date  
August 1987

Plat approved  
May 1994

**Problem?**



# Regulations? We don't need any regulations!

- **Subdivisions** - 44 C.F.R. §60.3(b)(3):
    - “Require that all new subdivision proposals [...] greater than 50 lots or 5 acres [...] include [...] base flood elevation data;”
  - **Elevation** - 44 C.F.R. §60.3(b)(4):
    - “[...U]tilize [...] data developed pursuant to paragraph (b)(3) of this section as criteria for requiring that new construction [have its lowest floor elevated].”
  - **Permits** - 44 C.F.R. §60.3(a)(2):
    - “Review proposed development to ensure that all necessary permits have been received [...as] required by Federal or State law”
- 

# State Permit? Who needs permits?

- Rivers, Lakes, and Streams Act, 615 ILL. COMP. STAT. 5/23
  - “It shall be unlawful for any person, persons, corporations, counties, cities, municipalities, or other agency to make any fill, deposit, or encroachment in, deposit or placement of felled or trimmed woody plant upon or along the bank, or erect any bridges over a stream that has a drainage area of one square mile or more in urban areas or 10 square miles or more in rural areas, until plans, profiles and specifications and other data which may be required, have been first filed with the Department of Natural Resources of this State, and a written permit received therefor.” (emphasis added)

How many things went wrong here? Almost all of them.

New homes in zone  
A with basements  
below BFE

Floodway Fill

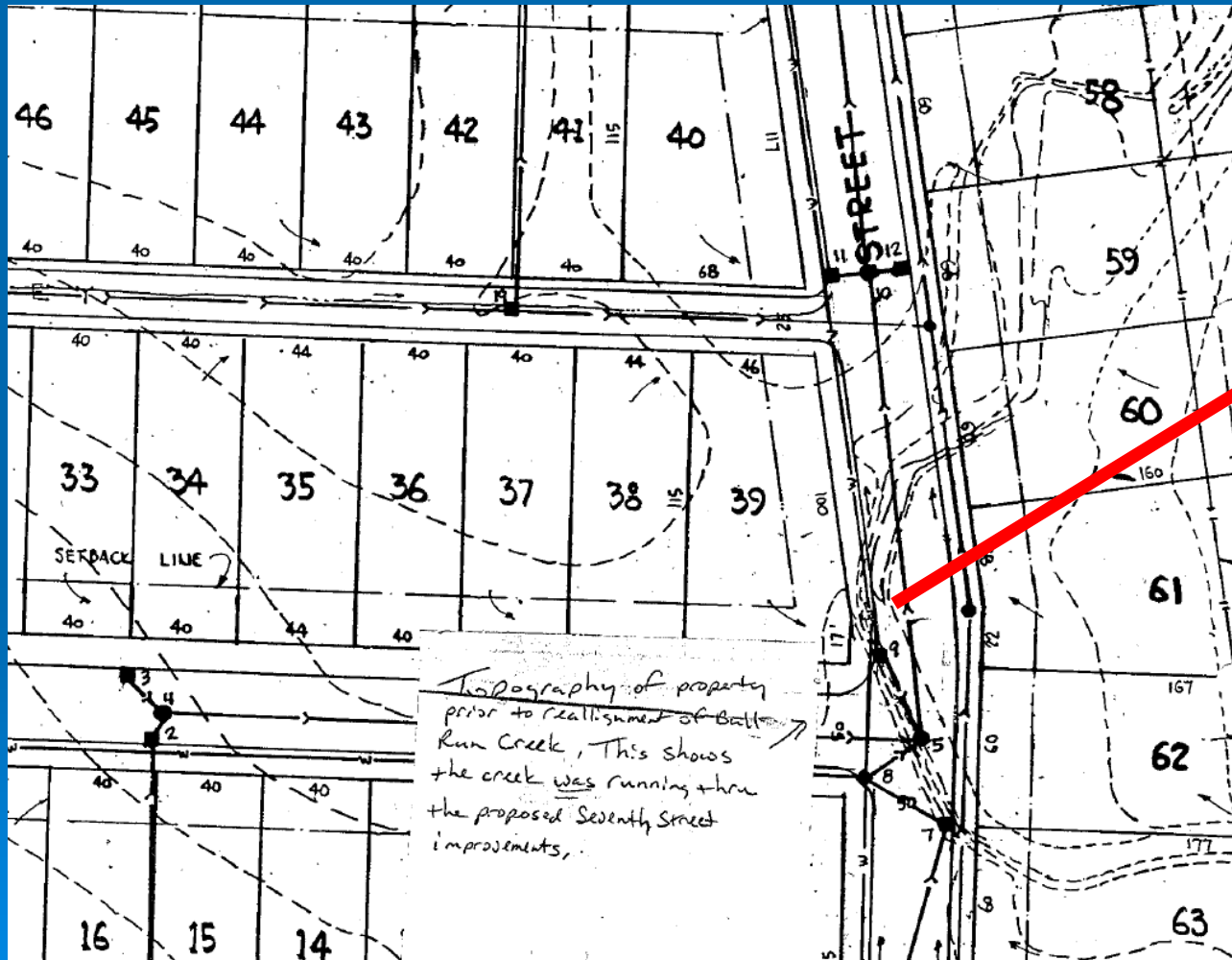
02/15/2019



# LOMAs granted in filled area (illegal fill)



# Subdivision overlaid on pre-development topo



Creek ran UNDER 7<sup>th</sup> Street!

# “Procedure for Map Correction”

➤ Also known as “Letter of Map Amendment”:

Naturally high ground is inadvertently shown in the SFHA due to limitations of map scale or other factors of precision in measurement and symbolization

“These procedures shall not apply when there has been any alteration of topography since the effective date of the first NFIP map (i.e., FHBM or FIRM) showing the property within an area of special flood hazard.”

(44 C.F.R. §70.1) (emphasis added)

Village of Kirkland Probation Overview	
Key 2015	
January 15, 2016	Letter from FEMA to Village of Kirkland establishing probation date of January 25, 2016. <a href="#">See below</a> Section to get work done or view suspension.
January 14, 2016	Village Attorney Scott Puma sends letter to FEMA outlining village progress to address outstanding issues.
August 12, 2015	State Rep Bob Probst calls Doran to attend about floodplain compliance actions. Rep. Probst attended a Village Board meeting to discuss issues. Doran meets in his own time to see how given the deadline, the Village to get this issue resolved. Village has readjusted time commitment. The call was cordial, but it did not provide the representative with any of the key resolution he was seeking.
August 5, 2014	Letter from FEMA to <a href="#">see below</a> asking Village to provide updates on actions to resolve outstanding violations. <a href="#">See below</a> compliance deadline.
June 15, 2015	Coran emails with concerned homeowner in Colonial Estates, who says FEMA "made buying the home seem like a good idea" in 2012. Also about the concern that FEMA appears to be having been based on misrepresentation. Village decided to go to FEMA and the right question was whether the home should require that FEMA and FEMA continue to hold village responsible for future violations in the floodplain.
June 8, 2015	Coran receives email from <a href="#">see below</a> Village "Positive Dev't" English who <a href="#">see below</a> about "FEMA floodplain certification being reviewed." says Village Trustees have not been shown the communications between FEMA and Village, and agree that Village should not be held responsible. Coran sends her a copy of 11/15/2014 letter to VP <a href="#">see below</a> and copy of the chronology.
May 25, 2015	Deadline of 45 days passes without contact to RS from Kirkland.
April 9, 2015	Letter from Chris Seash (RS) to Kirkland VP <a href="#">see below</a> , noting violations of NFIP minimum standards, noting FEMA issue, and transmitting FEMA demand list of specific requirements for permit. The letter requests written confirmation of Village's records of filing and pending activities on FEMA list, and sets a 45-day deadline to contact RS about a plan to correct the violations and a timeline for progress on the remaining steps. The letter concludes by warning that if no contact is made within 45 days, FEMA will initiate the probation process.
March 6, 2015	McCauley sends James <a href="#">see below</a> (Kirkland Village Engineer) the list mentioned in 2/17/15 e-mail before to make Village to discuss budget needs for compliance activities.

Package contains documents prepared by Winkler Engineering. The application is assigned case #11-05-1000A.	
August 13, 2010	Letter to Doran from James <a href="#">see below</a> (Brewer & Muscarel Consulting Engineers, Kirkland Village Engineer). <a href="#">See below</a> refers to January 4, 2010 meeting with Bank, noting that Bank promised to hire an engineer to complete new study of Bull Run Creek. <a href="#">See below</a> with Coran that Bank has no completed study for permit, but the Village will begin requesting updates.
July 25, 2010	Coran sends their follow up letter to Kirkland VP <a href="#">see below</a> referring to 2/14/10 CAV <a href="#">see below</a> resolution. Need to resolve outstanding compliance issues.
May 1, 2009	Coran sends second follow up letter to Kirkland VP <a href="#">see below</a> referring to 2/14/10 CAV <a href="#">see below</a> resolution. Need to resolve outstanding compliance issues from 2/14/10 CAV.
May 1, 2009	Mark McCauley email reply to phone call from Don <a href="#">see below</a> (Resource Bank) outlining compliance problems and resolutions necessary, including state permit and need for restoration of floodplain storage volume without causing increase in flood elevations.
January 3, 2009	Coran notices a series of FEMA letters had been issued for homes in Colonial Estates. Calls on FEMA to find "Single" FEMA. Inspection shows that 9 individual FEMA cases have resulted in increases for individual buildings between 2012 and 2009. Lower FEMA (2) more exact revised 2 more buildings (in 2010 and 2011) and parts of 10 vacant lots (in 2011).
January 2, 2009	Drafts County revised comprehensive FEMA and FID go official. As concluded in protest resolution in April 2008, unannounced June floodplain boundary remains in place in Colonial Estates subdivision.
August 2008	Flooding in Kirkland. Paul Doran (DOR) sends damage assessment reminder letter to Mayor <a href="#">see below</a> .
June 2008	Paul Doran (DOR) FEMA CAV follow up letter sent to Mayor Mark Becker. Requested building permits and elevations on all properties, and removal of the remaining work for a state permit for the modifications to Bull Run Creek and to floodplain.
April 2, 2008	Protest resolution letter for DeWitt County countryside revision response to Village of Kirkland notes that "better judgment" attempt to remove some of Colonial Estates was not sufficient and Illinois DMF permit and FEMA-recognized flood flood elevation would be required for floodplain in development.
February 14, 2008	Paul Doran (DOR) FEMA CAV following with Kirkland Don Tom D'Arcy to discuss NFIP, FF regs, and outstanding compliance issues.

Manufactured home parks were in place. Eventually almost 5.2 million in Federal flood relief funds is used to pay for acquisition and DMF expansion.	
February 28, 1996	Letter from Paul Mauer (DMF permitting) to John <a href="#">see below</a> (Developer's) regarding construction of FEMA (DMF) permit application and responding to claims in <a href="#">see below</a> 2/17/96 letter.
February 13, 1996	Letter from John <a href="#">see below</a> (Developer's) engineers to DMF as follow up from the letter to Mark McCauley and Mark Hudson (DMF permitting) regarding Bull Run Creek modifications.
January 30, 1996	Letter to VP Marvin <a href="#">see below</a> from Jan Davidson (RS) mentioning about 11/2/95 and 6/11/95 letter compliance expectations, and need for state permit for that changed conditions could be reflected on the fully completed FEMA plan in preparation.
January 3, 1996	Letter to Village from Dennis Kennedy in Colonial Estates list of permits.
November 9, 1995	Letter to Village from Dennis Kennedy in Colonial Estates list of permits.
November 3, 1995	Letter from Jan Davidson (RS) to Village President Marvin <a href="#">see below</a> acknowledging May letter of 10/24/95 and noting Bull Run Creek channel modifications. Listings with numbers being listed in Colonial Estates Subdivision, as elevations and warning against further development.
October 24, 1995	Village DMF team requests 6/11/95 letter. Investigation documentation, including, however, that new building with measurements are as close as possible to FEMA. The FEMA team is working with Don Mauer (DMF) and Mark Becker (DMF) and not obtained a permit for work that will bring the creek and its floodplain into compliance with state regulations.
September 21, 1995	Follow up letter from Jan Davidson (RS) to Kirkland VP Marvin <a href="#">see below</a> with details of 9/24/95 CAV. Letter includes detailed description of problems with Bull Run Creek modifications, need for state permit and FEMA, and request for FEMA to be involved in the process.
September 14, 1995	David Schen (RS) Call meeting in Kirkland with Don Wayne (DMF) and DA Mark Way.
September 8, 1995	Letter from Paul Mauer (DMF permitting) to Phil Pearson (Developer) regarding insufficiency of John <a href="#">see below</a> permit application from July 15, 1995.
July 15, 1995	John <a href="#">see below</a> (Developer's) engineers' advice for after the fact permit for modifications of Bull Run Creek.
September 3, 1996	Letter from Dennis Kennedy to Village regarding flood filling in Bull Run Creek. No reply from Village.

February 17, 2015

Doran and Mark McCauley (DMF permitting) send Frank Shockey (RS) demand list of specific requirements for a state permit for Bull Run Creek modifications, as known from prior incomplete permit application submissions and information sent to Winkler Engineering.

January 1, 2015

Coran contacts Frank Shockey (RS) indicating no contact from Kirkland, requesting FEMA compliance action.

November 28, 2014

Coran sends letter to Kirkland VP [see below](#), noting outstanding Colonial Estates issue simply, noting passage of 10 years without resolution, and promising to turn the matter over to FEMA with request for compliance action if no further response from Village.

October 2014

Coran discusses with Frank Shockey (RS) intention to bring Kirkland matter to a close by sending a final letter asking village over to FEMA if no response. Investigation of FEMA case file [see below](#) that applicants checked "no" to has been placed" on NFIP DMF forms, allowing the village to proceed without requiring their signature on the community acknowledgment form. Case file of 11-05-1000A indicates that FEMA correction was aware of floodplain issue and need for state permit, but removals were granted anyway.

Coran reports to Frank Shockey (RS) by e-mail that the information from Winkler Engineering indicates that McCauley indicates that Bull Run Creek bank erosion is not a problem for the floodplain. The village has not yet received the information on the community acknowledgment form. Case file of 11-05-1000A indicates that FEMA correction was aware of floodplain issue and need for state permit, but removals were granted anyway.

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# Kirkland's Long Path to Probation

- August 1987 – First CAV – new development identified
- June 1993 – Second CAV
- July 1994 – Third visit (+6 follow up letters)
- September 1995 – FEMA CAV (+6 follow up letters)
- 1996 - FEMA funded mitigation project 65 parcels \$1.6 million
- 1996 – 2008 – 19 State and FEMA contacts with village
- June 2008 – Fourth CAV
- 2008 – 2012 – 11 more contacts with village
- March 2012 – Fifth CAV
- 2012 – 14 more letters and meetings
- January 2016 – PROBATION!
- 1/1/2020 deadline looming!

# Years of frustration, but progress begins...

January 16, 2016:

Kirkland placed on NFIP Probation

January 22, 2016:

Kirkland closes on purchase of 19 vacant lots in Colonial Estates Subdivision from bank holding company that took over from developer

**WARRANTY DEED**

**Return To:**  
Scott A. Puma  
Ancel, Glink, Diamond, Bush, DiCianni & Kraftheffer, P.C.  
175 E. Hawthorn Pkwy, Suite 145  
Vernon Hills, Illinois 60061

**Taxes to Grantee's Address:**  
Village of Kirkland  
511 W. Main Street  
Kirkland, Illinois 60146

**DOUGLAS J. JOHNSON**  
RECORDER - DEKALB COUNTY, IL  
RECORDED: 1/25/2016 09:29 AM  
REC FEE: 41.00 RHSPS FEE: 9.00

PAGES: 4

\* The Above Space for Recorder's Use Only \*

5352-1100755

THIS INDENTURE Made this 22 day of January, 2016, between **ANBR, LLC, an Illinois Limited Liability Company**, of the City of DeKalb in the County of DeKalb and State of Illinois, party of the first part and **VILLAGE OF KIRKLAND, an Illinois Municipal Corporation**, of the Village of Kirkland in the County of DeKalb and State of Illinois, party of the second part:

**WITNESSETH**, That the party of the first part for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration, in hand paid, conveys and warrants to the said party of the second part, the real estate described on the attached Exhibit "A",

Subject to the following:

1. General taxes for the year 2015 and subsequent years;
2. Covenants, easements, conditions and restrictions of record.

situated in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

**TO HAVE AND TO HOLD**, the above granted premises unto the said party of the second part forever.

**IN WITNESS WHEREOF**, The said party of the first part has hereunto set its hand and seal the day and year first above written.

**ANBR, LLC, an Illinois Limited Liability Company**

By: Resource Bank, N.A., its sole Member-Manager

By: [Signature]  
Richard Katz, its President and duly authorized

Attest:

By: [Signature]  
Name: Ted M. Strack  
Title: Sr. V.P.

Page 1 of 3


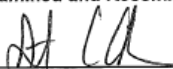
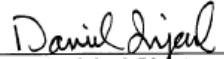
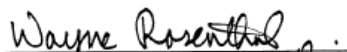
# The Clock is Ticking...

January 15, 2016:

Kirkland engineering  
consultant applies for Illinois  
DNR floodway permit

August 1, 2017:

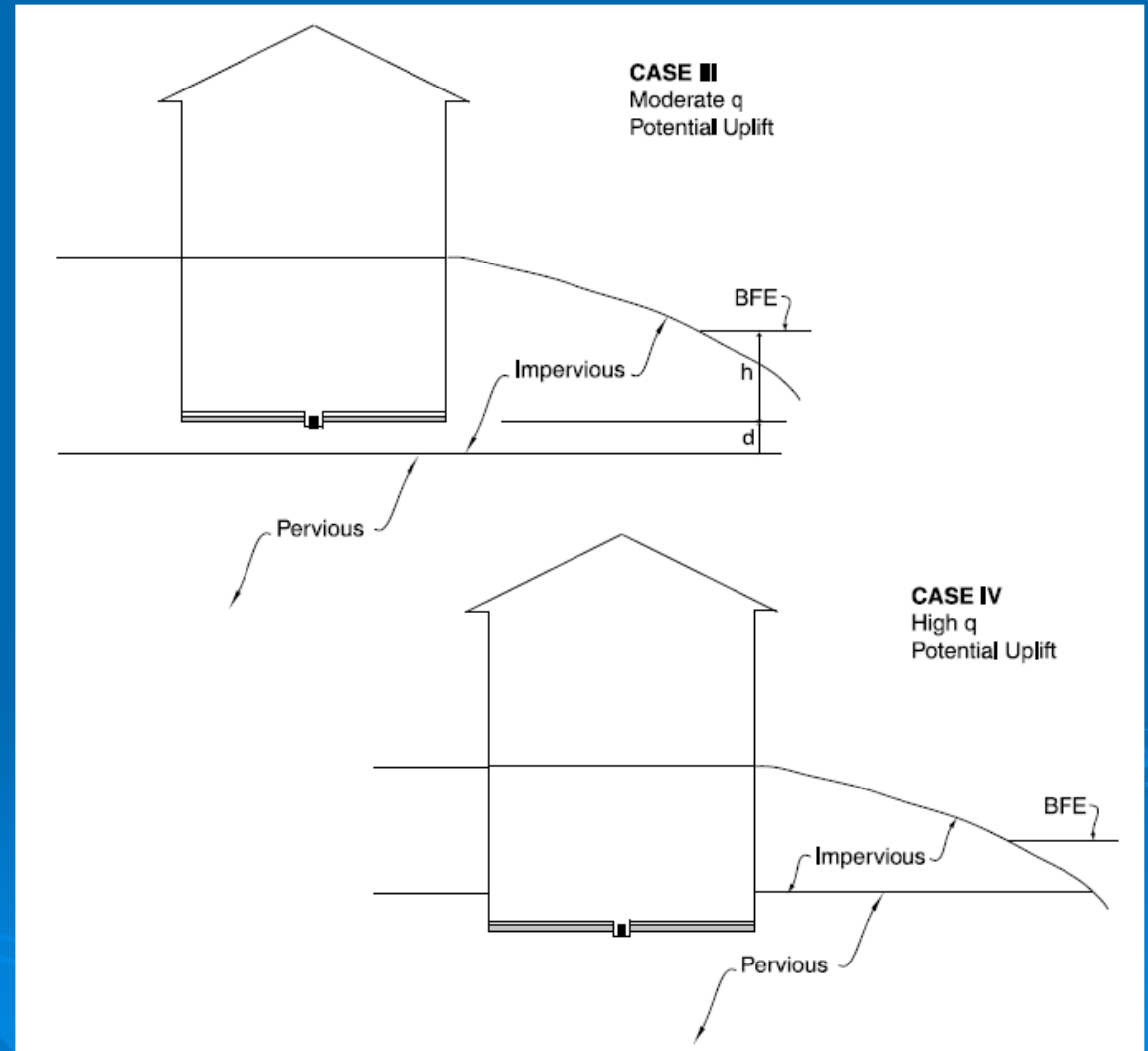
DNR Permit granted, expires  
12/31/2018, with one  
extension to 6/30/2019

	
PERMIT NO. DS2017055 DATE: August 1, 2017	
<b>State of Illinois</b> Department of Natural Resources, Office of Water Resources	
Permission is hereby granted to:	
VILLAGE OF KIRKLAND 511 WEST MAIN STREET KIRKLAND, ILLINOIS 60146	
to excavate and regrade the West overbank of approximately thirteen-hundred feet of Bull Run Creek in the Northwest ¼ of Section 26, Township 42 North, Range 3 East of the 3 <sup>rd</sup> Principal Meridian in DeKalb County, in accordance with an application dated January 15, 2016 and the plans and specifications entitled:	
VILLAGE OF KIRKLAND, BULL RUN CREEK, COMPENSATORY STORAGE GRADING PLAN (Sheets 1 thru 15 of 15, dated 1/14/2016, received 7/6/2016).	
Examined and Recommended:	Approval Recommended:
 Stephen C. Altman, P.E., Chief Downstate Regulatory Programs Section	 Daniel A. Injerd, Director Office of Water Resources
Approved:	
 Wayne A. Rosenthal, Director Department of Natural Resources	
<small>This PERMIT is subject to the terms and special conditions contained herein.</small>	

# “Reasonably safe” from flooding?

Ten post-FIRM buildings built in the unnumbered zone A special flood hazard area with basements between 5 and 6 feet below adjacent finished grade.

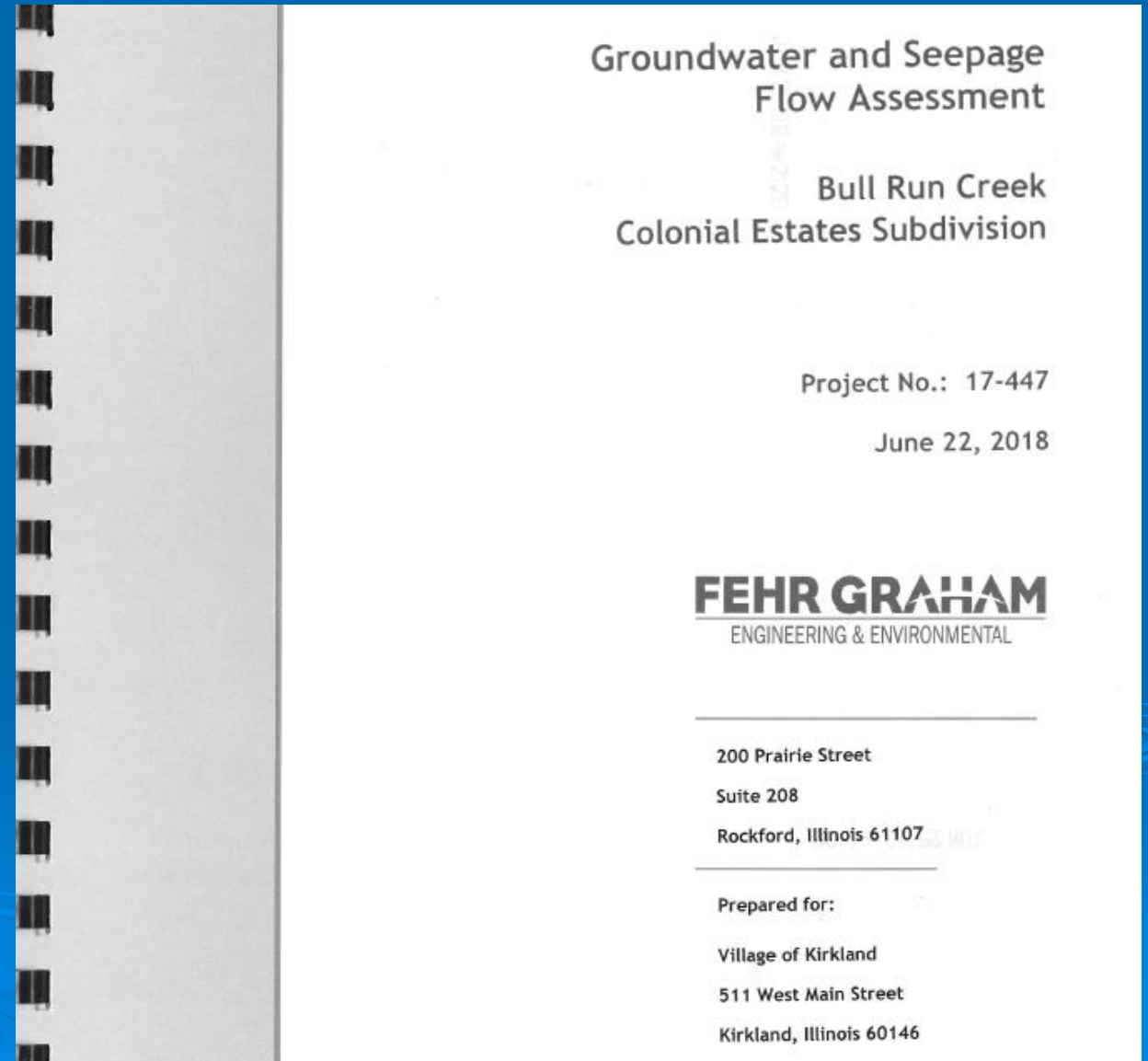
Ensure they are reasonably safe or notify FEMA of fill and request the LOMAs be superseded.



# More mopping up (literally)

Permeable sandy layer below the sandy clay fill led to higher seepage rates than acceptable with standard sump pumps.

Future work following creek project: cajole homeowners to allow installation of the necessary larger (sometimes much larger) sump pumps.



# Where are they now?

Borrowing money from IEPA revolving loan fund to pay for the creek project...

...with fingers crossed to get bids, award the contract, and get the work done in time.

## PUBLIC NOTICE

Village of Kirkland  
511 West Main Street  
Kirkland, Illinois 60146

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Trustees of the Village of Kirkland, Illinois will conduct a Public Hearing, at the Village Hall, 511 West Main Street, Kirkland, Illinois on Thursday, January 17, 2019, at 7:00 pm. The purpose of the hearing is to provide an opportunity for public input regarding the proposed Bull Run Creek Compensatory Storage Project.

The hearing will include a discussion on the planning, design, and evaluation of the stormwater improvements. These improvements include excavation along Bull Run Creek to provide additional storage for floodwaters, meet Illinois Department of Natural Resources' requirements, and provide wetlands enhancements.

Detailed information on the project, together with the Illinois Environmental Protection Agency's (IEPA) Preliminary Environmental Impacts Determination documents, will be available for public inspection at Village Hall. Persons and/or organizations wishing to make a statement on the proposed project will be asked to identify themselves and their respective interest at the Public Hearing. Written statements regarding the subject of the Public Hearing will be accepted until 10 days after the hearing and should be addressed to the IEPA as indicated in the Preliminary Environmental Impacts Determination document.

(Published in the Daily Chronicle, January 5, 2019.)1619685

SECTIONS

DAILY CHRONICLE

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LOCAL

## Kirkland officials explain water retention project, IEPA loan rationale

By KATIE FINLON

[Email](#)

[Follow](#)

11:57 pm



## Summing up

“Village President Ryan Block said homes were built [in the floodplain] when they shouldn’t have been from 1993 to 1998. He said [IDNR] and [FEMA] repeatedly told village officials to stop building and selling houses in the high-risk floodplain.”

“Block said the tipping point for the village to finally return the wetlands to the area was the threat of IDNR and FEMA pulling the village’s flood insurance.”

DeKalb Daily Chronicle, January 17, 2019

The bottom of the slide features a decorative graphic of several concentric circles, resembling ripples on water, in a lighter shade of blue against the background.