

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Public Works **DATE:** March 20, 2007  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ **FILE REF:** \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE SANITARY DISTRICT TO CONSTRUCT A SANITARY SEWER IN LACEY ROAD FROM VIRGINIA STREET TO OGDEN AVENUE", as presented.

**SUMMARY OF ITEM:**

Adoption of the attached resolution will authorize and intergovernmental agreement between the Village and the Sanitary District for the construction of a sanitary sewer in Lacey Road from Virginia Street to Ogden Avenue.

**RECORD OF ACTION TAKEN:**

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING EXECUTION OF AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE SANITARY  
DISTRICT TO CONSTRUCT A SANITARY SEWER  
IN LACEY ROAD FROM VIRGINIA STREET TO OGDEN AVENUE**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Intergovernmental Agreement (the “Agreement”), between the Village of Downers Grove (the “Village”) and the Downers Grove Sanitary District (the “District”) for the construction of a sanitary sewer in Lacey Road from Virginia Street to Ogden Avenue, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

\_\_\_\_\_  
Mayor

Passed:  
Attest: \_\_\_\_\_  
Village Clerk

AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF  
DOWNERS GROVE AND THE DOWNERS GROVE SANITARY DISTRICT TO  
CONSTRUCT A SANITARY SEWER IN LACEY ROAD FROM VIRGINIA STREET  
TO OGDEN AVENUE

THIS AGREEMENT is entered into by and between the DOWNERS GROVE SANITARY DISTRICT, ILLINOIS, a sanitary district created and existing under the laws of the State of Illinois, (hereinafter referred to as the “District”), and the VILLAGE OF DOWNERS GROVE, ILLINOIS, an Illinois municipal corporation, (hereinafter referred to as the “Village”), concerning the construction of certain public improvements as described herein.

WHEREAS, the 1970 Illinois Const. Art. VII, Sec. 10, and Illinois Revised Statutes 5 ICLS 220/1 et. seq. authorizes that the Village and the District cooperate in the performance of their responsibilities by contract and other agreements, and

WHEREAS, the District and the Village desire to cooperate in an effort to construct a sanitary sewer in Lacey Road from Virginia Street to Ogden Avenue in Downers Grove, in order to make sanitary sewer service available to certain properties,

NOW, THEREFORE, in consideration of the above stated preambles and the mutual covenants and promises hereinafter contained, the Village and the District formally covenant, agree, and bind themselves as follows to wit:

1. Both the District and the Village agree to cooperate and make every effort to cause construction of the sanitary sewer described herein.
2. Both the District and the Village agree that the scope of the improvement will include the installation of approximately 1,355 lineal feet of sanitary sewer along Lacey Road, extending south from an existing sanitary sewer manhole located at Virginia Street to Ogden Avenue, as depicted in Exhibit A. All construction will be in conformance with Village and District requirements.
3. The District has completed preliminary design for the sanitary sewer improvement as detailed in Exhibit B. Both the Village and the District agree that the District shall prepare plans and specifications, publicly advertise for bids, award a construction contract and proceed to construct the sanitary sewer improvement. The plans and specifications, contract, and contractor bids must be approved by the Village. It is understood that, although the Village will not be a

party to the construction contract and will have no obligation to any contractors, the Village will be a designated beneficiary of a Maintenance Bond as required by the project specifications. In addition, all insurance policies required of the contractor shall name the Village, its agents, officers and employees, as additional insured. This shall include, but is not necessarily limited to, workers compensation, automobile liability, and general liability.

4. The District shall promptly notify the Village of the bid results for the project. The Village may terminate this agreement, in the event that the lowest responsive and responsible bid exceeds the cost estimate, upon written notice to the District within five (5) calendar days of receipt of the bid results. In the event of the termination of this agreement, the Village shall reimburse the District for all engineering and other costs incurred prior to the termination date.
5. The District agrees to administer the project in the best interest of both parties and to consult with, and keep advised, officials of the Village regarding the progress of the work and any problems encountered or changes recommended. No contract or change order which affects the total cost of the project shall be authorized except with the prior written approval of the Village. The District will endeavor to complete the construction of the proposed sanitary sewer by December 31, 2007.
6. The Village agrees to reimburse the District one hundred percent (100%) of the total project cost for the sanitary sewer improvement, said total cost estimated to be \$440,200.00, as detailed in Exhibit C.
7. The Village agrees to reimburse the District for said costs in the following manner. Upon completion of the design of the sanitary sewer, the District shall invoice the Village for the cost of the design. Upon completion of the construction of the project as evidenced by the final acceptance of the work by the Village, the District shall invoice the Village for the cost of the sanitary sewer construction and all related completed work. The Village shall pay such invoice within 30 days of receipt or by January 31, 2008, whichever is later.
8. The District shall prepare a separate agreement, within 30 days of final acceptance of the work by both parties, for Village review which provides for the

establishment of recapture fees against the properties to be served by the sanitary sewer improvement. The agreement shall identify properties whose owners may benefit from the construction of the sanitary sewer but did not contribute to the cost of the sewer construction. The Village shall be entitled to recapture 100% of the actual cost of designing and constructing the sanitary sewer. The recapture fees shall be calculated based on a population equivalent basis.

9. This document shall be a final embodiment of the Agreement by and between the District and the Village. No oral changes or modifications of this Agreement shall be permitted or allowed. Changes or modifications to this Agreement shall be made only in writing and upon necessary and proper signature of the Village and the District.
10. In the event that any provisions of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereto.
11. This agreement shall be binding upon and inure to the benefits of the parties hereto, their successors and assigns.

Dated at Downers Grove, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Downers Grove Sanitary District

By: \_\_\_\_\_  
Lawrence C. Cox, General Manager

Attest: \_\_\_\_\_  
Sheila K. Henschel, Assistant Clerk

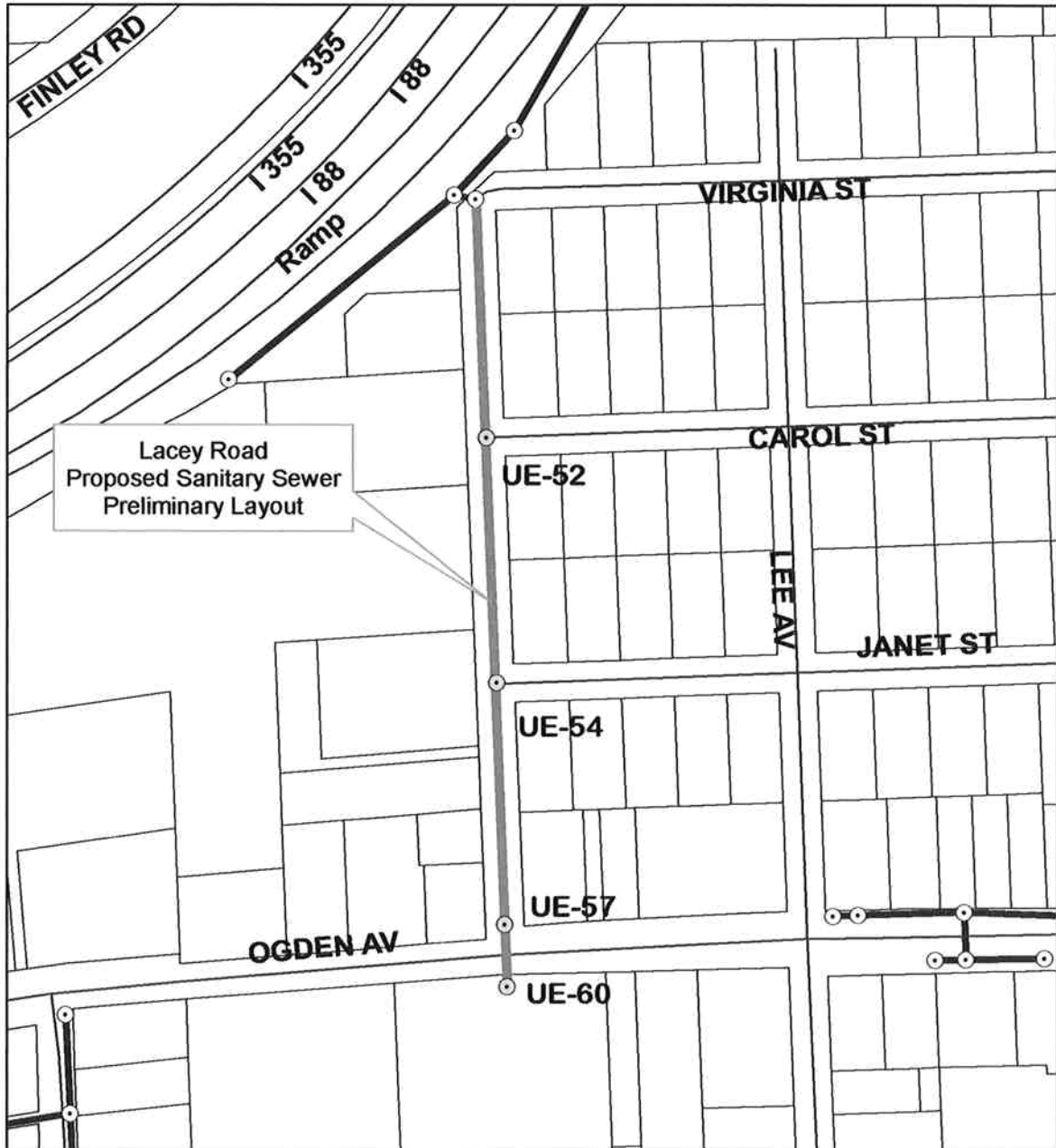
Dated at Downers Grove, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Village of Downers Grove

By: \_\_\_\_\_

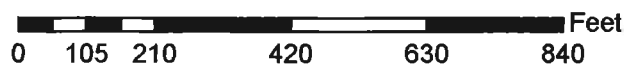
Attest: \_\_\_\_\_

**EXHIBIT A**  
**Intergovernmental Agreement - Downers Grove Sanitary District and the Village of Downers Grove**  
**Proposed Sanitary Sewer Lacey Road: Virginia to Ogden Avenue**  
**Preliminary Sewer Layout**  
**January 2007**



**Legend**

-  Existing Sewer
-  Existing Manholes



**Exhibit B**  
**Intergovernmental Agreement - Downers Grove Sanitary District and Village of Downers Grove**  
**Proposed Sanitary Sewer**  
**Lacey Road from Virginia Street to Ogden Avenue**  
**Preliminary Sewer Design**  
**January 2007**

<u>Manhole Number</u>	<u>Rim</u>	<u>Invert</u>	<u>Length (ft)</u>	<u>Slope</u>	<u>Manhole Depth</u>
<u>Lacey Road</u>					
N-2-009 existing	718.7	706.75			12.0
UE-52	732.0	711.85	425	1.20%	20.2
UE-54	728.0	713.55	425	0.40%	14.4
UE-57	726.0	715.17	405	0.40%	10.8
<u>Ogden Avenue</u>					
UE-60	732.0	715.57	100	0.40%	16.4

**Exhibit C**  
**Intergovernmental Agreement - Downers Grove Sanitary District and Village of Downers Grove**  
**Proposed Sanitary Sewer**  
**Lacey Road from Virginia Street to Ogden Avenue**  
**Engineer's Opinion of Probable Construction Cost**  
**January 2007**

No.	Pay Item	Approximate Quantity	Unit Price	Amount
<b>MAINLINE SEWER</b>				
1	<b>SANITARY SEWER (OPEN CUT):</b>			
	8-inch 8-12 feet deep	115 lin. ft.	\$ 55.00	\$ 6,325.00
	12-16 feet deep	680 lin. ft.	\$ 65.00	\$ 44,200.00
	16-20 feet deep	430 lin. ft.	\$ 80.00	\$ 34,400.00
	20-24 feet deep	50 lin. ft.	\$ 95.00	\$ 4,750.00
2	<b>SANITARY SEWER IN JACKED CASING:</b>			
	8-inch (in steel casing)	80 lin. ft.	\$ 500.00	\$ 40,000.00
3	<b>SANITARY MANHOLES:</b>			
	48-inch 8-12 feet deep	1 each	\$ 4,500.00	\$ 4,500.00
	12-16 feet deep	1 each	\$ 5,500.00	\$ 5,500.00
	16-20 feet deep	1 each	\$ 6,500.00	\$ 6,500.00
	20-24 feet deep	1 each	\$ 7,500.00	\$ 7,500.00
4	<b>CONNECTION TO EXISTING MANHOLE:</b>			
	8 - inch	1 each	\$ 2,500.00	\$ 2,500.00
5	<b>TRENCH BACKFILL:</b>			
	8-12 feet deep	100 lin. ft.	\$ 65.00	\$ 6,500.00
	12-16 feet deep	625 lin. ft.	\$ 80.00	\$ 50,000.00
	16-20 feet deep	390 lin. ft.	\$ 95.00	\$ 37,050.00
	20-24 feet deep	50 lin. ft.	\$ 105.00	\$ 5,250.00
6	<b>TREE TUNNELLING:</b>	0 lin. ft.	\$ 130.00	\$ 0.00
7	<b>SEWER TELEVISIONING FOR FINAL INSPECTION:</b>	1,355 lin. ft.	\$ 2.00	\$ 2,710.00
8	<b>SEWER TESTING FOR FINAL INSPECTION:</b>	1,355 lin. Ft	\$ 2.00	\$ 2,710
9	<b>CULVERT REMOVAL AND REPLACEMENT:</b>			
	12-inch	0 lin. ft.	\$ 60.00	\$ 0.00
10	<b>RESTORATION OF LAWNS AND PARKWAYS:</b>			
	Topsoil and Sod	78 sq.yd	\$ 12.00	\$ 936.00
11	<b>RESTORATION OF STREETS:</b>			
	Bituminous Concrete Street	1,067 sq.yd	\$ 45.00	\$ 48,015.00

**Exhibit C**  
**Intergovernmental Agreement - Downers Grove Sanitary District and Village of Downers Grove**  
**Proposed Sanitary Sewer**  
**Lacey Road from Virginia Street to Ogden Avenue**  
**Engineer's Opinion of Probable Construction Cost**  
**January 2007**

No.	Pay Item	Approximate Quantity	Unit Price	Amount
12	REMOVE AND REPLACE DRIVEWAYS: Bituminous	0 sq.yd.	\$ 30.00	\$ 0.00
13	TRAFFIC CONTROL:		Lump Sum	\$ 5,000.00
	SUBTOTAL			<u>\$ 314,346.00</u>
SERVICE LATERALS				
1	BUILDING SERVICE LINES: Near side Far side	0 lin ft. 0 lin ft.	\$ 35.00 \$ 35.00	\$ 0.00 \$ 0.00
2	BUILDING SERVICE BRANCH FITTINGS: Near Side Far side	0 each 0 each	\$ 250.00 \$ 250.00	\$ 0.00 \$ 0.00
3	BUILDING SERVICE PLUG:	0 each	\$ 100.00	\$ 0.00
4	RESTORATION OF LAWNS AND PARKWAYS: Topsoil and Sod	0 sq.yd.	\$ 12.00	\$ 0.00
5	RESTORATION OF STREETS: Bituminous Concrete Street	0 sq.yd.	\$ 45.00	\$ 0.00
6	TRENCH BACKFILL: 8-12 feet deep	0 lin. ft.	\$ 50.00	\$ 0.00
7	REMOVE AND REPLACE DRIVEWAYS: Bituminous	0 sq. yd.	\$ 35.00	\$ 0.00
	SUBTOTAL			<u>\$ 0.00</u>
	TOTAL ESTIMATE OF CONSTRUCTION COST			<u>\$ 314,350.00</u>
	Contingencies (20%)			\$62,900.00
	Engineering (20%)			\$62,900.00
	<b>TOTAL OPINION OF PROBABLE COST</b>			<b><u>\$ 440,200.00</u></b>