

**INTERGOVERNMENTAL AGREEMENT  
FOR WATER INFRASTRUCTURE ASSISTANCE  
BETWEEN THE COUNTY OF CHAMPAIGN AND THE VILLAGE OF OGDEN**

**THIS AGREEMENT** is made and entered by and among the County of Champaign, Illinois (“County”) and the Village of Ogden, Illinois (“Ogden”) (herein after collectively referred to as “the Parties”), effective on the last date signed by a Party hereto.

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq. enables the parties to enter into agreements among themselves and provide authority for intergovernmental cooperation; and

WHEREAS, the County is in receipt of funds pursuant to the American Rescue Plan Act of 2021, P.L. 117-2 (“ARPA Funds”); and

WHEREAS, the County is authorized by Section 603(c)(1)(D) of the Social Security Act and the United States Department of Treasury Interim and Final Rule 31 CFR Part 35 to make necessary investments in water infrastructure; and

WHEREAS, Ogden is a municipal body in Champaign County; and

WHEREAS, the Parties desire to enter into this Agreement to recognize the roles and responsibilities for each Party in providing financial assistance for construction of water infrastructure; and

WHEREAS, the Parties have set forth in this Agreement the terms, conditions, and procedures to accomplish the intentions of the Parties as expressed above.

NOW, THEREFORE, in consideration of the foregoing premises, the Parties agree as follows:

**Section 1. Incorporation of Recitals:** The recitals and definitions set forth above are hereby incorporated within the body of this Agreement as though fully set forth herein.

**Section 2. Purpose and Scope:** The Parties agree that viable water infrastructure is important. The purpose of this Agreement is for the County to provide ARPA Funds to Ogden for completion of stormwater drainage improvements.

**Section 3. Funding Amount:** The County, subject to the terms and conditions of this Agreement, hereby agrees to provide ARPA Funds in amount of up to \$200,000.00 to Ogden to complete stormwater drainage improvements.

**Section 4. Funding Requirements:** Each of the following requirements must be met to utilize ARPA Funds for the purpose specified in this Agreement:

- A. Ogden will coordinate stormwater drainage improvements within their municipal boundaries.
- B. County ARPA Funds may assist the Northeast Ogden drainage improvements as first priority and detailed in Attachment 1; with a second priority to assist Rail Trail drainage improvements as indicated in Attachment 2.
- C. The project(s) must occur between March 3, 2021 and December 31, 2024.
- D. The maximum amount of assistance from this Agreement shall be \$200,000.
- E. Ogden must provide reporting information to the County as required in Section 5.
- F. The County will transfer ARPA Funds to Ogden in an amount up to \$200,000 in support of this assistance, available beginning in County fiscal year 2022. The transferred funds shall be provided to Ogden based on invoice(s) for related drainage improvement activities. A Risk Assessment Form, copy of the invoice and documentation for drainage improvement activities, and Reporting Form shall be submitted by Ogden to the County prior to the first payment. If multiple payments are needed, Ogden shall submit a copy of invoice and related documentation, along with submission of a Reporting Form by Ogden to the County for each payment, with a maximum total amount of \$200,000. The County shall provide the Risk Assessment Form and Reporting Form templates to Ogden.

**Section 5. Roles and Responsibilities of Ogden:** Ogden agrees to adhere to funding requirements and provide information needed that include the following:

- A. Ogden will adhere to the ARPA Funds fiscal, accounting, and audit procedures that conform to the Generally Accepted Accounting Principles (GAAP) and the requirements of Federal Uniform Guidance (2 CFR Part 200).
- B. Ogden will adhere to all applicable state and federal requirements regarding labor standards for the project(s), including 2 CFR 200, Appendix II; 40 U.S.C. 3702 and 3704; and 29 CFR Part 5.
- C. Ogden will complete stormwater drainage improvements with ARPA Funds in accordance with Section 4.
- D. Ogden will submit reporting information to the County as required by the Department of Treasury, upon request of the County. Information will include but is not limited to: location of project; number of households served by the project; median household income and lowest quintile income of the service area as indicated through the most recent American Community Survey 5-year estimates available via the United States Census Bureau website; Public Water System (PWS) identification number if utilized; National Pollutant Discharge Elimination System (NPDES) Permit Number if utilized; project details and purpose; project timeline and status; Davis Bacon and Labor Reporting for capital expenditures over \$10 million; and project expenditure information/status.
- E. Ogden will provide to the County, upon reasonable notice, access to and the right to examine such books and records of Ogden. Ogden will make reports to the County as the County may reasonably require so that the County may determine whether there has been compliance with this Agreement.
- F. No person shall be excluded from participation in programs the County is funding, be denied the benefits of such program, or be subjected to discrimination under any program or activity funded in whole or in part with the funds provided under this Agreement on the ground of race, ethnicity, color, national origin, sex, sexual orientation, gender identity or expression, religion, disability, or on any other ground upon which such discrimination is prohibited by law. Ogden understands that

Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, applies to the use of ARPA Funds.

- G. Ogden will comply with all applicable statutes, ordinances, and regulations. Ogden will not use any of these ARPA Funds for lobbying purposes. If it is determined by the County that any expenditure made with ARPA Funds provided under this Agreement is prohibited by law, Ogden will reimburse the County any amount that is determined to have been spent in violation.

**Section 6. Roles and Responsibilities of the County:**

- A. The County shall provide ARPA Funds to Ogden in an amount up to \$200,000 in support of this assistance. The transferred funds shall be provided to Ogden based on invoice(s) for related drainage improvement activities. A Risk Assessment Form, copy of the invoice and documentation for drainage improvement activities, and Reporting Form shall be submitted by Ogden to the County prior to the first payment. If multiple payments are needed, Ogden shall submit a copy of invoice and related documentation, along with submission of a Reporting Form by Ogden to the County for each payment, with a maximum total amount of \$200,000. The County shall provide the Risk Assessment Form and Reporting Form templates to Ogden.
- B. The County shall provide oversight as described in this Agreement for the purpose of ensuring that ARPA Funds are spent in compliance with Federal law, and in compliance with the intended purpose of the funds as set forth in this Agreement.

**Section 7. Term and Termination:** This Agreement shall commence upon its execution between the Parties. This Agreement may be terminated by either party upon a thirty-day notice in writing to the other party. Upon termination, Ogden shall provide to the County an accounting of the ARPA Funds and shall remit unspent ARPA Funds to the County. Additionally, if Ogden does not spend the ARPA Funds in accordance to the regulations and requirements specified in this Agreement, Ogden will be required to repay the County in the amount of ARPA funds that were utilized incorrectly.

**Section 8. Amendments:** This Agreement may be amended only by an agreement of the parties in writing executed in the same manner in which this Agreement is executed. The Parties agree that this is the entire Agreement of the Parties relating to the subjects of this Agreement.

**Section 9. Limitation of Liability:** Under no circumstances shall either Party be liable to the other Party or any third Party for any damages resulting from any part of this Agreement such as, but not limited to, loss of revenue or anticipated profit or lost business, costs of delay or failure of delivery, which are not related to or the direct result of a Party's negligence or breach.

**Section 10. Assignment:** The Parties agree that their rights and duties under this Agreement shall not be assigned without the approval of the other party, which approval shall not be unreasonably withheld.

**Section 11. Severability:** If any section, subsection, sentence, or clause of this Agreement is determined by a court or arbitrator with proper jurisdiction to be unenforceable, void or unconstitutional, such determination shall not affect the validity of the Agreement as a whole or any other part, which shall continue to be in full force and effect.

**Section 12. Dispute Resolution:** All disputes arising out of interpretation of this Agreement shall be subject to determination by the Circuit Court of the Sixth Judicial Court, Urbana, Illinois, unless the Parties otherwise agree in writing to submit such dispute to arbitration.

**Section 13. Attachments:** The following exhibits attached are incorporated herein by reference:

1. Northeast Ogden Drainage Project Memo, dated March 30, 2022 (2 pages)
2. Rail Trail Area Drainage Project Memo, dated March 30, 2022 (2 pages)

The Parties agree to the terms and conditions set forth above as demonstrated by their signatures as follows:



# Village of Ogden

Champaign County • Ogden, Illinois 61859 • Ph. 217-582-2520

## NORTHEAST OGDEN DRAINAGE PROJECT - PHASE 2

VILLAGE OF OGDEN, CHAMPAIGN COUNTY, ILLINOIS

March 30, 2022

**Project Description:** This project is intended to provide drainage improvements to the northeastern portion of the Village. The project encompasses 6 full blocks with North Street on the North, West Avenue on the west, Main Street on the south, and Willow Street on the east. 100+ year old, small diameter drain tile lines currently provide the only drainage outlets for this area. The project is intended to replace these drain tile lines with modern storm sewers. The project provides drainage not only within the immediate work area, but also provides improved drainage outlets for the existing drains within an additional 3 blocks of the Village.

This project was identified in the Village 2015 Comprehensive Drainage Study as a high priority project. This project is actually Phase 2 of the improvements. In 2020 Ogden spent over \$250,000 to construct a new large diameter storm sewer line extending from North Street, northerly approximately one (1) mile to outlet into the Union Drainage District #1 Main Channel. Areas of North Street, Kyle Street, Main Street, East Avenue, and West Avenue all experience chronic annual flooding. This project will reduce or eliminate those drainage problems. The project involves the installation of approximately 1,000 lineal feet of storm sewer piping, 9 manholes, street repairs, and other associated improvements.

**Why Funding Matters:** This project is considered to be the most urgent Village drainage project. Over the past 6 years, Ogden has spent over \$400,000 for drainage system improvements. The 2015 Village Comprehensive Drainage Study identified over \$2.0 million in additional drainage facility project needs. The Village faces a 20-year backlog of needed drainage improvements. An outside source of funding for drainage improvements is urgently needed.

**Estimated Project Construction Cost:** \$220,000

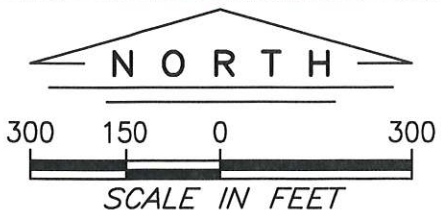
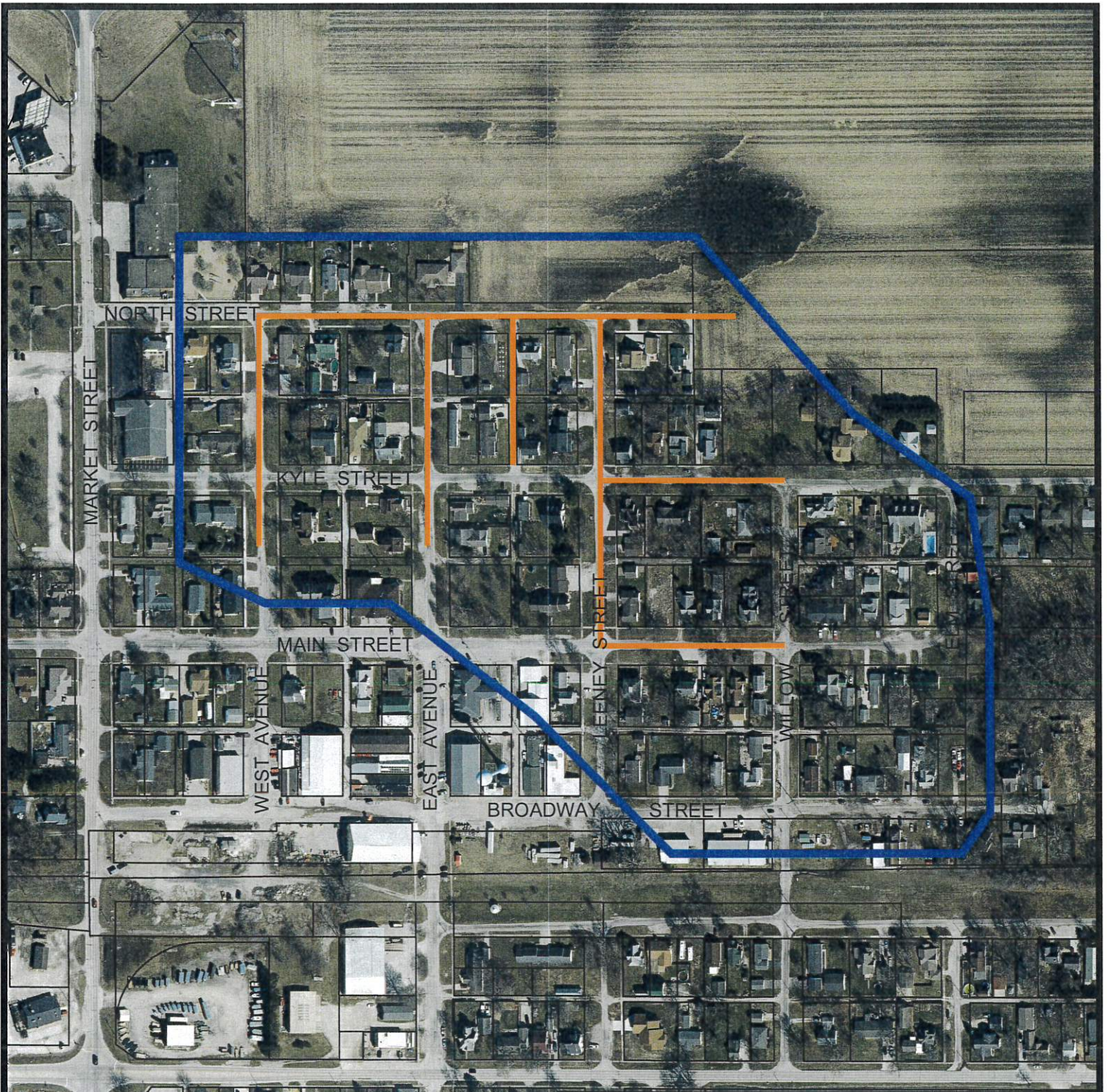
**Estimated Total Project Cost:** \$250,000

**Proposed Village Cost Share:** 50%

**Project Timetable:** Project under construction within 45 days ±

**Design:** Completed

**Permits:** Completed **Bidding / Award:** 45 days ±



- PROJECT AREA
- PROJECT IMPROVEMENTS

NORTHEAST DRAINAGE  
PROJECT - PHASE 2  
VILLAGE OF OGDEN  
CHAMPAIGN COUNTY, ILL.



BERNS, CLANCY AND ASSOCIATES  
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AERIAL PHOTOGRAPHY FROM CHAMPAIGN COUNTY  
GIS CONSORTIUM. DATED OCTOBER 5, 2020.

SHEET 1 OF 1

DATE: 032822

JOB: 1770-43



# Village of Ogden

Champaign County • Ogden, Illinois 61859 • Ph. 217-582-2520

## RAIL TRAIL AREA DRAINAGE PROJECT

VILLAGE OF OGDEN, CHAMPAIGN COUNTY, ILLINOIS

March 30, 2022

**Project Description:** This project involves the construction of approximately 3,800 lineal feet of stormwater drainage facility improvements, including 1,400 lineal feet of new storm sewer piping. The project is located along the western portion of the Kickapoo Rails-to-Trails project within the Village of Ogden. This project was identified in the 2015 Village Stormwater Drainage Study as a high priority project. It is intended to solve chronic flooding along Broadway Street west of Market Street as well as chronic flooding adjacent to the prior railroad right-of-way. Providing relief to approximately 40 parcels.

This project parallels the corridor of the Kickapoo Rail-to-Trail project being constructed during the Summer of 2022 by the Champaign County Forest Preserve District (CCFPD). The project is coordinated with and compliments the Rail-to-Trail project. The project involves the installation of small diameter storm sewer lines to replace 100 ± year old field tile piping that is no longer serviceable. It also restores the surface waterway that existed during long ago railroad operations.

**Why Funding Matters:** Ogden faces a backlog of over \$2 million in drainage facility improvements. The Village has spent more than \$400,000 over the past 6 years building drainage facilities. However, outside funding sources are needed if the Village is to significantly reduce the backlog of work. Although this is not the highest priority project for the Village, the construction of the Kickapoo Rail-to-Trail project in 2022 by the CCFPD allows Ogden to piggy-back this project with that work.

**Estimated Project Construction Cost:** \$160,000

**Estimated Total Project Cost:** \$190,000

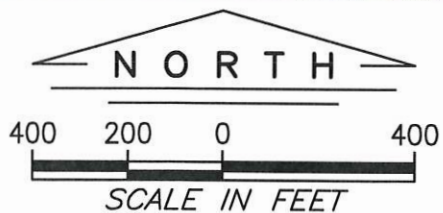
**Proposed Village Cost Share:** 50%

**Project Timetable:** Project under construction within 100 days ±

**Design:** 30 days ±

**Permits:** 30 days ±

**Bidding / Award:** 45 days ±



- PROJECT AREA
- PROJECT IMPROVEMENTS

AERIAL PHOTOGRAPHY FROM CHAMPAIGN COUNTY GIS CONSORTIUM. DATED OCTOBER 5, 2020.

**RAIL TRAIL  
DRAINAGE PROJECT  
VILLAGE OF OGDEN  
CHAMPAIGN COUNTY, ILL.**



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<b>SHEET 1 OF 1</b>	<b>DATE: 032822</b>	<b>JOB: 1770-43</b>
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