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CITY of NOVI CITY COUNCIL

Agenda Item G
January 26, 2009

SUBJECT: Approval of Resolution to Amend the Agreement between the Michigan Department of Natural Resources and the City of Novi for the Michigan Natural Resources Trust Fund Grant number TF 05-165 (Village Wood Lake/Orchard Hills West Acquisition) to extend Project Agreement to March 31, 2009.

SUBMITTING DEPARTMENT: Parks, Recreation & Forestry *Rauler*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION: In 2005, the City of Novi was awarded a Michigan Natural Resource Trust Fund (MNRTF) grant to acquire the 15 acre Roskelly and approximately 40 acre Mirage Development properties adjacent to Meadowbrook Road. The acquisition of the property was originally to be completed by June 30, 2007. Previously, the Project Agreement was amended, to extend the agreement and complete the property acquisition by December 31, 2008. Mirage Development, Mr. Roskelly's estate counsel, and the City of Novi have been working diligently to prepare the documentation and to establish a closing date to complete the property acquisition. The documentation is near completion and the closing will occur in the first quarter of 2009. As such, the City requested and was granted one final extension of March 31, 2009 to the Project Agreement.

RECOMMENDED ACTION: Approval of Resolution to Amend the Agreement between the Michigan Department of Natural Resources and the City of Novi for the Michigan Natural Resources Trust Fund Grant number TF 05-165 (Village Wood Lake/Orchard Hills West Acquisition) to extend Project Agreement to March 31, 2009.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Burke				
Council Member Crawford				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

January 2, 2009

Mr. Randy Auler, Director
Parks, Recreation, and Forestry
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Dear Mr. Auler:

SUBJECT: TF05-165, Village Wood Lake/Orchard Hills West Acquisition

Enclosed please find two copies of Amendment number four (4) to your Michigan Natural Resources Trust Fund Project Agreement.

Please complete both copies of the amendment, including original signatures and return both copies to this office by **January 30, 2009**. We will sign the copies and return one fully-executed document to you for your files. Please note on page two of the amendment that a resolution may not be required to execute this amendment unless required by local regulation.

If you have any questions, please contact me at the telephone number or email address below. You may also write to me at: **Grants Management, Department of Natural Resources, P.O. Box 30425, Lansing, MI 48909-7925.**

Sincerely,

Linda J. Hegstrom, Grant Coordinator
Grants Management
517-241-4128
hegstrolm@michigan.gov

LJH:jc
Enclosures

cc: Ms. Jule Stafford, DNR

NATURAL RESOURCES COMMISSION
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • Darnell Earley • John Madigan • J. R. Richardson • Frank Wheatlake

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**MICHIGAN NATURAL RESOURCES TRUST FUND
LAND ACQUISITION PROJECT AGREEMENT AMENDMENT**

Project Title: Village Wood Lake/Orchard Hills West Acquisition

Project Number: TF 05-165

Amendment Number: 4

This is an amendment to the Agreement entered into between the Michigan Department of Natural Resources ("DEPARTMENT") and the **CITY OF NOVI** IN THE COUNTY OF **OAKLAND** ("GRANTEE") for the Michigan Natural Resources Trust Fund acquisition grant number **TF 05-165**. The purpose of this amendment is to extend the end date of the project period from **December 31, 2008** to **March 31, 2009** as further explained in correspondence from GRANTEE to the DEPARTMENT dated December 10, 2008.

A. The DEPARTMENT and the GRANTEE mutually agree to amend the Agreement as follows:

Paragraphs 2, 8(j), and 8(k) will be amended to read as follows:

2. The time period allowed for project completion is **August 1, 2006** through **March 31, 2009**, hereinafter referred to as the "project period." Requests by the GRANTEE to extend the project period shall be made in writing before the expiration of the project period. Extensions to the project period are at the discretion of the DEPARTMENT. The project period may be extended only by an amendment to the Agreement.
- 8(j) To complete acquisition of the entire project area before **March 31, 2009**.
Failure to acquire the project area before **March 31, 2009** shall constitute a breach of the Agreement and subject the GRANTEE to the remedies provided by law and set forth in Section 22 of the Agreement.
- 8(k) To provide the DEPARTMENT all documents and information as specified in Paragraphs 6(c) and 7 of the Agreement within 90 days after the actual acquisition of land in the project area and no later than **June 30, 2009**. Failure to submit the required documents and information for review before **June 30, 2009** shall constitute a breach of the Agreement and subjects the GRANTEE to the remedies provided for by law and Section 22 of the Agreement.

B. All other provisions of the Agreement shall be continued in full force and effect.

C. The amendment may be executed separately by the parties and is not effective until both the GRANTEE and the DEPARTMENT have signed it.

D. This amendment modifies an Agreement which was approved by resolution of the GRANTEE'S governing body as evidenced by the resolution attached to the Agreement. It is the sole responsibility of the GRANTEE to determine if its laws, policies or procedures require approval by its governing body before execution of this amendment by the GRANTEE. By signature of this amendment the GRANTEE certifies that:

1. Approval of the amendment by its governing body is not required, or
2. The amendment has been approved by resolution (true copy attached) of the

_____ , _____ meeting of the _____
(date) (special or regular) (name of approving body)

GRANTEE

SIGNED:

WITNESSED:

By: _____
Title: _____
Date: _____

By: _____
By: _____

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

SIGNED:

WITNESSED:

By: _____
James B. Wood, Manager
Grants Management

By: _____

EFFECTIVE DATE: _____

By: _____

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION APPROVING MNRTF PROJECT AGREEMENT
AMENDMENT**

Minutes of a regular Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on January 26, 2009, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____
_____ and supported by Councilmember _____.

WHEREAS, on or about July 31, 2005, the City of Novi applied for a Grant from the Michigan Natural Resources Trust Fund (MNRTF) in the amount of \$846,400, in connection with the acquisition of approximately 51 (+/-) acres of property within the City of Novi, located at Village Wood Lake and Orchard Hills West, for purposes of passive parkland (the Property); and

WHEREAS, on December 6, 2005, the MNRTF approved the City's Grant Application; and

WHEREAS, the City Council thereafter approved a Project Agreement to accomplish the Grant through a reimbursement of funds to be paid initially by the City for the acquisition of the Property and closing thereon; and

WHEREAS, the closing date under the approved Project Agreement was originally July 31, 2007; and

WHEREAS, the MNRTF authorized an initial extension of such time until January 31, 2008, which the City agreed to; and therefore an additional extension of such time until July 31, 2008; and

WHEREAS, the City has determined that it needs additional time to complete the closing, and the MDNR has authorized an extension of such time until December 31, 2008; and

WHEREAS, the City has determined that it needs additional time to complete the closing, and the MDNR has authorized an extension of such time until March 31, 2009.

WHEREAS, the City Council has reviewed the proposed amendment and agrees to the terms thereof.

NOW, THEREFORE, BE IT RESOLVED, that the Novi City Council hereby approves the attached Project Agreement Amendment relating to the closing date, extending such date until March 31, 2009, and authorizes the City Manager to sign the same.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

RESOLUTION DECLARED ADOPTED.

MARYANNE CORNELIUS, CITY CLERK

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at _____ meeting held this _____ day of _____, 2009.

MARYANNE CORNELIUS, CITY CLERK