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# CITY of NOVI CITY COUNCIL

Agenda Item H  
March 22, 2010

**SUBJECT:** Approval of Resolution to amend the Agreement between the Michigan Department of Natural Resources and Environment and the City of Novi for the Michigan Natural Resource Trust Fund grant, TF07-017 Novi Core Habitat Reserve Property Acquisition, to extend the Project Agreement to June 30, 2010.

**SUBMITTING DEPARTMENT:** Parks, Recreation & Cultural Services Department

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

In 2007, the City was awarded a Michigan Department of Natural Resources Trust Fund (MNRTF) grant to acquire 16.2 acres of property adjacent to existing and future parkland. The Project Agreement expires on March 31, 2010, however, the City and property owners require additional time to complete the acquisition. The Michigan Department of Natural Resources and Environment has approved the time extension to June 30, 2010.

**RECOMMENDED ACTION:** Approval of Resolution to amend the Agreement between the Michigan Department of Natural Resources and Environment and the City of Novi for the Michigan Natural Resource Trust Fund grant, TF07-017 Novi Core Habitat Reserve Property Acquisition, to extend the Project Agreement to June 30, 2010.

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

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

CITY OF NOVI  
COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION APPROVING SECOND MNRTF PROJECT  
AGREEMENT AMENDMENT**

Minutes of a \_\_\_\_\_ Meeting of the City Council of the City of Novi,  
County of Oakland, Michigan, held in the City Hall in said City on \_\_\_\_\_, 2010,  
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 April 1, 2007 the City of Novi applied for a Grant from the Michigan Natural Resources Trust Fund (MNRTF) in the amount of \$281,300, in connection with the acquisition of approximately 16.2 acres of property within the City of Novi, located between Nine and Ten Mile Roads adjacent to existing and future parkland, for purposes of passive parkland (the Property); and

WHEREAS, on December 5, 2007, 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 September 30, 2009; and

WHEREAS, the MNRTF authorized an extension of such time until March 31, 2010, giving the City and the Owner additional time to secure an appraisal for the Property;

WHEREAS, the City has requested a second extension of the time to close until June 30, 2010, which the MNRTF has authorized subject to Council resolution, if required; and

WHEREAS, the City Council has reviewed the proposed amendment extending such date 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 June 30, 2010, 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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK



STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

REBECCA A. HUMPHRIES  
DIRECTOR

March 10, 2010

Mr. Randy Auler, Director  
Parks, Recreation and Cultural Services  
City of Novi  
45175 W. Ten Mile Road  
Novi, MI 48375

Dear Mr. Auler:

SUBJECT: TF07-017, Novi Core Habitat Reserve Property Acquisition

Enclosed please find two copies of Amendment No. 2 to your Michigan Natural Resources Trust Fund (MNRTF) Project Agreement.

Please complete both copies of the Amendment, including original signatures and return both copies to this office **April 12, 2010**. We will sign the copies and return one fully-executed document to you for your files. Please note on Page 2 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 feel free to contact me. Our address is: **Grants Management, Department of Natural Resources and Environment, P.O. Box 30425, Lansing, MI 48909-7925.**

Sincerely,

Linda J. Hegstrom, Grant Coordinator  
Grants Management  
517-241-4128  
[hegstrolm@michigan.gov](mailto:hegstrolm@michigan.gov)

LJH:lh  
Enclosures (PR1953)



Michigan Department of Natural Resources  
Grants Management

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

**Project Title:** Novi Core Habitat Reserve Property Acquisition

**Project Number:** TF 07-017

**Amendment Number:** 2

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 **TF07-017**. The purpose of this amendment is to extend the end date of the project period from **March 31, 2010** to **June 30, 2010** as further explained in correspondence from GRANTEE to the DEPARTMENT dated March 9, 2010.

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 **October 31,2008** through **June 30, 2010**, 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 **June 30, 2010**.

Failure to acquire the project area before **June 30, 2010** 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 **September 30, 2010**. Failure to submit the required documents and information for review before **September 30, 2010** 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: \_\_\_\_\_ By: \_\_\_\_\_

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

Date: \_\_\_\_\_

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**MICHIGAN DEPARTMENT OF NATURAL RESOURCES**

**SIGNED:**

**WITNESSED:**

By: \_\_\_\_\_ By: \_\_\_\_\_  
James B. Wood, Manager  
Grants Management

**EFFECTIVE DATE:** \_\_\_\_\_ **By:** \_\_\_\_\_