



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item C
August 25, 2008

SUBJECT: Approval of Resolution to approve Amendment Number 3 to 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 December 31, 2008.

SUBMITTING DEPARTMENT: Parks, Recreation & Forestry

CITY MANAGER APPROVAL: 

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. The Project Agreement was extended to have the acquisition complete by July 31, 2008, to allow for the DNR's approval to proceed and to complete all of the necessary tasks associated with purchasing of the property. On July 7, 2005, Mirage Development provided a letter of intent to donate the conservation easement property on the west side of Meadowbrook Road, adjacent to Orchard Hills West, to the City for use in its local match for the 2005 Michigan Natural Resources Trust Fund (MNRTF) Land Acquisition grant. Recently, the City received correspondence from Mirage Development requesting confirmation of some items prior to the donation occurring. This recent development will require additional time to resolve and prepare the documentation for the property acquisition to occur. Therefore, the City has requested the Department of Natural Resources (DNR) approve an extension of the Project Agreement.

RECOMMENDED ACTION: Approval of Resolution to approve Amendment Number 3 to 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 December 31, 2008.

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

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

CITY OF NOVI
COUNTY OF OAKLAND, MICHIGAN

RESOLUTION APPROVING 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 _____, 2008,
at _____ 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 thereafter 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 additional extension of such time until December 31, 2008; 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 December 31, 2008, 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 _____, 2008.

MARYANNE CORNELIUS, CITY CLERK



**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: 3

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 January 31, 2008 to December 31, 2008 as further explained in correspondence from GRANTEE to the DEPARTMENT dated July 9, 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 **December 31, 2008**, 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 **December 31, 2008**. Failure to acquire the project area before **December 31, 2008** 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 **March 31, 2009**. Failure to submit the required documents and information for review before **March 31, 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: _____ By: _____

Title: _____ By: _____

Date: _____

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

SIGNED:

WITNESSED:

By: _____ By: _____
James B. Wood, Manager
Grants Management

EFFECTIVE DATE: _____ **By:** _____



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

GRANTEE

SIGNED:

WITNESSED:

By: _____ By: _____

Title: _____ By: _____

Date: _____

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

SIGNED:

WITNESSED:

By: _____ By: _____
James B. Wood, Manager
Grants Management

EFFECTIVE DATE: _____ **By:** _____