



## CITY of NOVI CITY COUNCIL

Agenda Item 2  
February 29, 2016

**SUBJECT:** Approval of a cost share agreement with the Road Commission for Oakland County for Preliminary Engineering for the Napier Road (Nine Mile to Ten Mile) Paving and Napier/Ten Mile Intersection Improvement project in the amount of \$75,000, of which \$25,000 is to be paid by the City of Novi and the remaining \$50,000 to be funded through the Tri-Party Program.

**SUBMITTING DEPARTMENT:** Department of Public Services, Engineering Division BTC RA

**CITY MANAGER APPROVAL:** *RA*

EXPENDITURE REQUIRED	\$ 25,000
AMOUNT BUDGETED	\$ 25,000
LINE ITEM NUMBER	204-204.00-863.509

### BACKGROUND INFORMATION:

The Road Commission for Oakland County has started the preliminary engineering for the Napier Road (Nine Mile to Ten Mile) Paving Project. The project will include the reconstruction and paving of Napier Road between Nine Mile Road and Ten Mile Road, which is currently a gravel road. Additionally, the project will improve the safety of the Ten Mile Road and Napier Road intersection with the installation of a new traffic signal, reconstruction of the intersection to add left turn lanes, and removal of the hill on Ten Mile Road west of Napier, which is currently a sight obstruction.

The cost for the engineering phase of the project is \$150,000, split equally between the City of Novi and Lyon Township. The City's share of \$75,000 is further reduced through the use of Tri-Party Funds, of which \$25,000 is paid by Novi, \$25,000 is paid by the County of Oakland, and \$25,000 is paid by Road Commission for Oakland County. The Tri-Party Resolution appears elsewhere on this agenda for consideration.

The City Attorney has reviewed the attached local cost share agreement and finds that it is sufficient for the purpose of assigning estimated project costs between the City and the Road Commission (see Beth Saarela's letter, attached).

The engineering for the project will be completed later this year, which will be followed by the right-of-way acquisition phase. Once all easements and rights-of-way have been acquired by the Road Commission, construction will commence. Construction is scheduled to begin in early 2017, but is dependent upon the successful acquisition of rights-of-way/easements.

**RECOMMENDED ACTION:** Approval of a cost share agreement with the Road Commission for Oakland County for Preliminary Engineering for the Napier Road (Nine Mile to Ten Mile) Paving and Napier/Ten Mile Intersection Improvement project in the amount of \$75,000, of which \$25,000 is to be paid by the City of Novi through the Tri-Party Program.

	1	2	Y	N
<b>Mayor Gatt</b>				
<b>Mayor Pro Tem Staudt</b>				
<b>Council Member Burke</b>				
<b>Council Member Casey</b>				

	1	2	Y	N
<b>Council Member Markham</b>				
<b>Council Member Mutch</b>				
<b>Council Member Wrobel</b>				



# Location Map

## Napier Road Paving Project

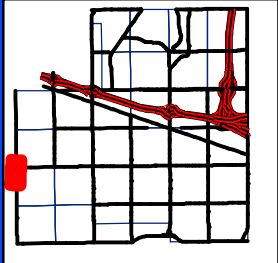


Map Author: Coburn  
 Date: 2/11/16  
 Project:  
 Version #:

Amended By:  
 Date:  
 Department:

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



**City of Novi**  
 Engineering Division  
 Department of Public Services  
 26300 Lee BeGole Drive  
 Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)



1 inch = 417 feet





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February 17, 2016

Brian Coburn, Engineering Manager  
CITY OF NOVI  
Department of Public Services  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**Re: Cost Participation Agreement – Preliminary Engineering – Napier Road 9 Mile to 10 Mile Road**

Dear Mr. Coburn:

We have received and reviewed the Cost Participation Agreement prepared by the Board of County Road Commissioners (Board) for the cost of preliminary engineering relating to the repaving of Napier Road between 9 Mile and 10 Mile Roads. The cost of preliminary engineering will be shared by the Board, Oakland County, the City, and Lyon Township. Lyon Township and the Board will enter into a separate agreement for the assignment of its Tri-Party contributions for the project. The enclosed Cost Participation provides for the assignment of Novi's Tri-Party funds, in the amount of \$75,000.

As set forth in Exhibit A, the expected Tri-Party funds to be contributed to the project are expected to be \$150,000. Novi's share is \$75,000, with \$25,000 to be paid each by the City, the County, and the Board. Any excess amounts will be paid by the County if no additional Tri-Party Program funds are available.

The Agreement is provided for the limited purpose of setting forth how the project costs will be divided between the named parties. The Board will contract separately for completion of the preliminary engineering and will be reimbursed by the City and Oakland County for their proportionate share of the costs.

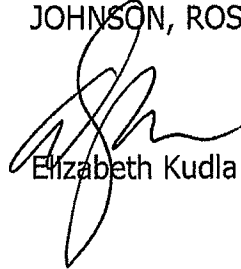
Based on the limited purpose and scope of the contract, we see no legal impediment to entering into the Agreement with the Board.

If you have any questions regarding the above, please do not hesitate to contact me.

Brian Coburn, Engineering Manager  
February 17, 2016  
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Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

A handwritten signature in black ink, appearing to be 'Elizabeth Kudla Saarela', written over the typed name.

Elizabeth Kudla Saarela

EKS

Enclosure

C: Maryanne Cornelius, Clerk (w/Enclosure)  
Rob Hayes, DPS Director (w/Enclosure)  
Thomas R. Schultz, Esquire (w/Enclosure)

## **COST PARTICIPATION AGREEMENT**

### **PRELIMINARY ENGINEERING**

Napier Road

9 Mile Road to 10 Mile Road

City of Novi

Board Project No. 52111

This Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the Board of County Road Commissioners of the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Novi, hereinafter referred to as NOVI, provides as follows:

WHEREAS, the BOARD, NOVI, and the Chartered Township of Lyon, hereinafter referred to as LYON, have programmed the preliminary engineering for the future paving of Napier Road from 9 Mile Road to 10 Mile Road, as described in Exhibit "A", attached hereto, and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and within LYON and NOVI, which improvements are hereinafter referred to as the DESIGN; and

WHEREAS, the estimated total cost of the DESIGN is \$150,000; and

WHEREAS, NOVI'S share of said LOCAL SHARE involves certain designated and approved Tri-Party Program funding in the amount of \$75,000, which shall be paid through equal contributions by the BOARD, NOVI, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and

WHEREAS, all the parties hereto have reached a mutual understanding regarding the cost sharing for the DESIGN and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between NOVI and the BOARD that:

1. LYON and NOVI approve of the DESIGN, declare its public necessity, and authorizes the BOARD to perform or cause to be performed, and complete the DESIGN along with all administration in reference thereto.



2. The estimated total DESIGN cost is \$150,000 and shall be funded in the following order:
  - a. Tri-Party Program funding shall be invoiced simultaneously as follows:
    1. LYON has agreed to contribute \$75,000 and will fund their share from the Tri-Party Program.
    2. NOVI has agreed to contribute \$75,000 and will fund their share from the Tri-Party Program.
  - b. Any DESIGN costs above LYON'S Tri-Party Program funding of \$75,000 and NOVI'S Tri-Party Program funding of \$75,000 will be funded 100% by the BOARD.
3. Upon execution of this agreement, the BOARD shall submit an invoice to NOVI in the amount of \$25,000 (being 100% of NOVI'S Tri-Party contribution).
5. Upon execution of this agreement and approval by the COUNTY, the BOARD shall submit an invoice to the COUNTY in the amount of \$25,000 (being 100% of the COUNTY'S Tri-Party contribution).
  - a. The invoice shall be sent to:

Lynn Sonkiss, Manager of Fiscal Services  
Executive Office Building  
2100 Pontiac Lake Road, Building 41 West  
Waterford, MI 48328
6. The total actual LOCAL SHARE will be determined from the records of the BOARD upon completion of State financial audits of the DESIGN and a final determination of the total federal funds used on the DESIGN. Final adjustments in the financial obligations of the parties hereto will be made upon completion of the required audits.
7. Upon receipt of said invoice(s), the NOVI and the COUNTY shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS FOR THE  
COUNTY OF OAKLAND  
A Public Body Corporate

By \_\_\_\_\_

Its \_\_\_\_\_

CITY OF NOVI

By \_\_\_\_\_

Its \_\_\_\_\_



**EXHIBIT A**  
**TRI - PARTY PROGRAM**  
 Napier Road  
 9 Mile Road to 10 Mile Road  
 City of Novi  
 Board Project No. 52111

Preliminary Engineering for the future paving of Napier Road from 9 Mile Road to 10 Mile Road.

<b>ESTIMATED PROJECT COST</b>
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Preliminary Engineering	\$150,000
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<b>COST PARTICIPATION BREAKDOWN</b>
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	LYON	NOVI	COUNTY	BOARD	TOTAL
FY16 Tri-Party Program	\$25,000	\$25,000	\$50,000	\$50,000	\$150,000
<b>TOTAL SHARES</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$150,000</b>