



## CITY of NOVI CITY COUNCIL

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**Agenda Item F**  
**July 23, 2007**

**SUBJECT:** Approval of Resolution to approve Amendment 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 January 31, 2008.

**SUBMITTING DEPARTMENT:** Parks, Recreation & Forestry

**CITY MANAGER APPROVAL:** 

### **BACKGROUND INFORMATION:**

On May 4, 2007, staff provided the attached update on the status of the 2005 Michigan Natural Resources Trust Fund (MNRTF) grant to acquire the 15-acre Roskelly and 36-acre Mirage properties on Meadowbrook Road. Use of the Mirage parcel as the "local match" and the nature and extent of public access over both parcels have been the subject of discussion with the Michigan Department of Natural Resources (DNR) and the Michigan Department of Environmental Quality (DEQ) since the grant was awarded.

To address the public access issue (including compliance with the Americans With Disabilities Act) and the restrictive conservation easement on the Mirage Property, staff contracted the services of Dr. Don Tilton, Environmental Consultant, and Cindy Burkhour, nationally recognized A.D.A. consultant. Dr. Tilton and City staff are preparing material to be submitted for DEQ review to allow for public passive recreation use (walking) on only the existing worn pathways and minor routine maintenance of the existing worn pathways. Cindy Burkhour and City staff are preparing information indicating that the new A.D.A. guidelines do not apply to already existing trails and routine maintenance as long as no new trails are constructed. Submittal of information to DEQ will occur in the next couple of weeks. Staff are hopeful that DEQ will provide written approval for use and maintenance of the existing trails, therefore, satisfying the public access requirements of DNR. A packet will be submitted to DNR following a favorable outcome from DEQ.

City staff, the City attorney and the appraisers (Harvey Deson & Associates and Fred Phlippeau Associates) contracted by the City have submitted additional material to DNR in an effort to address the value of the Mirage parcel and the use of the parcels donated land value as the "local match". DNR is reviewing this material.

The acquisition of the property was to be completed by June 30, 2007, in accordance with the grant project agreement. As indicated in the May 4, 2007 memo, staff requested a six-month extension to the agreement due to circumstances. The DNR provided the attached Land Acquisition Project Agreement Amendment for City Council approval. The project Agreement provides an extension to the project agreement to January 31, 2008.

**RECOMMENDED ACTION:** Approval of Resolution to approve Amendment 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 January 31, 2008.

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

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				

**CITY OF NOVI**

**COUNTY OF OAKLAND, MICHIGAN**

**RESOLUTION APPROVING MNRTF PROJECT AGREEMENT  
AND ACCEPTING GRANT**

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 \_\_\_\_\_, 2007,  
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, on \_\_\_\_\_, 2006, the City Council 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 is July 31, 2007; and

WHEREAS, the City has determined that it needs additional time to complete the closing, and the MNRTF has authorized an extension of such time until January 31, 2008, subject to the City signing a Project Agreement Amendment; and

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 January 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 \_\_\_\_\_, 2007.

\_\_\_\_\_  
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: 1

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 July 31, 2007 to January 31, 2008, as further explained in correspondence from the GRANTEE to the DEPARTMENT dated June 12, 2007.

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 January 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 January 31, 2008.  
Failure to acquire the project area before January 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 April 30, 2008. Failure to submit the required documents and information for review before April 30, 2008 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: \_\_\_\_\_