Legislation Details (With Text)

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Title: Resolution to Approve Michigan Department of Transportation Performance Resolution for Governmental Agencies

Sponsors:

Indexes:

Code sections:

Attachments: 1. State Permit Performance Resn Form 2207B.pdf

Date	Ver.	Action By	Action	Result
7/6/2010	1	City Council	Approved	Pass

Resolution to Approve Michigan Department of Transportation Performance Resolution for Governmental Agencies

Attached for your review and approval is a resolution to approve a State of Michigan performance resolution to allow the City to obtain State permits to work within the State Trunkline right of way.

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to municipal utility an “Individual Permit for Use of State Trunkline right of Way” (form 2205), or an “Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way” (form 2205B).

The previous permit names an individual who no longer works for the city and we’ve been requested to submit updated information. As such, it is in the City’s best interest to do so and the terms are set by the State of Michigan.

We recommend Council approved the attached resolution naming Homayoon Pirooz, P.E., Project Management Unit Manager as the authority to request State permits on behalf of the City

Prepared by: Homayoon Pirooz, P.E., Project Management Manager
Reviewed by: Sue F. McCormick, Public Services Administrator
Approved by: Roger W. Fraser, City Administrator

RESOLVED, Whereas the City of Ann Arbor hereinafter referred to as the “CITY”, periodically applies to the Michigan Department of Transportation, hereinafter referred to as the “DEPARTMENT,” for permits, referred to as “PERMIT,” to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

RESOLVED, In consideration of the DEPARTMENT granting such PERMIT, the CITY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the CITY by a contractor or subcontractor will be solely as a contractor for the CITY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the CITY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the CITY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

2. The CITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the CITY'S facilities according to a PERMIT issues by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the CITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the CITY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the CITY with regard to any PERMIT which has already been issued or activity which has already been undertaken;

RESOLVED, That the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the CITY.
Name: Homayoon Pirooz, P.E.
Title: Project Management Manager;

RESOLVED, That Council authorize the City to submit to the State of Michigan the attached Form 2207B as requested in order to conduct city business;

RESOLVED, That City Council authorize the City Administrator to take necessary administrative actions to implement this resolution; and

RESOLVED, That a certified copy of this resolution be submitted to the State of Michigan as required.