



Legislation Text

File #: 11-0533, **Version:** 1

Resolution to Approve an Agreement with the Michigan Department of Transportation for the E. Stadium Boulevard Bridges Replacement Project Right-of-Way Acquisition (\$800,000.00)
Attached for your review and approval, please find an agreement between the City and the Michigan Department of Transportation (MDOT) for the right-of-way acquisition phase of the project. The agreement is required so that the City can be reimbursed for the federal government's share of costs associated with the right-of-way acquisition portion of the project.

As you may recall, at its special session of March 16, 2011, City Council approved a resolution (copy attached) that authorized the TIGER II Grant Agreement with the United States Department of Transportation - Federal Highway Administration (FHWA) for the subject project. The purpose of that agreement was to define FHWA's and the City's duties and responsibilities with regard to the project.

The TIGER II Grant Agreement stipulates that the City is responsible to pay the costs associated with the right-of-way acquisition and then be reimbursed by the federal government for their portion of the costs. The Federal Government's share of the expenses will be come from the TIGER II Funding that was approved for the project. The funding split for all TIGER II eligible expenses is 80/20; that is, 80% federal share, 20% city share.

On April 4, 2011, City Council approved two resolutions (copies attached) that accepted easements from the University of Michigan for public utilities and road right-of-way; the resolutions also approved the needed temporary grading permits and payment.

It is now necessary to approve this agreement (City/State Agreement) with MDOT in order to be reimbursed for certain right-of-way expenses associated with the project. The City/State Agreement is the standard agreement that is entered into on all federal-aid projects. Note that although TIGER II funds are being used to pay the federal government's share of the right-of-way acquisition expenditures, the funds will actually be paid to us through MDOT. MDOT is the "conduit" for federal transportation funds to be distributed to local agencies within the state.

Upon your approval of this agreement, staff will execute it and request reimbursement from MDOT for the funds we have paid to date for right-of-way acquisitions.

Staff expects to come before you again in August 2011 with a resolution that will request approval of a second City/State Agreement for the Construction Phase of the project. This agreement will be virtually identical to the agreement you are approving tonight and will again define each party's rights and responsibilities with regard to the performance of the project's construction and allow reimbursement of project expenditures. This is a necessary step in order to be able to utilize the TIGER Funding in accordance with FHWA rules and procedures.

Prepared by: Homayoon Pirooz, P.E., Project Management Manager

Reviewed by: Sue F. McCormick, Public Services Administrator

Whereas, The Federal Highway Administration has allocated funds for the replacement of the E.

Stadium Boulevard Bridges;

Whereas, The City has made project expenditures in accordance with the Federal Highway Administration and Michigan Department of Transportation rules and regulations pertaining to right-of-way acquisition;

Whereas, These expenditures are eligible for reimbursement by the Federal Government; and

Whereas, The City now desires reimbursement for said expenditures;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute contract number 11-5186 with the Michigan Department of Transportation for the E. Stadium Boulevard Bridges Replacement Project in the form on file with the City Clerk, following approval as to substance by the City Administrator, and approval as to form by the City Attorney; and

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