

## **COST PARTICIPATION AGREEMENT**

### **UTILITY RELOCATION PROJECT**

Tienken Road

Livernois Road to Sheldon Road

City of Rochester Hills

Board Project No. 48661

This Agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Rochester Hills, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the COMMUNITY, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed the utility relocation work for the future widening of Tienken Road from Livernois Road to Sheldon 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 the COMMUNITY, which improvements are hereinafter referred to as the UTILITY RELOCATION; and

WHEREAS, the estimated total cost of the UTILITY RELOCATION is \$1,500,000; and

WHEREAS, the BOARD entered into Contract No. 12-5558 with MDOT for partial funding of the UTILITY RELOCATION with federal program dollars under the Federal High Priority Project Program; and

WHEREAS, the BOARD, as the requesting party therein, will be the party financially responsible to MDOT to bear all costs of the UTILITY RELOCATION in excess of federal funds, hereinafter referred to as the LOCAL MATCH; and

WHEREAS, all the parties hereto have reached a mutual understanding regarding the cost sharing for the LOCAL MATCH 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 the COMMUNITY and the BOARD that:

1. The COMMUNITY approves of the UTILITY RELOCATION, declares its public necessity, and authorizes the BOARD and MDOT to perform or cause to be performed, and complete the UTILITY RELOCATION along with all administration in reference thereto.
2. The UTILITY RELOCATION shall include total payments to the contractor.
3. The BOARD entered into Contract 12-5558 with MDOT for partial funding of the UTILITY RELOCATION with federal funds, estimated in the amount of \$1,200,000.
4. All costs of the LOCAL MATCH, estimated to be \$300,000, shall be shared equally between the BOARD and the COMMUNITY, as detailed in Exhibit A.
5. Upon execution of this agreement, the BOARD shall submit an invoice to the COMMUNITY in the amount of \$75,000 (being 50% of the COMMUNITY'S share).
6. As costs of the UTILITY RELOCATION are incurred, the BOARD shall invoice the COMMUNITY for the remaining 50% of the COMMUNITY'S share of the LOCAL MATCH.
7. The total actual LOCAL MATCH will be determined from the records of the BOARD upon completion of State financial audits of the UTILITY RELOCATION and a final determination of the total federal funds used for the UTILITY RELOCATION. Final adjustments in the financial obligations of the parties hereto will be made upon completion of the required audits.
8. Upon receipt of said invoice(s), the COMMUNITY 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 ROCHESTER HILLS

By \_\_\_\_\_

Its \_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

**EXHIBIT A**  
**UTILITY RELOCATION PROJECT**  
Tienken Road  
Livernois Road to Sheldon Road  
City of Rochester Hills  
Board Project No. 48661

Utility relocation work for the future widening of Tienken Road from Livernois Road to Sheldon Road.

<b>ESTIMATED UTILITY RELOCATION COST</b>
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Contractor Payments	\$1,500,000
Less Federal Funds	<u>\$1,200,000</u>
Total Estimated Local Share	<u><u>\$300,000</u></u>

<b>COST PARTICIPATION BREAKDOWN</b>
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	BOARD	COMMUNITY	TOTAL
TOTAL SHARE	\$150,000	\$150,000	\$300,000