

## **COST PARTICIPATION AGREEMENT**

Tienken Road at King's Cove Drive

City of Rochester Hills

BOARD Project No. 45291

This Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006, 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, an Agreement with the COMMUNITY has been executed by our BOARD on July 13, 2006 for the removal of the existing two-lane structure and the replacement with a five-lane structure which carries Tienken Road over Paint Creek, which improvements involve roads under the jurisdiction of the BOARD and within the COMMUNITY, hereinafter referred to as the PROJECT; and

WHEREAS, the COMMUNITY has requested certain additions to the PROJECT which includes water main construction, an accelerated work schedule, and winter protection beyond the PROJECT limits, hereinafter referred to as NON-PARTICIPATING items; and

WHEREAS, the estimated total cost associated to said NON-PARTICIPATING items is \$500,000; and

WHEREAS, a portion of the cost for the NON-PARTICIPATING items involve certain designated and approved funding in accordance with the Tri-Party Program, in the amount of \$250,000, which amount shall be paid through equal contributions by the BOARD, the COMMUNITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and

WHEREAS, the BOARD and the COMMUNITY have reached a mutual understanding regarding the cost sharing of the NON-PARTICIPATING items and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, it is hereby agreed between the COMMUNITY and the BOARD that:

1. The parties hereto approve of the NON-PARTICIPATING items, declare its public necessity, and authorize the BOARD to forthwith undertake and complete the PROJECT, including the NON-PARTICIPATING items, as above described, and to perform all administration in reference thereto.
2. The COMMUNITY shall perform the engineering and inspection associated with the water main construction.
3. The actual total cost for the NON-PARTICIPATING items shall include the total payments to the contractor.
4. The COMMUNITY and the BOARD shall equally share the total cost of \$500,000 for the NON-PARTICIPATING items, in the amount of \$250,000, respectively.
5. The COMMUNITY'S 50% share of the NON-PARTICIPATING items shall be funded in accordance with the following:
  - a. The 2006 Tri-Party Program in the amount of \$250,000.
  - b. The BOARD shall apply to the PROJECT, the COUNTY'S Tri-Party contribution of \$83,333, together with the BOARD'S Tri-Party contribution in an amount equal thereto.
  - c. The COMMUNITY may use any remaining funds from the 2006 Tri-Party Program to offset any overages in the final cost for the NON-PARTICIPATING items.
6. Upon execution of this Agreement, the BOARD shall submit an invoice to the COMMUNITY in the amount of \$41,667 (being 50% of the COMMUNITY'S Tri-Party contribution).

7. Upon completion of the PROJECT construction, the BOARD shall submit an estimated final invoice to the COMMUNITY for the remainder of the COMMUNITY'S share of the total estimated final PROJECT cost.
8. Upon receipt of said invoice(s), the COMMUNITY shall submit payment to the BOARD the full amount thereof, within thirty (30) days of such receipt.
9. The total actual NON-PARTICIPATING items shall be determined from the records of the BOARD upon completion of state financial audits of the PROJECT and a final determination of the total state and federal funds used on the PROJECT. Final adjustments in the financial obligations of the parties hereto will be made upon completion of the required audits. The BOARD shall submit a final invoice to the COMMUNITY for its share, if any.

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**  
**TRI-PARTY PROGRAM**  
 2006  
 County Supported Road Improvements  
 Tienken Road at King's Cove Drive  
 In The  
 City of Rochester Hills  
 BOARD PROJECT NO. 45291

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The construction of water main located approximately 15 ft. south of the north right of way on Tienken Road and King's Cove Drive. The work will be constructed at an accelerated work schedule and provisions for winter protection will also be required.

<b>ESTIMATED TOTAL COST</b>
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Estimated Total Contractor Payments	\$500,000
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<b>COST PARTICIPATION BREAKDOWN</b>
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	COMMUNITY	BOARD	COUNTY	TOTAL
Tri-Party Program	\$83,334	\$ 83,333	\$83,333	\$250,000
Additional Funding		250,000		250,000
<b>TOTAL</b>	<b>\$83,334</b>	<b>\$333,333</b>	<b>\$83,333</b>	<b>\$500,000</b>