

## **COST PARTICIPATION AGREEMENT**

### **RIGHT-OF-WAY ACQUISITION**

Dequindre Road

North of Long Lake Road to North of Auburn Road

City of Rochester Hills

Board Project No. 46901

This Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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 ROCHESTER HILLS, provides as follows:

WHEREAS, the BOARD, ROCHESTER HILLS, the City of Troy, hereinafter referred to as TROY, and the Macomb County Department of Roads, hereinafter referred to as MCDR, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed the right-of-way acquisition for the reconstruction and widening of Dequindre Road from north of Long Lake Road to north of Auburn Road, as described in Exhibit "A", attached hereto, and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD, TROY, ROCHESTER HILLS, and MCDR, which improvements are hereinafter referred to as the RIGHT OF WAY; and

WHEREAS, the estimated total cost of the RIGHT OF WAY is \$6,125,000; and

WHEREAS, the BOARD will enter into a contract with MDOT for 80% funding of the PROJECT with federal program dollars under the Transportation Economic Development Fund Category C in the amount of \$4,900,000; and

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

WHEREAS, the parties hereto have reached a mutual understanding regarding the cost sharing of the RIGHT OF WAY 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 parties hereto that:

1. MCDR, TROY, and ROCHESTER HILLS approve of the RIGHT OF WAY, declare its public necessity, and authorize the BOARD to perform or cause to be performed, and complete the RIGHT OF WAY along with all administration in reference thereto.
2. The RIGHT OF WAY is hereby defined as all costs necessary for the right-of-way acquisition work including engineering, appraisals, acquisition, legal, condemnation, financing, the costs of technical guidance, monitoring, training and any other costs as may be incurred by the BOARD as a result of this agreement.
3. All costs not met in part by federal funding, the LOCAL MATCH, estimated in the amount of \$1,225,000, shall be shared by the BOARD, MCDR, TROY, and ROCHESTER HILLS.
4. ROCHESTER HILLS shall contribute \$299,880 toward the LOCAL MATCH for the City of Rochester Hills portion of the RIGHT OF WAY. Any RIGHT OF WAY costs in the City of Rochester Hills above the estimated amount of \$299,880 shall be funded first with Transportation Economic Development Fund Category C and any difference shall be the shared equally between the BOARD and ROCHESTER HILLS.
5. Upon execution of this Agreement, the BOARD shall submit an invoice to ROCHESTER HILLS for \$149,940 (being 50% of ROCHESTER HILLS' estimated RIGHT OF WAY).
6. As costs of the RIGHT OF WAY are incurred, the BOARD shall invoice ROCHESTER HILLS for the remaining 50% of the ROCHESTER HILLS' total contribution.
7. Upon receipt of said invoice(s), ROCHESTER HILLS shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.
8. The BOARD shall execute separate Cost Participation Agreements with TROY and MCDR for their share of the estimated total RIGHT OF WAY cost.

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 \_\_\_\_\_

## EXHIBIT A

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City of Rochester Hills

Board Project No. 46901

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ESTIMATED PROJECT COST
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Right-of-Way Acquisition	\$6,125,000
Less Federal Funds	<u>(\$4,900,000)</u>
LOCAL MATCH	<u>\$1,225,000</u>

COST PARTICIPATION BREAKDOWN
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BOARD	\$441,000
MCDR	\$343,000
ROCHESTER HILLS	\$299,880
TROY	\$141,120
TOTAL LOCAL MATCH	<u>\$1,225,000</u>