

2202

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of June 13, 2005

**SUBJECT:** Approval of payment of contracted legal services.

**INITIATED BY:** City Attorney

**RESOLUTION SUMMARY:** This resolution authorizes payment to Miller, Canfield, Paddock, & Stone, PLC for contracted legal services relating to the extension of Airport Road.

**ITEMS ATTACHED:**

1. Letter of Transmittal.
2. Resolution.

**COUNCIL ACTION:**

1. 3/5 vote required to approve.

James O. Branson III  
City Attorney



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.midland-mi.org](http://www.midland-mi.org)

June 13, 2005

Honorable Mayor and City Council  
City Hall  
333 W. Ellsworth Street  
Midland, Michigan 48640

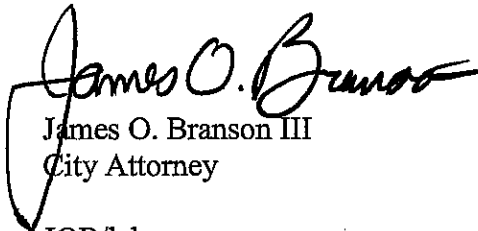
Dear Councilmen:

On September 29, 2003 City Council authorized the Mayor and City Clerk to execute an agreement between the Midland County Road Commission and the City of Midland regarding the extension of Airport Road as well as an agreement regarding common representation of the Midland County Road Commission and the City of Midland with the law firm of Miller, Canfield, Paddock & Stone, PLC in connection with this project. On February 21, 2005 City Council authorized payment to Miller, Canfield, Paddock & Stone, PLC in an amount not to exceed \$75,000.

The resolution for your consideration authorizes payment to the law firm of Miller, Canfield, Paddock & Stone, PLC for their assistance in this matter in an amount not to exceed \$100,000. Budgetary funding for this expenditure is included in the 2004-2005 and 2005-2006 Major Street Fund Budgets.

Please feel free to contact my office if you have any questions.

Sincerely,



James O. Branson III  
City Attorney

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BY COUNCILMAN

WHEREAS, on September 29, 2003 City Council authorized the Mayor and City Clerk to execute an agreement between the Midland County Road Commission and the City of Midland regarding the extension of Airport Road as well as an agreement regarding common representation of the Midland County Road Commission and the City of Midland with the law firm of Miller, Canfield, Paddock & Stone, PLC; and

WHEREAS, on February 21, 2005 City Council authorized payment to Miller, Canfield, Paddock & Stone, PLC for the aforementioned contracted legal services in a total amount not to exceed \$75,000; and

WHEREAS, the cost of continuing said services is expected to exceed the previously approved amount and therefore approval of the City Council is required under Section 2-18 of the Code of Ordinances; and

WHEREAS, sufficient budgetary funding exists within the 2004-2005 and 2005-2006 Major Street Fund Budgets; now therefore

RESOLVED, that said services are hereby determined to be professional services within the meaning of Section 2-19 of the Code of Ordinances and do not require sealed proposals; and

RESOLVED FURTHER, that payment to Miller, Canfield, Paddock & Stone, PLC for contracted legal services in connection with the aforementioned matter is hereby authorized in an amount not to exceed \$100,000.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, June 13, 2005.

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Selina Tisdale, City Clerk