

City of Allen Park, County of Wayne,  
State of Michigan

**ORDER No. 2013-028**

**AN ORDER TO AUTHORIZE ENTERING INTO AN AGREEMENT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF ESTABLISHING THE RIGHTS AND OBLIGATIONS OF THE PARTIES REGARDING THE NOISE ABATEMENT WALL CONSTRUCTION PROJECT ALONG THE SOUTHBOUND SIDE OF I-75 BETWEEN STERLING AVENUE AND VINE AVENUE.**

WHEREAS, under Local Government Fiscal Responsibility Act, Act 72, Public Acts of Michigan, 1990, as amended ("Act 72") and as superseded by the Local Financial Stability and Choice Act, Act 436, Public Acts of Michigan, 2012 ("Act 436"), as well as any successor Acts, and a Contract (the "Contract") dated October 25, 2012 between the State of Michigan and Joyce A. Parker, Joyce A. Parker has been appointed as the Emergency Manager (the "EM") of the City of Allen Park, County of Wayne, Michigan (the "City") and is thereby charged with the power and authority to take all actions necessary to develop and implement financial and operational plans, to regulate expenditures, investments, ensure compliance with federal, state and local laws, regulations, rules, local laws and make provisions for services essential to the public health, safety, and welfare of the City of Allen Park, including the power to exercise the authority and responsibilities of the Mayor, the Chief Administrative Officer of the City, and of the City Council, as the governing body of the City, concerning the adoption and enforcement of ordinances and resolutions affecting the financial condition of the City as provided in the Home Rule City Act, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"); and

WHEREAS, pursuant to Act 436 and specifically MCL 141.1552(1)(g) authorizing an emergency manager to make, approve, or disapprove any appropriation, contract or expenditure and MCL 141.1552(1)(dd) and (ee) which provides that an emergency manager has the power and authority to exercise, on behalf of the local government, all authority and responsibilities of the governing body including enforcement of ordinances and resolutions as provided under the Home Rule City Act, 1909 PA 279, and take any other action or exercise any power or authority of any officer, employee, board, and commission, recognizing that the power of the emergency manager shall be superior to and supersede the power of any of the aforementioned officers or entities;

WHEREAS, the Michigan Department of Transportation requests the City of Allen Park to enter into a Contract for the purpose of fixing the rights and obligations of the parties concerning a state trunk line highway PROJECT described as rehabilitation work on a noise abatement wall along the southbound side of Highway I-75 between Sterling Avenue and Vine Avenue, including board replacement, sub-panel repairs, and aesthetic repairs; together with necessary related work, located within the corporate limits of the City of Allen Park;

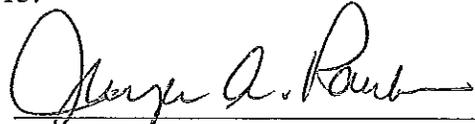
WHEREAS, all of the PROJECT work and the maintaining of the structural integrity of the noise abatement wall shall be done by the Department of Transportation and the PROJECT costs will be met, in part, by contributions from agencies of the Federal Government with the City of Allen Park paying no more than 8.75% of the balance of the PROJECT cost, which is presently estimated at Four Thousand Seven Hundred (\$4,700.00) Dollars;

WHEREAS, this ORDER is necessary in order to fully carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 436, the Contract and the emergency financial plan;

**RESOLVED, NOW THEREFORE, IT IS HEREBY ORDERED BY THE EMERGENCY  
MANAGER OF THE CITY OF ALLEN PARK, PURSUANT TO PUBLIC ACT 436 of 2013, THE  
CONTRACT, AND ALL OTHER RELEVANT LEGAL MANDATES THAT:**

1. Pursuant to this ORDER and resolution, the City of Allen Park, by its Emergency Manager, Joyce A. Parker, is authorized to enter into a CONTRACT with the MICHIGAN DEPARTMENT OF TRANSPORTATION for the purpose of fixing the rights and obligations of the parties concerning a state trunk line highway PROJECT described as rehabilitation work on a noise abatement wall along the southbound side of Highway I-75 between Sterling Avenue and Vine Avenue, including board replacement, sub-panel repairs, and aesthetic repairs; together with necessary related work, located within the corporate limits of the City of Allen Park;
2. All orders of the EM, contracts, resolutions of the Allen Park City Council, and parts of resolutions or orders in conflict with this Order are hereby repealed to the extent of such conflict.

**IT IS SO ORDERED** this 20<sup>th</sup> day of October, 2013.

  
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JOYCE A. PARKER  
Emergency Manager  
City of Allen Park