

November 4, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Steven Vandette, City Engineer 

SUBJECT: Agenda Item - Private Agreement for Fifth Third Bank
Project No. 05.919.3

The Engineering Department has reviewed and approved plans for this project, which includes paving, storm sewer, water main and sidewalk.

The Owner has provided letter of credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

Prepared by: Gary Streight, P.E.
Civil Engineer

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

G:\Projects\Projects – 05.919.3\Private Agreement Cover Letter.doc

Enclosed Private Agreement, Detailed Summary, Sketch

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 05.919.3

PROJECT LOCATION:

3760 Rochester Rd.

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **Fifth Third Bank** whose address is **1000 Town Center, Suite 1600, Southfield, MI 48075** and whose telephone number is **248-603-0765** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **paving, storm sewer, watermain and sidewalk** in accordance with plans prepared by **Nowak & Fraus** whose address is **1310 N. Stephenson Hwy., Royal Oak, MI 48067** and whose telephone number is **248-399-0886**, and approved BY THE City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of **\$19,165.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	<input type="checkbox"/>
Certificate of Deposit	<input type="checkbox"/>
Irrevocable Bank Letter of Credit	<input checked="" type="checkbox"/>
Check	<input type="checkbox"/>
Performance Bond & 10% Cash	<input type="checkbox"/>

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City after final inspection and approval by the City of Troy Engineering Department. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	1,552.36
Engineering Review Fee (Private Improvements) (PA1)	\$	3,823.08
Water Main Testing Fee (PA2)	\$	650.00
Street Cleaning/Road Maintenance (Refundable)	\$	5,000.00
TOTAL:	\$	\$11,025.44

* 8.1% (.081) of approximate contract price

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THIRD: Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 30,190.44 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, including, but not limited to, field changes or specification changes as required by the City, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and the City will disburse such additional amounts in accordance with Paragraph SECOND hereof.

SIXTH: Owners agree to indemnify and save harmless the City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 05.919.3

PROJECT LOCATION:

3760 Rochester Rd

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this
26th day of October, 20 05.

OWNERS Fifth Third Bank

CITY OF TROY

By: 
Jeffrey Wagner Vice President
Please Print or Type

By: _____
Louise E. Schilling, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 26th day of October, A.D. 20 05, before me personally appeared Jeffrey Wagner Vice President of Fifth Third Bank known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.


BRADLEY M. NEWMAN

BRADLEY M. NEWMAN
Notary Public, Oakland County, MI
My Commission Expires Apr. 27, 2007

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 4.27.2007

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR FIFTH THIRD BANK
PROJECT No. 05.919.3

The estimated costs of public improvements for the aforementioned project are as follows:

Escrow Deposits:

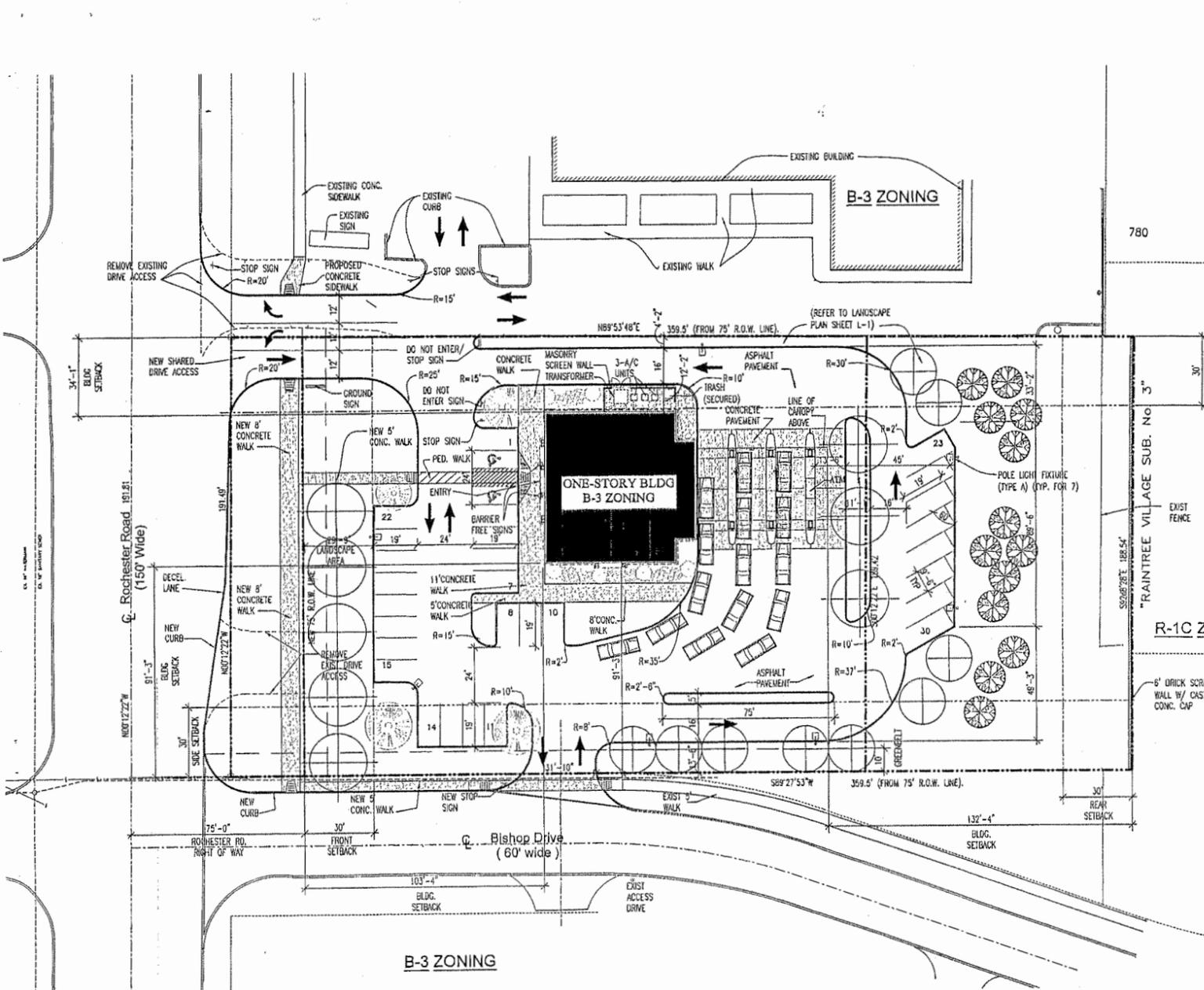
paving	11,825.00
storm sewer	600.00
water main	4,240.00
sidewalk	2,500.00

Total Escrow Deposits: (loc) **\$ 19,165.00**

Cash Fees:

Review & Inspection	\$1,552.36
Engineering Review	3,823.08
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	<u>5,000.00</u>

Total Cash Fees: (check) **\$ 11,025.44**

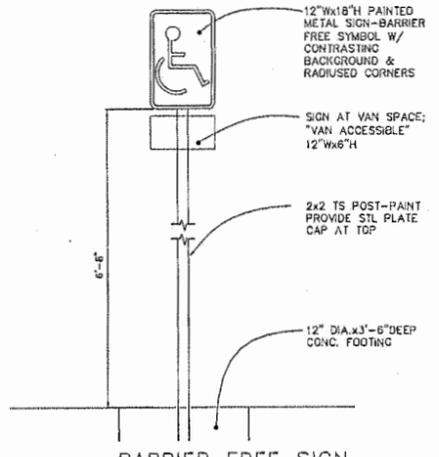


SITE DEVELOPMENT PLAN

SCALE: 1" = 30'-0"



41 SQ.FT. (EACH SIDE) MONUMENT SIGN DETAIL
SCALE: NOT TO SCALE (BY VALLEY CITY SIGN)



BARRIER FREE SIGN
(PER MICHIGAN BARRIER FREE CODE)
NOT TO SCALE

LEGAL DESCRIPTION

PART OF THE NW 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE NW CORNER OF SECTION 23; THENCE S.00°12'22"E. 1399.87 FEET ALONG THE WESTERLY LINE OF SAID SECTION 23; THENCE N.89°53'48"E. 43.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°53'48"E. 275.00 FEET; THENCE S.00°12'22"E. 189.42 FEET; THENCE S.89°27'53"W. 275.00 FEET TO A POINT ON THE EAST R.O.W. LINE OF ROCHESTER ROAD (86' WIDE); THENCE N.00°12'22"E. 275.00 FEET TO THE POINT OF BEGINNING. SITE CONTAINING 52,375 S.F. OR 1.20 AC. OF LAND.

PROPOSED LAND USE

USE OF THE LAND SHALL CONSIST OF THE CONSTRUCTION OF A BANKING CENTER WITH A DRIVE-THRU FACILITY CONTAINING 4 LANES PLUS AN ATM LANE AND THE ASSOCIATED UTILITY AND LANDSCAPING IMPROVEMENTS. THE BANK WILL OFFER FINANCIAL SERVICES INCLUDING THE HOLDING AND MANAGING OF SAVINGS AND CHECKING ACCOUNTS, SALE AND MANAGEMENT OF CERTIFICATES OF DEPOSITS, MORTGAGE LENDING AND OTHER LOAN SERVICES. HOURS OF OPERATION SHALL BE MONDAY THRU THURSDAY 9:00 AM TO 5:00 PM, FRIDAY 9:00 AM TO 6:00 PM AND SATURDAY 9:00 AM TO 1:00 PM. THE ATM SHALL OPERATE 24 HOURS A DAY, 7 DAYS A WEEK. SERVICES SHALL BE PROVIDED FOR BOTH INDIVIDUAL AND COMMERCIAL CUSTOMERS. EXISTING LOT CONTAINS AN EXISTING BUILDING AND PARKING LOT WHICH WILL BE DEMOLISHED AS PART OF THIS PROJECT.

LAND AREA

GROSS- 1.70 ACRES (74,356.61 S.F.)
NET- 166 ACRES (68,276.29 S.F.)

PRESENT LOT ZONING

B-3 ZONING DISTRICT

PRESENT ZONING FOR SURROUNDING AREA

B-3 ZONING NORTH, SOUTH AND WEST.
R-1C ZONING EAST



SITE LOCATION MAP
(NOT TO SCALE)

SITE DATA

BUILDING HEIGHT
MAXIMUM HEIGHT - 2 STORIES (25'-0")
PROPOSED BUILDING HEIGHT 18'-9"

DISTANCE BETWEEN STRUCTURE AND LOT LINE

	SETBACK ORDINANCE	DEVELOPMENT
FRONT/WEST	30'-0"	103'-4"
REAR/EAST	30'-0"	132'-4"
SIDE/NORTH	30'-0"	34'-1"
SIDE/SOUTH	30'-0"	91'-3"

LOADING/ UNLOADING AREA

- NO SPECIFIC LOADING / UNLOADING AREA DESIGNATED - TRASH REMOVAL AND LOADING / UNLOADING FUNCTION IS PERFORMED DURING OFF-HOURS BY SECURITY AGENCY.

PARKING SPACES (90° PARKING)

TYPICAL SPACE - 9'-6" WIDE x 19' LONG TYPICAL
PHYSICALLY HDC. - 8' WIDE x 19' LONG W/ 8'-0" ACCESS AISLE
PHYSICALLY HDC. 2 SPACES PROVIDED

DRIVES AND MANEUVERING LANES
ONE WAY 15' AND 24' WIDE MIN PROVIDED

PARKING REQUIREMENTS

TOTAL BLDG. AREA 4200.00 SF.
4200 X .80 = 3360 S.F. USABLE
3360 S.F. / 200 = 17 SPACES REQUIRED.
- 30 PARKING SPACES PROVIDED.
- 5 STACKING VEHICLES PER LANE @ 20' = 80'.
PLUS 1 VEHICLE AT SERVICE UNIT

SITE SURFACING

- ASPHALT PAVING W/ CONCRETE PAVING AT DRIVE THRU FACILITY.

CONCRETE WALKS FOR PEDESTRIAN USE ON SITE

- 8'-0" & 11' WIDE CONCRETE SIDEWALKS

GROUND SIGNS

1 SIGN 41 SQ.FT PROVIDED. MAX HT. 10'-0".

WALL SIGNS

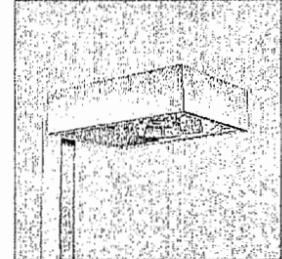
1 SIGN 1066.9 SF ELEVATION AREA
ALLOWABLE SIGNAGE 10% - 106 SF.
PROVIDED 77 SF.
1 SIGN 566 SF ELEVATION AREA
ALLOWABLE SIGNAGE 10% - 56 SF.
PROVIDED 31 SF.

LANDSCAPE AREA:

REQUIRED AREA: 6,827 S.F.
(REFER TO LANDSCAPE PLAN L-1 FOR FURTHER DETAIL AND CALCULATIONS.)

POLE LIGHT FIXTURE - A
20'-0" HEIGHT (17'-6" + 2'-6" CONC BASE)

400 WATT METAL HALIDE LAMP

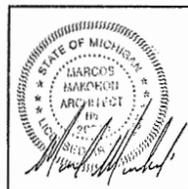


UNDER CANOPY FIXTURE - B

7" DIA. METAL HALIDE RECESSED DOWNLIGHT WITH A 100 WATT LAMP AND A 45 DEGREE CUTOFF. 10 FIXTURES SHALL BE PROVIDED AT THE DRIVE-THRU. ADDITIONALLY TWO FIXTURES SHALL BE PROVIDED AT EACH OF THE NORTH AND WEST BUILDING ELEVATION (TOTAL OF 14). SEE SHEET A-1

GENERAL NOTE: ALL EXTERIOR LIGHT FIXTURES ARE TO BE SHIELDED TO PREVENT UNDESIRABLE GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.

K4 ARCHITECTURE, LLC
2489 NORTHWESTERN HIGHWAY
SUITE 203
Southfield, MI 48034
Tel: (248) 355-3630
Webpage: www.k4arch.com
Email: k4arch@k4arch.com



BANKING CENTER FOR:

Fifth Third Bank
TROY BRANCH
ROCHESTER RD. AND BISHOP DRIVE
TROY, MI 48063

REVISIONS / SUBMISSIONS

NO.	DESCRIPTION	DATE
1	PRELIMINARY SITE PLAN REVIEW	04/29/05
2	PRELIMINARY SITE PLAN APPROVAL	06/06/05
3	PRELIMINARY SITE PLAN APPROVAL	06/24/05
4	REVIEW	10/17/05
5	FINAL SITE PLAN APPROVAL	10/25/05

RECEIVED
OCT 28 2005
BUILDING DEPT.

SITE DEVELOPMENT PLAN

Drawn By: GSC/SJD
Scale: AS NOTED
Job No.: K05-801
Start Date: 04/29/05

SDP-1