November 8, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Beech Lane Splits
Project No. 05.930.3

The Engineering Department has reviewed and approved plans for this project, which includes storm sewer, sanitary sewer, sidewalk, paving and soil erosion.

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

Approval is recommended.

Prepared by: G. Scott Finlay
Civil Engineer

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

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Enclosed Private Agreement, Detailed Summary, Sketch

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO.	05.930.3	PROJECT LOCATION:	SW 1/4 Sec 27
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 **Deagle Developent, Inc.** whose address is **328 Evaline, Troy, Mi 48085** and whose telephone number is **248-740-4959** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **storm sewer, sanitary sewer, sidewalk, paving and soil erosion** in accordance with plans prepared by **Nowak & Fraus** whose address is **46777 Woodward, Pontiac, MI 48342** and whose telephone number is **248-332-7931**, and approved BY THE City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of **$39,344.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	☐
Certificate of Deposit	☐
Irrevocable Bank Letter of Credit	☐
Check	☒
Performance Bond & 10% Cash	☐

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)		$	3,187.00
Engineering Review Fee (Private Improvements) **(PA1)**		$	
Water Main Testing Fee **(PA2)**		$	
Street Cleaning/Road Maintenance (Refundable)		$	1,000.00
	TOTAL:	$	**$4,187.00**

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 05.930.3	PROJECT LOCATION: SW 1/4 Sec 27
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

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 $ **43,531.00** 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. 05.930.3	PROJECT LOCATION: SW 1/4 Sec 27
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____day of _____, 20_____.

OWNERS

By:

Murray D. Deagle / Pres.
DEAGLE DEVELOPMENT INC.
Please Print or Type

_____
Please Print or Type

CITY OF TROY

By:

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 2nd day of November, A.D.20 05, before me personally appeared MURRAY DAVID DEAGLE 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.

Laura Campbell
LAURA CAMPBELL

LAURA CAMPBELL
Notary Public, Oakland County, MI
My Commission Expires 9/25/2011
Acting in Oakland County

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 9/25/2011

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR BEECH LANE SPLITS
PROJECT NO. 05.930.3

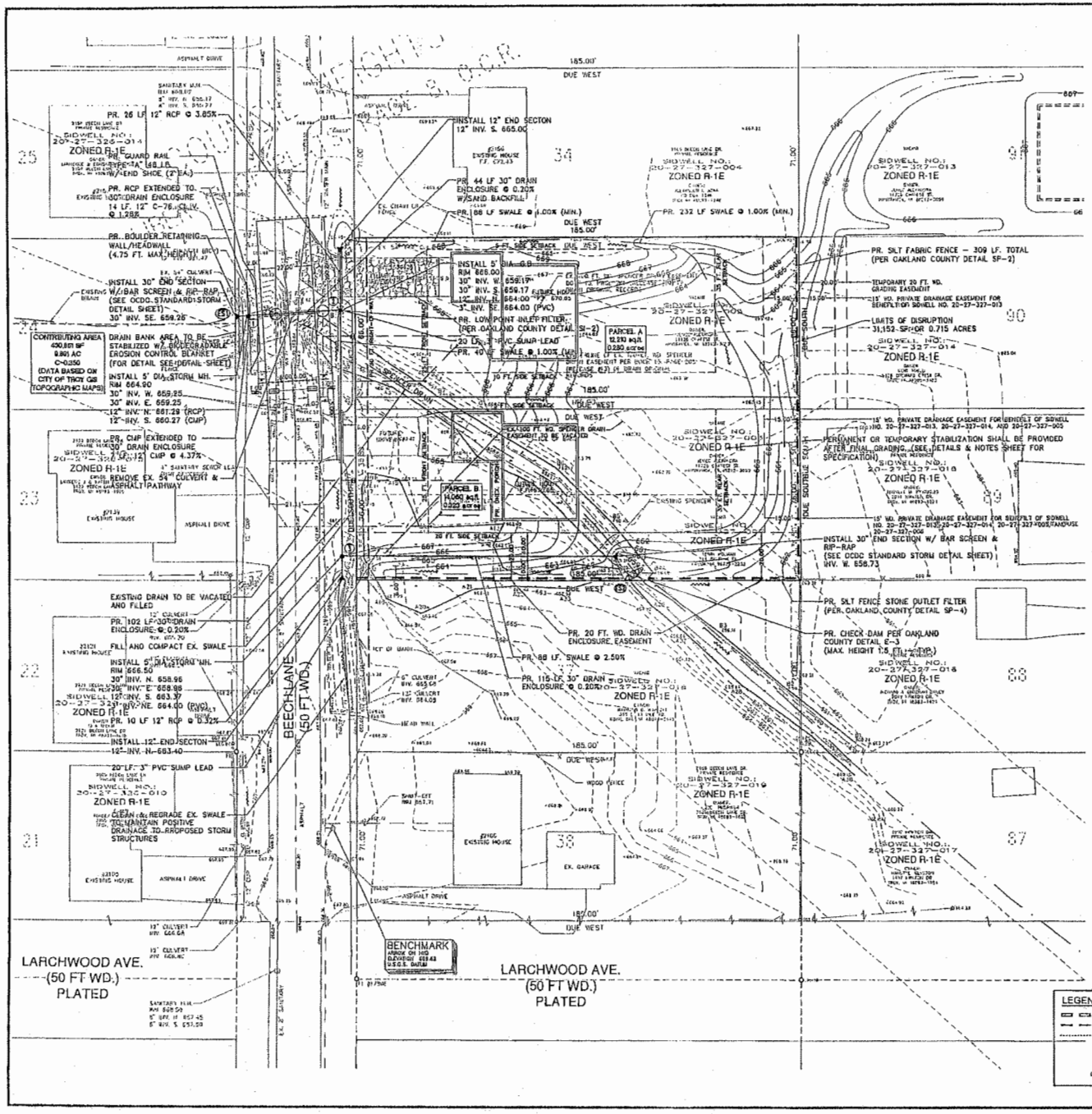
The estimated costs of public improvements for the aforementioned project are as follows:

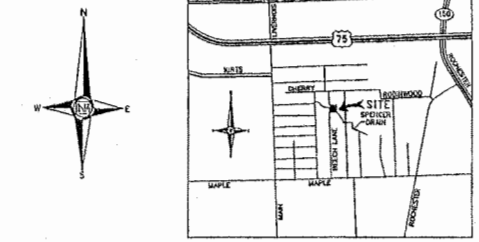
Escrow Deposits:

Storm sewer	**17,506.00**	
Sanitary sewer	**2,356.00**	
Paving	**19,482.00**	
Total Escrow Deposits: (check)		**$ 39,344.00**

Cash Fees:

Review & Inspection	$3,187.00	
Street Cleaning/Road Maintenance	1,000.00	
Total Cash Fees: (check)		**$ 4,187.00**





LOCATION MAP
NO SCALE
0' 20' 40' 80'
SCALE 1" = 20'

CROSSING SCHEDULE
A 30" STM B/P 656.64 8" WAT (V.I.F.)
B 30" STM B/P 656.60 12" WTR (V.I.F.)

LEGAL DESCRIPTION - PROPOSED PARCEL A

North 50 feet of Lot 35 of "Council Heights" a subdivision of a part of the SW 1/4 of Section 27, T. 2 North, R. 11 East, City of Troy, Oakland County, Michigan as recorded in Liber 18 of Plats, Page 8, O.C.R. Containing 12,210 sq.ft. or 0.280 acres and being subject to all easements of the record.

LEGAL DESCRIPTION - PROPOSED PARCEL B

Lot 36 and South 5 feet of Lot 35 of "Council Heights" a subdivision of a part of the SW 1/4 of Section 27, T. 2 North, R. 11 East, City of Troy, Oakland County, Michigan as recorded in Liber 18 of Plats, Page 8, O.C.R. Containing 14,060 sq.ft. or 0.322 acres and being subject to all easements of the record.

GRADING NOTES

Earthwork Volumes:

Cut = 709 cy
Fill = 1,859 cy
Net = 1,177 cy FILL (Unadjusted)

1. The net volume is not adjusted for compaction.
2. The net volume does not include utility trenching spoils.
3. The net volume does account for topsoil stripping and replacement during final grading.
4. The following steps shall be implemented, as deemed necessary, by the soil erosion field engineer:
   A. Utilize water wagons on-site for dust control.
   B. Stage mass grading operations, to limit the amount of exposed area. Install temporary seeding/mulch or hydroseed immediately following grade establishment.
   C. Keep Beech Lane free of dust at all times during construction.

GENERAL NOTES

1. Contractor shall verify the location and depth of ex. 8" sanitary sewer and ex. 12" water main in the field. Any conflicts shall be reported to engineer.
2. Contractor shall obtain a Soil Erosion Control Permit from city of Troy prior to construction.
3. Contractor shall obtain a Right-of-way Permit from the city of Troy prior to construction.

UTILITY NOTES

- ALL ON SITE STORM IS TO BE 12" C-76 CLIV. PIPE UNLESS OTHERWISE NOTED.
- ALL PROPOSED UTILITIES WITHIN A 1 ON 1 INFLUENCE OF PAVEMENT ARE TO HAVE COMPACTED SAND BACKFILL.
- MAINTAIN 18" MIN. CLEARANCE BETWEEN UTILITY CROSSINGS AND PLACE CRUSHED STONE BETWEEN SHEDS.

CITY OF TROY BENCHMARKS

B.M. #1: Arrow on top of Hydrant located on the west side of Livernois in front of house #2221
Elev. = 573.560
City of Troy BM system

B.M. #2: Arrow on top of Hydrant located in the northwest corner of Beech Lane. & Maple Rd.
Elev. = 668.594
City of Troy BM system

SITE INFORMATION

ZONED	R-1E (ONE FAMILY RESIDENTIAL DISTRICT)
SITE AREA	26,270 S.F. OR 0.603 ACRES
MIN. YARD SETBACKS	REQUIRED
FRONT	35.0 FT.
SIDE	5.0 FT. LEAST
SIDE	15.0 FT. TOTAL
REAR	35.0 FT.
MAX. BLDG. HEIGTH	25 FT. OR 2 STORIES
MIN. LOT AREA	7,500 SF.
MIN. LOT WIDTH	60.0 FT.
MIN. FLOOR AREA PER UNIT	1000 SF.
MAX. LOT COVERAGE	30.0 %

FLOOD HAZARD NOTE

THIS PROPERTY IS LOCATED IN ZONE "C" (AREAS OF MINIMAL FLOODING) AS INDICATED BY FLOOD INSURANCE RATE MAP (FIRM), PANEL NO. 260180 0006 E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS PREPARED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION. IDENTIFICATION DATE JUNE 30, 1974, REVISION DATE SEPTEMBER 16, 1998.

BEARING REFERENCE NOTE:

ALL BEARING ARE IN RELATION TO THE "COUNCIL HEIGHTS", AS RECORDED IN LIBER 18 OF PLATS, PAGE 8, O.C.R.

PAVING LEGEND

PROPOSED ASPHALT PAVEMENT SECTION

LEGEND

- EXISTING SANITARY SEWER
- SAN. CLEAN OUT
- EXISTING WATERMAIN
- EXISTING STORM SEWER
- EX. R. Y. CATCH BASIN
- EXISTING BURIED CABLES
- OVERHEAD LINES
- LIGHT POLE
- SIGN
- EXISTING GAS MAIN
- EXISTING WETLAND
- PR. SANITARY SEWER
- PR. WATERMAIN
- PR. STORM SEWER
- PR. R. Y. CATCH BASIN
- SAND BACKFILL (18 X 60'STT)
- PR. UNDERGROUND CABLE
- PR. REMOVAL

NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

46777 Woodward Avenue
Pontiac, Michigan 48342
Tel. (248) 332-7931
Fax. (248) 332-8257

PROJECT
Beech Lane

CLIENT
Deagle Development, Inc.
328 Eveline Dr.
Troy, MI 48085-5508

CONTACT
Murray Deagle
Ph.:
Fax.:

PROJECT LOCATION
Part of the SW 1/4
of Section 27
T. 2 North, R. 11 East
City of Troy
Oakland County, Michigan

SEAL

DATE	REVISION
09-28-05	City of Troy Comments
06-19-05	City of Troy Comments
07-18-05	OCDC Comments

SHEET
Spencer Drain Enclosure

DRAWN BY: PK
DESIGNED BY:
APPROVED BY: J Hobbs
DATE: 12-10-04
SCALE: 1" = 20'
NF JOB NO. 9-D613
SHEET NO. 2