October 3, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for T.G.I. Friday's
Project No. 05.918.3

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

The Owner has provided a check 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

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Enclosed Private Agreement, Detailed Summary, Sketch

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO.	05.918.3	PROJECT LOCATION:	591 W. Big Beaver
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 Drury Inns, Inc. whose address is 721 Emerson Road, Suite 400, St. Louis, MO 63141 and whose telephone number is 314-429-2255 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, storm sewer, paving and soil erosion 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 $25,696.00. 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	☐

RECEIVED
SEP 19 2005
C. E. GLEESON
CONSTRUCTORS INC

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)	$	2,073.2[illegible]
Engineering Review Fee (Private Improvements) (PA1)	$	1,291.37
Water Main Testing Fee (PA2)	$	650.00
Street Cleaning/Road Maintenance (Refundable)	$	5,000.00
TOTAL:	$	$9,014.60

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 05.918.3	PROJECT LOCATION: 591 W. Big Beaver
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 **$ 34,610.60** 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. 05.918.3 | PROJECT LOCATION: 591 W. Big Beaver

RESOLUTION NO. | DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on th 14th day of September, 20 05.

OWNERS - DRURY INNS, INC.

By: Joseph B Pereles

Joseph B. Pereles

Please Print or Type

Please Print or Type

CITY OF TROY

By:

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

STATE OF ~~MICHIGAN~~ MISSOURI, COUNTY OF ~~OAKLAND~~ ST LOUIS

On this 14th day of September, A.D.20 05, before me personally appeared Joseph B Pereles 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.

Alice J Vierck

NOTARY PUBLIC, ~~Oakland~~ St Louis County, ~~Michigan~~ Missouri

ALICE J VIERCK
Notary Public - Notary Seal
STATE OF MISSOURI
ST. CHARLES COUNTY
MY COMMISSION EXP. NOV. 24,2006

My commission expires: Nov 24 2006

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR T.G.I. FRIDAY'S
PROJECT NO. 05.918.3

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

Escrow Deposits:

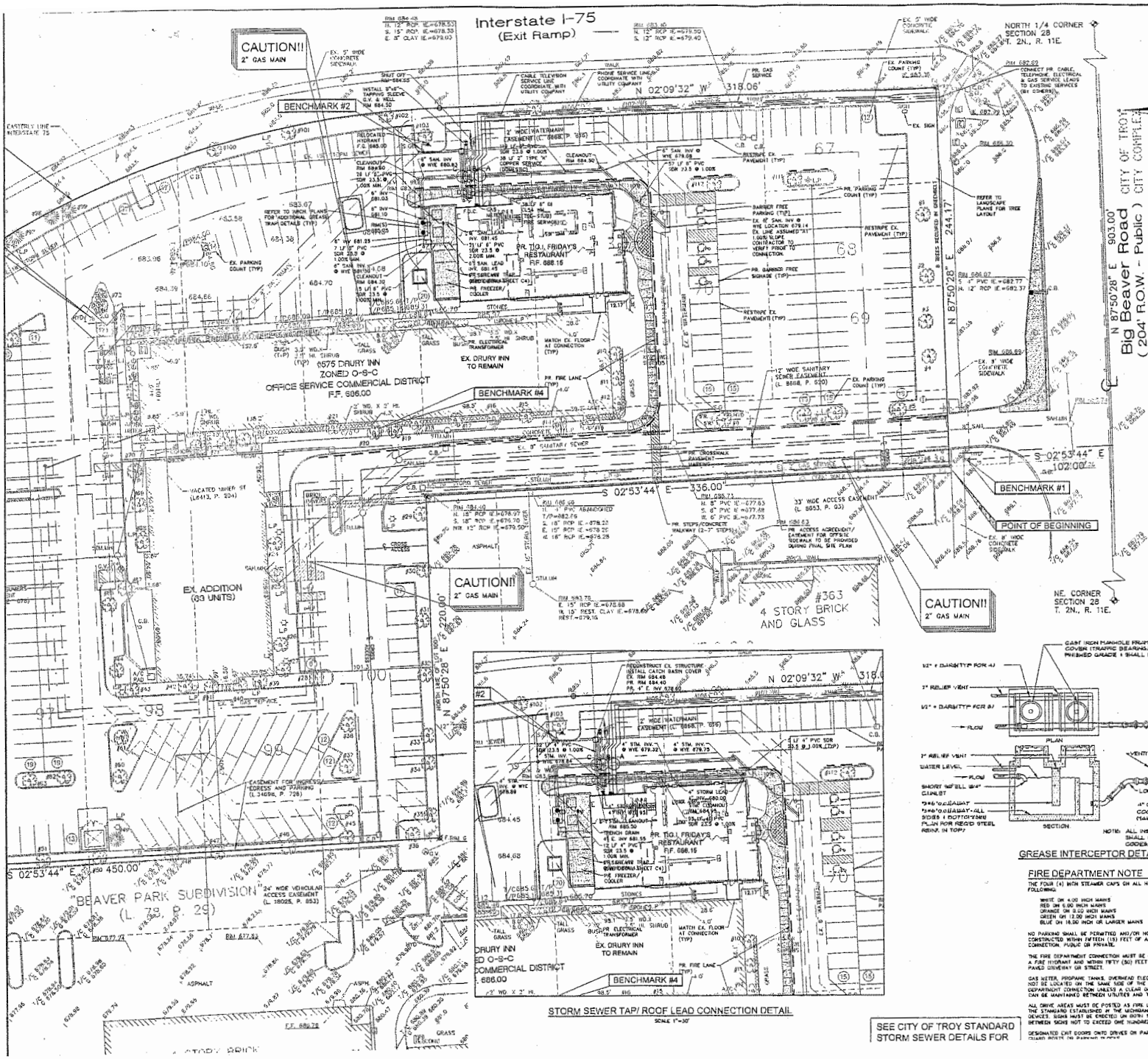
water main	**7,970.00**
storm sewer	**5,800.00**
paving	**11,826.00**

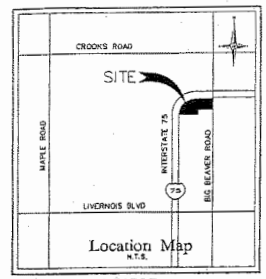
Total Escrow Deposits: (check) **$ 25,596.00**

Cash Fees:

Review & Inspection	$2,073.23
Engineering Review	1,291.37
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	5,000.00

Total Cash Fees: (check) **$ 9,014.60**





LEGAL DESCRIPTION-OVERALL PARCEL

PART OF LOTS 67 THROUGH 77 INCLUSIVE AND PART OF LOTS 95 THROUGH 100, INCLUSIVE AND VACATED WHER STREET ADJACENT THERETO ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 28, PAGE 29 OF PLATS, OAKLAND COUNTY RECORDS, ALL DESCRIBED AS: BEGINNING AT A POINT ON THE EAST LINE OF VACATED WHER STREET, DISTANT N87°50'28"E 903.00 FEET AND S02°53'44"E 102.00 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 28; THENCE S02°53'44"E 336.00 FEET; THENCE N87°50'28"E, 220.00 FEET ALONG THE NORTH LINE OF SAID LOT 100; THENCE S02°53'44"E, 450.00 FEET; THENCE S87°50'28"W, 174.59 FEET; THENCE N47°47'01"W, 64.34 FEET; THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF I-75, N81°23'18"W, 58.65 FEET AND S87°50'28"W, 58.89 FEET ALONG A CURVE TO THE RIGHT, RADIUS 808.62 FEET, CHORD BEARS N22°20'28"W, 416.58 FEET, DISTANCE OF 427.38 FEET; THENCE N02°09'32"W, 318.06 FEET; THENCE ALONG THE SOUTH LINE OF BIG BEAVER ROAD, N87°50'28"E, 244.17 FEET TO THE POINT OF BEGINNING. CONTAINING 256,849 SQUARE FEET OR 5.918 ACRES OF LAND

LEGAL DESCRIPTION-
T.G.I. FRIDAYS PARCEL (LEASE PARCEL)

A PART OF LOTS 71, 72 AND 73 OF "BEAVER PARK SUBDIVISION" OF THE WEST PART OF THE N.E. 1/4 OF SECTION 28, T.2N.,R.11E, TROY TWP.,(NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 28, PAGE 29, OAKLAND COUNTY RECORDS, DESCRIBED AS BEGINNING AT A POINT DISTANT N87°50'28"E 903.00 FEET AND S02°53'44"E 297.20 FEET AND N89°07'12"W 115.83 FEET FROM SAID SECTION 28; THENCE S03°12'48"E 134.11 FEET; THENCE N87°07'07"W 74.00 FEET; THENCE N03°12'48"W 133.92 FEET; THENCE N88°57'12"E 74.00 FEET TO THE POINT OF BEGINNING. CONTAINING 9,917 SQUARE FEET OR 0.23 ACRES OF LAND

UTILITY CROSSING SCHEDULE

A	PR. 6" SAN. T/P 682.99	C	PR. 6" SAN. T/P 681.10
	PR. PHONE LINE 682.50		PR. 4" STM. B/P 680.56
	PR. CATV LINE 682.50		PR. 4" STM. T/P 679.07 (CONC. ENCASEMENT REQ.)
B	PR. 6" SAN. T/P 681.06	D	PR. 4" STM. INV 678.07
	PR. 6" SAN. B/P 680.52		PR. 4" STM. T/P 676.70
	PR. 6" WM. T/P 679.00		PR. 4" WM. B/P 680.70
	PR. 2" WM. T/P 679.00 (DIP WATERMAIN)		PR. 2" WM. B/P 680.70 (RAISE WATERMAIN)

EASEMENT NOTE

RELOCATION OF EXISTING HYDRANT DOES NOT REQUIRE A DEVISION TO THE EXISTING WATERMAIN EASEMENT. RELOCATED HYDRANT FALLS WITHIN THE EXISTING EASEMENT.

HYDRANT NOTE

ALL HYDRANTS, UNLESS OTHERWISE NOTED, SHALL BE CONSTRUCTED 5 FEET OFF BACK OF CURB (TYPICAL).

WATERMAIN CONNECTION NOTE

NO PHYSICAL CONNECTION MAY BE MADE WITH THE EXISTING WATER MAIN UNTIL THE PROPOSED WATER MAIN HAS BEEN HYDROSTATICALLY TESTED, BEEN CHLORINATED AND PASSED THE BACTERIAL SAMPLING PROCESS. APPROVAL SHALL BE GIVEN BY THE WATER DEPARTMENT.

LIGHTING NOTE

ALL NEW SITE LIGHTING SHALL BE SHIELDED AND DIRECTED DOWNWARD AWAY FROM ADJACENT PROPERTIES IN ACCORDANCE WITH COMMUNITY STANDARDS. PROPOSED SITE LIGHTING SHALL MATCH EXISTING SITE LIGHTS IN DENSITY, STYLE & HEIGHT. REFER TO ARCHITECTURAL PLANS FOR NOTES & DETAILS.

PROPOSED USE NOTE

DEMOLISH EXISTING O'GRADY'S RESTAURANT, REMOVE & REPLACE EX. PAVEMENT FOR CONSTRUCTION OF PROPOSED T.G.I. FRIDAY'S RESTAURANT

NOTE

A SOIL EROSION PERMIT IS REQUIRED FROM THE CITY OF TROY ENGINEERING DEPARTMENT FOR THIS PROJECT.

DETENTION NOTE

DETENTION AREA HAS BEEN PROVIDED FOR THIS SITE VIA EXISTING DETENTION BASIN.

ESTIMATED QUANTITIES

STORM SEWER

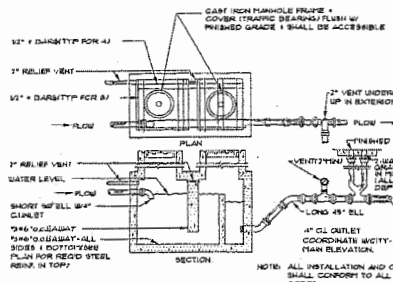
DESCRIPTION	QUANTITY	UNITS
4" PVC, SDR 23.5, TRENCH DRAIN	12	L.F.
4" PVC, SDR 23.5, BUILDING LEAD	142	L.F.
SEWER TAP/CONNECTION	1	EA.

SANITARY SEWER

DESCRIPTION	QUANTITY	UNITS
6" PVC, SDR 23.5, BUILDING LEAD	224	L.F.
SEWER TAP/CONNECTION	2	EA.

WATERMAIN

DESCRIPTION	QUANTITY	UNITS
6" D.I., CLASS 54, WATERMAIN	38	L.F.
2" TYPE "K" COPPER BUILDING SERVICE	33	L.F.
RELOCATE EXISTING HYDRANT	1	EA.
5" x 6" TAPPING SLEEVE & V. & WELL	1	EA.
WATERMAIN CONNECTION	2	EA.



GREASE INTERCEPTOR DETAIL

FIRE DEPARTMENT NOTE

THE FOUR (4) INCH STEAMER CAPS ON ALL HYDRANTS WILL BE PAINTED ACCORDING TO THE FOLLOWING:

WHITE ON 4.00 INCH MAINS
RED ON 6.00 INCH MAINS
ORANGE ON 8.00 INCH MAINS
GREEN ON 12.00 INCH MAINS
BLUE ON 16.00 INCH OR LARGER MAINS

NO PARKING SHALL BE PERMITTED AND/OR NO OBSTRUCTIONS SHALL BE PLACE OR CONSTRUCTED WITHIN FIFTEEN (15) FEET OF ANY FIRE HYDRANT OR FIRE DEPARTMENT CONNECTION, PUBLIC OR PRIVATE.

THE FIRE DEPARTMENT CONNECTION MUST BE LOCATED WITHIN ONE HUNDRED (100) FEET OF A FIRE HYDRANT AND WITHIN FIFTY (50) FEET OF A MINIMUM EIGHTEEN (18) FOOT WIDE PAVED DRIVEWAY OR STREET.

GAS METER, PROPANE TANKS, OVERHEAD ELECTRICAL SERVICE, AND TRANSFORMERS MUST NOT BE LOCATED ON THE SAME SIDE OF THE BUILDING OR STRUCTURE AS THE FIRE DEPARTMENT CONNECTION UNLESS A CLEAR DISTANCE OF ONE HUNDRED FIFTY (150) FEET CAN BE MAINTAINED BETWEEN UTILITIES AND THE FIRE DEPARTMENT CONNECTION.

ALL DRIVE AREAS MUST BE POSTED AS FIRE LANES WITH UNIFORM SIGNS IN KEEPING WITH THE STANDARD ESTABLISHED IN THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. SIGNS MUST BE ERECTED ON BOTH SIDES OF THE FIRE LANES WITH SPACING BETWEEN SIGNS NOT TO EXCEED ONE HUNDRED (100) FEET.

DESIGNATED CRIT ROOMS ONTO DRIVES OR PARKING AREAS MUST BE PROTECTED WITH GUARD POSTS (NO PARKING HERE)

SEE CITY OF TROY STANDARD STORM SEWER DETAILS FOR

LEGEND

MANHOLE	EXISTING SANITARY SEWER
HYDRANT / GATE VALVE	SAN. CLEAN OUT
	EXISTING WATER MAIN
MANHOLE / CATCH BASIN	EXISTING STORM SEWER
	EX. R. Y. CATCH BASIN
UTILITY POLE / GUY POLE	EXISTING BURIED CABLES
GUY WIRE	OVERHEAD LINES
	LIGHT POLE
	SIGN
C.O. / MANHOLE	EXISTING GAS MAIN
HYDRANT / GATE VALVE	PR. SANITARY SEWER
	PR. WATERMAIN
INLET / C.B. / MANHOLE	PR. STORM SEWER
	PR. R. Y. CATCH BASIN