



## CITY COUNCIL AGENDA ITEM

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Date: July 14, 2014

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer

Subject: Private Agreement – Contract for Installation of Municipal Improvements  
Detroit Meeting Room - Project No. 13.902.3

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### **History**

Detroit Meeting Rooms proposes to develop Detroit Meeting Room located northeast of Adams and Square Lake Roads.

Troy Planning Commission recommended preliminary site plan approval on March 12, 2013.

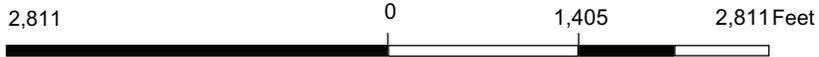
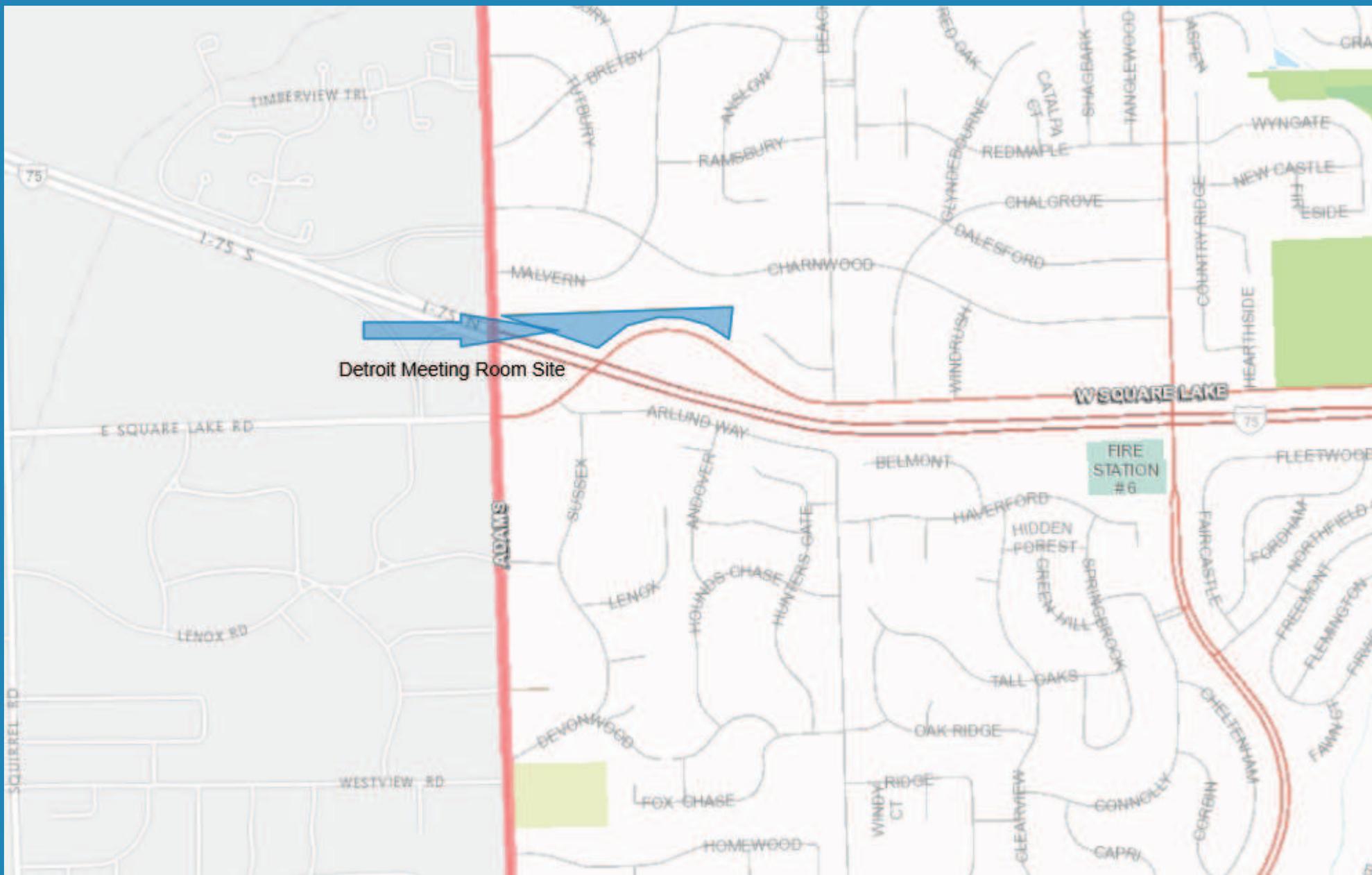
Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements which will be constructed by Detroit Meeting Rooms on behalf of the City of Troy; including Water Main, Sanitary Sewer, Concrete Sidewalk & Approach, and Detention Pond. The required fees and refundable escrow deposits in the form of Check, that will assure completion of the municipal improvements, have been provided by Detroit Meeting Rooms (see attached Private Agreement).

### **Financial**

See attached summary of required deposits and fees for this Private Agreement.

### **Recommendation**

Approval of the Contract for Installation of Municipal Improvements (Private Agreement) is recommended.



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**City Of Troy**  
Contract for Installation of Municipal Improvements  
(Private Agreement)

Project No.: **13.902.3**

Project Location: **SW 1/4 Section 6**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this 27th day of May, 2014 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and Detroit Meeting Rooms whose address is 37900 Mound Road, Sterling Heights, MI 48310 and whose telephone number is (248) 802-8048 hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of Water Main, Sanitary Sewer, Concrete Sidewalk & Approach, and Detention Pond in accordance with plans prepared by Nowak & Fraus Engineers whose address is 46777 Woodward Avenue, Pontiac, MI 48342-5032 and whose telephone number is (248) 332-7931 and approved prior to construction by the City in accordance with City of Troy specifications.

**SECOND:** That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ 112,242.00. This amount will be deposited with the City in the form of (check one):

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

Refundable cash deposit in the amount of \$ 18,724.00. This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
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Non-refundable cash fees in the amount of \$ 12,250.00. This amount will be paid to the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
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Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

**City Of Troy**  
Contract for Installation of Municipal Improvements  
(Private Agreement)

**THIRD:** The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer 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, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

**FOURTH:** Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

**FIFTH:** Owners agree to indemnify and save harmless 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 and/or right-of-way for such public utilities as required by the City Engineer.

**City Of Troy**  
Contract for Installation of Municipal Improvements  
(Private Agreement)

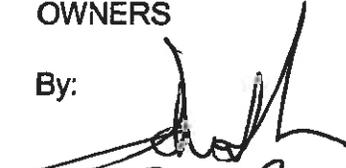
**IN WITNESS WHEREOF**, the parties hereto have caused this agreement to be executed in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

OWNERS

CITY OF TROY

By:

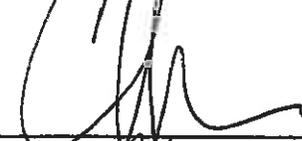
By:

  
\_\_\_\_\_

\_\_\_\_\_

Please Print or Type

Dane M. Slater, Mayor

  
\_\_\_\_\_

\_\_\_\_\_

Please Print or Type

Charles Truman

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 10<sup>th</sup> day of July, A.D. 2014, before me personally appeared John Reid and Charles Truman 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.

  
\_\_\_\_\_

NOTARY PUBLIC, Oakland County, Michigan



MANDY BROWN  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires Jun. 24, 2018  
Acting in the County of Oakland

My commission expires: June 24, 2016

**Detailed Summary of Required Deposits & Fees**  
**Detroit Meeting Room**  
**13.902.3**

**ESCROW DEPOSITS (PUBLIC):**

Sanitary Sewers	\$52,830
Water Mains	\$42,750
Paving	\$5,412
Sidewalks	<del>\$2,460</del> 2170
Detention Pond/Restricted Outlet	\$9,090

TOTAL ESCROW DEPOSITS (Refundable): \$112,242  
112,240.00

**CASH FEES (Non-Refundable):**

Engineering Review Fee (Private Improvements)(PA1)	\$3,927
Water Main Testing and Chlorination (PA 2)	\$752
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$9,002
Soil Erosion/Sedimentation Control Commercial Permit Fee (SUB 10)	\$400
Soil Erosion/Sedimentation Control Commercial Inspection Fee (SUB 10)	\$800
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$2,631

TOTAL CASH FEES (Non-Refundable): \$12,250

**CASH DEPOSITS (Refundable):**

Street Cleaning/Road Maintenance	\$5,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$2,500
Punchlist & Restoration	\$11,224

TOTAL CASH DEPOSITS (Refundable): \$18,724

Total Escrow & Cash Deposits (Refundable): 130,984.00 \$130,966

Total Cash Fees (Non-Refundable): \$12,250

Total Amount: \$143,216

143,234.00

**PAID**

JUL 11 2014

CITY OF TROY  
TREASURER'S OFFICE