



CITY COUNCIL AGENDA ITEM

Date: July 14th, 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
Chatwal Park Estates Site Condominiums - Project No. 13.921.3

History

Mondrian Properties Chatwal, LLC proposes a 14 unit residential development called Chatwal Park Estates Site Condominiums located northwest of Wattles and Rochester Roads.

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

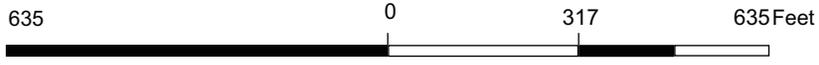
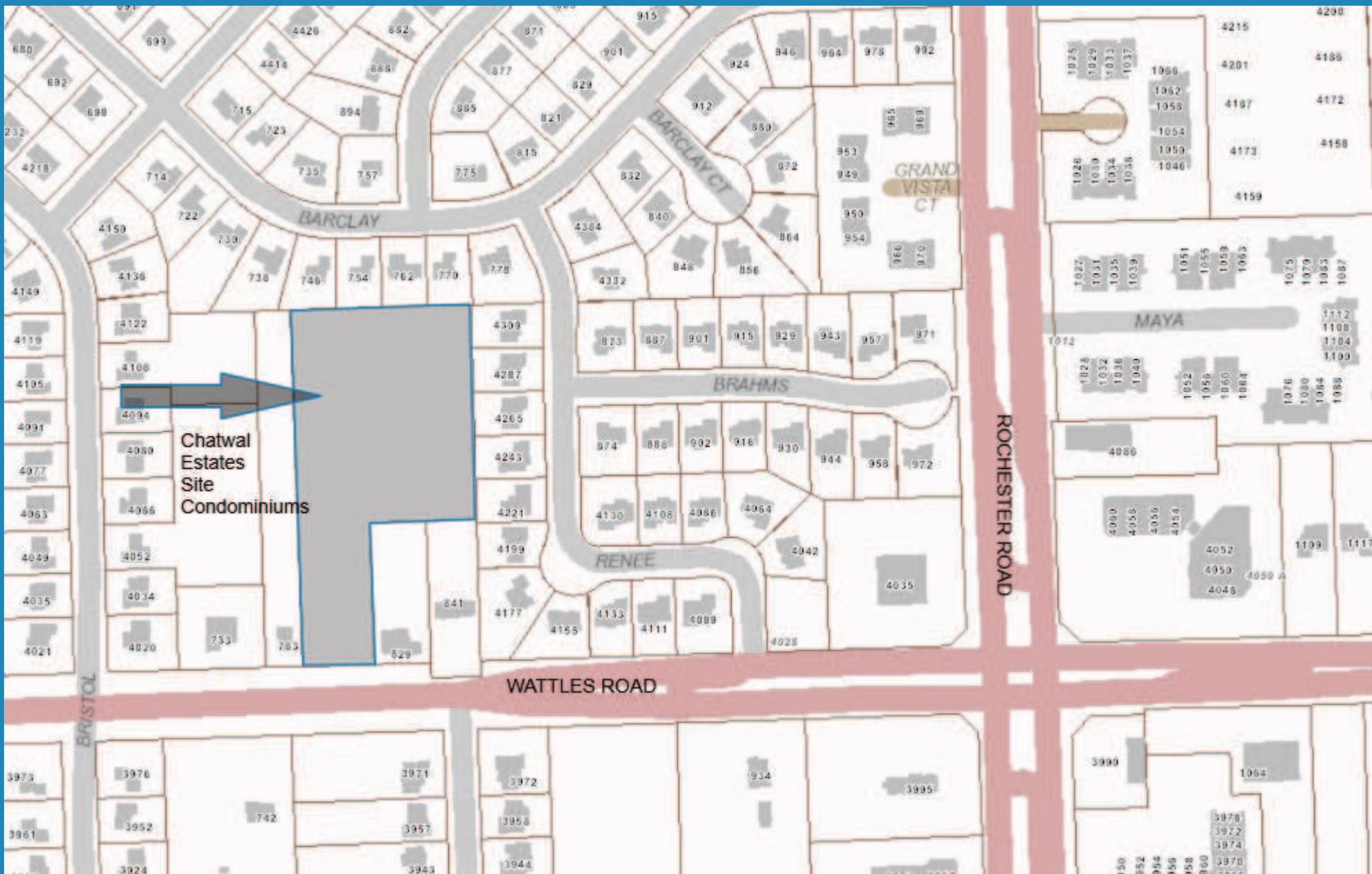
Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements which will be constructed by Mondrian Properties Chatwal, LLC on behalf of the City of Troy; including Water Main, Sanitary Sewer, Storm Sewer, Detention Pond & Pump Station, and Concrete Pavement & Sidewalk. The required fees and refundable escrow deposits in the form of Performance Bond and 10% Cash, that will assure completion of the municipal improvements, have been provided by Mondrian Properties Chatwal, LLC (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.: **13.921.3**

Project Location: **SE 1/4 Section 15**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this 14th day of July, 2014 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and Mondrian Properties Chatwal, LLC whose address is 50215 Schoenherr Road, Shelby Township, MI 48315 and whose telephone number is 586-726-7340 hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of Water Main, Sanitary Sewer, Storm Sewer, Detention Pond & Pump Station, and Concrete Pavement & Sidewalk in accordance with plans prepared by Fazal Khan and Associates, Inc. whose address is 43279 Schoenherr Road, Sterling Heights, MI 48313 and whose telephone number is 586-739-8007 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 \$ 415,315.00. This amount will be deposited with the City in the form of (check one):

Cash/Check	<input type="checkbox"/>	} 10% Cash <u>\$41,531.50</u>
Certificate of Deposit & 10% Cash	<input type="checkbox"/>	
Irrevocable Bank Letter of Credit & 10% Cash	<input type="checkbox"/>	
Performance Bond & 10% Cash	<input checked="" type="checkbox"/>	

Refundable cash deposit in the amount of \$ 60,444.00. 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 \$ 58,079.00. 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 11th day of July, 2014.

OWNERS

Mandrian Properties Chatwal, LLC
By: Sahar Fakhouri



Please Print or Type

Please Print or Type

CITY OF TROY

By:

Dane M. Slater, Mayor

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 11th day of July, A.D. 2014, before me personally appeared Sahar Fakhouri 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

My commission expires: March 29th, 2020

ANITA SRBINOVSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Mar 29, 2020
ACTING IN COUNTY OF Oakland

Detailed Summary of Required Deposits & Fees
 Chatwal Park
 14 Units - Section 15

ESCROW DEPOSITS or PERFORMANCE BOND:

Sanitary Sewers	\$44,253
Water Mains	\$54,835
Storm Sewers	\$71,556
Rear Yard Drains	\$49,152
Pavement - CONCRETE	\$95,403
Grading	\$25,000
Detention Basin	\$17,100
Monuments and Lot Corner Irons	\$490
Temporary Access Road	\$2,000
Major Road Improvements (other than decel or passing lanes)	\$31,606
Sidewalks - ON SITE	\$2,145
Sidewalks - OFF SITE	\$6,375
Street Light	\$7,000
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$8,400

PAID
 JUL 11 2014
 CITY OF TROY
 TREASURER'S OFFICE

TOTAL ESCROW DEPOSITS or PERFORMANCE BOND (REFUNDABLE): \$415,315
 (Circle One)

*PERFORMANCE
 BOND AMOUNT
 + 10% CASH (\$41,531.5)*

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination (PA2)	\$650
Street Name and Traffic Signs (SUB 4)	\$394
Maintenance of Detention Basin (20 year)	\$21,800
Soil Erosion and Sedimentation Control Permits (SUB 10)	\$2,900
Testing Services (SUB 11)	\$6,230
Engineering Review and Inspection (PA 1)	\$29,570
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$3,465

(PA 3) TOTAL CASH FEES (NON-REFUNDABLE): \$58,079

CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	\$648
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$2,800
Landscape Deposit	\$8,694
Punchlist & Restoration Deposit	\$46,552
Deposit for Repair, Replacement or Maintenance of SESC	\$1,750

(PA 3) TOTAL CASH DEPOSITS (REFUNDABLE): \$60,444