



## CITY COUNCIL AGENDA ITEM

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Date: February 10, 2016

To: Brian Kischnick, City Manager

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

Subject: Private Agreement – Contract for Installation of Municipal Improvements  
DTE Doyle - Project No. 15.908.3

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### **History**

DTE Electric Company proposes to develop a new substation located on the west side of Doyle Drive, north of the Transit Center. The purpose of the substation is to redistribute electricity from the overhead transmission lines to Troy and Birmingham. The site will include various poles and ground equipment screened with a 12-foot wall and landscaping.

Troy Planning Commission granted preliminary site plan approval on December 8, 2015.

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 DTE Electric Company on behalf of the City of Troy: including water main, paving, sidewalks, soil erosion and landscaping. The required fees and refundable escrow deposits in the form of a Performance Bond and 10% Cash, that will assure completion of the municipal improvements, have been provided by DTE Electric Company (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.

# City Of Troy

## Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **15.908.3**

Project Location: **NE 1/4 Section 31**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this **11th** day of **January, 2016** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **DTE Electric Company** whose address is **One Energy Plaza, Detroit, MI 48226** and whose telephone number is **313-460-8442** hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of water main, paving, sidewalks, soil erosion and landscaping in accordance with plans prepared by **DTE Energy** whose address is **One Energy Plaza, Detroit, MI 48226** and whose telephone number is **313-235-6784** 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 \$ **47,000.00**. This amount will be deposited with the City in the form of (check one):

Cash/Check	<input type="checkbox"/>	}	10% Cash	<u>\$4,700.00</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 \$ **55,700.00** ✓ This amount will be deposited with the City in the form of (check one):

Cash  Check

Non-refundable cash fees in the amount of \$ **4,579.00** ✓ This amount will be paid to the City in the form of (check one):

Cash  Check

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)

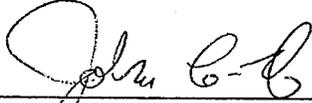
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

OWNERS

CITY OF TROY

By:

By:



John C. Erb, Manager Corporate Real Estate  
Please Print or Type

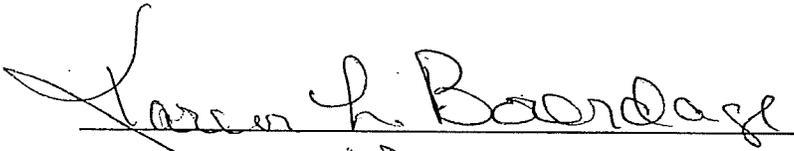
\_\_\_\_\_  
Dane M. Slater, Mayor

\_\_\_\_\_  
Please Print or Type

\_\_\_\_\_  
M. Aileen Dickson, City Clerk

STATE OF MICHIGAN, COUNTY OF ~~OAKLAND~~ <sup>Wayne</sup>

On this 4th day of February A.D. 2016, before me personally appeared John C. Erb 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, <sup>Wayne</sup> ~~Oakland~~ County, Michigan

**KAREN L. BOURDAGE**  
**NOTARY PUBLIC, STATE OF MI**  
**COUNTY OF WAYNE**  
**MY COMMISSION EXPIRES MARCH 19, 2019**  
**ACTING IN THE COUNTY OF Wayne**

My commission expires: 3.19.19

**Detailed Summary of Required Deposits & Fees**  
**DTE Doyle**  
**15.908.3**

**ESCROW DEPOSITS (PUBLIC):**

Sanitary Sewers	\$0
Water Mains	\$36,000
Paving	\$11,000
Sidewalks	\$0
Deceleration and/or Passing Lane - MAJOR ROAD	\$0
Major Road Improvements (other than decel or passing lanes)	\$0
Underground Detention System/Restricted Outlet/Sewer Tap/Oil & Gas Trap	\$0
<b>TOTAL ESCROW DEPOSITS (Refundable):</b>	<b><u>\$47,000</u></b>

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

Engineering Review Fee (Private Improvements)(PA1)	\$1,420
Water Main Testing and Chlorination (PA 2)	\$650
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$3,807
Soil Erosion/Sedimentation Control Commercial Permit Fee (SUB 10)	\$0
Soil Erosion/Sedimentation Control Commercial Inspection Fee (SUB 10)	\$0
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$1,298
<b>TOTAL CASH FEES (Non-Refundable):</b>	<b><u>\$4,579</u></b>

**CASH DEPOSITS (Refundable):**

Street Cleaning/Road Maintenance	\$50,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$1,000
Punchlist & Restoration	\$4,700
<b>TOTAL CASH DEPOSITS (Refundable):</b>	<b><u>\$55,700</u></b>

Total Escrow & Cash Deposits (Refundable):	<b><u>\$102,700</u></b>
Total Cash Fees (Non-Refundable):	<b><u>\$4,579</u></b>
<b>Total Amount:</b>	<b><u>\$107,279</u></b>

**PAID**  
FEB 05 2016  
CITY OF TROY  
TREASURER'S OFFICE



PERFORMANCE BOND

Bond 285040565

KNOW ALL BY THESE PRESENTS, That we, DTE Electric Company

(hereinafter called the Principal), as Principal, and Liberty Mutual Insurance Company

, a corporation duly organized under the laws of the State of Massachusetts (hereinafter called the Surety), as Surety, are held and firmly bound unto

City of Troy, 500 W. Big Beaver Rd., Troy, MI 48084

, (hereinafter called the Obligee), in the sum of Forty-seven Thousand Dollars And Zero Cents (\$47,000.00) Dollars

for the payment of which sum well and truly to be made, we, the said Principal and the said Surety; bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 28th day of December, 2015

WHEREAS, said Principal has entered into a Contract with said Obligee, dated \_\_\_\_\_, for work performed for the Ariel Project

in accordance with the terms and conditions of said Contract, which is hereby referred to and made a part hereof as if fully set forth herein;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bounden Principal shall well and truly keep, do and perform each and every, all and singular, the matters and things in said contract set forth and specified to be by said Principal kept, done and performed, at the times and in the manner in said contract specified, or shall pay over, make good and reimburse to the above named Obligee, all loss and damage which said Obligee may sustain by reason of failure or default on the part of said Principal so to do, then this obligation shall be null and void; otherwise shall remain in full force and effect.

*RDC*

DTE Electric Company Principal

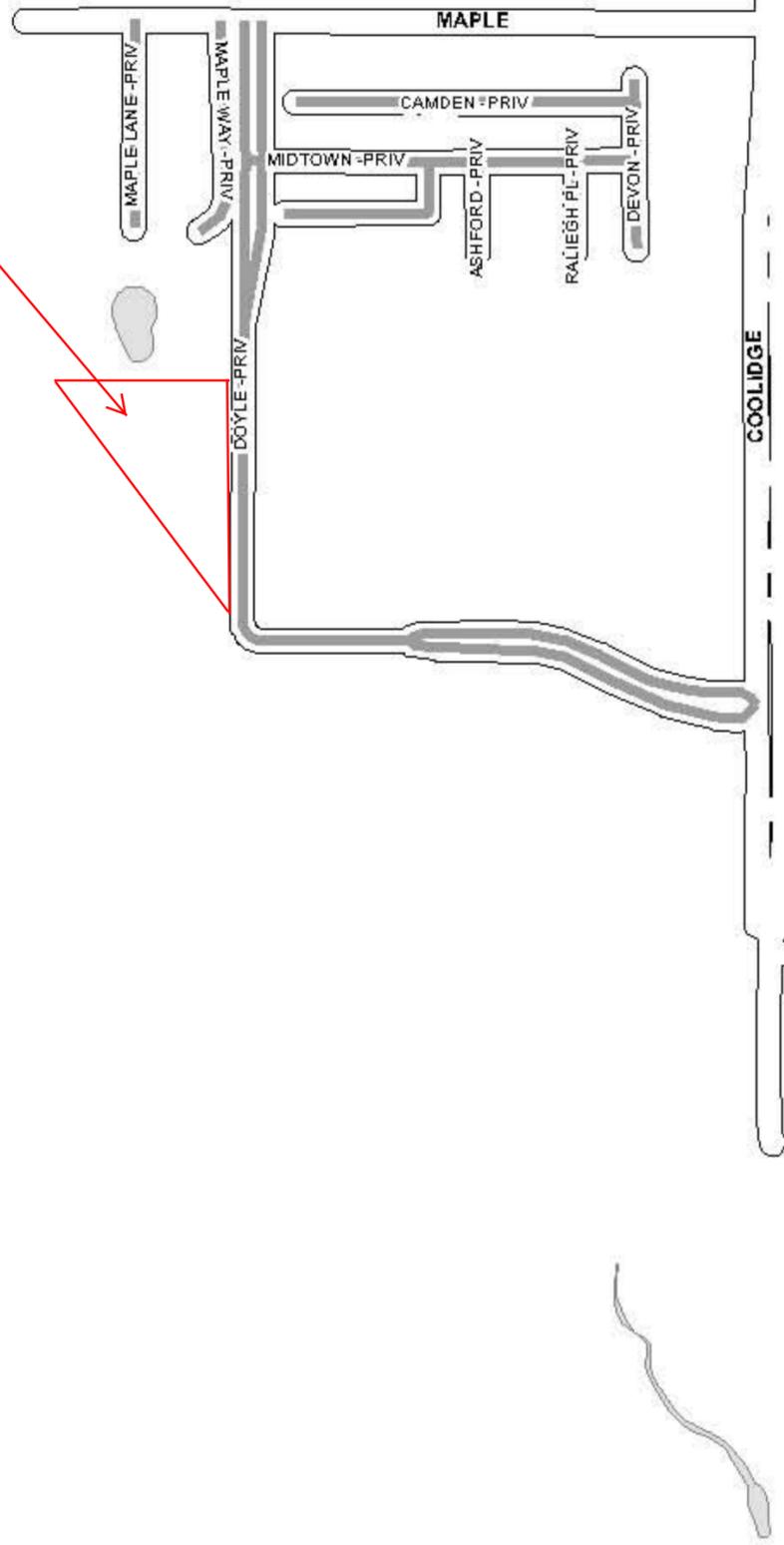
By [Signature]  
DAVID MURPHY  
ASST. TREASURER



Liberty Mutual Insurance Company

By [Signature]  
Cynthia McCaffrey Attorney-in-Fact

Project Location



**Legend**

- Private
- Do Not Salt

# Street Map

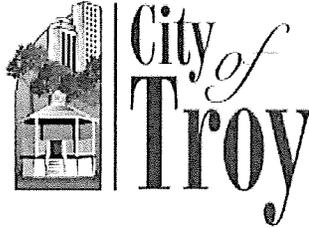
## Section 31



Date: 10/28/2015

## ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
PHONE: 248- 524-3364  
E-MAIL: [evanspm@troymi.gov](mailto:evanspm@troymi.gov)



**FEE \$150.00**  
<http://troymi.gov/Government/Departments/CodeEnforcement.aspx>

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL.** PLEASE FILE A COMPLETE APPLICATION AND FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: \_\_\_\_\_
2. PROPERTY TAX IDENTIFICATION NUMBER(S): \_\_\_\_\_
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: \_\_\_\_\_
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: \_\_\_\_\_
5. APPLICANT:  
NAME \_\_\_\_\_  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_  
E-MAIL \_\_\_\_\_  
AFFILIATION TO THE PROPERTY OWNER: \_\_\_\_\_

6. PROPERTY OWNER:

NAME \_\_\_\_\_  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
E-MAIL \_\_\_\_\_

The undersigned hereby declares under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto.

I, \_\_\_\_\_ (APPLICANT) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO ENTER THE PROPERTY TO ASCERTAIN PRESENT CONDITIONS.

APPLICANT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

PROPERTY OWNER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

Failure of the applicant or their authorized representative to appear before the Board as scheduled shall be cause for denial or dismissal of the case with no refund of fees. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by first class mail.

## STATEMENT OF PRACTICAL DIFFICULTY

In order for a variance to be granted, a practical difficulty, as determined by the Board, must be present. On a separate sheet, please clearly identify and explain the practical difficulty justifying the variance request. The practical difficulty must be clearly related to as many of the 5 standards below as possible:

- a) Exceptional characteristics of property for which the variance is sought make compliance with dimensional requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation and other similar characteristics.
- b) The characteristics which make compliance with dimensional requirements difficult must be related to the premises for which the variance is sought, not some other location.
- c) The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.
- d) The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
- e) The proposed variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property value within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

## **ZONING BOARD OF APPEALS APPLICATION CHECKLIST**

### **Please provide the following**

- ✓ Completed application
- ✓ Statement of practical difficulty see page 3.
- ✓ Plot plan or survey showing property lines, existing and proposed buildings, their dimensions and locations (height, length, width, as applicable).
- ✓ Setbacks from property lines
- ✓ Elevation drawings
- ✓ Photos as necessary to accurately describe the request including existing and proposed property conditions
- ✓ Any other information that explains the request.
- ✓ Minimum size of all documents 8.5" x 11".

**Please provide a digital version of all application pages and documents. You may e-mail them or submit them on media such as a jump drive.**

**Please also provide 2 paper application packages containing the documents. Each package should be identical.**

**Payment should accompany the paper application packages.**