



CITY COUNCIL AGENDA ITEM

Date: May 23, 2016

To: Brian Kischnick, City Manager

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

Subject: Private Agreement – Contract for Installation of Municipal Improvements
Bradley Square Condominiums - Project No. 15.924.3

History

Robertson Brothers Homes AND DePorre Family, LLC proposes to develop Bradley Square Condominiums located on the east side Rochester Road between Bradley and Shallowdale Drives, Section 14.

Troy Planning Commission recommended preliminary site plan approval on January 12th, 2016.

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 Robertson Brothers Homes AND DePorre Family, LLC on behalf of the City of Troy: including Water Main, Sanitary Sewer, Storm Sewer, Paving, Sidewalks, and Landscaping. The required fees and refundable escrow deposits in the form of an Irrevocable Bank Letter of Credit and 10% Cash, that will assure completion of the municipal improvements, have been provided by Robertson Brothers Homes AND DePorre Family, 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.

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **15.924.3**

Project Location: **NW 1/4 Section 14**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this **23rd** day of **May, 2016** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Robertson Brothers Homes AND DePorre Family, LLC** whose address is **6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301 AND 101 W. Long Lake Road, Bloomfield Hills, MI 48304** and whose telephone number is **248-282-1428 AND 248-647-0277** hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of **Water Main, Sanitary Sewer, Storm Sewer, Paving, Sidewalks, and Landscaping** in accordance with plans prepared by **Nowak & Fraus Engineers** whose address is **46777 Woodward Avenue, Pontiac, MI 48342** 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 \$ **229,821.00**. This amount will be deposited with the City in the form of (check one):

Cash/Check	<input type="checkbox"/>	}	10% Cash	<u>\$22,982.10</u>
Certificate of Deposit & 10% Cash	<input type="checkbox"/>			
Irrevocable Bank Letter of Credit & 10% Cash	<input checked="" type="checkbox"/>			
Performance Bond & 10% Cash	<input type="checkbox"/>			

Refundable cash deposit in the amount of \$ **48,501.00**. This amount will be deposited with the City in the form of (check one):

Cash Check

Non-refundable cash fees in the amount of \$ **16,395.00**. 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
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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 23rd day of May, 2016.

OWNERS Deborre Family, LLC

CITY OF TROY

By: Paul A. Deborre
Its: Managing Member

By:

Paul A. Deborre

Please Print or Type

Dane M. Slater, Mayor

James V. Clarke
Please Print or Type

M. Aileen Dickson, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 23rd day of May, A.D. 2016, before me personally appeared Paul A. DePorre 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.

Patricia Diane Trantz

NOTARY PUBLIC, Macomb Oakland County, Michigan

My commission expires: 1-2-2022

Detailed Summary of Required Deposits & Fees
Bradley Square Condominiums
31 Units - Section 14

ESCROW DEPOSITS or PERFORMANCE BOND:

Sanitary Sewers	\$56,095
Water Mains	\$88,905
Storm Sewers	\$21,540
Pavement - OFF SITE	\$10,332
Grading	\$10,000
Monuments	\$150
Temporary Access Road	\$750
Road Improvements Due to New Construction	\$4,441
Sidewalks - OFF SITE	\$19,008
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$18,600

TOTAL ESCROW DEPOSITS or ~~PERFORMANCE BOND~~ (REFUNDABLE): \$229,821

IRREVOCABLE LETTER (Circle One) 10% ~~\$22,982.10~~
OF CREDIT

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination (PA2)	\$650
Street Name and Traffic Signs (SUB 4)	\$223
Testing Services (SUB 11)	\$3,447
Engineering Review and Inspection (PA 1)	\$17,214
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$5,139

(PA 3) TOTAL CASH FEES (NON-REFUNDABLE): \$16,395

CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	\$324
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$6,200
Landscape Deposit	\$5,500
Punchlist & Restoration Deposit	\$32,602
Deposit for Repair, Replacement or Maintenance of SESC	\$3,875

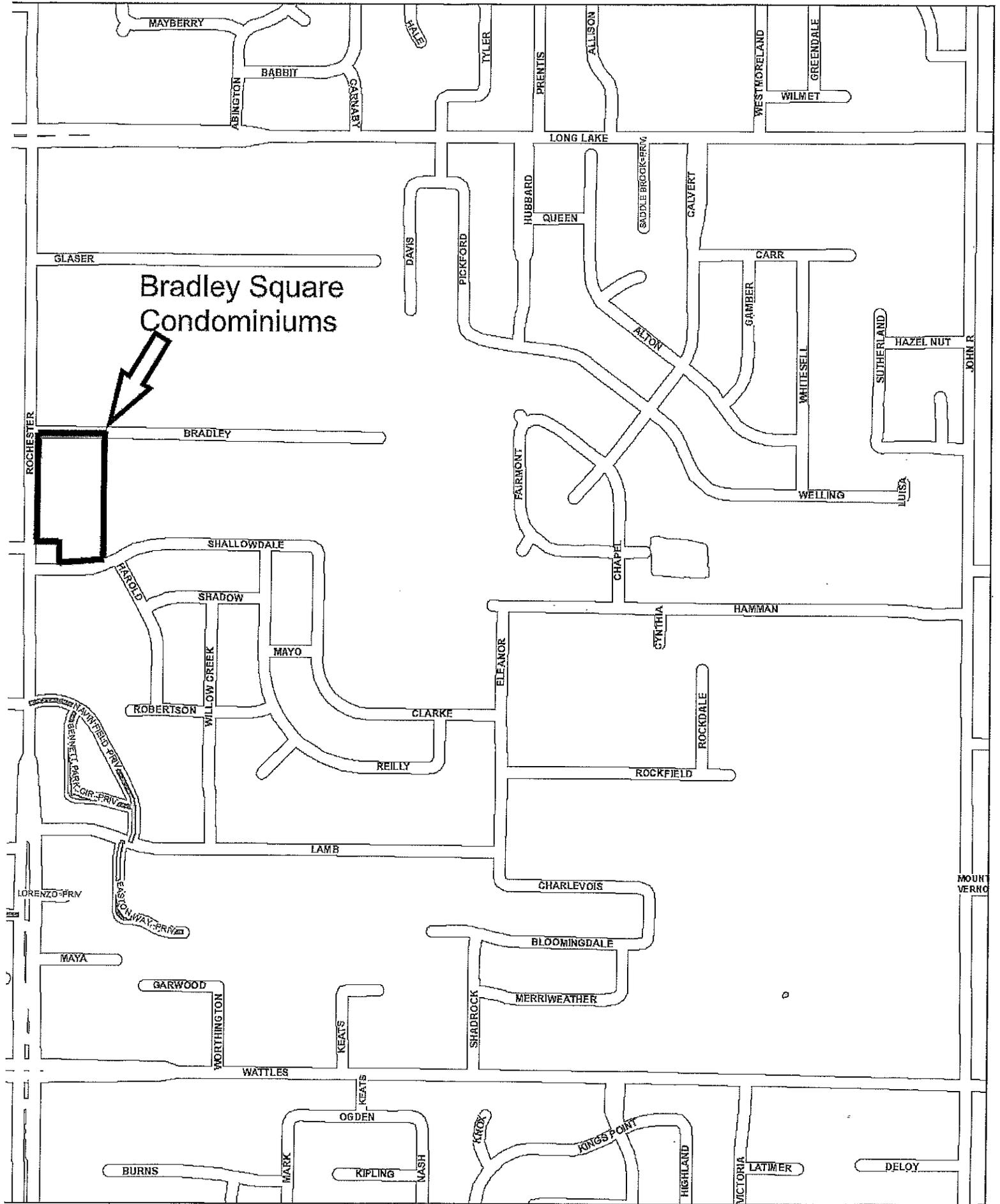
(PA 3) TOTAL CASH DEPOSITS (REFUNDABLE): \$48,501

Stormwater detention for this development will be provided by:
New On-Site Private Pond
Engineer: Nowak & Fraus Engineers
Developer: Robertson Brothers Homes

PAID

MAY 13 2016

**CITY OF TROY
TREASURER'S OFFICE**



Bradley Square
Condominiums



Approval of Contract for the Installation of Municipal Improvements (Private Agreement) for Bradley Square Condominiums, Project No. 15.924.3

RESOLVED, that the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Robertson Brothers Homes AND DePorre Family, LLC, is hereby approved for the installation of Water Main, Sanitary Sewer, Storm Sewer, Paving, Sidewalks, and Landscaping, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.