



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-12

Date: May 15, 2017

To: Brian Kischnick, City Manager

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

Subject: Private Agreement – Contract for Installation of Municipal Improvements
Troy Market Place Building Additions - Project No. 16.930.3

History

RLV Troy Marketplace, LP proposes to develop improvements to the Troy Market Place development located at the southwest corner of Big Beaver and Rochester Roads. The petitioner proposes three (3) additional outlot buildings and additions to existing buildings on the site.

Troy Planning Commission granted preliminary site plan approval on November 1st, 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 RLV Troy Marketplace, LP on behalf of the City of Troy including: Water Main, Sanitary Sewer, Storm Sewer, Paving, Sidewalk, Underground Detention System, 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 RLV Troy Marketplace, LP (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.: **16.930.3**

Project Location: **NE 1/4 Section 27**

Resolution No: _____

Date of Council Approval: _____

This Contract, made and entered into this **12th** day of **May, 2017** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **RLV Troy Marketplace, LP** whose address is **31500 Northwestern Hwy, Suite 300, Farmington Hills, MI 48334** and whose telephone number is **248-592-6326** 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, Sidewalk, Underground Detention System, and Landscaping** in accordance with plans prepared by **PEA, Inc.** whose address is **2430 Rochester Court, Suite 100, Troy, MI 48083** and whose telephone number is **248-689-9090** 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 \$ **700,701.00**. This amount will be deposited with the City in the form of (check one):

Cash/Check	<input type="checkbox"/>	} 10% Cash <u>\$70,070.10</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 \$ **77,570.00**. 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 \$ **46,048.00**. 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:

Edward A Eickhoff
Edward A. Eickhoff, Senior Vice President Development
Please Print or Type

Dane M. Slater, Mayor

Please Print or Type

M. Aileen Dickson, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 12th day of May, A.D. 2017, before me personally appeared Edward A. Eickhoff 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.

[Signature]

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 10/28/22

ANN MICHELLE ZALESKI
Notary Public, State of Michigan
County of Oakland
My Commission Expires 10-28-2022
Acting in the County of Oakland

Detailed Summary of Required Deposits & Fees
Troy Market Place Additions
16.930.3

ESCROW DEPOSITS:

Sanitary Sewers	\$35,853
Water Mains	\$94,465
Paving	\$6,355
Sidewalks	\$6,902
Storm Sewer	\$119,126
Underground Detention System/Lift Station/Water Quality Structure	\$438,000
 TOTAL ESCROW DEPOSITS (Refundable):	 <u>\$700,701</u>

CASH FEES (Non-Refundable):

Engineering Review Fee (Private Improvements)(PA1)	\$5,867
Water Main Testing and Chlorination (PA 2)	\$696
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$48,138
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%)	-\$9,853
 TOTAL CASH FEES (Non-Refundable):	 <u>\$46,048</u>

CASH DEPOSITS (Refundable):

Street Cleaning/Road Maintenance	\$5,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$2,500
Punchlist & Restoration	\$70,070
 TOTAL CASH DEPOSITS (Refundable):	 <u>\$77,570</u>

Total Escrow & Cash Deposits (Refundable): **\$778,271**

Total Cash Fees (Non-Refundable): **\$46,048**

Total Amount: **\$824,319**

Troy Market Place Building Additions

