CITY COUNCIL AGENDA ITEM

Date: April 2, 2013

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
Donaldson Lot Splits - Project No. 12.916.3

History

Patrick Bismack's proposed Donaldson Lot Splits are located at Donaldson and Cotswold in the NW 1/4 of Section 10 .

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements; sanitary sewer, rear yard storm sewer, grading and soil erosion, which will be constructed by Patrick Bismack on behalf of the City of Troy. The required fees and refundable escrow deposits in the form of Cash, that will assure completion of the municipal improvements, have been provided by Patrick Bismack (see attached 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.: **12.916.3**

Project Location: **NW 1/4 Section 10**

Resolution No: **Resolution Number**

Date of Council Approval: **Council Approval Date**

This Contract, made and entered into this **14th** day of **January**, 2013 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Patrick Bismack** whose address is **2742 Powderhorn Ridge, Rochester Hills, MI 48309** and whose telephone number is **248-705-6988** hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of **Sanitary Sewer, Rear Yard Storm, Grading and Soil Erosion** in accordance with plans prepared by **Fazal Khan & Associates** whose address is **43279 Scheonherr, 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 $ **48,756.00**. This amount will be deposited with the City in the form of (check one):

Cash	☑
Certificate of Deposit & 10% Cash	☐
Irrevocable Bank Letter of Credit & 10% Cash	☐
Check	☐
Performance Bond & 10% Cash	☐

Refundable cash deposit in the amount of $ **7,700.00**. This amount will be deposited with the City in the form of (check one):

Cash ☑ Check ☐

Non-refundable cash fees in the amount of $**5,140.00**. 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 1st day of April, 2013.

OWNERS

By:

Please Print or Type

PATRICK BISMACK

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 1st day of April, A.D.2013, before me personally appeared PATRICK BISMACK 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: 10-14-16

JANET M PARSONS
Notary Public, State of Michigan
County of Oakland
My Commission Expires 10-14-2016
Acting in the County of OAKLAND

PAID
APR 01 2013
CITY OF TROY
TREASURER'S OFFICE

Detailed Summary of Required Deposits & Fees
Donaldson Lot Splits
4 Units - Section 10

ESCROW DEPOSITS or PERFORMANCE BOND:

Sanitary Sewers	$25,686
Water Mains	$0
Storm Sewers	$0
Rear Yard Drains	$13,510
Pavement - CONCRETE	$0
Grading	$3,500
Detention Basin	$0
Monuments and Lot Corner Irons	$60
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$6,000
TOTAL ESCROW DEPOSITS or PERFORMANCE BOND (REFUNDABLE): (Circle One)	**$48,756**

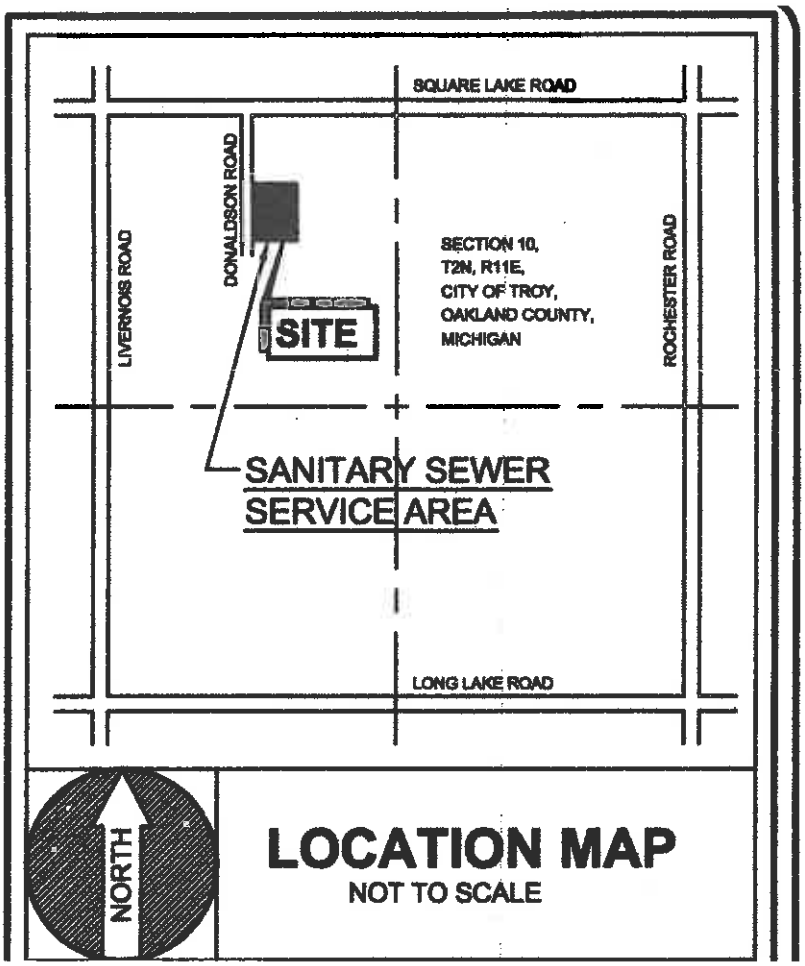
CASH FEES (NON-REFUNDABLE):

Soil Erosion and Sedimentation Control Permits (SUB 10)	$900
Testing Services (SUB 11)	$731
Engineering Review and Inspection (PA 1)	$3,949
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-$440
(PA 3) TOTAL CASH FEES (NON-REFUNDABLE):	**$5,140**

CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	$324
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$2,000
Punchlist & Restoration Deposit	$4,876
Deposit for Repair, Replacement or Maintenance of SESC	$500
(PA 3) TOTAL CASH DEPOSITS (REFUNDABLE):	**$7,700**

Engineer: Fazal Khan Associates
Developer: Patrick Bismack



LOCATION MAP

NOT TO SCALE