



## CITY COUNCIL AGENDA ITEM

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Date: June 11, 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  
White Chapel Office Renovation - Project No. 12.913.3

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### **History**

The White Chapel Office Renovation proposed by White Chapel Memorial Park Cemetery is located at Long Lake between Crooks road and I-75.

Troy Planning department recommended administrative site plan approval on June 5, 2012.

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements; water main, sanitary sewer, storm sewer, sidewalks, paving, soil erosion and landscaping, which will be constructed by White Chapel Memorial Park Cemetery on behalf of the City of Troy. The required fees and refundable escrow deposits in the form of Check, that will assure completion of the municipal improvements, have been provided by White Chapel Memorial Park Cemetery.

### **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.: **12.913.3**

Project Location: **NW 1/4 Section 16**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this **17th** day of **June, 2013** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **White Chapel Memorial Park Cemetery** whose address is **901 Wilshire Dr., Troy, MI 48084** and whose telephone number is **248-362-7693** hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of **water main, sanitary sewer, storm sewer, sidewalks, paving, soil erosion and landscaping** in accordance with plans prepared by **Rowe Professional Services** whose address is **540 S. Saginaw St., Ste. 200, P.O. Box 3748, Flint, MI 48502** and whose telephone number is **810-341-7500** 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 \$ **38,000.00**. This amount will be deposited with the City in the form of (check one):

- |  |                                     |
|--|-------------------------------------|
| Cash   | <input type="checkbox"/>            |
| Certificate of Deposit & 10% Cash            | <input type="checkbox"/>            |
| Irrevocable Bank Letter of Credit & 10% Cash | <input type="checkbox"/>            |
| Check  | <input checked="" type="checkbox"/> |
| Performance Bond & 10% Cash                  | <input type="checkbox"/>            |

Refundable cash deposit in the amount of \$ **9,300.00**. This amount will be deposited with the City in the form of (check one):

- |      |                          |       |                                     |
|------|--------------------------|-------|-------------------------------------|
| Cash | <input type="checkbox"/> | Check | <input checked="" type="checkbox"/> |
|------|--------------------------|-------|-------------------------------------|

Non-refundable cash fees in the amount of \$ **3,280.00**. This amount will be paid to the City in the form of (check one):

- |      |                          |       |                                     |
|------|--------------------------|-------|-------------------------------------|
| Cash | <input type="checkbox"/> | Check | <input checked="" type="checkbox"/> |
|------|--------------------------|-------|-------------------------------------|

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 10th day of June, 2013.

OWNERS White Chapel Memorial Association CITY OF TROY

By: David P. Krall  
Chairman/President & CEO

David P. Krall

By:

\_\_\_\_\_

Please Print or Type

Dane M. Slater, Mayor

\_\_\_\_\_

\_\_\_\_\_

Please Print or Type

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 10th day of June, A.D. 2013, before me personally appeared David P. Krall 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.

Carol A Daniels

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: Dec 30, 2013

CAROL A. DANIELS  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Dec 31, 2013  
ACTING IN COUNTY OF Oakland

**Detailed Summary of Required Deposits & Fees**  
**White Chapel Office Renovation**  
**12.913.3**

**ESCROW DEPOSITS (PUBLIC):**

Sanitary Sewers	\$0
Water Mains	\$38,000
Paving	\$0
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
 TOTAL ESCROW DEPOSITS (Refundable):	 <b><u>\$38,000</u></b>

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

Engineering Review Fee (Private Improvements)(PA1)	\$2,510
Water Main Testing and Chlorination (PA 2)	\$650
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$3,078
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%)	-\$2,958
 TOTAL CASH FEES (Non-Refundable):	 <b><u>\$3,280</u></b>

**CASH DEPOSITS (Refundable):**

Street Cleaning/Road Maintenance	\$5,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$500
Punchlist & Restoration	\$3,800
 TOTAL CASH DEPOSITS (Refundable):	 <b><u>\$9,300</u></b>

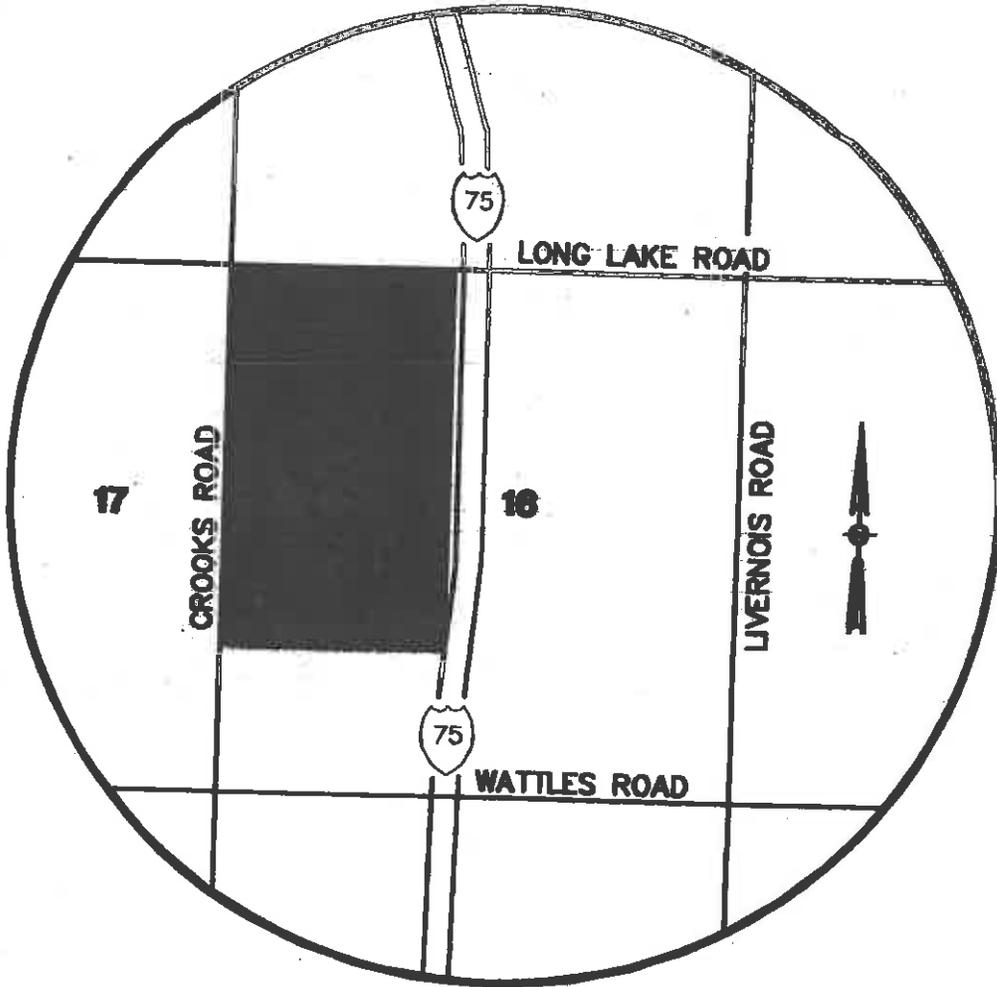
Total Escrow & Cash Deposits (Refundable):	<b><u>\$47,300</u></b>
Total Cash Fees (Non-Refundable):	<b><u>\$3,280</u></b>

Separate Checks Required for Refundable & Non-Refundable

Total Amount:

**\$50,580**

**PAID**  
**JUN 11 2013**  
**CITY OF TROY**  
**TREASURER'S OFFICE**



**LOCATION MAP**  
NOT TO SCALE