



## CITY COUNCIL AGENDA ITEM

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Date: August 1, 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  
Hillmore Street Sanitary Sewer Extension - Project No. 13.401.3

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### **History**

The Hillmore Street Sanitary Sewer Extension proposed by Kevin Baird is located at Hillmore Street between Rochester and John R Roads, Section 11.

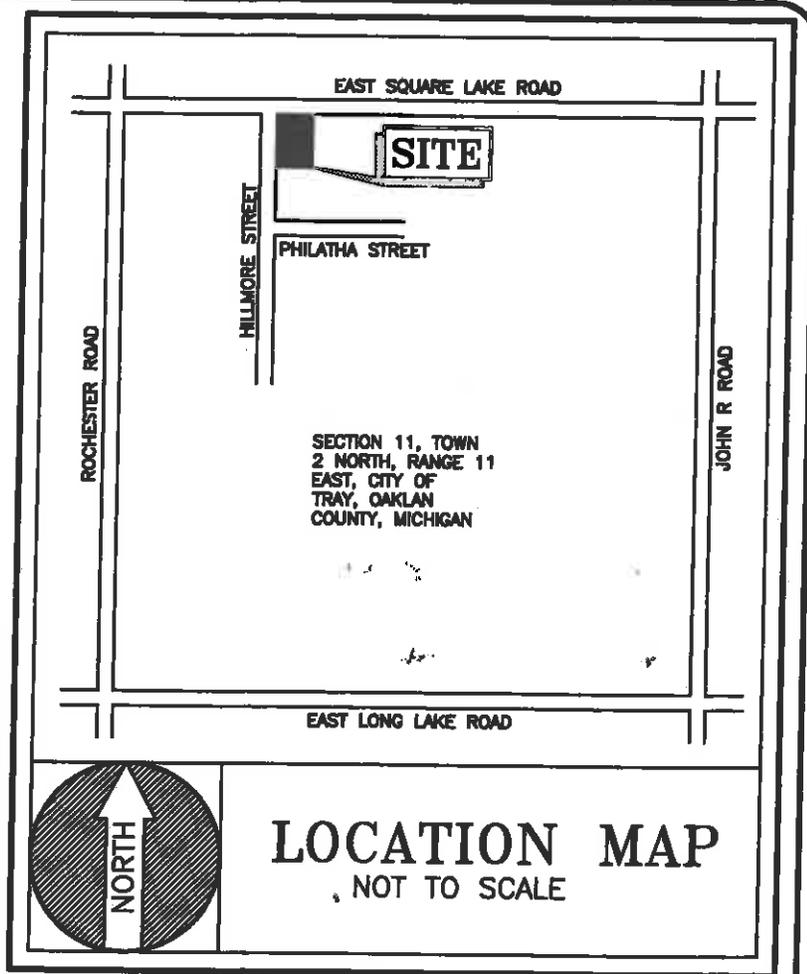
Engineering plans for this sanitary sewer extension were reviewed and recently approved by the Engineering Department. The plans include municipal improvements; Sanitary Sewer, which will be constructed by Kevin Baird on behalf of the City of Troy. The required fees and refundable escrow deposits in the form of Check, that will assure completion of the municipal improvements, have been provided by Kevin Baird (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.



## BENCHMARKS: (NAVD 88 DATUM)

ARROW ON F. HYD AT THE NORTHWEST CORNER OF EAST SQUARE LAKE ROAD AND HILLMORE STREET, ELEVATION 694.13

ARROW ON F. HYD. 133 FT. NORTH OF PHILATHA STREET ON THE EAST SIDE OF HILLMORE STREET, ELEV. 689.92

**72 HOURS**  
(3 WORKING DAYS)  
BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171  
(TOLL FREE)



DATE:	REMARKS:	BY:
03/25/13	REVISED PER CITY OF TROY ENGINEERING	S.M.H.
07/08/13	REVISED PER CITY OF TROY ENGINEERING	S.M.H.
<b>REVISIONS</b>		

**HILLMORE STREET  
SANITARY SEWER**  
PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF  
SECTION 11, TOWN 2 NORTH, RANGE 11 EAST, CITY  
OF TROY, OAKLAND COUNTY, MICHIGAN

**CRS**  
313  
094

3-003

### ANITARY SEWER BASIS OF DESIGN:

Number of Lots: 3  
 Population = 3 Lots x 3.5 People = 10.5  
 Average Flow =  $\frac{10.5 \text{ People} \times 100 \text{ GPCPD}}{86400 \text{ Sec/Day} \times 7.48 \text{ Gal/C.F.}}$  = 0.002 cfs  
 Loading Factor =  $\frac{18 + (\text{SQR})}{4 + (\text{SQR})} \times 0.0105$  = 4.413

# City Of Troy

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

Project No.: **13.401.3**

Project Location: **NW 1/4 Section 11**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this 10 day of July, 2013 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and Kevin Baird whose address is 1302 E. Square Lake Road, Troy, MI 48085 and whose telephone number is 248-709-2792 hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of Sanitary Sewer in accordance with plans prepared by Fazal Khan and Associates, Inc. whose address is 43279 Schoenherr Rd, Sterling Heights, MI 48313 and whose telephone number is 586-739-6994 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 \$ 61,266.00. 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 \$ 11,627.00. 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 \$ 4,448.00. 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.



**Detailed Summary of Required Deposits & Fees  
Hillmore Street Sanitary Sewer Extension  
13.401.3**

**ESCROW DEPOSITS (PUBLIC):**

Sanitary Sewers	\$44,160
Paving	\$10,960
Sidewalks	\$6,146
<b>TOTAL ESCROW DEPOSITS (Refundable):</b>	<b><u>\$61,266</u></b>

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

Engineering Review Fee (Private Improvements)(PA1)	\$18
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$4,963
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$533
<b>TOTAL CASH FEES (Non-Refundable):</b>	<b><u>\$4,448</u></b>

**CASH DEPOSITS (Refundable):**

Street Cleaning/Road Maintenance	\$5,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$500
Punchlist & Restoration	\$6,127
<b>TOTAL CASH DEPOSITS (Refundable):</b>	<b><u>\$11,627</u></b>

Total Escrow & Cash Deposits (Refundable):	<b><u>\$72,893</u></b>
Total Cash Fees (Non-Refundable):	<b><u>\$4,448</u></b>
<b>Total Amount:</b>	<b><u>\$77,341</u></b>

**PAID**  
**AUG 01 2013**  
**CITY OF TROY**  
**TREASURER'S OFFICE**