



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: July 29, 2019

To: Mark F. Miller, City Manager

From: Robert Bruner, Assistant City Manager *RB*
William J. Huotari, City Engineer *WJH*
R. Brent Savidant, Community Development Director *ABS*

Subject: Private Agreement – Contract for Installation of Municipal Improvements
West Troy Meadows - Project No. 19.913.3

History

Mondrian Properties proposes to develop West Troy Meadows, Site Condominium, a 35 Unit Site Development, which is located on the west side of Livernois Road, north of Wattles Road, between Paragon and Hart Dr.

Troy City Council granted preliminary site plan approval on May 20, 2019.

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 Mondrian Properties on behalf of the City of Troy and include: Water Main, Sanitary Sewer, Storm Sewer, Detention Pond, Concrete Sidewalk and Approaches. The required fees and refundable escrow deposits in the form of a Performance Bond and 10% Cash, that will assure completion of the municipal improvements, have been provided by Mondrian Properties (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.: **19.913.3**

Project Location: **SE 1/4 SECTION 16**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this **26th** day of **JULY, 2019** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **MONDRIAN PROPERTIES** whose address is **50215 SCHOENHERR, SHELBY TWP., MI 48315** and whose telephone number is **586-726-7350** hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of Water Main, Sanitary Sewer, Storm Sewer, Detention Pond, Concrete Sidewalk and Approaches in accordance with plans prepared by **PEA, INC.** whose address is **2430 ROCHESTER CT., SUITE 100, TROY, MI 48083** and whose telephone number is **248-689-9090 EXT. 1109** 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 \$ **760,789.00**. This amount will be deposited with the City in the form of (check one):

- | | | |
|--|-------------------------------------|--------------------------------|
| Cash/Check | <input type="checkbox"/> | } 10% Cash <u>\$ 76,078.90</u> |
| Certificate of Deposit & 10% Cash | <input type="checkbox"/> | |
| Irrevocable Bank Letter of Credit & 10% Cash | <input type="checkbox"/> | |
| Performance Bond & 10% Cash | <input checked="" type="checkbox"/> | |

Refundable cash deposit in the amount of \$ **278,167.00**. 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 \$ **3,475.00**. 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 26th day of July, 2019.

OWNERS


By:

* 
Its: Joseph Maniaci, Manager
Please Print or Type

* _____
Its: _____
Please Print or Type

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 26th day of July, A.D. 2019, before me personally appeared Joseph Maniaci 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, Macomb, Michigan

My commission expires: Sep. 20, 2020
Acting in Oakland County, Michigan

MARIA PETKOVSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Sep 20, 2020
ACTING IN COUNTY OF Oakland

City Of Troy

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

CITY OF TROY

By:

Dane M. Slater, Mayor

M. Aileen Dickson, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this _____ day of _____, A.D.20_____, before me personally
appeared _____ 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, _____, Michigan

My commission expires: _____

Acting in _____ County, Michigan



500 W Big Beaver Rd
Troy, MI 48084

Invoice For Permit PPC19.913.3

Date: 07/26/2019

35 unit single family site condominium.
Project # 19.913.3
West Troy Meadows

MONDRIAN PROPERTIES LLC
50215 SCHOENHERR
Shelby Township MI 48315

Pay In Full
\$ 1,042,431.00

Detailed Summary of Required Deposits & Fees

| ESCROW DEPOSITS | Payment Code | QTY | Amount |
|------------------------------|--------------|------------|-------------------|
| Sanitary Sewers | PA ESCROW | 181,529.00 | 181,529.00 |
| Water Mains | PA ESCROW | 161,377.00 | 161,377.00 |
| Storm Sewers | PA ESCROW | 246,041.00 | 246,041.00 |
| Rear Yard Drains | PA ESCROW | 50,065.00 | 50,065.00 |
| Pavement | PA ESCROW | 48,562.00 | 48,562.00 |
| Grading | PA ESCROW | 5,000.00 | 5,000.00 |
| Detention Basic | PA ESCROW | 54,400.00 | 54,400.00 |
| Temporary Access Road | PA ESCROW | 3,400.00 | 3,400.00 |
| Miscellaneous | PA ESCROW | 10,415.00 | 10,415.00 |
| Total Escrow Deposits | | | 760,789.00 |

10% Cash for Escrow Deposits (Refundable): 76,078.90

| CASH FEES (NON-REFUNDABLE) | Payment Code | QTY | Amount |
|---|-----------------|----------|-----------------|
| Water Main Testing/Chlorination PA2 | SUB WATER TEST | 2,481.00 | 1,075.00 |
| Signs | SUB STREET NAME | 16.00 | 2,400.00 |
| Total Cash Fees (Non-Refundable) | | | 3,475.00 |

| CASH DEPOSITS (REFUNDABLE) | Payment Code | QTY | Amount |
|---|--------------|------------|-------------------|
| Construction Engineering (CE) | ENG BOND | 757,389.00 | 53,017.00 |
| Sidewalks | SUB ESCROW | 4,983.00 | 24,915.00 |
| Monuments | SUB ESCROW | 41.00 | 5,125.00 |
| Lot Corner Irons | SUB ESCROW | 69.00 | 3,450.00 |
| ROW Restoration | SUB ESCROW | 2,530.72 | 10,122.00 |
| Repair & Maintenance-Public Streets | SUB ESCROW | 35.00 | 50,000.00 |
| Wetland Mitigation | SUB ESCROW | 0.93 | 55,800.00 |
| Punchlist & Restoration | SUB ESCROW | 757,389.00 | 75,738.00 |
| Total Cash Deposits (Refundable) | | | 278,167.00 |

Stormwater detention for this development will be provided by: On Site Private Detention Pond.

Bond Holder: MONDRIAN PROPERTIES LLC

PAID
JUL 26 2019
CITY OF TROY
TREASURER'S OFFICE



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Troy, MI 48084

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Bond Holder: MONDRIAN PROPERTIES LLC

PAID
JUL 26 2019
CITY OF TROY
TREASURER'S OFFICE



500 W Big Beaver Rd
Troy, MI 48084

Invoice For Permit PPC19.913.3

Date: 06/13/2019

35 unit single family site condominium.
Project # 19.913.3
West Troy Meadows

Pay In Full

MONDRIAN PROPERTIES LLC
50215 SCHOENHERR
Shelby Township MI 48315

\$ 25,368.20

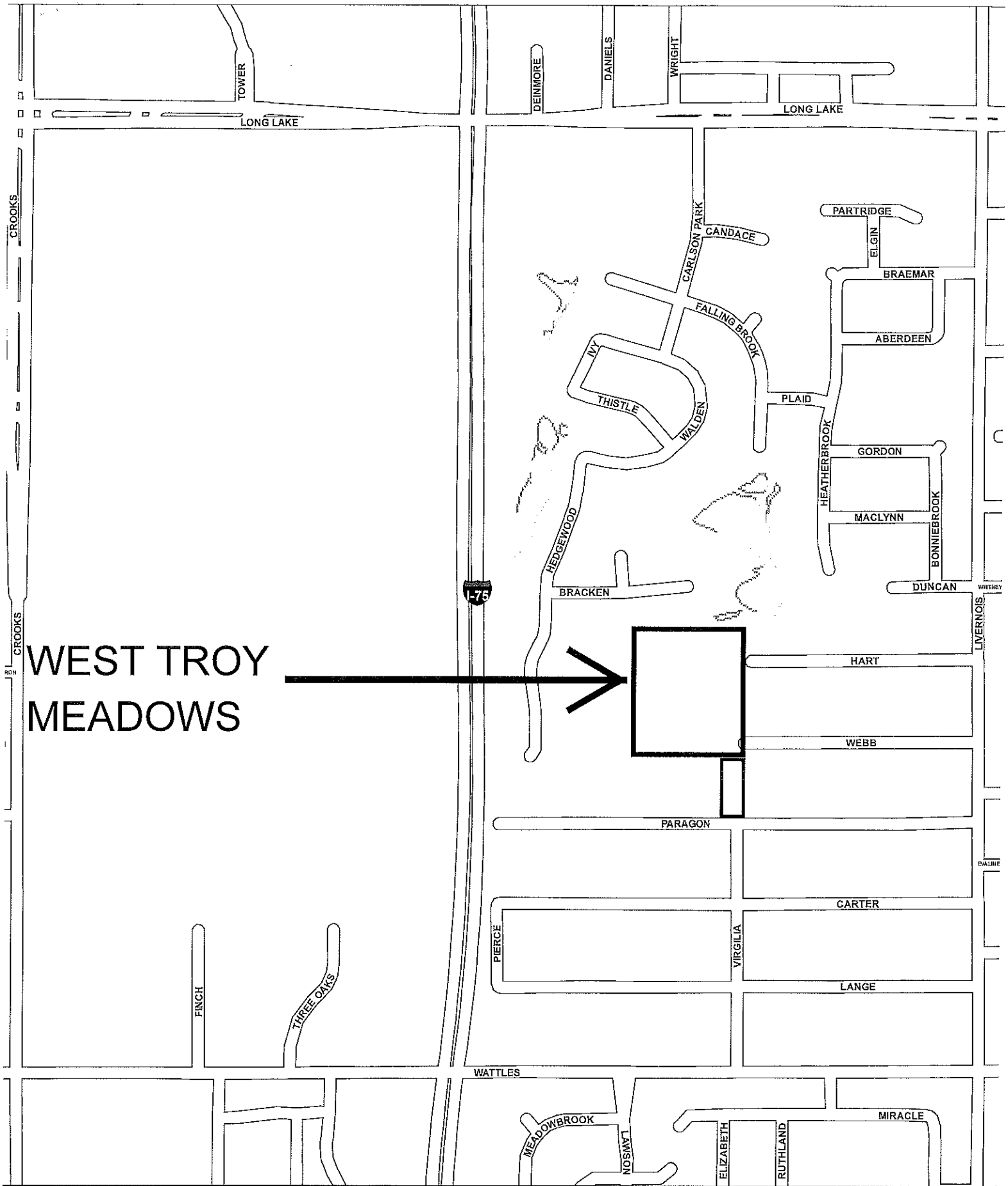
Detailed Summary of Required Deposits & Fees

| ENGINEERING FEES | Payment Code | QTY | Amount |
|-------------------------------|--------------|--------------|------------------|
| Engineering Review | ENG FEES | 1,268,410.00 | 25,368.20 |
| Total Engineering Fees | | | 25,368.20 |

Stormwater detention for this development will be provided by: On Site detention Pond.

Bond Holder:

PAID
JUN 13 2019
CITY OF TROY
TREASURER'S OFFICE



WEST TROY
MEADOWS

