



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-06

## CITY COUNCIL AGENDA ITEM

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Date: August 12, 2019

To: Mark F. Miller, City Manager

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

Subject: Private Agreement – Contract for Installation of Municipal Improvements  
Long Lake Square Townhomes - Project No. 19.911.3

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### **History**

Robertson Brothers Homes proposes to develop Long Lake Square Townhomes, a 27 Unit Townhome Development, which is located on the south side of Long Lake Road, just west of Livernois Avenue.

Troy City Council granted preliminary site plan and conditional rezoning approval on April 22, 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 Robertson Brothers Homes on behalf of the City of Troy and include: Water Main, Sanitary Sewer, Storm Sewer, Underground Storm Water Detention System, Concrete Approach and Sidewalk. 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 Robertson Brothers Homes (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.: **19.911.3**

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

Resolution No:

Date of Council Approval:

This Contract, made and entered into this **8<sup>th</sup>** day of **August, 2019** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Robertson Brothers Homes** whose address is **6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301** and whose telephone number is **(248)-282-1428** hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of **Water Main, Sanitary Sewer, Storm Sewer, Underground Storm Water Detention System, Concrete Approach and Sidewalk** in accordance with plans prepared by **Nowak & Fraus** whose address is **46777 Woodward Avenue, Pontiac, MI 48342** and whose telephone number is **(248)-332-7931** 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 \$ **322,021.00**. This amount will be deposited with the City in the form of (check one):

Cash/Check	<input type="checkbox"/>	}	10% Cash	<u>32,202.10</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 \$ **61,222.00**. 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 \$ **12,950.00**. 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 7 day of August, 20~~19~~<sup>20</sup>20.

### OWNERS

By:

[Signature]  
\*  
Its: President

Please Print or Type

\_\_\_\_\_  
\*  
Its: \_\_\_\_\_

Please Print or Type

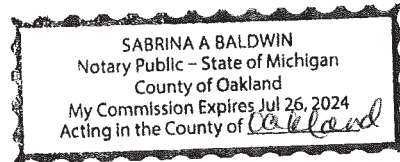
### STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 7 day of August, A.D. 20~~19~~<sup>20</sup>20, before me personally appeared James V. Clarke 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.

Sabrina A. Baldwin

NOTARY PUBLIC, Oakland, Michigan

My commission expires: July 26, 2024  
Acting in Oakland County, Michigan



**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 PPC19.911.3**

Date: 08/06/2019

MULTIPLE FAMILY RESIDENTIAL  
DEVELOPMENT WITH 27 UNITS  
LONG LAKE SQUARE  
#19.911.3

Pay In Full

ROBERTSON BROS  
6905 TELEGRAPH ROAD SUITE 200  
BLOOMFIELD HILLS MI 48301

**\$ 396,193.00**

**Detailed Summary of Required Deposits & Fees**

ESCROW DEPOSITS	Payment Code	QTY	Amount
Sanitary Sewers	PA ESCROW	49,340.00	49,340.00
Water Mains	PA ESCROW	89,745.00	89,745.00
Storm Sewers	PA ESCROW	55,084.00	55,084.00
Rear Yard Drains	PA ESCROW	17,750.00	17,750.00
Pavement	PA ESCROW	11,922.25	11,922.00
Grading	PA ESCROW	10,000.00	10,000.00
Detention Basic	PA ESCROW	72,430.00	72,430.00
Temporary Access Road	PA ESCROW	750.00	750.00
Street Lights	PA ESCROW	1.00	15,000.00
<b>Total Escrow Deposits</b>			<b>322,021.00</b>

**10% Cash for Escrow Deposits (Refundable): 32,202.10**

CASH FEES (NON-REFUNDABLE)	Payment Code	QTY	Amount
Water Main Testing/Chlorination PA2	SUB WATER TEST	637.00	650.00
Signs	SUB STREET NAME	2.00	300.00
Detention Basin Maintenance	SUB MTNCE BASIN	0.15	12,000.00
<b>Total Cash Fees (Non-Refundable)</b>			<b>12,950.00</b>

CASH DEPOSITS (REFUNDABLE)	Payment Code	QTY	Amount
Construction Engineering (CE)	ENG BOND	296,271.00	22,220.00
Sidewalks	SUB ESCROW	415.00	2,075.00
Monuments	SUB ESCROW	4.00	500.00
ROW Restoration	SUB ESCROW	450.00	1,800.00
Repair & Maintenance-Public Streets	SUB ESCROW	1.00	5,000.00
Punchlist & Restoration	SUB ESCROW	296,271.00	29,627.00
<b>Total Cash Deposits (Refundable)</b>			<b>61,222.00</b>

Stormwater detention for this development will be provided by: ON SITE PRIVATE UNDERGROUND DETENTION SYSTEM

Bond Holder: ROBERTSON BROS

**PAID**  
AUG 07 2019  
CITY OF TROY  
TREASURER'S OFFICE



500 W Big Beaver Rd  
Troy, MI 48084

**Invoice For Permit PPC19.911.3**

Date: 05/02/2019

MULTIPLE FAMILY RESIDENTIAL  
DEVELOPMENT WITH 27 UNITS  
LONG LAKE SQUARE  
#19.911.3

**Pay In Full**

ROBERTSON BROS  
6905 TELEGRAPH ROAD SUITE 200  
BLOOMFIELD HILLS MI 48301

**\$ 6,977.61**

**Detailed Summary of Required Deposits & Fees**

ENGINEERING FEES	Payment Code	QTY	Amount
Engineering Review	ENG FEES	348,880.25	6,977.61
<b>Total Engineering Fees</b>			<b>6,977.61</b>

Stormwater detention for this development will be provided by: ON SITE UNDERGROUND DETENTION SYSTEM

Bond Holder:

**PAID**

**MAY 02 2019**

**CITY OF TROY  
TREASURER'S OFFICE**

LONG LAKE SQUARE  
TOWNHOMES

