

# III. D.



## Memorandum

### Department of Planning and Public Works

**To:** Planning and Public Works Committee

**From:** Kimberly McMahan, Civil Engineer *KKM*

**Date:** June 17, 2010

**RE:** Justus Pointe – Escrow Attachment Authorization and Change Order No. 1 – 2010 Asphalt Overlay, 2010-PW-13.

#### Summary

The Justus Pointe Subdivision Construction Deposit Agreement was originally approved on May 27, 2008. At this time the required improvements for the subdivision have not been completed and the developer, Bruno Homes, has been unable to complete construction of the remaining improvements or correcting noted deficiencies. Copies of recent correspondence pertaining to the deficiencies are attached. As noted in the documentation, the final lift has not been placed on the parking lot of this development. Based on the unit bid process from the 2010 Asphalt Overlay project, the remediation of this can be completed for an amount not to exceed \$12,000.00.

Therefore, The Department of Planning and Public Works requests authorization to proceed with the two below listed items and to forward to City Council for their consideration.

1. Attachment of the Letter of Credit #600003452 for the purposes of completing the remaining Justus Pointe deficiencies.
2. To complete the asphalt parking lot pavement deficiency in the Justus Pointe Subdivision by change order to the Asphalt Overlay project 2010-PW-03, using contract unit bid prices, in an amount not to exceed \$12,000.00.

cc: Mike Geisel, Director of Planning and Public Works  
Aimee Nassif, Planning and Development Services Director  
Susan Mueller, Principal Engineer



# MEMORANDUM

DATE: May 28, 2010

TO: Mike Herring, City Administrator

FROM: Susan Mueller, Principal Engineer *S Mueller*

SUBJECT: Justus Pointe – LETTER OF CREDIT # 6000034352  
Change Order No. 1 - 2010 Asphalt Overlay, 2010-PW-13

The Department of Planning & Public Works seeks authorization to proceed with attachment of the Letter of Credit #6000034352 for the purpose of completing infrastructure deficiencies within the Justus Pointe Subdivision. Copies of recent correspondence pertaining to these deficiencies are attached. As noted in the attached documentation, the final lift of asphalt has not been placed on the parking lot of this development. Based upon unit bid prices from the 2010 Asphalt Overlay project, remediation of this can be completed for an amount not to exceed \$12,000.00. We hereby request that the following authorizations be presented to the Planning and Public Works Committee with a recommendation to forward to the full Council for approval.

- 1) Request for authorization to attach Letter of Credit #6000034352 for the purpose of completing remaining Justus Pointe Subdivision deficiencies.
- 2) Request authorization to complete the asphalt parking lot pavement deficiency in the Justus Pointe Subdivision by change order to the Asphalt Overlay Project, 2010-PW-13, using contract unit bid prices, in a total amount not to exceed \$12,000.00.

Concurrence: *Kelly Vaughn*  
Kelly Vaughn, Director of Finance and Administration

*J. Herring*  
6/1/10

attachments

cc: Rob Heggie, City Attorney  
Mike Geisel, Director of Planning & Public Works  
Aimee Nassif, Planning and Development Services Director  
Brian McGownd, Public Works Director/City Engineer  
Kimberly McMahan, Civil Engineer  
Mark Wilson, Project Manager  
File 2010-PW-13 File 2010-PW-16

*Susan Mueller*



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

May 6, 2010

Mr. Rich Bruno  
Bruno Homes  
16329 Justus Post Road  
Chesterfield, MO 63017

Sue Stonebarger  
Loan Administration Dept.  
Truman Bank  
8151 Clayton Road  
Clayton, MO 63117-1178

RE: **Justus Pointe- LETTER OF CREDIT NUMBER: 6000034352**  
**IN ORIGINAL AMOUNT OF: \$36,100.00**

Dear Mr. Bruno:

Per the letter sent to you on December 23, 2009 by Mara Perry, the Subdivision Construction Deposit for Justus Pointe will expire on May 27, 2010. To date several outstanding issues still remain before this development can be closed out. A list of the latest deficiencies is attached for your reference. In addition, a copy of the Construction Deposit breakdown is also attached.

The required improvements for the development have not been completed in the time period provided in the construction deposit agreement. Therefore, the City of Chesterfield will begin taking steps to attach the construction deposit in order to complete the required improvements.

Should you have any questions please do not hesitate to contact this office at 636-537-4755.

Sincerely,

Kimberly R. McMahan, P.E.  
Civil Engineer

enclosures

cc: Rob Heggie, City Attorney  
Mike Geisel, Director of Planning and Public Works  
Aimee Nassif, Planning and Development Services Director  
Susan Mueller, Principal Engineer  
Matt Dooley, Compliance Supervisor  
John Huskey, Senior Engineering Construction Inspector



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December 23, 2009

Mr. Rich Bruno  
16329 Justus Post Road  
Chesterfield, MO 63017

RE: **Justus Pointe**

Dear Mr. Bruno:

Per your request in a letter dated November 23, 2009, the Department of Planning and Public Works inspected the above referenced subdivision to determine the status of outstanding bonds and escrows.

Justus Pointe Condominium Plat First Amendment was approved on May 27, 2008. Per the Subdivision Construction Deposit Agreement associated with the plat, the developer has two years from the date of plat approval to complete the require improvements. The 2 year period will end on May 27, 2010.

With the being said, the Department of Planning and Public Works has completed an inspection of the entire Justus Pointe subdivision and has identified deficiencies as indicated on the enclosed list. These items must be completed and approved by the City prior to May 27, 2010. Please be advised that once all deficiencies have been approved by the City, the necessary steps must be taken to release the downstream lake protection bond.

The City Arborist also performed an inspection of the trees that had been planted per the approved and recorded Landscape Plan. Only three of the sixty-five trees and none of the 277 bushes and grasses have been planted. We can not release the Landscape Installation Cash surety at until all landscaping is in place. At that time, the money will need to be rolled over for a period of two years for the Landscape Maintenance period.

Please provide a written response containing a schedule for completion of the deficient items to the City no later than January 22, 2010. Please do not hesitate to contact me at 636-537-4744 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mara M. Perry". The signature is written in a cursive, flowing style.

Mara M. Perry, AICP  
Senior Planner

Cc: Aimee Nassif, Planning and Development Services Director  
Susan Mueller, Principal Engineer  
Jeff Paskiewicz, Civil Engineer  
John Huskey, Senior Engineering Construction Inspector  
Project File

**JUSTUS POINTE SUBDIVISION DEFICIENCIES - as of June17, 2010**  
**Plans approved October 18, 2006**

Item No.	Item Description	Plat	Deficiency Originally Cited	Date Approved
	INSPECTION FEE BALANCE = \$ _____		---	---
	Deposit additional inspection fees in the amount of \$ <u>N.A.</u>			
	<b>PARKING LOT</b>			<b>NO</b>
1	<b>The final lift of asphalt has not been placed. Complete the final 2" lift of asphalt to complete the parking lot.</b>		12/15/2009	
	<b>STORM SEWERS</b>			<b>NO</b>
1	Submit letter of dedication acceptance from MSD.		12/15/2009	12/17/2009
2	<b>Provide mylar as built plans for the storm sewers.</b>		12/15/2009	
	<b>SANITARY SEWERS</b>			<b>NO</b>
1	Submit letter of dedication acceptance from MSD.		12/15/2009	12/17/2009
2	Sanitary manhole 103. Raise to grade.		12/15/2009	
	<b>RETAINING WALLS</b>			<b>NO</b>
1	Submit a copy of the retaining wall approvals from St. Louis County for the retaining walls on the eastern side of the property, adjacent to Justus Pointe Road, & on the northern property line, near unit G.		12/15/2009	
2	The retaining wall adjacent to the lake has not been constructed. Construct this retaining wall to eliminate the existing steep slope.		12/15/2009	
3	The existing retaining wall in the Oaks subdivision was damaged during the construction of the sanitary sewer. This is the connection of the sanitary sewer line from MH 101 from Justus Pointe subdivision. Repair the retaining wall.		12/15/2009	N/A
	<b>GRADING</b>			<b>NO</b>
1	A temporary rock drive was placed on the northwest side of unit A. Remove the rock, place soil, finish grade & establish vegetation. There are two areas that have slopes that are steeper than 3 to 1, north of proposed units B & D and north of proposed units F & H. Grade the slopes to less than a 3 to 1 slope & establish		12/15/2009	5/5/2010*
2	vegetation.		12/15/2009	5/5/2010*
3	Remove all of the rock & debris from the site.		12/15/2009	5/5/2010*
4	<b>The ground east &amp; north of proposed building 3 and the ground north of proposed building 4, shall be graded to eliminate eroded areas &amp; promote positive drainage. This includes approximately half of the site. Once completed finish grade &amp; establish vegetation.</b>		12/15/2009	
5	<b>Establish satisfactory ground cover through out the development.</b>		12/15/2009	
6	Submit Biweekly Reports of Erosion Control/Siltation Control Activities		12/15/2009	

**Bold font indicates items that need immediate attention**

**JUSTUS POINTE SUBDIVISION DEFICIENCIES - as of June17, 2010**  
**Plans approved October 18, 2006**

Item No.	Item Description	Plat	Deficiency Originally Cited	Date Approved
<b>EROSION CONTROL</b>				
1	Erosion control will be required until the site is fully vegetated.		12/15/2009	NO
2	Submit Bi-weekly Reports of Erosion Control/Siltation Control Activities.		12/15/2009	
<b>SILTATION CONTROL</b>				
1	Siltation control will be required until the site is fully vegetated.		12/15/2009	NO
<b>PERMANENT LAKE</b>				
1	The lake shall be surveyed & certified by an engineer after all construction is completed & the site is fully vegetated.		12/15/2009	NO
<b>GENERAL SITE</b>				
1	Cut all of the PVC pipes flush with the ground & cap.		12/15/2009	5/28/2010
2	<b>Remove the electric panel from the site.</b>		<b>12/15/2009</b>	
<b>MONUMENTS</b>				
1	Provide a surveyors certification that all of property corners have been set in accordance with the record plat, noting any changes or deviations from the record plat.		12/15/2009	NO

**Bold font indicates items that need immediate attention**

CONSTRUCTION DEPOSIT

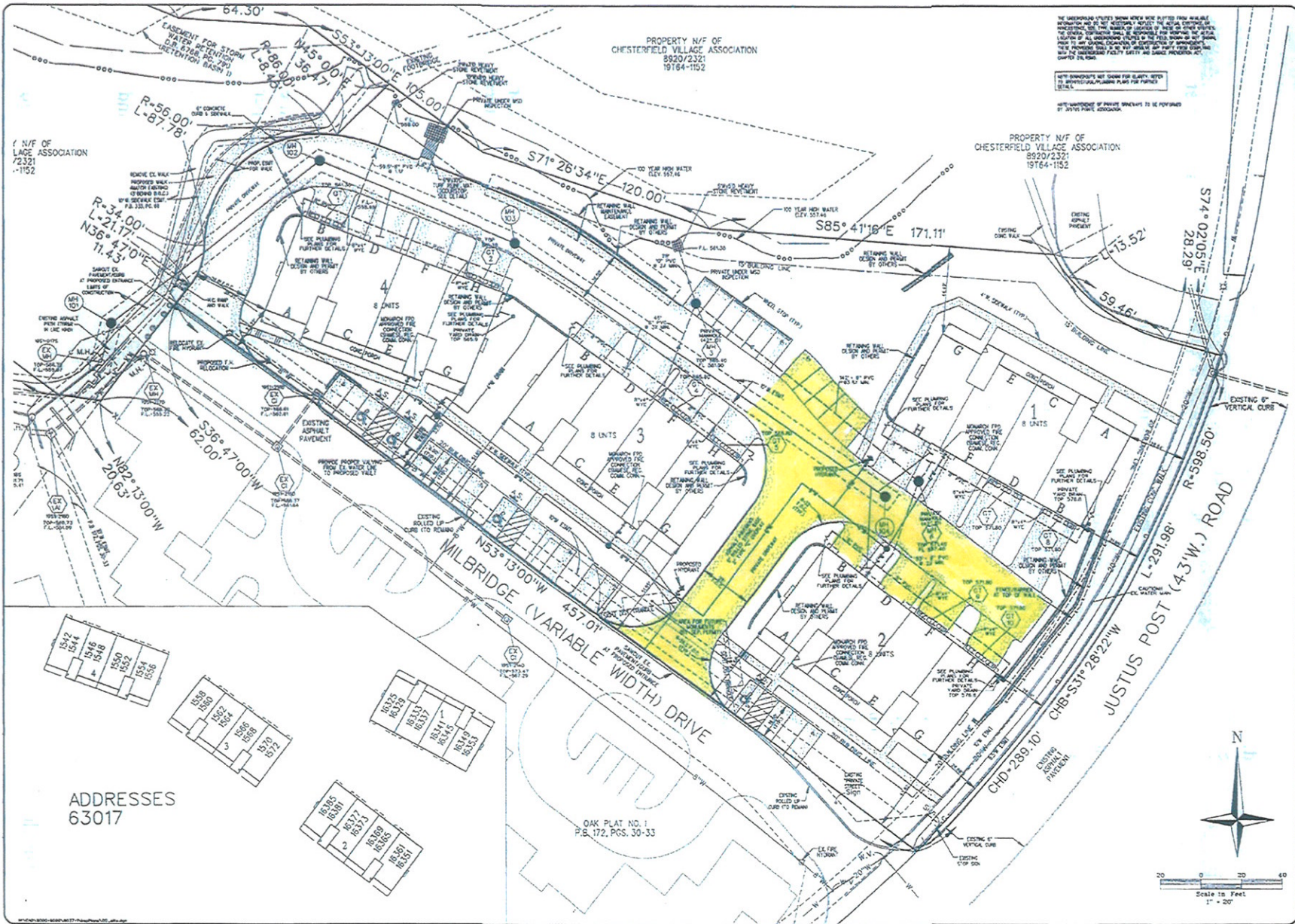
SUBDIVISION: Justus Pointe  
 PLAT: N/A  
 SUBDIVISION CODE: 293  
 NO. LOTS: 32 units

DEVELOPER: Bruno Homes

DATE OF PLAT APPROVAL:

CATEGORY	DATE OF RELEASE	% RELEASE	ORIGINAL BALANCE	TOTAL RELEASED	TOTAL % RELEASED	CURRENT BALANCE	% REMAINING
PAVING			\$15,000.00	\$0.00 \$0.00 \$0.00	0	\$15,000.00	100
STORM SEWER			\$4,000.00	\$0.00 \$0.00 \$0.00	0	\$4,000.00	100
GRADING			\$1,600.00	\$0.00 \$0.00 \$0.00	0	\$1,600.00	100
EROSION CONTROL			\$2,500.00	\$0.00 \$0.00 \$0.00	0	\$2,500.00	100
SILTAT'N CONTROL			\$3,000.00	\$0.00 \$0.00 \$0.00	0	\$3,000.00	100
SURVEY MONUMENTS			\$3,300.00	\$0.00 \$0.00 \$0.00	0	\$3,300.00	100
COMMON GR. SEED			\$2,400.00	\$0.00 \$0.00 \$0.00	0	\$2,400.00	100
RETAINING WALL			\$4,300.00	\$0.00 \$0.00 \$0.00	0	\$4,300.00	100
TOTALS			\$36,100.00	\$0.00	0	\$36,100.00	100





12,735 sq ft  
 - 1,415 sq ft = 160 TON @ \$61.60/TON = \$9,856  
 - TACK COAT ≈ \$60  
 - SOME MILLING