



CITY OF NOVI CITY COUNCIL
SEPTEMBER 30, 2024

SUBJECT: Approval of a Resolution to vacate North Karevich Drive, which is located between West Oaks Drive and the West Oaks Access Road and convey the vacated road via Quit Claim Deed to the applicant.

SUBMITTING DEPARTMENT: Community Development Department

KEY HIGHLIGHTS:

- Street vacation requested by landowner of property on either side of North Karevich Drive.
- Ownership of the vacated property would allow parcels to be combined and road to be realigned to make development of a Culver's restaurant possible.
- The applicant will assume all future costs associated with maintaining and repairing the roadway, while still allowing public access over it.
- The applicant will assume responsibility for constructing the missing 8-foot-wide pathway segment along the adjacent Novi Road right-of-way and provide landscaping and seating areas.
- Department of Public Works does not object to vacating the roadway.

BACKGROUND INFORMATION:

North Karevich Drive is a 32-foot-wide public right-of-way approximately 900 feet in length parallel to Novi Road. It serves as a marginal access road to the West Oaks shopping area. Currently only the Value City site has access points onto North Karevich Drive. The south end of the road bisects an undeveloped area.

The street vacation is being requested by Union Pacific Holdings, LLC, the owner of the bisected parcels who is interested in developing the site at the southern end as a Culver's fast-food restaurant with a drive thru. Vacating the road would permit them to combine three parcels and realign the roadway to accommodate the proposed development. South Karevich Drive will remain a public street south of West Oaks Drive.

The applicant's current Preliminary Site Plan has been submitted and reviewed by the Plan Review Center. The applicant addressed the comments brought forth in previous plan submittals. This includes providing additional landscaping, the off-site location of the sanitary sewer and associated easement, a full traffic impact study, and a justification for why the City should consider vacating the public street.

On June 26, 2024, the Planning Commission held a public hearing to consider the Culver's Preliminary Site Plan. Following the public hearing, Planning Commission recommended approval to City Council of the Preliminary Site Plan, Special Land Use permit, and Stormwater Management Plan subject to City Council's action on the street vacation issue.

Subject Parcels

The two parcels that North Karevich Drive bisects at the south end are located south of Value City Furniture (former Art Van) and north of West Oaks Drive.

- The parcel on the southeast side of Karevich Drive is irregular in shape and contains approximately 0.96 acres (22-15-200-099)
- The parcel on the northwest side of Karevich Drive is irregular in shape and contains approximately 0.44 acres (22-15-200-097)
- If the street vacation and parcel combination are approved, the site would total 2.35 acres.



The full length of North Karevich Drive between West Oaks Drive and West Oaks Access Road is requested to be vacated and deeded to the applicant. A legal description of the road has been provided by the applicant, which lists the total area to be vacated as 0.945 acres. The applicant intends to reroute North Karevich Drive around the proposed Culver's so that traffic could still move between West Oaks Drive and West Oaks Access Drive. The new road through this area would be privately

owned and maintained by the applicant if it is conveyed to them. The applicant states they would allow public access over the roadway by placing it in a Public Access Easement. Utility easements would also be given for all existing and proposed utilities within the area. A Maintenance and Access Agreement has been signed by the applicant, contingent on the public street being vacated.

Zoning and Master Plan

The property is located in the RC, Regional Center District, and the Master Plan for Land Use indicates the Planned Development Option 2 (PD-2) is available for the site.

The Street Vacation

Since the public street was not designed as a part of a plat, but was conveyed to the City by a deed, the vacated land does not automatically go to the adjacent property owner. Staff has asked the applicant what benefit to the public results from the vacation of the roadway and the applicant's acquisition of the underlying property. The applicant has provided a narrative that states why the street vacation would benefit the City, which is included in the packet. In summary, these include:

- The applicant will assume responsibility to construct the missing 8-foot-wide pathway segment along the adjacent Novi Road right-of-way (an approximately 680-foot portion of Segment 32A).
- Additional landscaping and park benches along the pathway.

In addition, the applicant will take over all future costs associated with maintaining and repairing the roadway, while still allowing public access over it.

With the full public access easement across the length of the re-routed North Karevich Drive, and agreement to the terms recommended with the submitted site plan, JSP23-37, access will effectively be maintained to Value City, emergency vehicles, and others wishing to use the roadway.

Based on the information provided by the applicant and the submitted site plan, JSP23-37, the Planning Division is prepared to recommend approval of the proposed street vacation following the public hearing, based on the following:

1. The Engineering Division has no objections to the proposed vacation provided a maintenance and access agreement to the City and dedicates the necessary easements.
2. All future maintenance of the roadway will be the responsibility of the applicant if the street is conveyed to them.
3. The property owner to whom the vacated right-of-way is transferred shall provide a public ingress and egress easement across the entirety of the re-aligned North Karevich Drive;
4. The public ingress and egress easement area shall be maintained in good repair and kept unrestricted;
5. The property owner to whom the vacated right-of-way is transferred shall also provide a utility easement across the entirety of the re-aligned North Karevich Drive;

6. An access easement shall be granted to the owner of Parcel 50-22-15-200-104;
7. The property owner to whom the vacated right-of-way is transferred shall construct an 8-foot public pathway the full length of the adjacent Novi Road right-of-way, as well as seating areas and landscaping along the pathway.

The City Council is asked to consider the draft resolution to vacate North Karevich Drive. The City Council will also be asked to consider the Preliminary Site Plan with PD-2 Option, Special Land Use and Stormwater Management Plan for JSP23-37 as a separate action item.

Procedure for Street Vacation

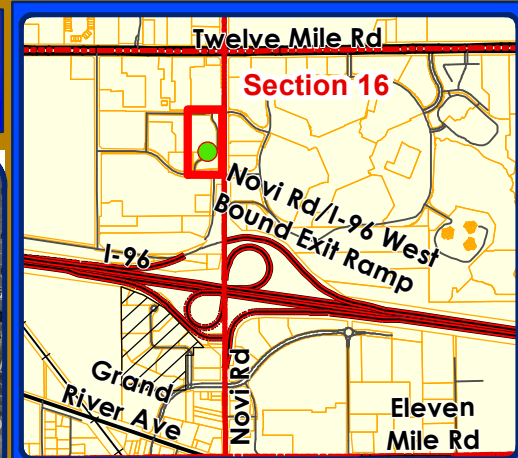
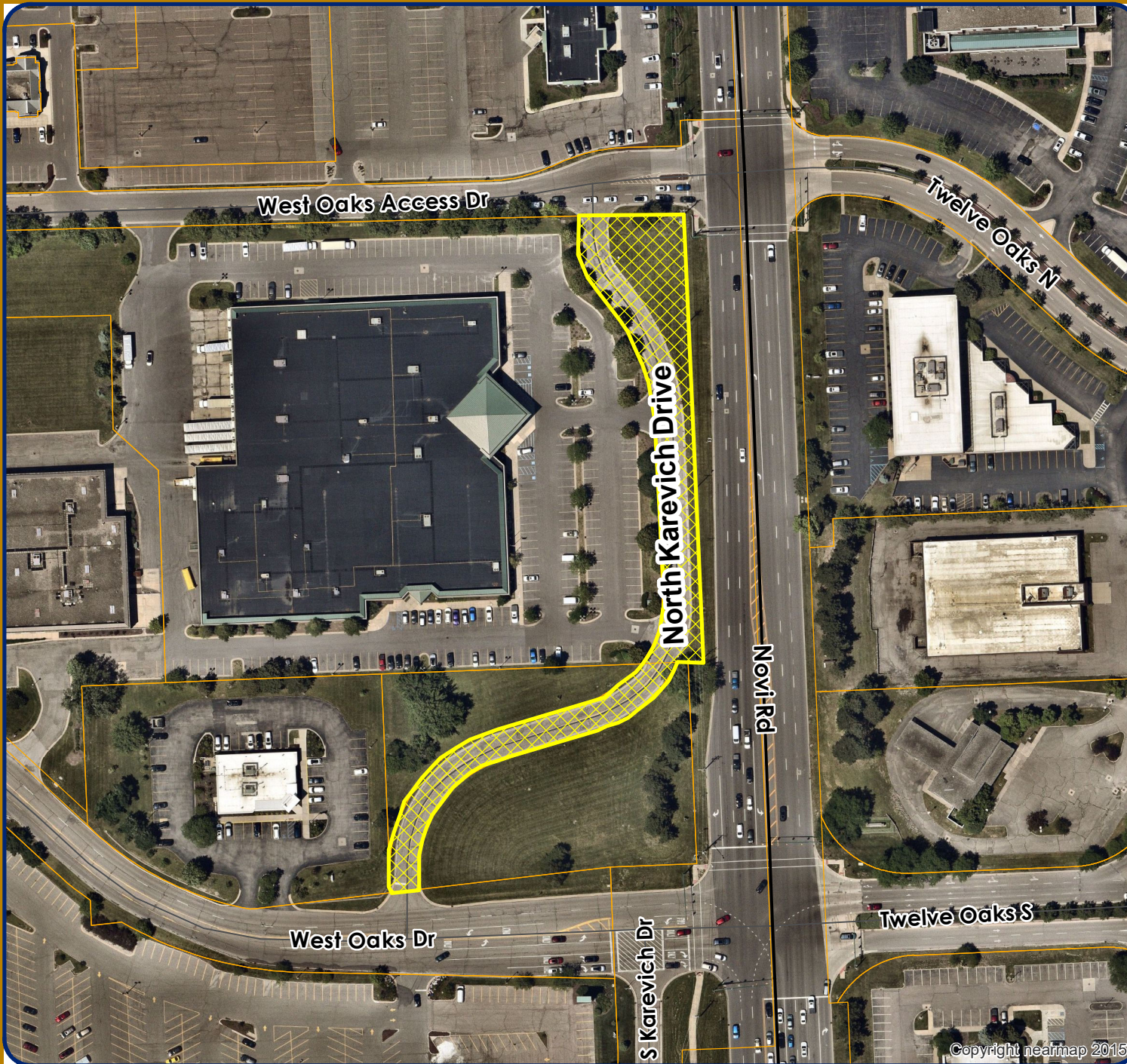
Section 7.6 of the City Code provides the procedure for vacating public streets:


- (a) Action to Vacate Public Places. Action to vacate, discontinue or abolish any highway, street land, alley or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.

RECOMMENDED ACTION: Approval of a Resolution to vacate North Karevich Drive between West Oaks Drive and West Oaks Access Road, west of Novi Road and south of Twelve Mile Road, and convey the vacated road via Quit Claim Deed to the applicant, subject to the Maintenance and Access Agreement and the items in the staff review letters being addressed prior to Final Stamping Set approval.

MAP OF NORTH KAREVICH DRIVE

NORTH KAREVICH DRIVE REQUESTED STREET VACATION

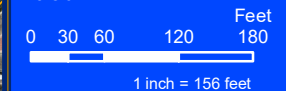


 Subject Area



City of Novi
 Dept. of Community Development
 City Hall / Civic Center
 45175 W Ten Mile Rd
 Novi, MI 48375
cityofnovi.org

Map Author: Lindsay Bell
 Date: 8/9/24
 Project: KAREVICH DRIVE
 Version #: 1



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

RESOLUTION TO VACATE

**RESOLUTION OF THE CITY COUNCIL AUTHORIZING
TERMINATION OF KAREVICH DRIVE**

RECITATIONS UNDERLYING THIS RESOLUTION:

An existing public roadway known as Karevich Drive described in Exhibit A, is the subject matter of this Resolution, and shall be referred to herein as the "Roadway."

The owner of the property described in the attached and incorporated Exhibit B (the "Property"), which is bisected by the Roadway has requested that the City vacate and terminate a portion of the Roadway in order to facilitate the construction of Culvers Restaurant on the Property. Any costs associated with terminating and vacating that portion of the Roadway as set forth herein shall be the property owner's expense.

The appropriate City Officials have investigated the need to maintain those portions of the Roadway being terminated for the benefit of the public, for the benefit of the Property, and/or for the benefit of surrounding properties. The City Officials have determined it is not necessary to maintain that portion of Roadway subject to the grant of a private driveway easement allowing public access in an alternate location.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. That portion of the Roadway described in the attached and incorporated Exhibit A, located in Section 15 of the City, be vacated and terminated.
2. This Resolution shall be recorded with the Oakland County Register of Deeds evidencing the termination called for herein.
3. The vacated Roadway is hereby authorized to be conveyed in connection with the construction of the Culvers Restaurant by quit claim deed in the format attached at Exhibit C.

AYES:
NAYES:
ABSTENTIONS:

Resolution declared adopted.

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Novi at the regular meeting held on _____, 2024.

CORTNEY HANSON, CITY CLERK

Drafted by:
Elizabeth Saarela
ROSATI SCHULTZ JOPPICH & AMTSBEUHLER, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331

AND WHEN RECORDED RETURN TO:
Cortney Hanson, Clerk
45175 Ten Mile
Novi, Michigan 48375

EXHIBIT A
PORTION OF THE ROADWAY BEING VACATED

Exhibit A

VACATION DESCRIPTION

LEGAL DESCRIPTION - KAREVICH DRIVE VACATION

PART OF THE NORTHEAST 1/4 OF SECTION 15, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT LOCATED N.02°24'08"W. 1103.75 FEET ALONG THE EAST LINE OF SAID SECTION 15 AND S.87°35'52"W. 168.99 FEET AND S.83°19'17"W. 204.58 FEET FROM THE EAST 1/4 CORNER OF SAID SECTION; THENCE S.83°19'17"W. 32.09 FEET; THENCE N.02°24'08"W. 17.24 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 205.16 FEET TO A POINT OF TANGENCY, SAID CURVE HAVING A RADIUS OF 156.00 FEET, A CENTRAL ANGLE OF 75°21'03", AND A LONG CHORD BEARING N.35°16'23"E. 190.69 FEET; THENCE N.72°56'55"E. 105.98 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 73.77 FEET, SAID CURVE HAVING A RADIUS OF 114.00 FEET, A CENTRAL ANGLE OF 37°04'36", AND A LONG CHORD BEARING N.54°24'36"E. 72.49 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 77.66 FEET, SAID CURVE HAVING A RADIUS OF 115.00 FEET, A CENTRAL ANGLE OF 38°41'26", AND A LONG CHORD BEARING N.16°56'38"E. 76.19 FEET; THENCE N.02°24'08"W. 176.99 FEET TO A POINT ON A CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 163.63 FEET, SAID CURVE HAVING A RADIUS OF 237.78 FEET, A CENTRAL ANGLE OF 39°25'46", AND A LONG CHORD BEARING N22°06'57"W. 160.42 FEET TO A REVERSE CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 57.12 FEET, SAID CURVE HAVING A RADIUS OF 83.00 FEET, A CENTRAL ANGLE OF 39°25'51", AND A LONG CHORD BEARING N.22°06'58"W. 56.00 FEET; THENCE N.02°24'05"W. 31.63 FEET; THENCE N.88°31'52"E. 113.01 FEET; THENCE S.02°24'08"E. 482.97 FEET; THENCE S.88°08'05"W. 27.11 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 117.95 FEET TO A POINT OF TANGENCY, SAID CURVE HAVING A RADIUS OF 146.00 FEET, A CENTRAL ANGLE OF 46°17'20", AND A LONG CHORD BEARING S.49°48'15"W. 114.77 FEET; THENCE S.72°56'55"W. 105.98 FEET TO A POINT ON A CURVE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 163.07 FEET TO A POINT OF TANGENCY, SAID CURVE HAVING A RADIUS OF 124.00 FEET, A CENTRAL ANGLE OF 75°21'03", AND A LONG CHORD BEARING S.35°16'23"W. 151.57 FEET; THENCE S.02°24'08"E. 14.85 FEET TO THE POINT OF BEGINNING.

CONTAINING: 41,157 SQUARE FEET OR 0.945 ACRES.

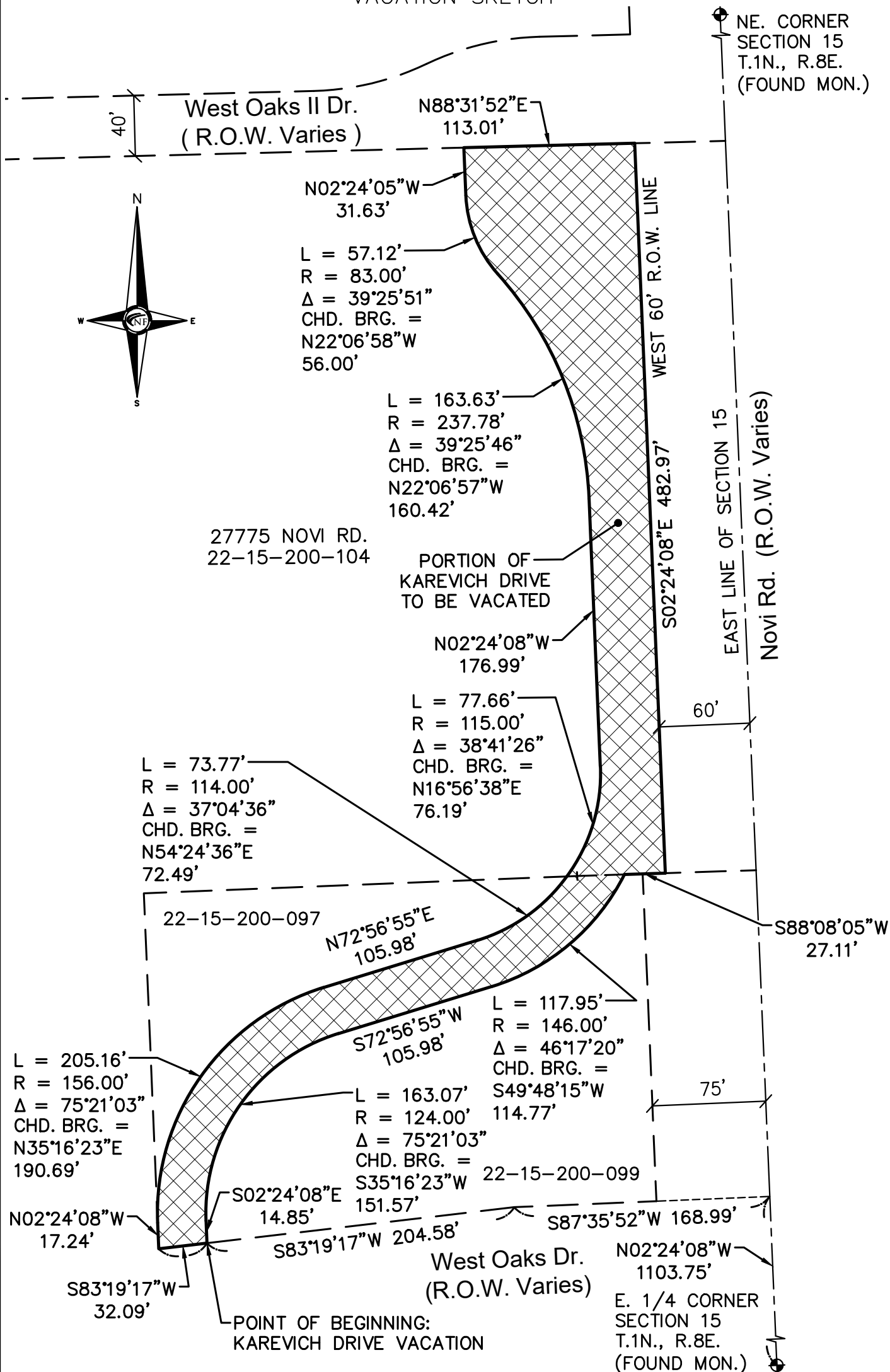


NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
WWW.NFE-ENGR.COM

DATE	DRAWN	JOB NO.	SHEET
7-22-2024	M.R.C.	N706-01	1 of 2

Exhibit A

VACATION SKETCH



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SCALE	DATE	DRAWN	JOB NO.	SHEET
1" = 80'	7-22-2024	M.R.C.	N706-01	2 of 2

EXHIBIT B
THE GRANTEE'S PROPERTY

Legal Description Parcel A (50-22-15-200-099):

T1N, R8E, SEC 15 PART OF NE 1/4 BEG AT PT DIST N 02-24-08 W 1103.75 FT & S 87-35-52 W 75 FT FROM E 1/4 COR, TH S 87-35-52 W 93.99 FT, TH S 83-19-17 W 204.58 FT, TH N 02-24-08 W 14.85 FT, TH ALG CURVE TO RIGHT, RAD 124 FT, CHORD BEARS N 35-16-23 E 151.57 FT, DIST OF 163.07 FT, TH N 72-56-55 E 105.98 FT, TH ALG CURVE TO LEFT, RAD 146 FT, CHORD BEARS N 49-48-15 E 114.77 FT, DIST OF 117.95 FT, TH N 88-08-05 E 12.13 FT, TH S 02-24-08 E 216.59 FT TO BEG 0.96 A12-22-99 FR 09

Legal Description Parcel B (50-22-15-200-097):

T1N, R8E, SEC 15 PART OF NE 1/4 BEG AT PT DIST N 02-24-08 W 1103.75 FT & S 87-35-52 W 168.99 FT & S 83-19-17 W 236.67 FT & N 02-24-08 W 17.24 FT FROM E 1/4 COR, TH N 02-24-08 W 217.98 FT, TH N 87-42-48 E 279.75 FT, TH ALG CURVE TO RIGHT, RAD 114 FT, CHORD BEARS S 54-24-36 W 72.49 FT, DIST OF 73.77 FT, TH S 72-56-55 W 105.98 FT, TH ALG CURVE TO LEFT, RAD 156 FT, CHORD BEARS S 35-16-23 W 190.69 FT, DIST OF 205.16 FT TO BEG 0.44 A12-22-99 FR 092

EXHIBIT C
QUIT CLAIM DEED

QUIT CLAIM DEED

KNOW ALL PERSONS that the City of Novi, a Michigan Municipal Corporation, whose address is 45175 Ten Mile Road, Novi Michigan, 48375, ("Grantor"), Quit Claim(s) to UPH Novi Property, LLC, a Michigan limited liability company, whose address is 101 N. Main Street Suite 525, Ann Arbor, MI 48104, a portion of the following described premises situated in the City of Novi, County of Oakland, State of Michigan, to-wit:

Part of Tax Parcel No.:

LEGAL DESCRIPTION, ATTACHED AS "EXHIBIT A," AND GRAPHICAL DEPTICTION,
ATTACHED AS "EXHIBIT B,"
WHICH ARE INCORPORATED BY REFERENCE HEREIN

If this parcel is unplatted, the following applies: The grantor grants to the grantee the right to make 0 divisions under section 108 of the land division act, Act No. 288 of the Public Acts of 1967, as amended. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan right to farm act.

Exempt from county and state taxation pursuant to MCL 207.505(a) and MCL 207.526(a).

WHEREFORE, upon approval by the City of Novi, City Council, the undersigned Grantor hereby creates, confirms, and conveys the Quit Claim Deed described herein for the sum of \$1.00.

Dated this _____ day of September 2024.

GRANTOR:
THE CITY OF NOVI, a Michigan municipal corporation

Justin Fischer, Mayor

Cortney Hanson, Clerk

COUNTY OF OAKLAND)
) ss.
STATE OF MICHIGAN)

On this _____ day of _____ 2024, Justin Fischer, Mayor, and Cortney Hanson, Clerk, executed the foregoing document before me and, being duly sworn, on behalf of the City of Novi with its full authority and as its free act and deed.

Notary Public
Acting in Oakland County, Michigan
My commission expires: _____

Exhibit A

VACATION DESCRIPTION

LEGAL DESCRIPTION - KAREVICH DRIVE VACATION

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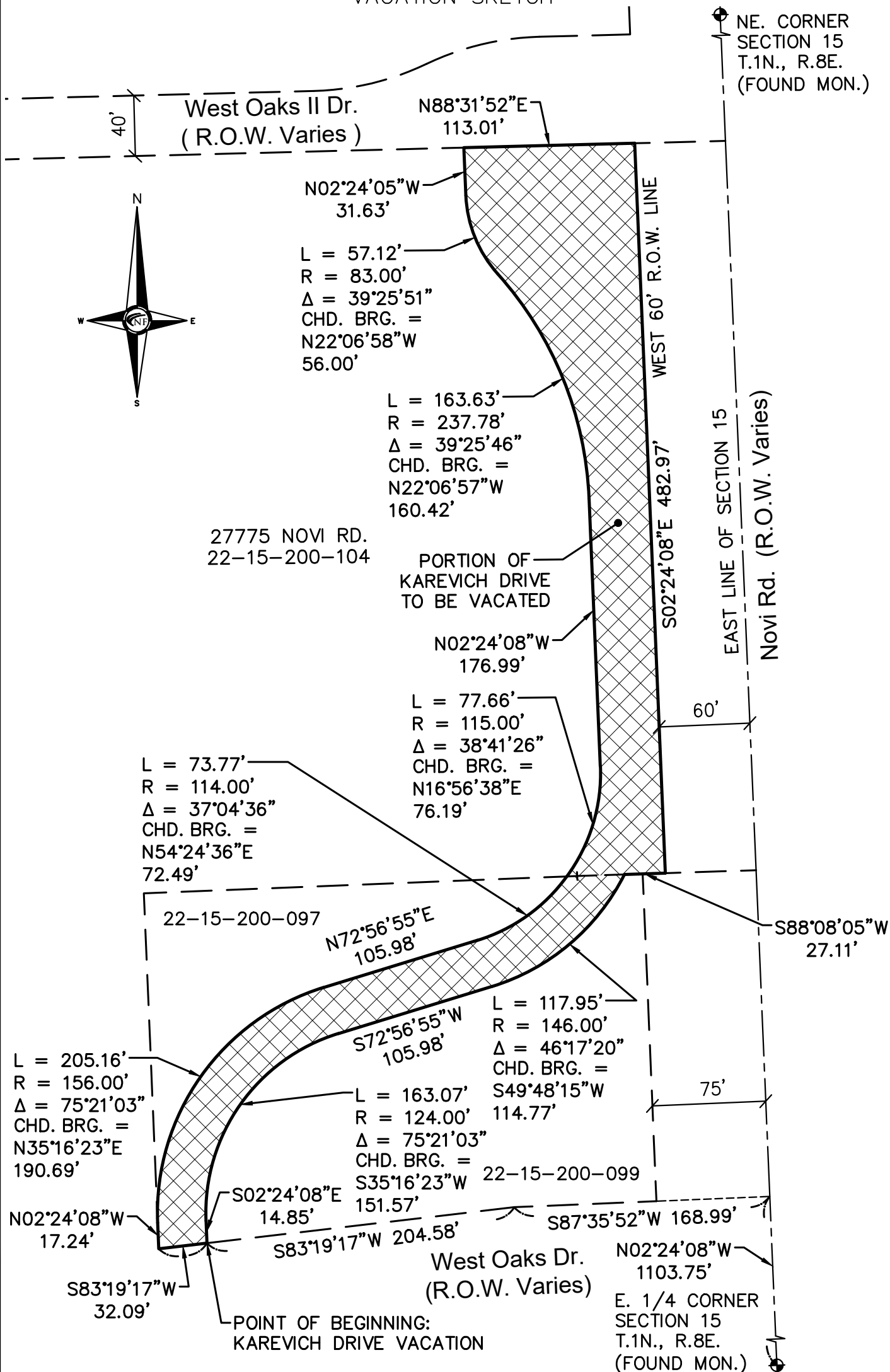


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Exhibit B

VACATION SKETCH



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APPLICANT REQUEST TO VACATE



August 21, 2024

Ms. Lindsay Bell
Planner
City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

***RE: Request to Vacate Karevich Drive
Culver's - JSP 23-27***

Dear Lindsay,

We are writing you on behalf of our Client and Applicant, UPH Novi Property, LLC (UPH), to formally request the City of Novi to vacate North Karevich Drive between West Oaks Drive and West Oaks II Drive (12 Oaks Mall Drive) in conjunction with the development of the proposed Culver's restaurant.

We are fully aware that vacating a public road involves a standard review process with the City, including public hearings and assessments. The client is prepared to comply with all necessary procedures and to provide any additional information or documentation that may be required to support this request.

Summary of Community Benefits:

The Applicant has carefully considered the City's best interests as well as the local community in the request to vacate North Karevich Drive such as; improved pedestrian walkability, connectivity and safety, future maintenance costs removed from City, taxable income for the City, and improved landscaping along Novi Road. Please see the attachments which depict the vacation sketch for Karevich Drive and the color landscape rendering for the walk improvements.

In addition to the benefits identified above, the Applicant has agreed to perform pavement replacement (2" mill/overlay) to improve the condition of the pavement at an estimated cost of \$75,000. The Applicant will be responsible for future maintenance as stated above which is an estimated cost savings to the City of \$20,000 to \$30,000 per year.

The Applicant will also install 8-foot wide concrete multi-use path between West Oaks Drive and West Oaks II Drive along the west side of Novi Road. Included with the multi-use path is additional landscaping and park benches. The location, number, and specific types of plants will be subject to City review and approval. The Applicant will be responsible for future maintenance of the proposed landscaping. Improved wayfinding signage is also included in the vacation proposal. Overall, the cost of the path, signage, landscaping, and benches is estimated over \$80,000.

On behalf of the Applicant, we would appreciate the City's support to vacate the roadway for the benefit of the City and the community. Thank you very much for your attention to this request.

Sincerely,
KIMLEY-HORN OF MICHIGAN, INC.



Tyler E. Smith, P.E.
Project Manager

CC: Mr. Charles Paisley, Union Pacific Holdings, LLC (Applicant)

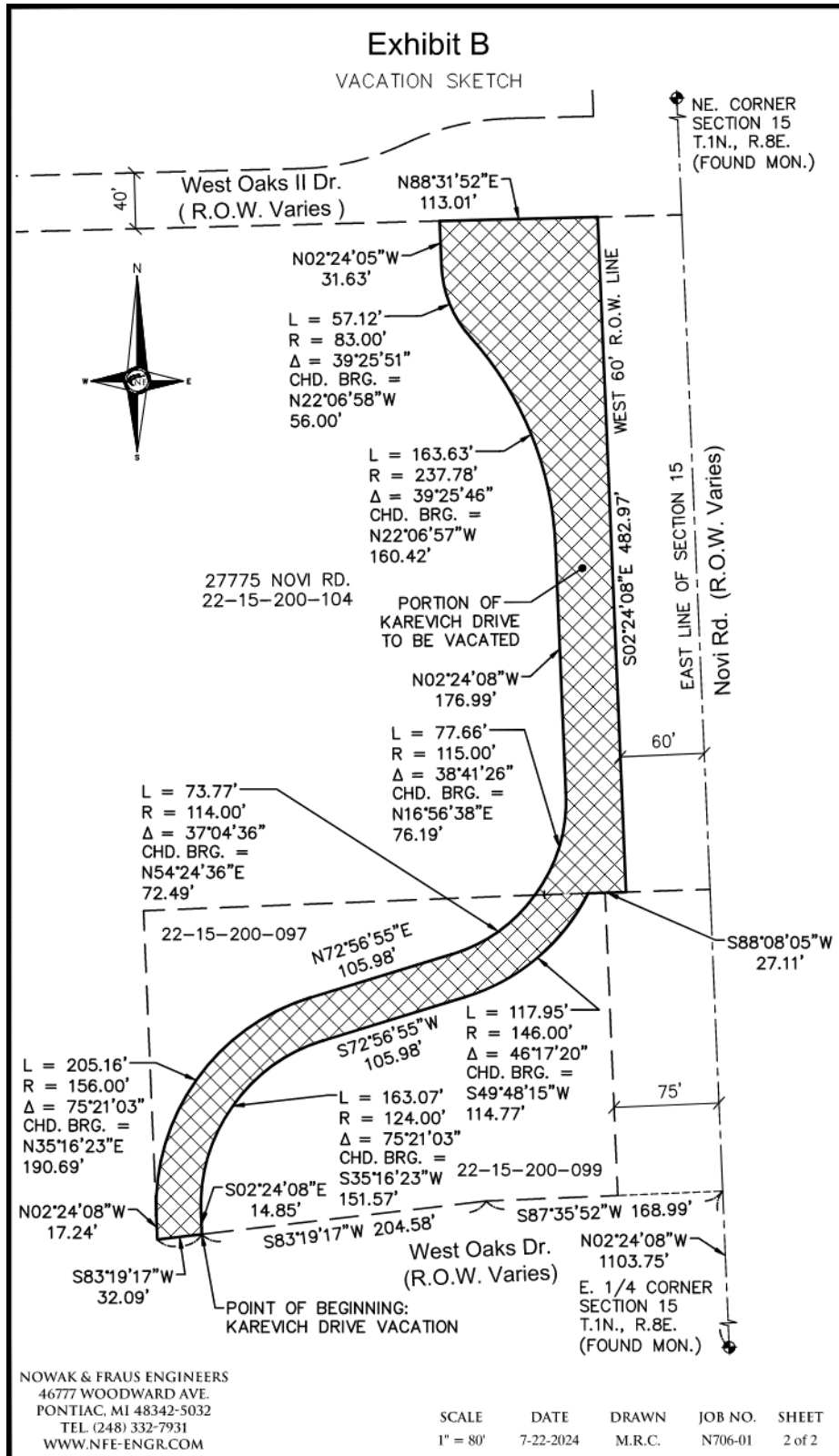
Attachments:

- Exhibit B: Karevich Drive Vacation Sketch
- Landscape Rendering Exhibit

Landscape Render – Karevich Drive



Exhibit B: Karevich Drive Vacation Sketch



Description of Community Benefits for Culver's Novi Project

In consideration of the City of Novi's (the "City") approval of the Culver's Novi Project, including approval of the (1) site plan and (2) vacation of Karevich road between West Oaks Drive and West Oaks II Drive, the applicant, UPH Novi Property, LLC, ("UPH") will provide the following community benefits to the City of Novi and its citizens:

1. Construction, at UPH's expense, of an eight-foot (8 foot) wide concrete multi-use path between West Oaks Drive and West Oaks II Drive, along the west side of Novi Road. This path will be approximately 695 feet in length. The plans and specifications for the path will be subject to City approval. Upon completion of construction of the path, the City will be responsible for all future maintenance of the path.
2. Additional landscaping and park benches along the west of Novi Road between West Oaks Drive and West Oaks II Drive. The location, number, and specific types of plants will be subject to City approval. UPH will be responsible for future maintenance of the landscaping.
3. The provision of these community benefits is subject to the City's approval of the site plan, vacation of Karevich road, and all other approvals necessary for UPH's development of a Culver's Restaurant on its property in Novi, Michigan.
4. The terms of this agreement will be incorporated into a detailed community benefits agreement between UPH and the City.

ENGINEERING MEMO

MEMORANDUM



TO: JEFFREY HERCZEG, DIRECTOR OF PUBLIC WORKS
FROM: HUMNA ANJUM, PROJECT ENGINEER
SUBJECT: N. KAREVICH DRIVE RIGHT-OF-WAY VACATION
DATE: 8/1/2024

Overview

Union Pacific Holdings LLC (UPH) has requested the vacation of the N. Karevich right-of-way (0.9 acres), and then convey the property to UPH to be included with their proposed Culver's development. S. Karevich will remain in place without any change.

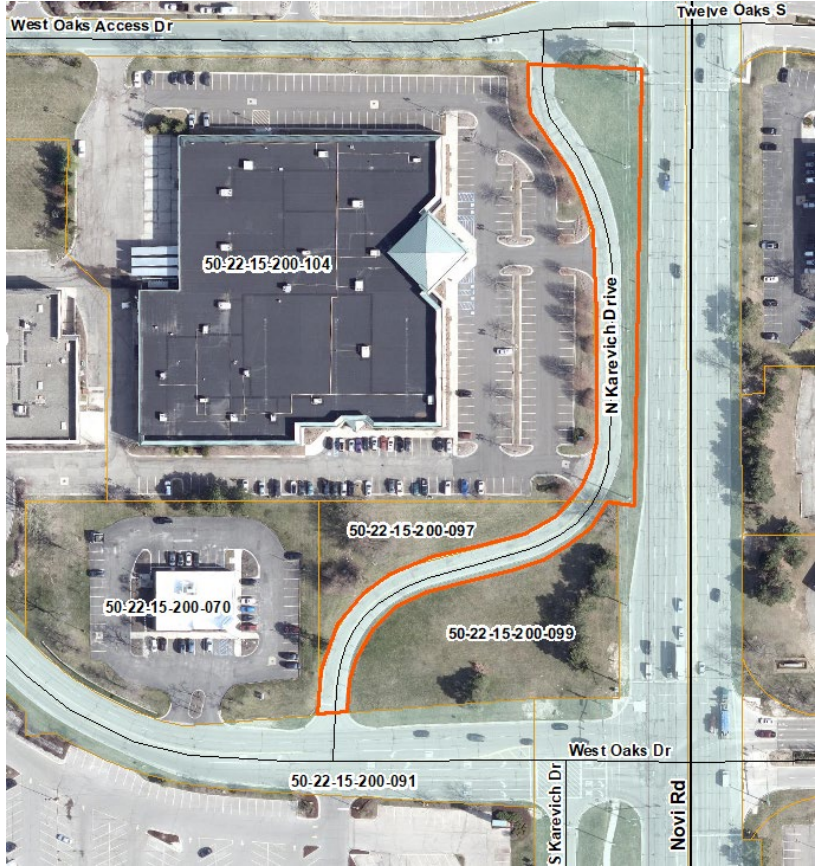


Figure 1- Approximate Road ROW Vacation Area

The applicant had originally only requested the southern portion of the road right-of-way to be vacated, but staff recommended that the applicant acquire all of N. Karevich Drive. The portion to the south will be part of the Culver's restaurant parking lot, and the northern portion will continue to be an access drive for Value City Furniture and the Culver's restaurant. UPH has proposed a public access easement over the access road and has accepted responsibility for all future road maintenance. As an added public

benefit, the applicant has proposed an 8-foot-wide pathway along the west side of Novi Road (695 feet in length).

There is an existing 8-inch water main along N. Karevich Drive that will require an easement to be dedicated to the city, which will occur when the proposed water main for the project is dedicated. Engineering also requests that the applicant must provide a utility easement for any franchise utilities in this area (DTE, AT&T, Consumers Energy, etc.).

Engineering has no objections to the proposed vacation of N. Karevich Drive as long as the applicant provides a maintenance and access agreement to the city and dedicates the necessary easements. All future maintenance of the roadway will be the responsibility of the applicant if the vacated street is conveyed to them.