



**CITY OF NOVI CITY COUNCIL**  
**AUGUST 26, 2024**

**SUBJECT:** Approval of a Resolution to set a public hearing for September 30, 2024 on the issue of vacating North Karevich Drive between West Oaks Drive and West Oaks Access Road, west of Novi Road and south of Twelve Mile Road.

**SUBMITTING DEPARTMENT:** Community Development Department

**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.

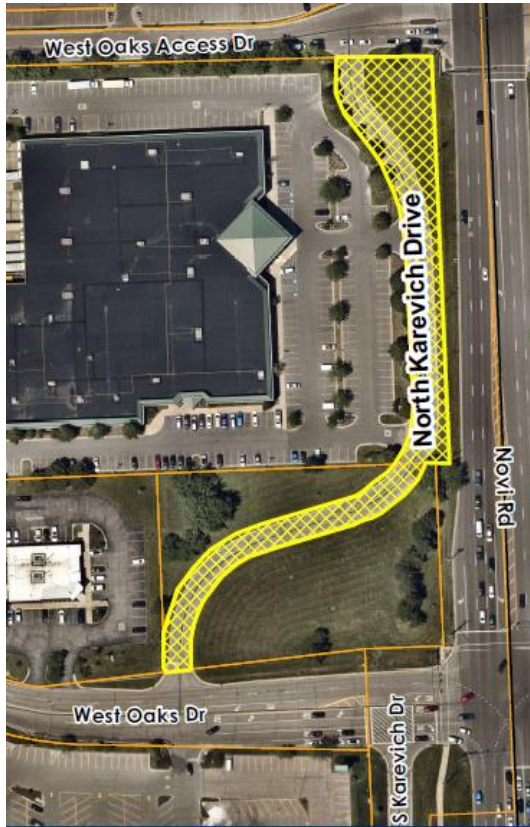
The street vacation is being requested by Union Pacific Holdings, LLC, the owner of the bisected parcels who is interested in developing the site at the southern end as a Culver's fast-food restaurant with a drive thru. Vacating the road would permit them to combine the parcels and realign the roadway 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 has been working to address 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.

**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 construct the missing 8-foot-wide pathway segment along the adjacent Novi Road right-of-way (an approximately 695-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, with the following conditions:

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 setting a public hearing for the September 30, 2024, City Council meeting to consider a 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 at that meeting.

Procedure for Street Vacation

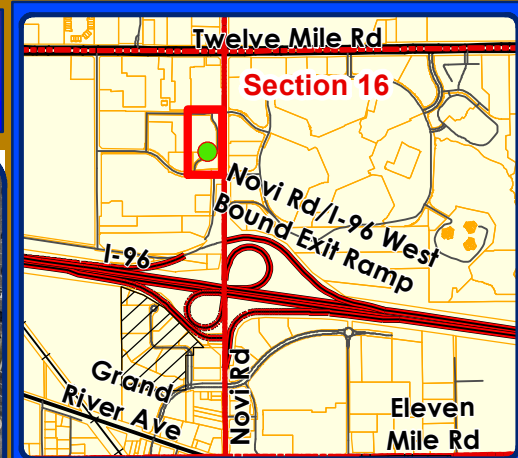
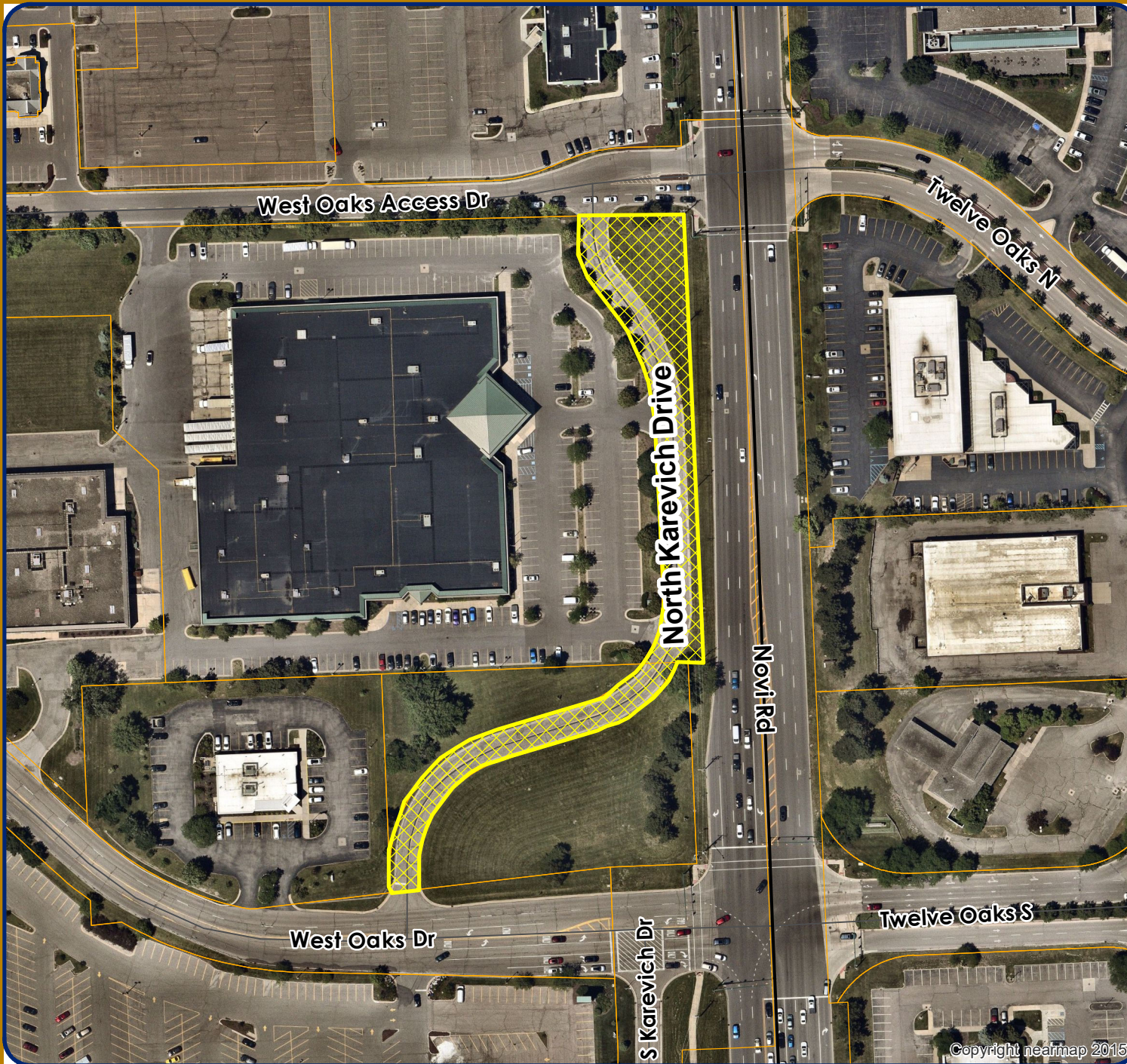
Section 7.6 of the City Code provides the procedure for vacating public streets:


- 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 set a public hearing for September 30, 2024 on the issue of vacating North Karevich Drive between West Oaks Drive and West Oaks Access Road.

**MAP OF NORTH KAREVICH DRIVE**

# NORTH KAREVICH DRIVE REQUESTED STREET VACATION

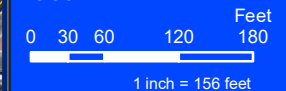


 Subject Area



**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.

**APPLICANT REQUEST TO VACATE**

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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)

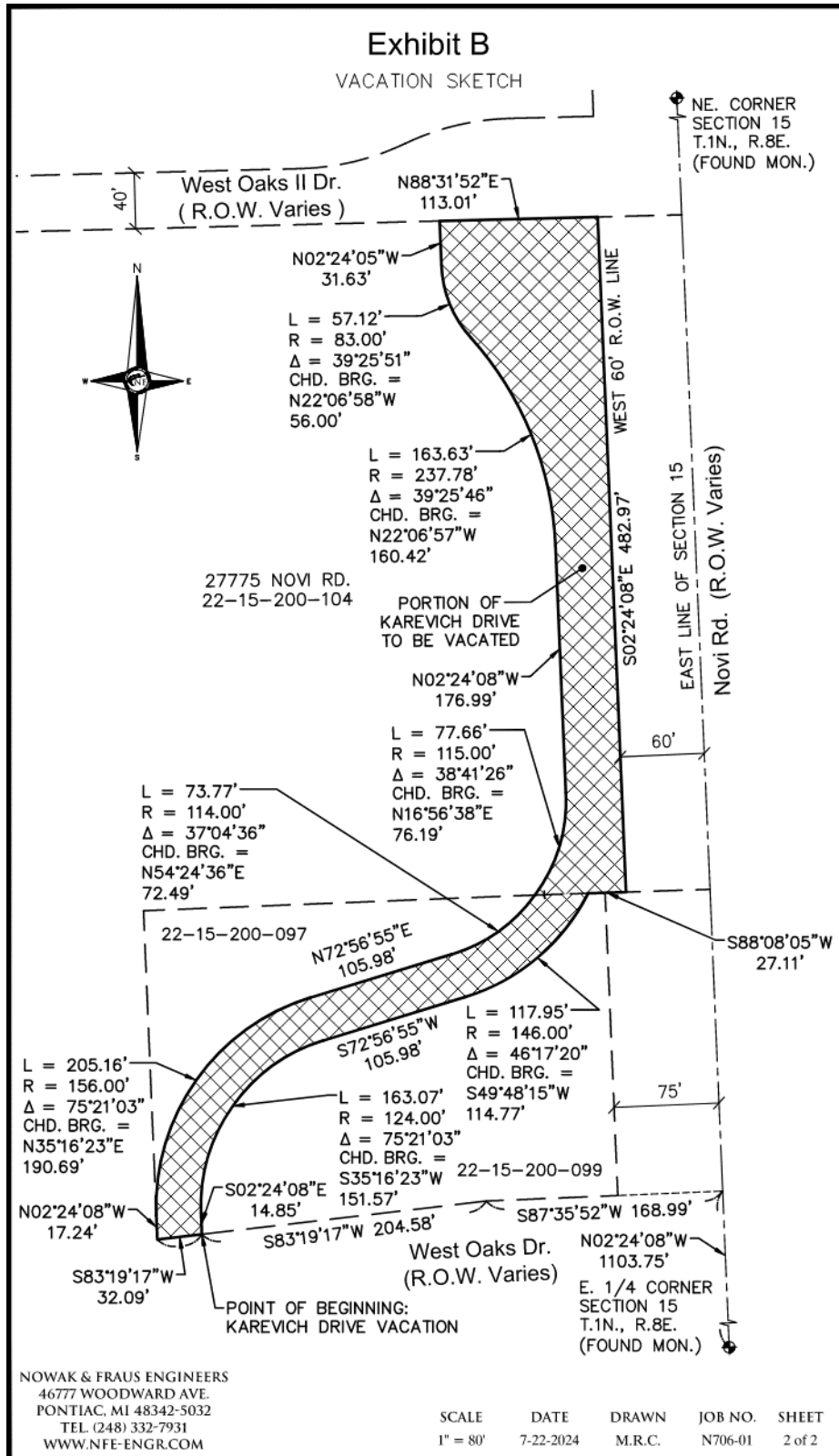
Attachments:

- 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.

**RESOLUTION TO HOLD A PUBLIC HEARING**

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CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION TO SET PUBLIC HEARING TO CONSIDER VACATING  
NORTH KAREVICH DRIVE IN THE CITY OF NOVI**

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on the 26 day of August 2024, at the City Hall, 45175 West Ten Mile Road, Novi, Michigan 48375.

The following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

**WHEREAS**, a request has been received by the City Council seeking the vacation, discontinuance, or abolition of the following portion of a public road within the City of Novi, legally described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B.

**WHEREAS**, the road at issue is known as North Karevich Drive, located north of West Oaks Drive and south of West Oaks Access Drive, a service drive west of Novi Road;

**WHEREAS**, the request for vacation asserts that North Karevich Drive sought to be vacated would continue to allow public access via an easement to access adjacent businesses;

**WHEREAS**, the request for vacation states that UPH Novi Property, LLC (UPH), if deeded the vacated road, would construct a multi-use path along the Novi Road right-of-way (approximately 695 feet), as well as provide additional landscaping and park benches;

**WHEREAS**, the City Council has considered such request and has determined to proceed to further consideration of such action in accordance with the requirements of the applicable statutory, charter, and ordinance provisions, and pursuant to the terms of the attached proposed resolution;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Novi City Council that:

1. That the City Council deems it advisable to consider the vacation, discontinuance, or abolition of the portion of a public road located north of West Oaks Road, within the City of Novi, County of Oakland, State of Michigan, and which is legally described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B.

2. That the City Council will meet and hear objections, if there are any, to such vacation, discontinuance, or abolition on the \_\_\_\_ day of \_\_\_\_\_ 2024, at 7:00 p.m. at the City of Novi City Hall.

3. The City Clerk is hereby directed to publish notice of such meeting in the newspaper of general circulation in the City, not less than seven days before the time appointed for such meeting. The City Clerk shall also give notice by first class mail to the owners of all property abutting the portion of such platted public road that is legally described in paragraph 1, as shown upon the assessment rolls of the City.

**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

**ENGINEERING MEMO**

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# 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.

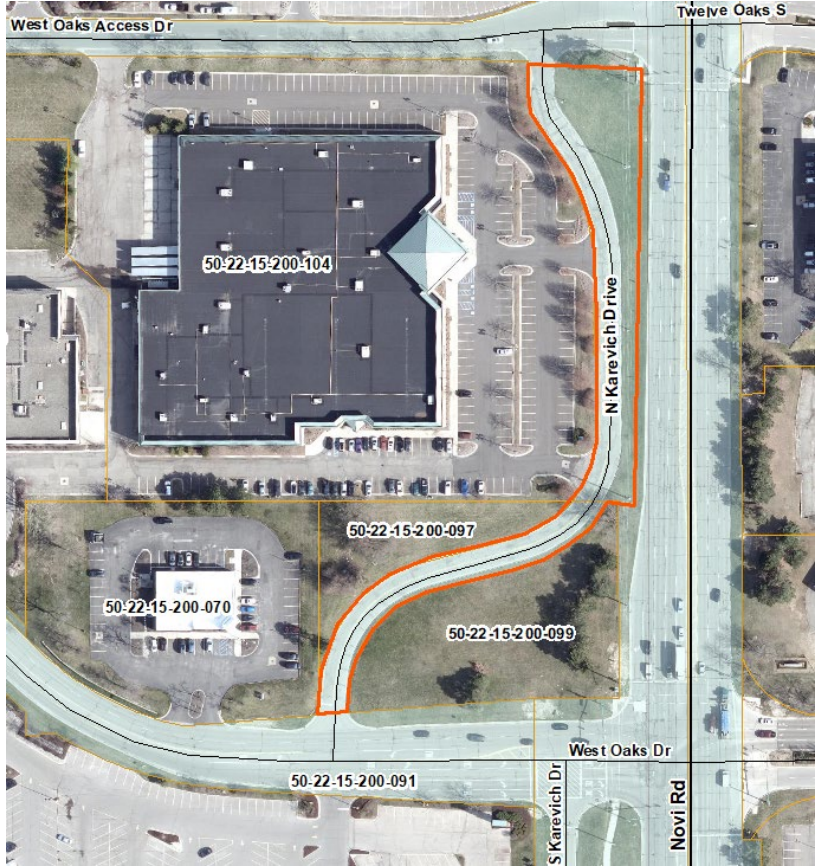


Figure 1- Approximate Road ROW Vacation Area

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.