



CITY of NOVI CITY COUNCIL

www.cityofnovi.org

Agenda Item 3
September 24, 2007

SUBJECT: Consideration of proposed vacation and requested conveyance of Karevich Drive Right of Way, a frontage road in the West Oaks II shopping center.

SUBMITTING DEPARTMENT: Community Development – Planning ^{Bull}

CITY MANAGER APPROVAL: *PA for CJP*

BACKGROUND INFORMATION:

The City Council received several packets of materials for the proposed Karevich Drive right of way vacation in the Spring of 2006. A representative from Art Van had indicated a number of improvements proposed on the Art Van parcel if the street vacation is approved and the land is conveyed to Art Van. Among the items offered in the letter from Art Van were: plantings and a pedestrian path along the Novi Road frontage; landbanking parking spaces along Novi Road and West Oaks Drive; the provision of approximately 38 feet of frontage landscaping on the private property; an offer to maintain approximately 30 feet as private property (with an agreement regarding possible future dedication of Novi Road right of way, if needed); possible property combination for the two sites; and an offer of \$50,000 to be paid to the City of Novi.

At the City Council meeting of May 22, 2006 the introduction of the resolution to vacate Karevich Drive was approved, and City Council set the required public hearing for June 5, 2006. As requested, the applicant had provided a conceptual plan showing landscaping and a public sidewalk along the frontage of the existing Art Van property as well as the future development site to the south. Art Van is proposing a five foot wide concrete sidewalk, consistent with the recommendation of the Master Plan for Land Use. Groupings of trees with lines of shrubs were proposed on the conceptual plan presented at that time.

Following a public hearing and considerable discussion at the meeting of June 5, 2006, City Council requested that *"the administration bring the actual vacation resolution back to Council at a subsequent meeting along with the conveyance agreement containing the terms and conditions of the transfer, and future use of the vacated area with additional landscaping and a more detailed rendering."* The applicant has now provided more detailed site plans, landscape plans and a rendering of the Novi Road frontage. Draft transfer agreement and quit claim deeds have been prepared by the city attorney's office, and will be finalized following further discussion by City Council of the renderings provided.

Various city staff members have reviewed the plans accompanying the request. The City's landscape architect has reviewed the conceptual landscape plan and noted that the plan is an improvement over the previous conceptual plan submittals, and that an additional 16,000 square feet of green space is being added. However, additional plantings will be required along the berm proposed for the Novi Road and West Oaks Drive frontages when a full set of plans are submitted for Preliminary Site Plan review. The following were noted as deficiencies from the current ordinance standards, but could be addressed on a subsequent submittal:

- An additional 13 canopy buffer trees are needed along the rights of way (28 are required, 15 are provided)
- An additional 69 sub-canopy buffer trees are needed along the two rights of way (69 are required, 0 are provided)
- An estimated 120 additional shrubs are needed along the rights of way (79 are provided)

Please see the attached landscape review letter for additional comment about the proposed landscaping plan.

Engineering, Building, DPW, and the Fire Department took no exception to the street vacation request, with several staff members noting that easements will be needed to maintain existing utilities in the area if the street vacation is approved by City Council. The Planning review indicated that staff does not believe the abandonment of Karevich Drive would compromise access for public safety to the site or surrounding properties, nor would it have a negative effect on site circulation. Planning also notes that the proposed sidewalk and landscaping would enhance the pedestrian access and aesthetics of the area.

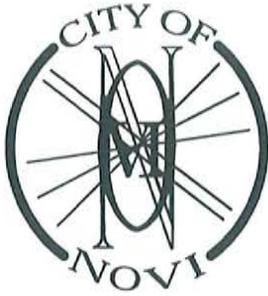
At this time, City Council is asked to comment on whether the submitted rendering and plans meet the expectations of the Council raised at the previous meetings, and as currently proposed. A draft resolution vacating Karevich Drive had previously been prepared by the City Attorney's office. With positive direction from City Council, administration will bring the actual vacation resolution back to Council at a subsequent meeting along with a finalized conveyance agreement containing the terms and conditions of the transfer and future use of the vacated area.

RECOMMENDED ACTION: Consideration of proposed vacation and requested conveyance of Karevich Drive Right of Way, a frontage road in the West Oaks II shopping center

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Gatt				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				

**REVIEW LETTER FROM
CITY'S LANDSCAPE ARCHITECT**



PLAN REVIEW CENTER REPORT

September 19, 2007

Landscape Review

Art Van Furniture / Drexel Heritage
Proposed Karevich Road Vacation

Project Zoning

R-C Regional Center

Overview

The Applicant wishes the City of Novi to consider a vacation of Karevich Drive in order to facilitate the addition of a Drexel Heritage Furniture store and additional parking. Proposed buffer landscape and a berm would be added along Novi Road for both Art Van and Drexel Heritage, and Drexel Heritage would receive additional foundation landscape plantings as required under the Ordinance and Landscape Design Manual. At this time the Applicant has not submitted the full set of Landscape Plans. This review is in reference to a concept plan and plant list dated 7/17/07 as prepared by Atwell-Hicks.

Improvements have been made over a previously submitted plan. Overall it does appear that the Applicant would be able to meet all Ordinance requirements. However, the inclusion of significant details and calculations would be necessary before Staff could make a positive site plan recommendation on the landscape treatment. Additional right-of-way buffer plantings are necessary as detailed below. Further, past consideration by Council indicated that Members desired additional landscape amenities and plantings above standard requirements. These have not been provided at this time. The Applicant is encouraged to work closely with the City of Novi Landscape Architect toward an acceptable and attractive landscape scheme. Staff supports the vacation of Karavich Drive if the concerns listed below can be alleviated.

Ordinance Considerations

1. Residential Adjacent to Non-Residential (Sec. 2509.3.a)

- a. The property is not adjacent to residential zoning or uses.

2. Adjacent to Rights-of-Way (Sec. 2509.3.b)

- a. The vacation of the existing drive has allowed the Applicant opportunity to increase overall landscape area by 55% for over 16,000 square feet of additional green space. This is quite an improvement over current site conditions and allows for parking to be shifted further from the Novi Road frontage.
- b. A 3' high berm with a 2' crest is required along the Novi Road frontage. The Applicant has adequately proposed the berm. Further grading information will be required on future site plan submittals.

- c. **Additional plantings would be necessary to meet opacity requirements and the intent of the landscape buffer along Novi Road.** Ordinance requirements are for 80% opacity in winter and 90% in summer. The use of mixed trees, shrubs and perennials are required. The Applicant has voiced a willingness to *"install this additional landscaping, or something similar, as subsequently determined during the site planning process with the Planning Commission."*
- d. Canopy Buffer (Deciduous or Evergreen) Tree requirements are met for West Oaks Drive. A total of 28 Canopy Buffer Trees are required along the Novi Road frontage; 15 are provided. **Please include the additional 13 Canopy Buffer Trees.**
- e. Sub-canopy Buffer Trees are required on all road frontages. **Twenty two (22) Sub-canopy Buffer Trees are required along West Oaks Drive and 47 are required along Novi Road. Please include the required Sub-canopy Buffer Trees.**
- f. It should be noted that 106 shrubs currently exist on the site. The proposed plan calls for a reduction to 79 shrubs. **Staff does not support the reduction in shrub counts. Staff estimates that 120 large shrubs need to be added over and above the proposed 79 to assure proper right-of-way buffering. Please add the additional shrubs.**
- g. A 20' wide greenbelt must be shown on the plans. Adequate space is available for the greenbelt.
- h. It appears that the proper counts of Canopy and sub-canopy trees have been proposed. However, required landscape calculations and proposed plant counts must be provided for both the Art Van Furniture and Drexel Heritage stores in order to fully evaluate the Landscape Plan.
- i. **Council is encouraged to further discuss the possible inclusion of landscape amenities such as decorative walls or seating areas along the proposed walkway. These items were suggested at previous Council meetings as a way to further augment the site landscape. Staff would support the inclusion of such amenities.**

3. Parking Area Landscape Requirements (Sec. 2509.3.c)

- a. Parking Area Landscape Requirement Calculations have been provided for Drexel Heritage. Please provide required calculations for Art Van. It appears requirements can be easily met.
- b. Required calculations per Sec. 2509.3.c.(3) for Interior Parking Area Landscape Islands and Canopy Trees have been provided for Drexel Heritage. However, these calculations do not appear to be correct as they must include access aisles. Interior Parking Lot Landscape Islands must be located within the parking areas, and must be a minimum of 10' wide and 300 square feet to qualify. Please clearly delineate those areas

qualifying as interior parking lot landscape islands under the Ordinance and label each with its square footage.

- c. Parking Lot Canopy Tree requirements have been met for Drexel Heritage. Please provide Canopy Tree information for Art Van directly on future plans. The Applicant has stated that there will be no net loss of Canopy Trees for the Art Van parking area.
- d. Perimeter Canopy Trees are required at a minimum average of 1 per 35' around the entire parking area. This requirement has been met for Drexel Heritage. Additional Perimeter Canopy Trees would be necessary for the Art Van store.

4. Building Perimeter Landscaping (Sec. 2509.3.d)

- a. Foundation Planting Areas are required for Drexel Heritage (8' x entire perimeter of building). This requirement has been met.
- b. A 4' wide landscape bed is required around all building foundations with the exception of access areas. This requirement has been met for Drexel Heritage.

5. Storm Basin Landscape Requirements (LDM)

- a. The project is part of an overall storm control plan for the development. As such, no basin is proposed on the project site.

6. Plant List (LDM)

- a. The Plant List as required meets City of Novi Ordinances and standards. Any additional plantings called for by this review, including those at the Art Van location, must be included on future plans.
- b. Please provide plans and the estimated cost for site irrigation with future submittals.

7. Plan Notes & Details (Sec. 2509. 4. 5. 6. & 7.)

- a. Plan notations and details meet City of Novi Ordinances and standards. Staff appreciates the inclusion of the City of Novi Landscape Details sheet.

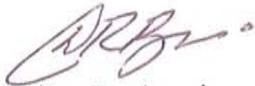
8. General Requirements

- a. It shall be the responsibility of the developer to assure the survival of all existing trees to remain or to be relocated. Proposed transplant trees must be warranted and any trees lost will be required to be replaced.
- b. Please clearly delineate the location(s) for any proposed tree protection fencing, if any.

Please follow requirements of the Zoning Ordinance and Landscape Design Manual. This review is a summary and not intended to substitute for any Ordinance. The appropriate section of the applicable ordinance is indicated in parenthesis. For the landscape requirements, see the Zoning Ordinance landscape section on 2509,

Landscape Design Manual and the appropriate items in the applicable zoning classification.

Please note that estimated landscape review fees, financial warranty costs, inspection fees, etc. are included with the Final Site Plan Review provided that landscape cost estimates provided by the Applicant are correct and complete. Incorrect or incomplete cost estimates during the time of Final Site Plan Review must be corrected at time of Final Stamping Set submittal. All expected fees, warranties, etc. will be provided at that time. Permits can be issued once all cost estimates are submitted and reviewed.



Plan Review by: David R. Beschke, RLA
City of Novi Landscape Architect

**LETTER FROM
APPLICANT'S REPRESENTATIVE**



ATWELL-HICKS
DEVELOPMENT CONSULTANTS

July 5, 2007

City Council
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48377

Re: Vacation of Karevich Drive right-of-way
Art Van Furniture & Drexel Heritage Furniture showrooms

Dear City Council Members,

Recently, we submitted to you a color rendering and description of proposed landscaping along the Novi Road frontage of the existing and proposed furniture showrooms. City Council has expressed an interest in the nature of landscaping in this area, as part of discussions concerning the vacation of Karevich Drive right-of-way.

In order to provide City Council with a more complete understanding of proposed improvements in this area, Michael Rupert of Art Van Furniture asked us to provide you with the Preliminary Site Plans for the Art Van and Drexel Heritage Furniture sites. Enclosed please find eighteen (18) copies of the Preliminary Site Plans for the proposed Art Van Furniture & Drexel Heritage Furniture development. As you know, these plans are in development, and cannot be submitted to City staff and the Planning Commission until the issue of road vacation is resolved.

Mr. Rupert looks forward to meeting with you in the near future, and a successful conclusion to your deliberations regarding vacation of Karevich Drive right-of-way.

Sincerely,

ATWELL-HICKS, LLC

Bill Knighton, RLA
Land Development Services

cc: Michael Rupert, Art Van Furniture, Inc.

**CITY COUNCIL MINUTES
JUNE 5, 2006**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 5, 2006 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul

2. Consideration of proposed vacation and requested conveyance of Karevich Drive Right of Way, a frontage road in the West Oaks II shopping center.

Mr. Pearson said this was Karevich Dr., and the request by Art Van had been before Council on several occasions. It took some research to determine the proper process and what the property would be used for afterward. He said Art Van had a conceptual site plan for the corner and how it might be used. They had also proposed in this latest transmittal, landscaping improvements along Novi Road, and a sidewalk improvement that had been previously discussed with Council. Mr. Pearson noted this was not up for consideration of the resolution, at this point, as they were taking this another step to get more feedback from Council.

DISCUSSION

Member Gatt stated he would not be in favor of the vacation of Karevich Drive, until and unless the City came up with a plan to honor former Mayor Patricia Karevich in another manner.

Mayor Pro Tem Capello said in previous presentations of this to Council, he said he might look at vacating Karevich Drive if he saw substantial landscaping along Novi Road in place of the location of the road. He said he saw very little landscaping, and all he did see was additional parking lots.

Member Nagy agreed with Mayor Pro Tem Capello. She asked the applicant if there would be any landscaping in the parking areas. Michael Rupert, representing Art Van, said they were land banking about 75 parking spots, which would be landscaped. They would add trees along Novi Road, and assumed the existing parking area met the landscape ordinance. She thought they were reducing their parking from what existed today. Member Nagy thought the shrubs were minuscule on the design, but was for the vacation of Karevich Drive.

CM-06-06-147 Moved by Nagy, seconded by Paul; MOTION CARRIED:

That the Administration bring the actual vacation resolution back to Council at a subsequent meeting along with the conveyance agreement containing the terms and conditions of the transfer, and future use of the vacated area with additional landscaping and a more detailed rendering.

DISCUSSION

Member Paul noted she was also looking for a lot more landscaping. She was in support of vacating this drive but in lieu of that she wanted to see enhancements. She said the Parking Ordinance for Islands was every 15 spaces, and that was not so on this design. She said when looking at a lot of the land banking, one of the things that she and Mr. Pearson were discussing was how to re-look at the parking ordinance, and reduce the spaces. She wanted to look at that before doing a final plan. She asked Mr. Pearson or Ms. McBeth to comment on their discussion about the Kroger parking lot, how large it was, and how many unused spaces there were. Now, they are looking at this Art Van plan, and they are land banking 75 spaces. She said the City of Novi had the largest amount of parking for any City in the State of Michigan, and she would like to see this rectified before putting in 150 more spaces.

Mr. Pearson said the site plan itself was conceptual, and had not been reviewed for compliance with the landscape ordinance, the building or for the parking requirements. He commented that would come as a separate site plan. He said they were showing this conceptual plan for illustrative purposes that what they were going to do would work, they could fit a building of a certain size, etc. He said with the vacation consideration Council could ask for and require, as part of the vacation, more landscaping along Novi Road, which was the property that was being given up separately from that, as they wanted. Mr. Pearson suggested Council do that. Otherwise, they would be waiting for the building development, and he didn't know when that would be. However, they could make the Novi Road improvements happen much faster with the vacation consideration.

Member Paul said the items they were looking for in the motion were increased landscaping along Novi Road, and decreased parking. Mr. Pearson suggested leaving the parking issue out of the motion because it would be dealt with on a separate site plan. He said it would be the landscaping along Novi Road, and the property the City was giving up as part of the vacation consideration.

Member Paul said she would like a friendly amendment. Member Nagy said she would like to change her motion.

Mayor Landry said they were not voting on the vacation tonight. Mr. Schultz said he was correct. Mayor Landry said they were just voting to move forward and ask the City attorney to bring back an actual vacation order for this Council to sign. So, it might be appropriate for Council to indicate, if they wanted to move forward, what they wanted to come forward was a vacation order, a lot more landscaping, and an actual landscape architect rendering. Mr. Schultz said he was correct. This would be a two step process should Council ultimately determine to vacate. It would need to be followed by a conveyance, and all of the things discussed tonight, such as landscaping and future use could be part of the requirements and conveyance documents, purchase agreement, transfer agreement, whatever it ended up being called. If Council went forward it would have those kinds of details, and he suggested doing both on the same night. Mayor Landry said whatever Council wanted ultimately should be put in the motion now. Mr. Schultz said or enough direction so that staff could go forward.

Member Nagy restated her motion, which was that the Administration bring the actual vacation resolution back to Council at a subsequent meeting along with the conveyance agreement containing the terms and conditions of the transfer, and future use of the vacated area with additional landscaping along with a more detailed rendering.

Member Paul, as seconder of the motion accepted. She thought there was also a \$50,000 fee, and a sidewalk that was going to be part of the resolution. Ms. McBeth said there was a letter in the previous and the present packet regarding a number of items that Art Van had been offering as part of this request. She suggested that the terms of that letter be included in the motion. Mr. Schultz said he was assuming and thought staff was assuming that it would be part of the conveyance document. Member Paul stated she would support the motion with hopes they could make significant changes and move forward, and also look at suggestions of land banking when it went through the Planning Department.

Mayor Landry said whenever a City vacated property, especially if it was being deeded over, they had to be consistent and have very specific reasons of what the public benefit would be. He said it was his understanding that the time to put those reasons on the motion would be when the Council actually voted and not tonight. Mr. Schultz said he was correct.

Member Margolis said the main reason for the City to consider vacating this road was to have an extra public benefit. She thought the public benefit would be the increased landscaping along Novi Road. She would support the motion. She said Council really needed to see that there was a greater landscape plan than this one, and something that would be a benefit to the City in vacating the road; otherwise, it wouldn't make sense for the City to consider this.

Mayor Pro Tem Capello said he would not support the motion until he saw a landscape plan. He wasn't just looking for trees and shrubs; he was looking for a low brick or ornate wall with landscaping in front to dress it up a little.

Member Mutch said according to the rendering Council received, the area in front of the existing Art Van store, the City would retain most of that right of way, and Art Van was giving the City an additional portion directly in front of that. He asked what the status of the area was to the south of that because there was discussion of that being retained by Art Van with an easement on it. Mr. Schultz thought he was talking about the reservation for a public utility easement across the entire vacated area. He said not that there was one planned or designed, but a statute that allowed roads to be vacated also allowed the retention of a public utility easement, if it might be useful in the future. Mr. Schultz said they had done a general reservation, it might be released if not needed, but while they were planning it's typical to reserve an easement area. Member Mutch asked how the area in front of the new store would be addressed.

Mr. Pearson said that was an area that Art Van, in their latest transmittal, offered as even more additional right of way on Novi Road. He said they didn't think it would be needed, so the suggestion was to create language that would give the City the right of first refusal, or something along those lines. Then if it was needed it would be available. Mr. Pearson said he wasn't suggesting they take it, he didn't think it was necessary, and thought it should be kept on the tax roll. Member Mutch asked if that was part of the transmittal letter. Mr. Pearson said yes, he thought it was in the last version.

Member Mutch asked if five votes were needed to vacate a public right of way and for property conveyance. Mr. Schultz said he was correct. Member Mutch commented he wanted to point that out to everyone involved recognizing there were Council members who had expressed reservations about that. He said, hopefully, they could come to a resolution that met everybody's needs. He would support the motion as he agreed with comments regarding landscaping. He didn't think Council was seeing the totality of the landscaping that would come with the new development. Obviously, they would need more than what was shown, because what was shown was just the frontage area being discussed tonight. He thought it would be helpful for the Council, when looking at this, to see what the landscape on the adjacent properties would look like, and he agreed additional landscaping was needed. Member Mutch said they had been discussing the public benefits for quite a while, and one of the benefits of vacating Karevich Drive was it would allow the assembly of that parcel so it could be developed. At one time this was a proposed frontage road, and no other area within West Oaks was developed with a frontage road, so it wasn't really serving a public transportation need. He said there was discussion about the cost that was generated for maintaining that road, and that would be a cost that the City would no longer have to bear, which was likely going to be far in excess of any revenue received from maintaining that road.

He wanted these statements on the record so they could be incorporated into what came back to Council at a future meeting. Member Mutch said, regarding the sidewalk, Mr. Pearson had said he thought it would be an 8 ft. sidewalk. He assumed administration looked at the City's Master Plan, which proposed a 5 ft. sidewalk, and the bike path to the north on Novi Road from Twelve Mile north was 8 ft. wide. He noted this was a heavily traveled area, and he thought an 8 ft. sidewalk would be appropriate. It was a standard everywhere else in the City. He said the west side of the road always got an 8 ft. path, and that it's 8 ft. wide on Taft Road from the Northville City limits to Eleven Mile, and along other major north/south roads. He didn't know how this ended up 5 ft., but he would be looking for 8 ft. path in that area. He said they could come back through the committee he was appointed to, and look at how it was changed, and at getting revised in the future. He said because there was no other sidewalk from the freeway up to Twelve Mile, this would set the precedent for the remaining properties, and that was what he would be looking for from this proposal.

Mayor Landry stated he would vote in favor of a motion to move this forward, but he wanted the applicant to know that come time to approve or disapprove this he agreed with his colleagues. Mayor Landry said he would like to see more landscaping, and a better rendering of exactly what the City would receive. Mayor Landry said to Mr. Pearson, he was confident that he would be able to find another road in the City that a developer would agree to name Karevich Road, because he was protecting the field of former Mayor's in this town.

Roll Call Vote on CM-06-06-147 Yeas: Mutch, Nagy, Paul, Landry, Margolis

Nays: Capello, Gatt

**TERMINATION OF EASEMENT
BETWEEN LASALLE BANK AND ART VAN**

TERMINATION OF EASEMENT

This Agreement is made this 7th day of May, 2007 between LaSalle Bank Midwest National Association ("LaSalle"), a national banking association of 2600 W. Big Beaver Road, Troy, MI 48084, and Archie A. Van Elslander, Trustee of the Archie A. Van Elslander Trust under Agreement dated November 26, 1982, as amended ("Van Elslander").

Recitals

- A. LaSalle and Van Elslander are the owners of appurtenant parcels of property. LaSalle's property is more fully described in Exhibit A. Van Elslander's property is more fully described in Exhibit B.
- B. A permanent driveway easement for ingress and egress was previously created across a portion of Van Elslander's property to provide ingress and egress from LaSalle's property to Karevich Drive. That easement is recorded in Liber 10016 Page 220-224. A sketch of the easement is attached as Exhibit C (the "Easement").
- C. Van Elslander has requested the City of Novi to vacate Karevich Drive, based on its limited use.
- D. LaSalle has never used the Easement, and agrees to terminate this Easement in exchange for certain improvements Van Elslander has agreed to make to screen the building improvement proposed to be constructed on Van Elslander's property.

NOW THEREFORE, the parties agree as follows:

1. LaSalle agrees to terminate the Easement previously recorded in Liber 10016 Pages 220-224.
2. In exchange for LaSalle's termination of the Easement, Van Elslander agrees to make certain improvements to screen its proposed retail store from LaSalle's property. A copy of the improvements Van Elslander agrees to make are documented on the Atwell Hicks Landscaping Plan as file number 4729-1-05 dated 2-19-07 and which is attached as Exhibit D. Van Elslander agrees to

complete the landscape improvements within seven (7) months of the date Van Elslander completes the retail store on his property.

- 3. Art Van agrees to negotiate an alternative easement for ingress and egress across Art Van property if it is required by LaSalle at a future date. In that event, the exact location will be mutually determined by the parties.

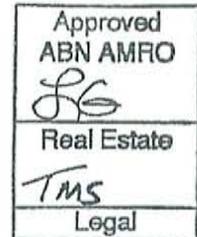
LaSalle Bank Midwest, NA

By: [Signature] Thomas Darling
Senior Vice President

Notary Acknowledgment

The foregoing Termination of Easement was acknowledged before me in Oakland County, Michigan, on May 2, 2007, by Thomas Darling.

Notary's Signature: [Signature]
Notary's Name: Laura L. Gould
Notary Public, State of Michigan, County of Macomb
My Commission Expires: 11-3-07
Acting in County of Oakland



LAURA L. GOULD
Notary Public, Macomb County, MI
Acting in Oakland County, MI
My Comm. Expires Nov. 3, 2007

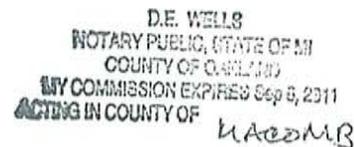
Archie A. Van Elslander Trust

By: [Signature]
Archie A. Van Elslander, Trustee

Notary Acknowledgment

The foregoing Termination of Easement was acknowledged before me in MACOMB County, Michigan, on MAY 7, 2007, by Archie A. Van Elslander, Trustee.

Notary's Signature: [Signature]
Notary's Name: D.E. WELLS
Notary Public, State of Michigan, County of OAKLAND
My Commission Expires: 9-06-11
Acting in County of MACOMB



Drafted by and after recording return to:
Michael T. Zambricki, General Counsel
Art Van Furniture, Inc.
6500 E. 14 Mile Road
Warren, MI 48092

**LETTER FROM APPLICANT'S REPRESENTATIVE
AND CURRENT PLANS AND PROPOSAL**



June 21, 2007

Ms. Barb McBeth
Director of Planning
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48377

**RE: Landscape improvements related to the vacation of the
Karevich Drive right-of-way**

Dear Ms. McBeth,

Enclosed please find a color rendering of the most recent landscape plan for the proposed vacation of the Karevich Drive right-of-way and the Drexel Heritage Furniture Store. Also enclosed is a copy of the originally proposed landscape plan for the frontage along Novi Road.

In comparing the existing conditions prior to the removal of Karevich Drive to the proposed conditions after the removal of Karevich Drive we offer the following:

The removal of Karevich Drive will provide an additional 16,297 square feet of landscape, an increase of 55%. Eight canopy trees are being proposed, the same number that currently exists. There are approximately 106 existing shrubs and 79 are proposed. Fewer shrubs are being proposed because of the addition of the proposed berming. A 2'-3' height berm is proposed for the entire length of the frontage (\pm 960 cubic yards of soil). This berm will undulate vertically as well as horizontally with large sweeping curves creating flow and movement and providing screening of the existing parking lot. A new sidewalk will also be added to accommodate pedestrian traffic.

The proposed berms and landscaping will provide an aesthetically pleasing greenway, screening parking areas while providing views of storefronts necessary for successful business activity.

In consideration of vacating the Karevich Drive right-of-way, Art Van is willing to install this additional landscaping, or something similar, as subsequently determined during the site planning process with the Planning Commission.

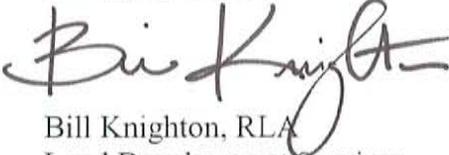


ATWELL-HICKS
DEVELOPMENT CONSULTANTS

On behalf of Art Van, Inc. we hope you find the proposed landscaping along Novi Road acceptable.

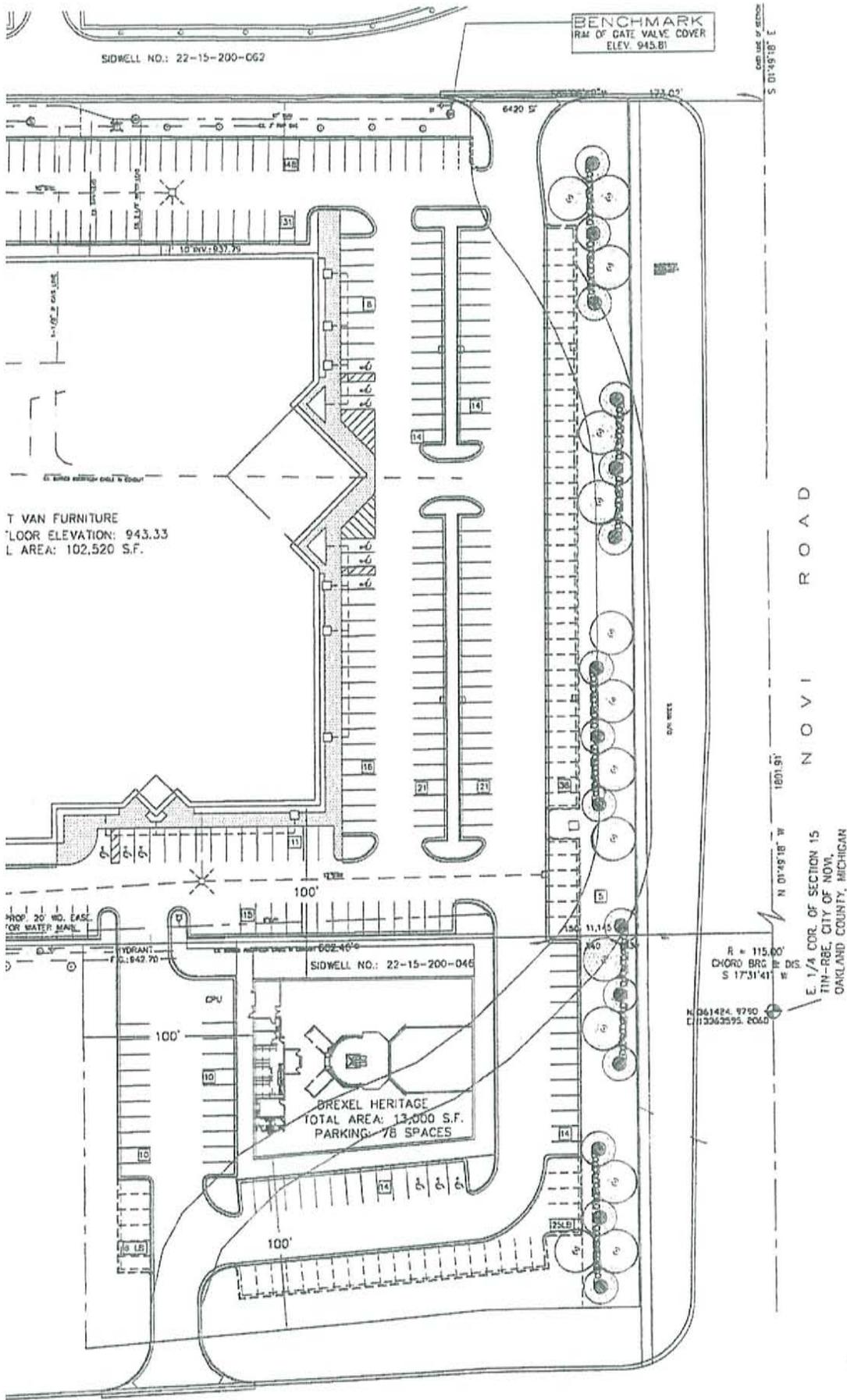
If have any questions or need any additional information please contact us.

Sincerely,
ATWELL-HICKS



Bill Knighton, RLA
Land Development Services

Cc: Michael Rupert, Art Van



SIDWELL NO.: 22-15-200-062

BENCHMARK
RM OF GATE VALVE COVER
ELEV. 945.81

cont. use of section
S 01°45'18" E

T VAN FURNITURE
LOOR ELEVATION: 943.33
L AREA: 102,520 S.F.

PROP. 20' HD. EASE.
FOR WATER MAIN

HYDRANT
F.S.: 842.70

SIDWELL NO.: 22-15-200-046

DREXEL HERITAGE
TOTAL AREA: 13,000 S.F.
PARKING: 76 SPACES

R = 115.00'
CHORD BRG. = 85° DIS.
S 17°31'41" W

N. 0661424. 9750
E. 03562595. 8060

E 1/4 COR. OF SECTION 15
T1N-R8E, CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN

NOVI ROAD



Art Van Furniture
6500 14 Mile Road
Warren, MI 48092

PROJECT:
ART VAN FURNITURE
NOVI- MICHIGAN

ISSUED:
4-15-

APPROVED:

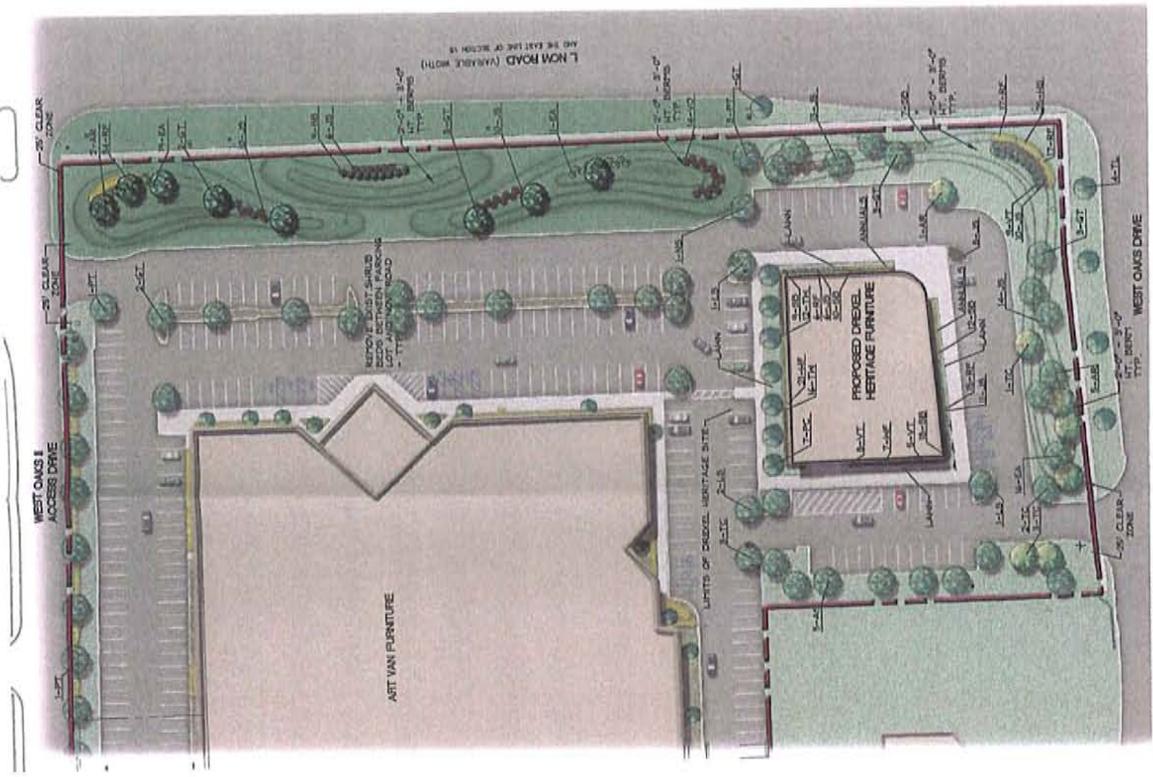
drawn by:
M H

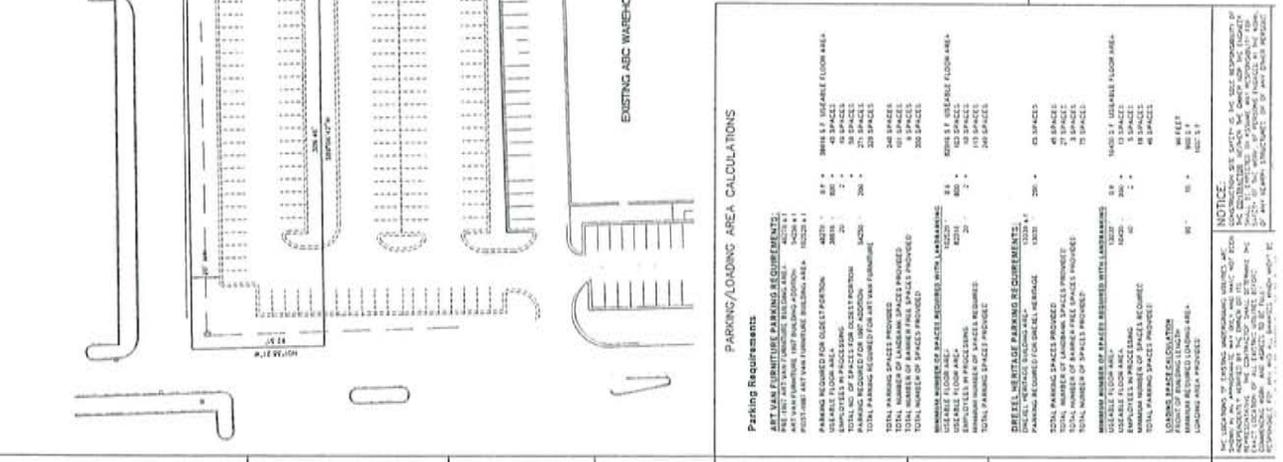
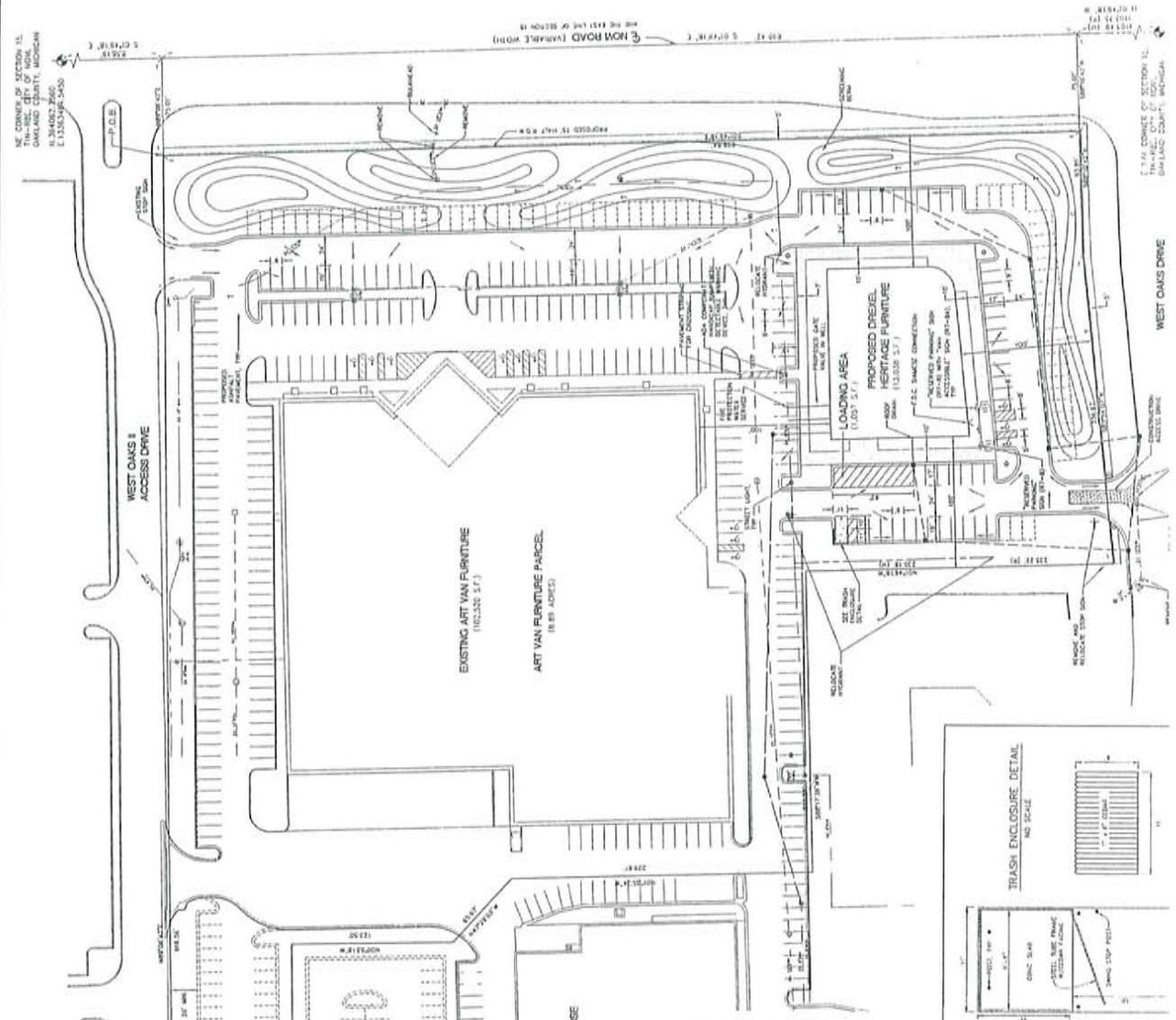
plot scale:
1" = 40'

date:
4-15-

sHEET #:

A





SITE DATA
 PARCELS 8 & 9, ADJACENT TO
 ZONING 8C (REGIONAL CENTER DISTRICT)
 BUILDING AREAS:
 EXISTING ART VAN FURNITURE 107,230 S.F.
 PROPOSED DREXEL HERITAGE FURNITURE 133,038 S.F.
 PLASMA 13,330 S.F.
 EXISTING WAREHOUSE 13,330 S.F.
 PROPOSED JCB WAREHOUSE 13,330 S.F.
 TOTAL PARCELS 8 & 9 250,000 S.F.

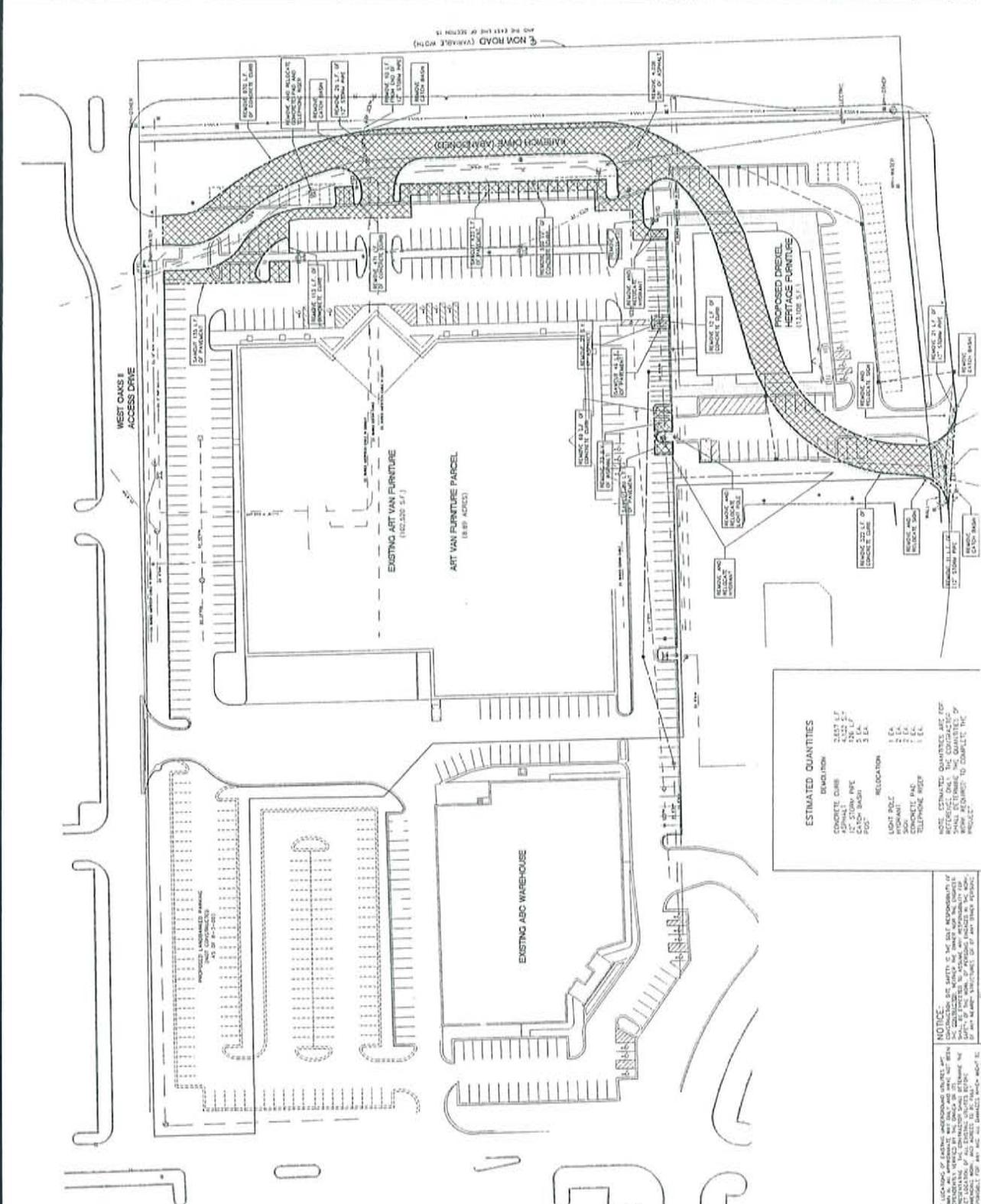
NOTE
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.
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 9. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.

LEGEND
 RESERVED PARKING
 HANDICAP ACCESSIBLE
 VAN ACCESSIBLE
 STORAGE
 TRASH ENCLOSURE DETAIL

PARKING LOT ISLAND DETAIL
 SCALE: 1" = 30'

TRASH ENCLOSURE DETAIL
 SCALE: 1" = 30'

NOTICE:
 THE LAYOUT OF EXISTING AND PROPOSED AREAS IS SUBJECT TO THE APPROVAL OF THE CITY OF NOV AND THE COUNTY OF OAKLAND. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT OR ANY OTHER PARTY. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS.



ESTIMATED QUANTITIES

DEMOLITION	
CONCRETE CURB	2,457 S.F.
CONCRETE DRIVE	1,200 S.F.
12" STORM PIPE	120 L.F.
CATCH BASIN	2 EA.
POLE	2 EA.
RELOCATION	
LOAD BEARING	1 EA.
POST	2 EA.
CONCRETE PAD	2 EA.
TELEPHONE POLE	1 EA.

NOTE: ESTIMATED QUANTITIES ARE FOR INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY THE QUANTITIES OF ALL MATERIALS TO BE DEMOLISHED OR RELOCATED TO COMPLETE THE PROJECT.

NOTICE:
 THE CLIENT HAS REVIEWED AND APPROVED THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREON.

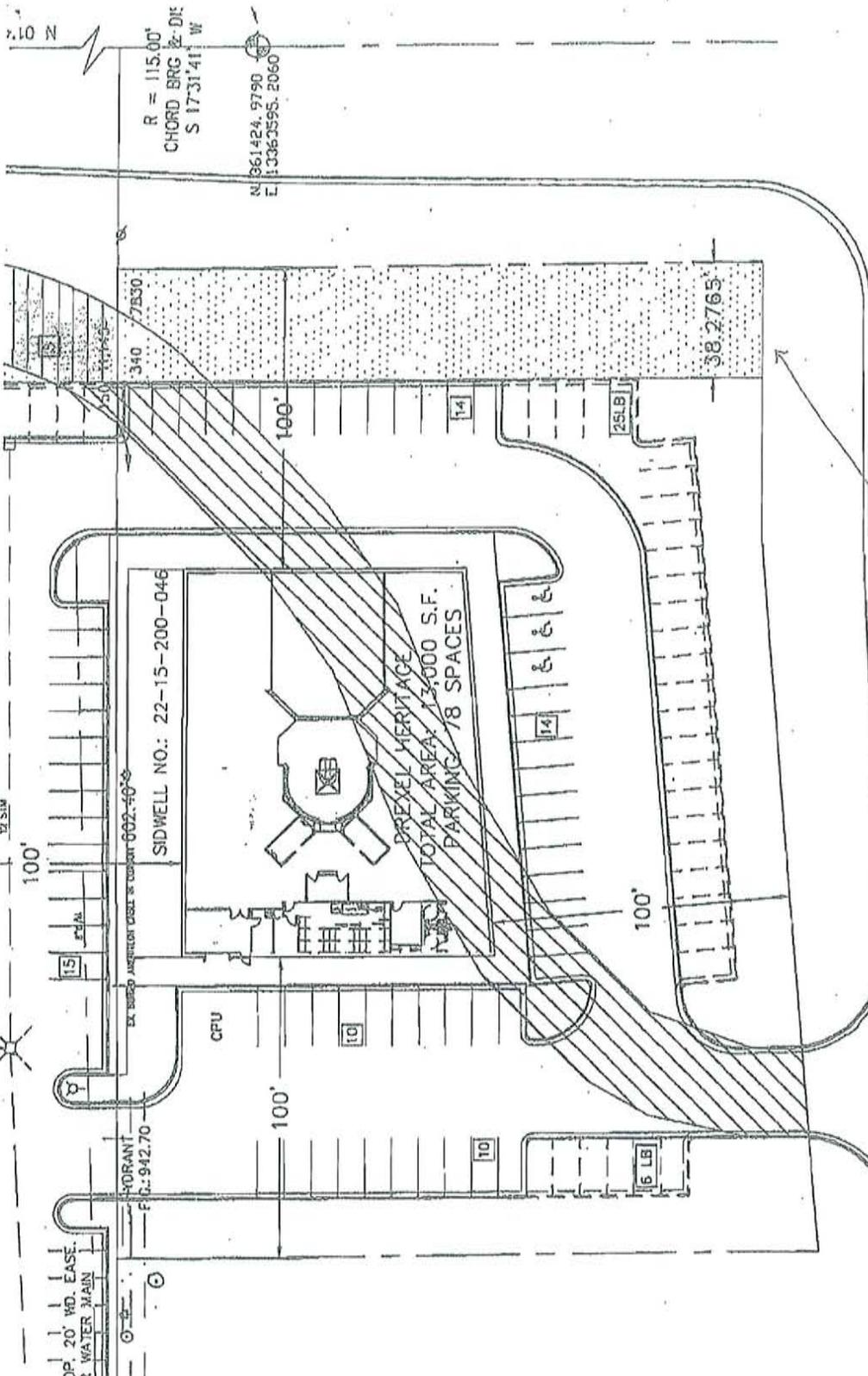
EXISTING TREE LIST

NO.	TRUNK DBH (IN)	HEIGHT (FT)	SPECIES	STATUS
1	12	15	DOGWOOD	REMOVE
2	14	18	DOGWOOD	REMOVE
3	16	20	DOGWOOD	REMOVE
4	18	22	DOGWOOD	REMOVE
5	20	24	DOGWOOD	REMOVE
6	22	26	DOGWOOD	REMOVE
7	24	28	DOGWOOD	REMOVE
8	26	30	DOGWOOD	REMOVE
9	28	32	DOGWOOD	REMOVE
10	30	34	DOGWOOD	REMOVE
11	32	36	DOGWOOD	REMOVE
12	34	38	DOGWOOD	REMOVE
13	36	40	DOGWOOD	REMOVE
14	38	42	DOGWOOD	REMOVE
15	40	44	DOGWOOD	REMOVE
16	42	46	DOGWOOD	REMOVE
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18	46	50	DOGWOOD	REMOVE
19	48	52	DOGWOOD	REMOVE
20	50	54	DOGWOOD	REMOVE
21	52	56	DOGWOOD	REMOVE
22	54	58	DOGWOOD	REMOVE
23	56	60	DOGWOOD	REMOVE
24	58	62	DOGWOOD	REMOVE
25	60	64	DOGWOOD	REMOVE
26	62	66	DOGWOOD	REMOVE
27	64	68	DOGWOOD	REMOVE
28	66	70	DOGWOOD	REMOVE
29	68	72	DOGWOOD	REMOVE
30	70	74	DOGWOOD	REMOVE
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226	462	466	DOGWOOD	REMOVE
227	464	468	DOGWOOD	REMOVE
228	466	470	DOGWOOD	REMOVE
229	468	472	DOGWOOD	REMOVE
230	470	474	DOGWOOD	REMOVE
231	472	476	DOGWOOD	REMOVE
232	474	478	DOGWOOD	REMOVE
233	476	480	DOGWOOD	REMOVE
234	478	482	DOGWOOD	REMOVE
235	480	484	DOGWOOD	REMOVE
236	482	486	DOGWOOD	REMOVE
237	484	488	DOGWOOD	REMOVE
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244	498	502	DOGWOOD	REMOVE
245	500	504	DOGWOOD	REMOVE
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291	592	596	DOGWOOD	REMOVE
292	594	598	DOGWOOD	REMOVE
293	596	600	DOGWOOD	REMOVE
294	598	602	DOGWOOD	REMOVE
295	600	604	DOGWOOD	REMOVE
296	602	606	DOGWOOD	REMOVE

**PREVIOUS PLANS
AND
PACKET INFORMATION**

**ART VAN PROPOSAL
CONCEPTUAL PLAN
LANDSCAPING AND SIDEWALK IMPROVEMENTS
ALONG NOVI ROAD**

TOTAL P. 05



PROPOSED TO REMAIN
PRIVATE PROPERTY
WITH LANDSCAPING

OP. 20' WD. EASE.
R. WATER MAIN
P. 05

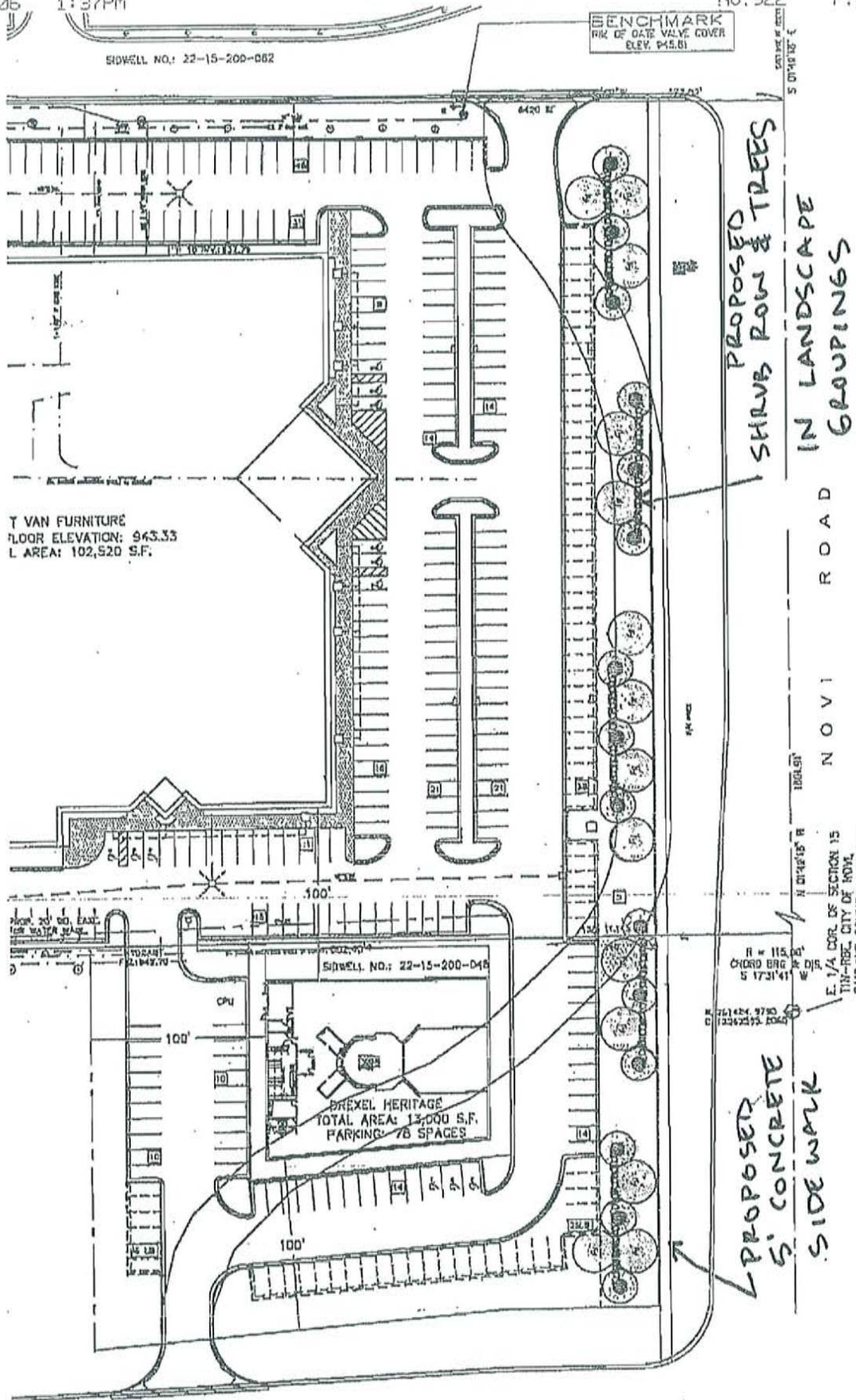
MAY-17-2006 17:46
ART VAN LEGAL

MAY. 30. 2006

1:37PM

NO. 922

P. 2



ART VAN FURNITURE
 FLOOR ELEVATION: 943.33
 TOTAL AREA: 102,520 S.F.

DREXEL HERITAGE
 TOTAL AREA: 13,000 S.F.
 PARKING: 78 SPACES

PROPOSED
 SHRUB ROW & TREES
 IN LANDSCAPE
 GROUPINGS

PROPOSED
 5' CONCRETE
 SIDEWALK

BENCHMARK
 RIK OF DATE VALVE COVER
 ELEV. 945.61

E. 1/4 COR. OF SECTION 15
 TWP. 35 N., R. 15 W.,
 OAKLAND COUNTY, MICHIGAN



Art Van Furniture
 8520 14 Mile Road
 Warren, MI 48092

project: ART VAN FURNITURE
 NOVI-MICHIGAN

scale: 1"=40'

date: 4-15-06

drawn by: M. H.

plot scale: 1"=40'

date: 4-15-06

sheet:

A

Excerpt From:

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
DRAFT – MONDAY, MAY 22, 2006 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch-absent excused, *Nagy, Paul

Member Nagy arrived at 7:02 P.M.

- 2. Consideration of introduction of resolution to vacate Karevich Drive Right of Way, a frontage road in the West Oaks II shopping center, and approval to set the public hearing for City Council meeting of June 5, 2006.**

Michael Zambricki, General Counsel for Art Van Furniture, was present to answer any questions Council might have. He said they were not certain as to the way it was first developed. They thought there was a special assessment district that created the driveway in the early eighties. There had been low utilization of that road. In 1999 they purchased the property contiguous to the Art Van Furniture property, and Karevich Drive ran through the middle of it. He said it was not usable in its current form. They were requesting that Karevich Drive be vacated, which would give a better appearance to the total development, and would allow them to construct a Drexel Heritage Store adjacent to the Art Van Furniture Store.

Mr. Pearson said Council had received background information. The road had marginal public benefit regarding traffic flow, and at that tight intersection it might create additional confusion, and conflicts with the way it was lined up. Mr. Pearson said they tried to outline the public benefits of the road access, versus any open space, versus responsibilities or advantages of the applicant developing that as they had planned.

Mayor Landry asked if Council action was to approve the introduction of the resolution, with a public hearing, and a formal vote of Council at a later time to vacate the street. Tonight's vote would not vacate the street. Mr. Pearson said he was correct, it was a multiple step process, and they would be adopting the resolution to set the public hearing. This and the next item was the same process. Mayor Landry said if the majority was not in favor of vacating the street; tonight would be the time to not even approve the resolution.

Member Paul said she looked over the request and thought the improvements the applicant and staff had made were helpful. She asked how much pavement would be removed on Karevich Drive.

Ms. McBeth said some of the pavement would not be removed on the parcel that would hold the Drexel Heritage building, but all of the area along the frontage of Novi Road would be removed and landscaping would be installed.

Mr. Zambricki said it would just be the connections to West Oaks Drive that would remain, and the middle entire portion would be reconstructed. Member Paul thought the land banking of the additional 70 parking spaces was a great idea, and didn't there would be any problems meeting the parking requirements. She asked with the new property line approximately 80 feet from the center line of Novi Road, and with the road commission's comments, was everyone comfortable with how it was being set with 38 feet. Mr. Zambricki said they were. To maintain the front 30 feet as private property, she asked the City Attorney if there would be an agreement, and would a legal letter be ready to be described at the public hearing.

Mr. Pearson said it would be a fail safe, and they didn't think it would be necessary. He said Art Van had been kind enough to give that up. He said they would rather not own it, and take it off the rolls if necessary. However, since Art Van made the offer, the City Attorney could draft language that the City would have prerogatives if there were some unforeseen road improvement, and if necessary their offer could be taken advantage of. Member Paul asked if the Assessing Department would have a problem with the two sites being combined as one. Ms. McBeth said that would be preferred because there would be a setback issue if the two parcels were not combined. Member Paul asked what if there was a sale, at a later time, would this be split without any difficulty. Ms. McBeth said to split it again might raise the same setback issue, and it would need to go to the Zoning Board of Appeals for approval. Member Paul commented that was her only hesitation, but if Ms. McBeth and legal counsel was comfortable, she would go with their recommendations. She said the offer of \$50,000 paid to the City of Novi was a very generous offer. She would like to see that \$50,000 put into the Municipal Road Fund since it would come from vacating a road. She asked when the improvements would be done.

Mr. Zambricki said he didn't know because the store had not yet been designed. They were looking at this as the first step of the process. He said the road improvements would be done within a couple months after the final approval was done. He said typically the time frame was about three to four months for approvals to go through the City's process, and after architectural approval was given it would probably be about six months depending on the time of the year. She asked if they would put the sidewalk in on the front end when doing the vacating of the road, and whether it would be asphalt or concrete and how wide. Mr. Zambricki didn't recall where the sidewalk was but would look into it.

Mr. Pearson said the Master Plan and the Design and Construction Standards would dictate that. He thought the Novi Road corridor required eight foot concrete on both sides. Mr. Pearson said he would double check the requirements.

CM-06-05-137

**Moved by Paul, seconded by Margolis; MOTION CARRIED:
To approve introduction of resolution to vacate Karevich Drive
Right of Way, a frontage road in the West Oaks II shopping
center, and approval to set the public hearing for City Council**

meeting of June 5, 2006.

DISCUSSION

Member Gatt said he would not support the motion. He said Patricia Karevich was a former Mayor of Novi, and a dedicated servant to this City. Karevich Drive was named for her and in her honor. He said until there were plans to move Karevich Drive somewhere else, he could not support the motion.

Member Margolis stated she would support the motion, and thought it offered the opportunity to improve that area in terms of landscaping, and the costs to keep up that unused section of roadway, and traffic concerns, it made sense to vacate the road at this point. She would support Member Gatt's initiative to have something else named, after Patricia Karevich. If she were a member of the family, she would want that to happen. She asked staff to look at that.

Mayor Pro Tem Capello said he wouldn't approve it until he saw extensive landscaping along the roadway, particularly where the new parking lot would be. He wanted to see a little more than what was presented tonight before vacating the property. Mr. Zambricki said he would be happy to do that.

Mayor Landry stated he would support the motion. However, he wanted to make it very clear that a municipality had to be very careful when vacating public roads. It had to be done only in the interest of the public health, safety, and welfare or for the general betterment of the community. He said he would approve vacating this piece of property to create more green space between the existing Art Van and Novi Road. He agreed with Mayor Pro Tem Capello and would like to see more landscaping, and was confident they would see it the next time they met. As a sitting Mayor, he would like to protect the field, so to speak, so he would like to see another road named after a former Mayor. He was sure the City could attempt to do that at some point in time, and for the benefit of the former Mayor. He said he would support the vacation to let the proposal go forward, and if there was additional landscaping, he could foresee supporting this in the best interests of the City, in the future.

Mr. Schultz, City Attorney, said when it came back, the idea was to have the public hearing, and the determination whether to vacate in the public interest first. Then a conveyance transaction of some sort would be worked out with Mr. Zambricki. It would include some of the conditions, the increased landscaping, etc. that they would take note of and put together in a document.

Roll call vote on CM-06-05-137 Yeas: Nagy, Paul, Landry, Capello, Margolis.
Nays: Gatt. Absent: Mutch

**LETTER FROM ART VAN
MAY 17, 2006
WITH ATTACHMENTS**

**Art Van Furniture**

May 17, 2006

Ms. Barb McBeth
Planning Department
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Re: Request to purchase a portion of Karevich Drive
between North & South West Oaks Drive

Dear Ms. McBeth:

Art Van Furniture, Inc. is interested in developing the property we purchased from the City of Novi a number of years ago, located at the Northwest corner of the intersection of Novi Road and South West Oaks Drive. Because that property is currently bisected by Karevich Drive, the only way to develop that property is by vacating that portion of the road that runs through the middle of the property. We began our discussion regarding the vacation of Karevich Drive last year, and a traffic study showed that there is minimal traffic using that road. In order to make the property developable we propose the following actions:

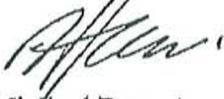
1. Art Van Furniture will purchase approximately 8,500 SF of Karevich Drive for \$50,000.00.
2. Art Van will remove the Karevich Drive pavement and turn the majority of the current roadway into green space. We will agree to infill the area with dirt, trees, sod, lawn irrigation, pedestrian path, etc. as approved by the planning department. The estimated cost of this work is \$60,000.00.
3. Art Van will land bank an additional +/-70 parking spaces which will increase the green space (landscaping) along Novi Road (land Banking to be reviewed for approval on a Preliminary Site Plan).
4. Art Van will establish a new property line located approximately 80 feet from the centerline of Novi Road for the entire frontage and maintain approximately 38 feet of private property in landscaping (to be reviewed for approval on a Preliminary Site Plan).

5. The front 30 feet of land along Novi Road will be maintained as private property, but if at any point in the future, the City or County need up to 30 additional feet of right of way along Novi Road for any public purpose, Art Van and its successors and assigns will provide it at no cost (exact language and agreement will be determined and approved by the City Attorney).
6. Finally, we will request through the City of Novi's Assessing Department that the property lines be reestablished so that there is one continuous property line and one parcel ID for all contiguous Art Van property.

We believe the project will be successful for both of us. Once the property is developed, the City of Novi will receive an increase of approximately \$75,000.00 per year in property taxes and the community will have the opportunity to shop at an upscale Drexel Heritage Furniture Store.

If I can be of any assistance please free to contact me anytime at (586) 983-2125.

Thanking you in advance,
Art Van Furniture, Inc.



Michael Rupert
Corporate Architect

Cc: Gary Van
Ken Van
Michael Zambricki

Enclosures.

CITY COUNCIL MINUTES
APRIL 3, 2006

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
DRAFT – MONDAY, APRIL 3, 2006 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, *Nagy-absent, Paul

*Member Nagy arrived at 7:01 P.M.

4. City Council discussion and direction on the request from Art Van Furniture to vacate Karevich Drive, a frontage road in the West Oaks II shopping center.

Michael Rupert of Art Van Furniture said they were requesting the vacation of Karevich Drive so they could develop the corner parcel they bought from the City, and add a few more parking spaces to their present site.

Mr. Pearson said he would highlight some of the findings in the staff report that Council asked for. Traffic counts were generated, which were relatively low amounts and currently at a high of 700 vehicles on the access road on a Saturday. The Art Van Company owns property on both sides of Karevich Drive. They have provided a conceptual site plan, which hasn't had a thorough review, but showed what they envisioned if the road was vacated for construction of a new stand alone facility, which would also add some tax revenue to the City. Mr. Pearson thought that would be one of Council's considerations. He commented they didn't have a firm recommendation, and said a service road could be done contiguous to the property to the south. However, he thought the opportunity for that was gone at this point. He said it seemed like it was a remnant of an idea to have that kind of a service road, but it was never fully developed. If Council asked that it be vacated he suggested asking the City Attorney to look into this in depth in terms of how this property came to be. His understanding was the road was built with a Special Assessment District so he would want to be sure that the City was safe on all that. Also, whether there would be any monetary value to be gained by a vacation. It sounded like a vacation of a road, split off to the adjoining property owners, but didn't sound like right-of-way would be sold; so we'd want to look at that a little more.

Member Gatt said he wouldn't be in favor of this unless the Administration could show the gain the City would garner by this action; if there was no gain, he didn't see a reason to do it. Secondly, Pat Karevich was the Mayor of Novi for a few years, and that road was named in her honor, and to vacate that road would not do Mrs. Karevich justice.

Member Mutch said from what he had read the right-of-way was acquired by the City. It was not a subdivision street dedicated for that public purpose. So, he assumed that even if the street was vacated the City would still retain its ownership rights of the property. Mr. Schultz said he

was not sure he could give that answer tonight, but would be happy to provide it at the next meeting. He said there certainly was some legal support for the argument that ownership transfers, and it was something he would have to look into to render a definitive position. Mr. Schultz said it appeared that the City acquired the property to do utility type improvements. It wasn't bought for investment purposes. So, the question becomes what do the cases say about vacation of City improvements. It's an open question and he would like to leave it at that tonight. If direction was of interest on the part of the Council, he would like to give a much longer opinion.

Member Mutch said he would like to see this go forward, because it was clear, looking at how that area had developed, whatever the initial plan was to have frontage roads through West Oaks and the surrounding properties, never fully developed. It seemed unlikely that would develop in any significant way, and it was hindering the development of the two parcels that the City did sold to Art Van. He understood they had the right to develop those properties, there had been a five year restriction, but it made much more sense that it be developed as a block. The only thing he would like to see explored was a wider right-of-way or buffer along Novi Road. He said this was addressed in the comments from Administration, that now there's a little green open space there, and maybe through the trading or selling of the properties the City could acquire additional right-of-way along Novi Road, this would allow more landscaping to soften it up. He was willing to support the concept once all the legal issues were addressed. He agreed with Member Gatt that he would be looking to see a situation where the City is selling the property. If the City was vacating to give up the property, that would be a different situation for him.

Member Margolis stated her thoughts were similar. The thing that appealed to her was the opportunity to enhance some of that with landscaping for the frontage on Novi Road. That would be the benefit the City would derive from this. She would also be interested in selling it rather than just vacating it, but certainly didn't feel that the road brought any benefit to the City sitting there as pavement and unused. She said in reference to connecting it up to a ring road in the development, since it wasn't even in the long term plans for the City, her question would be when the City would be able to do it. Member Margolis said she would be interested in looking at it further.

Member Nagy agreed with the two previous speakers. She asked Mr. Lemmon, City Assessor, if he could shed light on this regarding the ownership. She would not move forward on this if the ownership rights were not established. Mr. Lemmon said he had not looked into how the City acquired it, and the chain of ownership before that. Member Nagy said she would like to see this item tabled until the legal questions could be answered with regard to ownership, and whether the City would receive financial gain.

CM-06-04-087

**Moved by Nagy, seconded by Capello; CARRIED UNANIMOUSLY:
To postpone City Council discussion and direction on the request of
Art Van Furniture to vacate Karevich Drive, until the City Attorney
researches whether the vacation would transfer ownership of the
property to Art Van or would the City retain ownership.**

Mr. Schultz advised the City owns the property, and had bought the property around it, which was conveyed to Art Van. He said it is surrounded by property owned by Art Van. The question he couldn't answer for Member Mutch was, if the City merely vacated it what would that do in terms of transferring ownership to Art Van or would the City retain ownership.

Mayor Pro Tem Capello said if there was a vacation he would rather see a sale so the City could collect some money. He was not in favor of vacating Karevich Drive in front of Art Van, because he didn't want to move the parking closer to the road, and wanted to maintain green space there. He would also require no parking directly on West Oaks. He thought they could work it so the parking was between the new building and Art Van, and he would want a larger green space on the corner than was shown on their plan so the entranceway would be presentable. Mayor Pro Tem Capello thought when they had come before Council years ago for the Scott Shuptrine building, Council made some concessions and talked about the additional open space, particularly the open space that's directly north of the ABC building. So, he asked that when Mr. Pearson comes back with the research that Mr. Schultz was going to do could they give Council the minutes of what happened with Scott Shuptrine, and the ownership and restrictions on the vacant piece directly north of ABC.

Mayor Landry said before the discussion on the motion to postpone does the Administration have sufficient direction, and they did. He asked the applicant if they understood what the concerns of Council were at this time and if he had any questions for Council. Mr. Rupert said no.

Roll call vote on CM-06-04-087

Yeas: Paul, Landry, Capello, Gatt, Margolis,
Mutch, Nagy

Nays: None