

**CITY OF NOVI CITY COUNCIL
DECEMBER 16, 2019**

SUBJECT: Approval of Second Addendum to the Emerson Park Planned Rezoning Overlay (PRO) Agreement, to adjust the date by which the required sidewalk and boardwalk improvements are to be constructed along Ten Mile Road, west of Novi Road.

SUBMITTING DEPARTMENT: Community Development, Planning

BACKGROUND INFORMATION: The PRO Agreement between Pulte Homes and the City was signed on February 5, 2018, authorizing a multiple-family development located on Novi Road north of Ten Mile Road. Among other things, the PRO Agreement established dates by which required sidewalk and pathways were to be constructed along Ten Mile Road. At the time of the original agreement, the property on Ten Mile Road was not owned by either the City or Pulte. Since that time, the City has acquired the property fronting on Ten Mile Road. Emerson Park construction is underway, and some of the units are occupied.

The applicant has now received all required permits from the Michigan Department of Environment, Great Lakes & Energy (EGLE) to allow the pathway construction as originally designed. A recently-discovered utility line has adversely affected the applicant's ability to construct the pathway as originally planned. Since the utility line is located in the proposed pathway route, an alternate plan has been prepared, and an additional permit application submission to the Michigan Department of Environment, Great Lakes & Energy (EGLE) is required.

The pathway is now proposed to be realigned farther away from the Ten Mile Road right of way to avoid the conflict with the utility line. The current proposed alignment would include a combination of boardwalk and asphalt pathway and connects to the existing sidewalk along the north side of Ten Mile Road. Staff agrees that the applicant's date for constructing the pathway should again be extended.

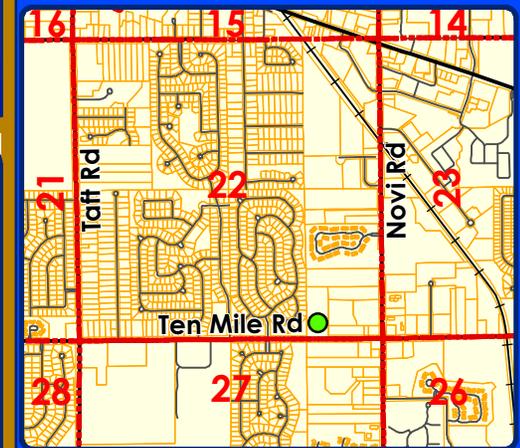
The attached second addendum to the PRO Agreement would adjust the date for Pulte to construct the required pathway to no later than 90 days from the date that the applicant receives the necessary approvals and/or permits required from EGLE, Oakland County Road Commission, and any other agencies with jurisdiction.

If the applicant is unable to secure all of the required permits necessary to construct the pathway by June 1, 2020, the applicant shall submit an amount equivalent to the Design Engineer's Estimate for construction submitted by the applicant, as approved by the City's Engineering Division, in an amount not less than \$250,000, for deposit into the City's Sidewalk Fund.

RECOMMENDED ACTION: Approval of Second Addendum to the Emerson Park Planned Rezoning Overlay (PRO) Agreement, to adjust the date by which the required sidewalk and boardwalk improvements are to be constructed along Ten Mile Road, west of Novi Road.

JSP 17-10 EMERSON PARK BOARDWALK

Location Map



LEGEND

 Sections



City of Novi

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

Map Author: Sri Komaragiri
Date: 12/05/19
Version #: 1



1 inch = 311 feet



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.

**SECOND ADDENDUM TO
PLANNED REZONING OVERLAY (PRO) AGREEMENT
EMERSON PARK**

This Addendum to Planned Rezoning Overlay (PRO) Agreement ("Agreement") is by and between Pulte Homes of Michigan, LLC, a Michigan limited liability company, whose address is 100 Bloomfield Hills Parkway, Bloomfield Hills, MI 48304, referred to as "Applicant"; and the City of Novi, whose address is 45175 Ten Mile Road, Novi, MI 48375-3024 ("City").

RECITATIONS

I. The Applicant and the City entered into a PRO Agreement effective February 5, 2018, which is recorded at Liber 51897, Page 508, Oakland County Records.

II. The PRO Agreement requires the Applicant to construct a sidewalk and boardwalk (the "Pathway") across a separate parcel of property located on Ten Mile Road.

III. The PRO Agreement further contemplates that the City will acquire the necessary easement or other authority to construct the Pathway, sets forth a timeframe by which the Applicant will construct the Pathway once the easement is acquired, and provides that, if the City is not able to acquire the easement by a certain time the Applicant shall deposit \$250,000 with the City, which shall then be responsible for the construction.

IV. The City and the Applicant subsequently agreed to an Addendum to the PRO Agreement that extended the date by which the Applicant was to construct the Pathway, because the City had not yet fully acquired the necessary property rights to allow construction. That Addendum is dated _____, 2019, and the date by which the Applicant was to construct the Pathway was set at December 31, 2019.

V. While the City has now acquired ownership of the entire parcel across which the Applicant must construct the Pathway, the Parties agree that the Applicant's ability to construct the Pathway was adversely affected by a recently-discovered utility line located in the proposed route for the Pathway, which has required an additional submission of a permit application to the Michigan Department of Environment, Great Lakes & Energy (EGLE). The parties also agree that the new proposed Pathway route is preferable. The Parties therefore agree that the Applicant's date for constructing the Pathway should again be extended.

NOW, THEREFORE, based upon the foregoing, the parties agree as follows:

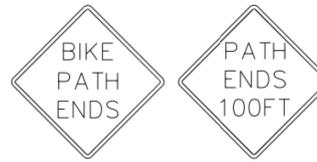
1. Paragraph D.2 is hereby amended to read in full as follows:

The construction of an off-site approximately 410-foot long pedestrian path connection in the area between the entrance of Churchill Crossing Subdivision at Churchill Boulevard and the existing retail complex at the northwest corner of Novi Road and Ten Mile Road, on the north side of Ten Mile Road west of Novi Road at Applicant's own expense (except for the cost of acquiring the necessary easement or right-of-way, which acquisition shall be pursued by the City). As part of final site plan approval applicant will submit a preliminary design/layout containing a depiction of a feasible location of the pedestrian pathway and a Design Engineer's estimate of the cost to construct the pathway. The pathway may require a portion to be designed as a boardwalk. The pathway shall meet applicable City Design and Construction Standards for similar improvements. The boardwalk portion shall be constructed using helical piers, foundation walls at each end of the approach viaducts, and composite railing along each side. Pathway construction will commence as soon as reasonably practical after Applicant, with the City's assistance, as required, obtains, as applicable, any permits required from Michigan Department of Environment, Great Lakes & Energy (EGLE), Oakland County Road Commission, and any other agencies with jurisdiction over such improvements. City and Applicant agree that subject to conditions set forth in this Section, performance and implementation of the other provisions of this PRO Agreement may proceed while the permits for the pathway are pending.

Subject to matters outside of the control of Applicant, such as weather conditions, acts of God or so called force majeure events and, assuming easements are obtained in a timely fashion, the pathway shall be completed not later than 90 days from the date that Applicant receives the necessary approvals and/or permits required from EGLE, Oakland County Road Commission, and any other agencies with jurisdiction over such improvements. In the event that the Applicant is unable to secure all of the required permits necessary to construct the pathway by June 1, 2020, the Applicant shall submit an amount equivalent to the Design Engineer's Estimate for construction submitted by the Applicant, as approved by the City's Engineering Division, in an amount not less than \$250,000, for deposit into the City's Sidewalk Fund, which such payment will be in lieu of Applicant's obligation to build the pedestrian path as set forth in the Agreement. Failure to submit the payment as and when required will constitute a breach of this Agreement entitling the City to any and all remedies hereunder, which shall include the right to withhold building and occupancy permits until compliance, subject to Applicant's notice and cure rights described in Section 3 of the Agreement.

2. Except as otherwise provided in paragraph 1, the terms and provisions of the PRO Agreement are complete and unchanged and shall remain in full force and effect as initially approved.

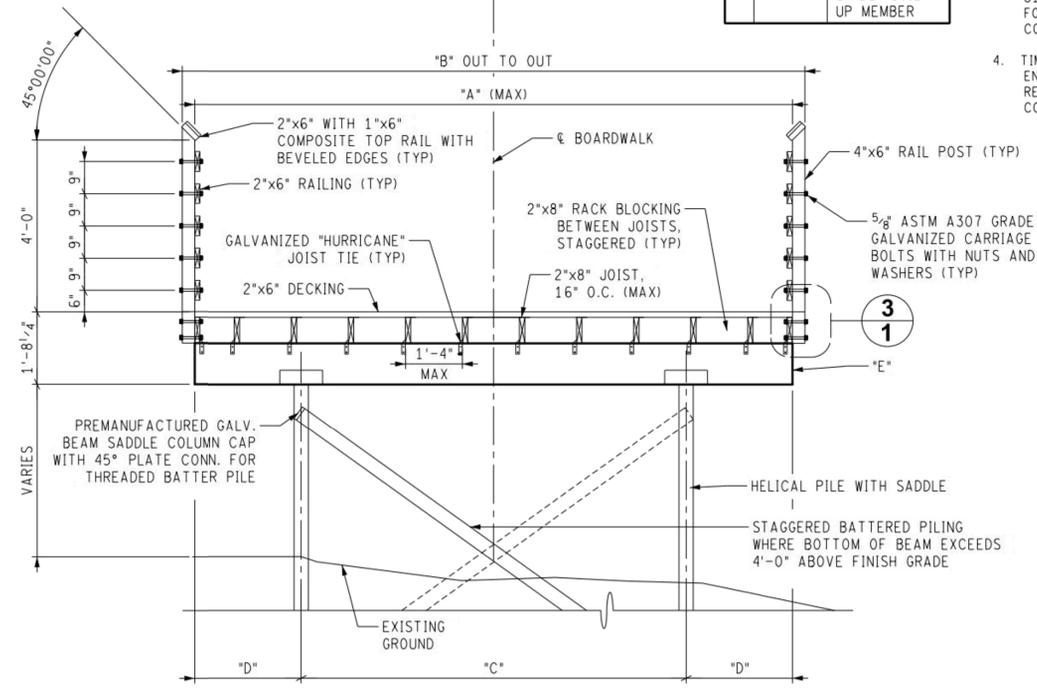
[SIGNATURES ON NEXT PAGE]



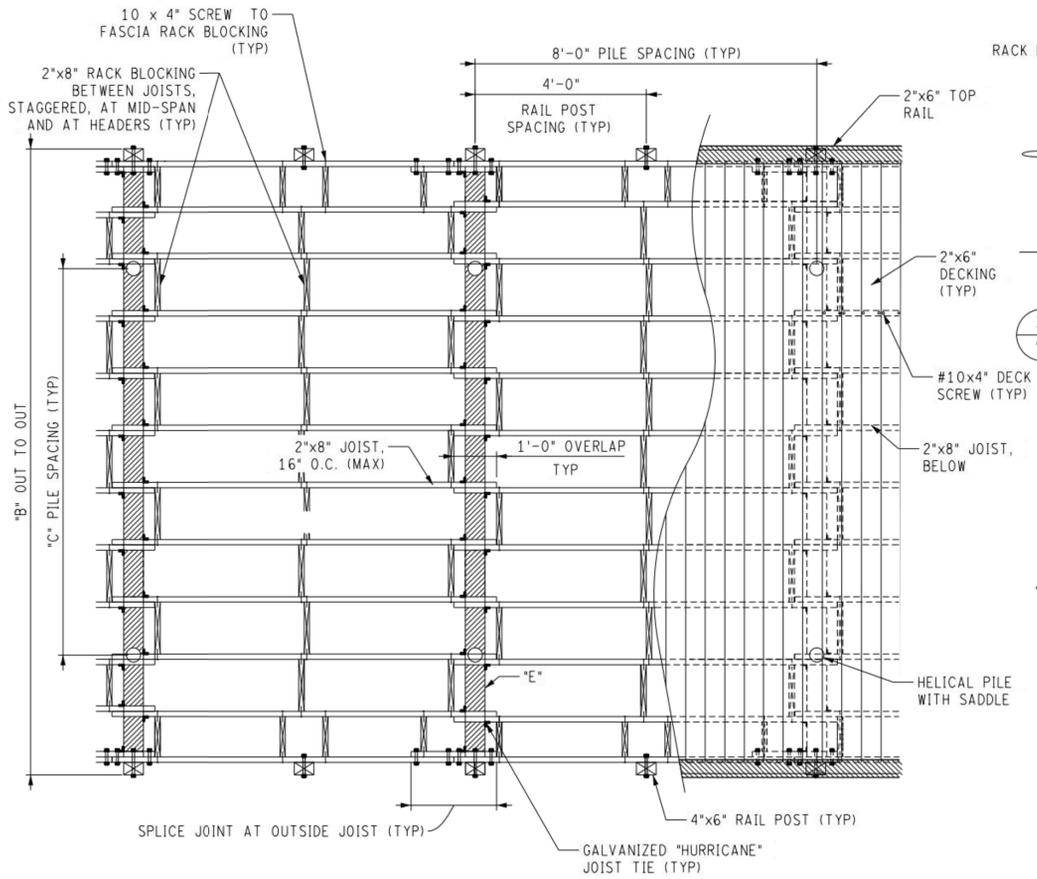
TYPICAL SIGNING
NO SCALE

- NOTES:
- SIGNS SHALL BE 18"x18" AND CONSTRUCTED OF .063 ENGINEERING GRADE REFLECTIVE ALUMINUM WITH 1-1/2" RADIUS AT CORNERS. SIGNS SHALL HAVE A YELLOW BACKGROUND WITH BLACK COPY AND BLACK OUTLINE. SIGN LOCATION TO BE DETERMINED BY DESIGN ENGINEER AND APPROVED BY THE CITY.

VARIABLE CALLOUTS	
SIDEWALK	BIKE PATH
A 10'-0"	14'-0"
B 10'-7"	14'-7"
C 7'-0"	9'-0"
D 1'-6"	2'-6"
E 2"x12" HEADER	6"x12" TIMBER HEADER OR (4) 2"x12" BUILT UP MEMBER



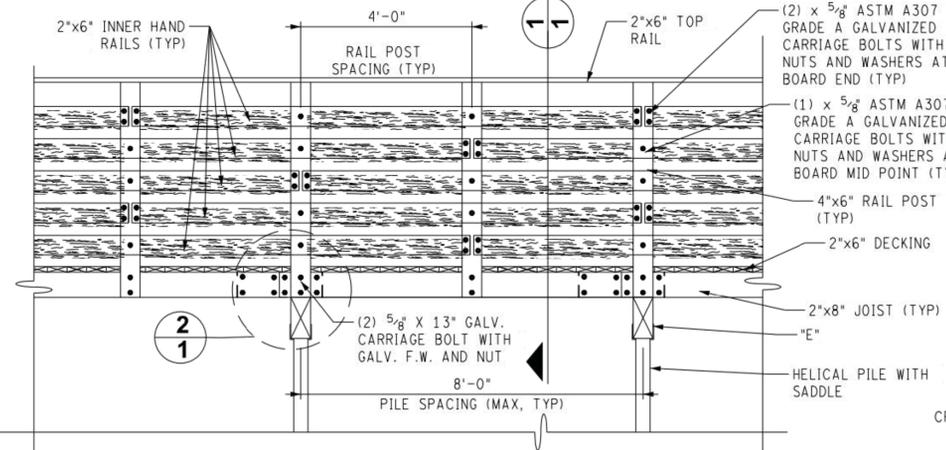
1 BOARDWALK SECTION AND CROSS BRACING DETAIL
NO SCALE



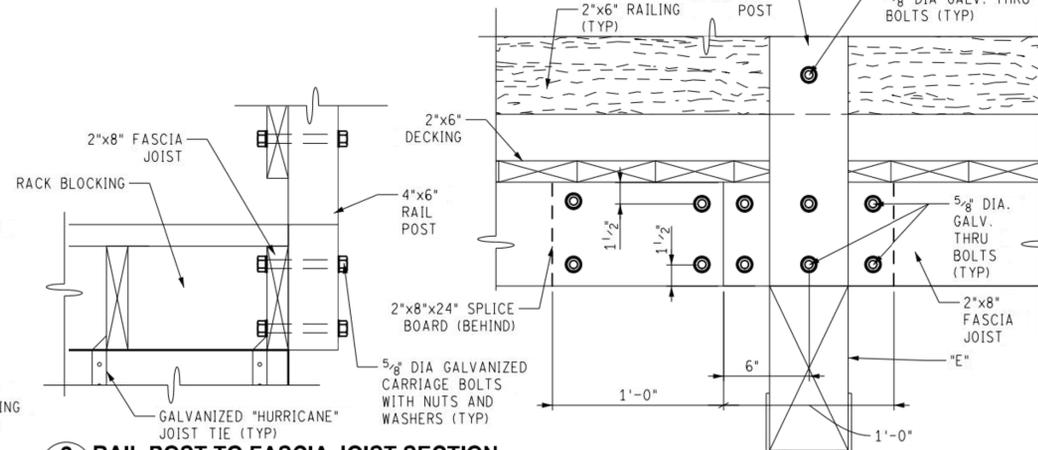
TYPICAL BOARDWALK PLAN VIEW

BOARDWALK NOTES

- THE DESIGN OF THIS STRUCTURE IS BASED ON CURRENT AASHTO LRFD BRIDGE DESIGN SPECIFICATION PEDESTRIAN LOADING OF 90 PSF AND A MAINTENANCE VEHICLE (3,500 LB PER CITY OF NOVI) LOADING NOT ACTING CONCURRENTLY. LIVE LOAD DEFLECTION DOES NOT EXCEED $\frac{1}{300}$ OF SPAN LENGTH AND $\frac{1}{250}$ OF CANTILEVER ARM.
- ALL BOARDWALK SKELETAL LUMBER SHALL BE KILN DRIED SOUTHERN YELLOW PINE #2, OR OWNER APPROVED EQUAL. LUMBER SUPPLIED SHALL MEET THE REQUIREMENTS OF SECTION 912 OF MDT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
- CONDITION AND TREAT STRUCTURAL TIMBER AND LUMBER IN ACCORDANCE WITH AWPA U1, SECTION 6, COMMODITY SPECIFICATION A. REFER TO USE CATEGORY 4A (UC4A) FOR ABOVE GROUND REQUIREMENTS AND USE CATEGORY 4C (UC4C) FOR GROUND CONTACT REQUIREMENTS.
- TIMBER AND LUMBER FOR DECK, RAILING, AND OTHER AREAS AS DETERMINED BY THE ENGINEER WHERE FREQUENT HUMAN CONTACT MAY OCCUR MUST MEET THE REQUIREMENTS OF SECTION 912.10 OR MDT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
- THE DESIGN OF STRUCTURAL MEMBERS IS BASED ON MATERIAL OF THE FOLLOWING GRADES AND STRESSES:
 CONCRETE: GRADE 3500 $f_c = 3,500$ psi
 STEEL REINFORCEMENT: $f_y = 60,000$ PSI
 STRUCTURAL STEEL: AASHTO M 270 GRADE 36 OR GRADE 50 $f_y = 36,000$ psi; $f_y = 50,000$ psi
 STRUCTURAL TIMBER AND LUMBER: Southern Pine #2, $F_b = 1,700$ psi, $E = 1,700,000$ psi
 HARDWARE AND FASTENERS: ASTM 307, GRADE A $f_u = 60,000$ psi; ASTM F1554, GRADE 36 $f_y = 36,000$ psi
- ALL BOLTS, WASHERS AND OTHER HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH AASHTO M232.



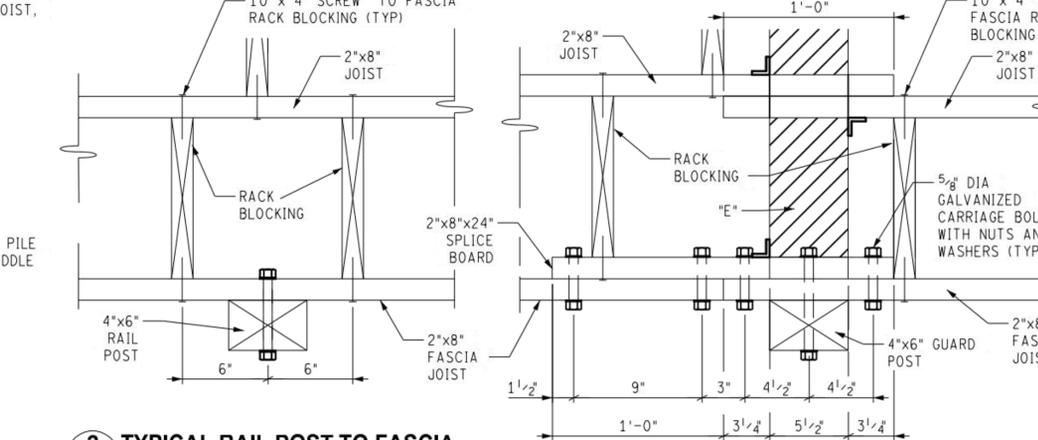
TYPICAL PROFILE FOR BOARDWALK
NO SCALE



3 RAIL POST TO FASCIA JOIST SECTION
NO SCALE - SECTION VIEW



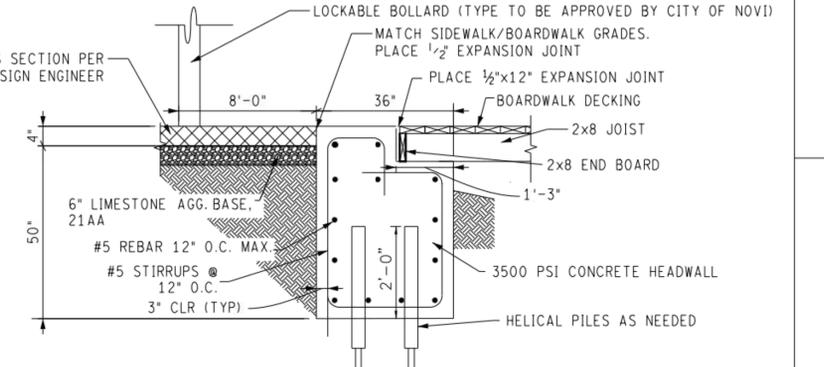
2 TYPICAL FASCIA DETAILS & FASCIA JOIST JOINT SPLICE DETAIL
ELEVATION VIEW



3 TYPICAL RAIL POST TO FASCIA JOIST MIDSPAN CONNECTION
PLAN VIEW

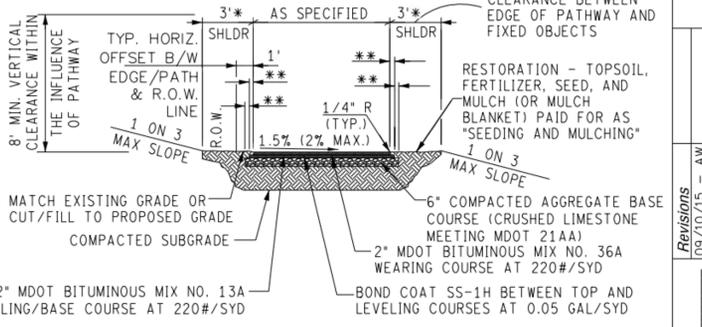
3 TYPICAL RAIL POST TO FASCIA JOIST AT HEADER CONNECTION
PLAN VIEW

- DECK SCREWS SHALL BE CLIMACOATED, HOT DIPPED GALVANIZED PLATED OR OWNER APPROVED EQUAL. DECK SCREWS SHALL BE A MINIMUM #10 X 4-INCH WITH AN UNTHREADED UPPER SHAFT TO PREVENT BOARD JACKING AND TO ALLOW FOR TIGHTER FASTENING. DECK SCREWS SHALL BE USED FOR FASTENING ALL BOARDWALK MEMBERS UNLESS NOTED ON THE PLANS.
- RUST RESISTANT GALVANIZED CARRIAGE BOLTS TO BE USED FOR ALL RAILING/POST AND UNDERSTRUCTURE CONNECTIONS.
- RUST RESISTANT GALVANIZED HURRICANE JOIST TIES TO BE USED FOR ALL JOIST/HEADER CONNECTIONS.
- IN AREAS FAVORABLE TO TERMITE DAMAGE, AS DETERMINED BY THE CITY, METHODS OF PROTECTION SHALL BE BY CHEMICAL SOIL TREATMENT, PRESSURE TREATED WOOD, IN ACCORDANCE WITH THE AWPA, NATURALLY TERMITE-RESISTANT WOOD OR PHYSICAL BARRIERS (SUCH AS METAL OR PLASTIC TERMITE SHIELDS) OR ANY COMBINATION OF THESE METHODS.
- DO NOT "NOTCH" THE GUARDRAIL POST AROUND THE FASCIA JOIST.
- DECK BOARDS SHALL BE PIER ADVANTAGE WOOD DOCK PLANKING BY PINE RIVER GROUP OR CITY OF NOVI APPROVED EQUAL.
- COMPOSITE TOP RAIL BOARDS SHALL BE CONSTRUCTED, MANUFACTURED AND FABRICATED IN ACCORDANCE WITH ASTM D7032-06A STANDARD SPECIFICATIONS.
- THE ENGINEER OF RECORD IS REQUIRED TO PROVIDE ONE (1) SOIL BORING PER EVERY 100 LINEAR FEET OF PROPOSED BOARDWALK TO HARDPAN AND PROVIDE DATA TO THE CITY FOR REVIEW OF PROPOSED BOARDWALK PILE DEPTH.
- HELICAL PILE SUPPORT DESIGN SHALL BE BASED UPON SOIL CONDITIONS AS DETERMINED BY THE DESIGN ENGINEER. SUBMIT HELICAL PILE SUPPORT DESIGN TO THE CITY FOR REVIEW. SUBMITTED DESIGNS WILL BE REQUIRED TO SHOW SUPPORT FOR LIVE LOADING INCLUDING A 3,500 LB VEHICLE IN ADDITION TO THE DEAD LOAD OF THE BOARDWALK. USE A MINIMUM FACTOR OF SAFETY EQUAL TO 3 FOR DETERMINATION OF DESIGN PILE CAPACITY. DESIGN HELICAL PILE SYSTEM FOR A DESIGN LIFE OF 75 YEARS. ALL SUPPORT DESIGNS SHALL BE SIGNED AND SEALED BY A LICENSED, QUALIFIED PROFESSIONAL ENGINEER.
- VEHICULAR TRAFFIC ON THE BOARDWALK IS PROHIBITED. INSTALL LOCKABLE BOLLARDS (TYPE TO APPROVED BY THE CITY OF NOVI) AT EACH ACCESS POINT TO THE BOARDWALK TO PREVENT VEHICULAR TRAFFIC ON THE BOARDWALK. THE CITY WILL PROVIDE PADLOCKS AND KEYS WITH ALL BOLLARDS. VEHICULAR TRAFFIC IS LIMITED TO AUTHORIZED CITY OF NOVI MAINTENANCE VEHICLE (3,500 LB).
- ALTERNATIVE CABLE RAILING SYSTEM SHALL BE USED AT LOCATIONS WHERE DIRECTED BY THE CITY WHEN SIGHT DISTANCE CONCERNS EXIST. THE DESIGN ENGINEER SHALL PROVIDE SPECIFICATIONS AND DETAILS UPON REQUEST.

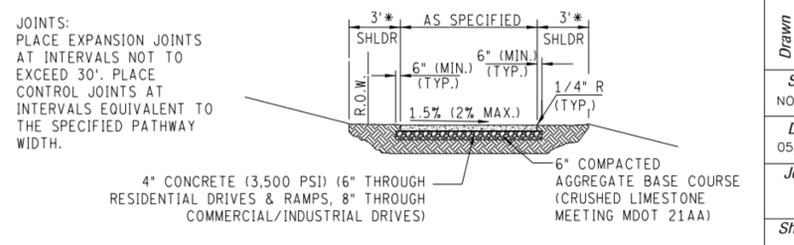


PATHWAY / BOARDWALK INTERFACE DETAIL

* SHOULDER WIDTH REDUCTION WILL BE ALLOWED (MIN. 1') TO MINIMIZE GRADING WHERE EXIST CROSS-SLOPE EXCEEDS 1 ON 10 (10%) OR TO PRESERVE EXIST LANDSCAPE (BY DIRECTION OF THE CITY ENGINEER)
 ** 6" MINIMUM (TYP)



NON-MOTORIZED PATHWAY BITUMINOUS SECTION
NO SCALE



NON-MOTORIZED PATHWAY CONCRETE SECTION
SEE BITUMINOUS SECTION FOR ADDITIONAL DETAILS

Revisions	AW	JM
09/10/15		
04/12/18		

Drawn	Designed	Checked
Scale	NO SCALE	
Date	05/04/12	
Job No.		
Sht. No.	04	