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SEP 21 2015

CITY OF ROCHESTER HILLS

PLANNING DEPT.

**SECOND AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT**

**THIS SECOND AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT**, is made and entered into effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2015 by and among the City of Rochester Hills, a Michigan municipal corporation ("City"), whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, and MJC Harvard Place LLC, a Michigan limited liability company ("Developer") whose address is 46600 Romeo Plank Rd, Suite 5 Macomb, Michigan 48044.

**RECITALS**

- A. **WHEREAS**, the Developer in proceeding to develop the property which constitutes approximately 25.755 acres of property into luxury apartments north of School Road and East of John R Road in the City ("Property"), as described on Exhibit A attached hereto;
- B. **WHEREAS**, the Planned Unit Development Agreement dated April 8<sup>th</sup>, 2013 by Developer and City ("Agreement"), as recorded in Liber 45856 Page 314, shows a commercial outdoor jungle gym playset, the Developer and City desire to eliminate the playset and replace with outdoor in ground pool and cement deck as shown in the attached Exhibit B. The Rental office would be expanded to include bathrooms, storage and all maintenance requirements as governed by the state of Michigan to operate such a pool and house its equipment, as well as maintenance for the project as shown on Exhibit B.

**NOW THEREFORE, the Developer and the City agree as follows:**

- 1. Incorporation of Recitals, The parties acknowledge and represent that the foregoing recitals are true and accurate and are hereby incorporated into this Second Amendment To Planned Unit Development Agreement.
- 2. No Prior Defaults. Developer and City hereby acknowledge and warrant that no prior default (or defaults) presently exists under the Agreement and each party is presently in good standing with respect to the Agreement. Furthermore, the Agreement is in full force and effect and hereby ratified.
- 3. Conflict: Except as further modified herein, the Agreement, as amended by the First Amendment to Planned Unit Development Agreement, remains in full force and effect. In the event of conflict, between the Agreement, the First Amendment to Planned Unit Development Agreement, and this Second Amendment to Planned Unit Development, the later shall prevail.

IN WITNESS WHEREOF, the parties hereto by and through their duly authorized representatives have executed this Agreement as the day of year first above written.

In the Witness of:

\_\_\_\_\_  
\_\_\_\_\_

a Michigan Municipal corporation

\_\_\_\_\_  
\_\_\_\_\_

**DEVELOPER:**

MJC Harvard Place LLC, a Michigan limited liability company

By : \_\_\_\_\_

Luigi G Chirco

Its: Partner

**CITY:**

CITY OF ROCHESTER HILLS,

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN )  
 )  
COUNTY OF \_\_\_\_\_)

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015,  
by \_\_\_\_\_, the \_\_\_\_\_ of MJC Harvard Place LLC, a  
Michigan limited liability company, on behalf of said limited liability company.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
County, Michigan  
My Commission Expires: \_\_\_\_\_

STATE OF MICHIGAN )  
 )  
COUNTY OF \_\_\_\_\_)

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015,  
by \_\_\_\_\_ and \_\_\_\_\_, the  
\_\_\_\_\_ of the City of Rochester Hills, a Michigan municipal corporation, on behalf of said  
Municipal Corporation.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
County, Michigan  
My Commission Expires: \_\_\_\_\_

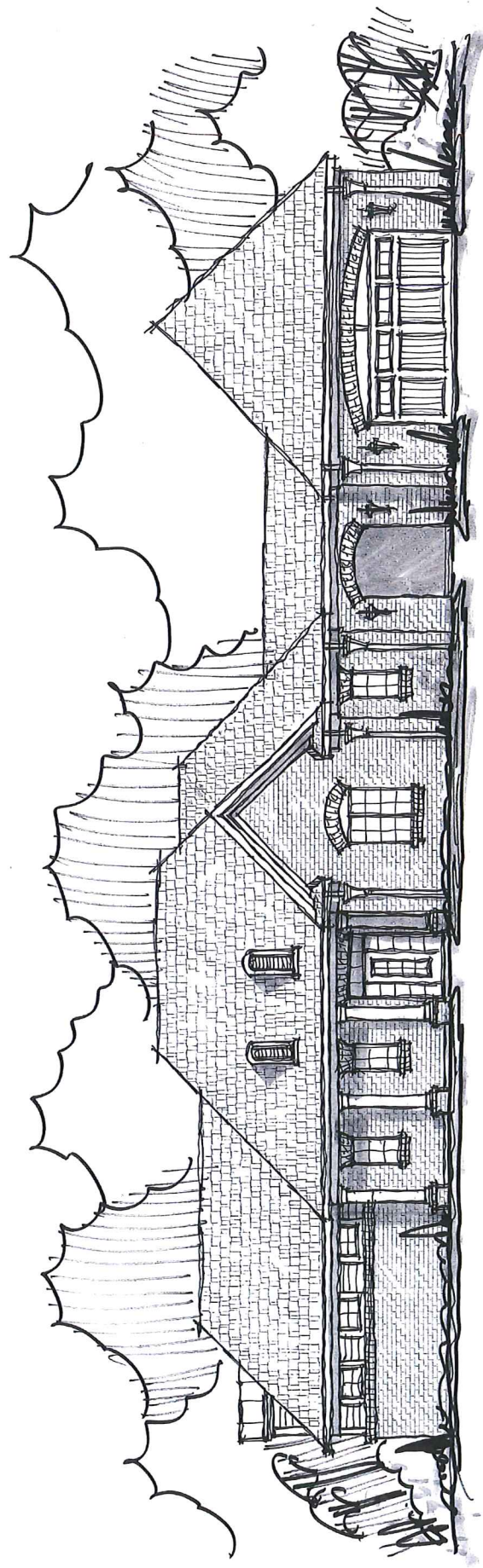
Drafted by and after recording, return to:

Luigi Chirco  
46600 Romeo Plank, Suite 5  
Macomb, MI 48044

Exhibit "B"

# Harvard Place, Pool House

## MJC Homes



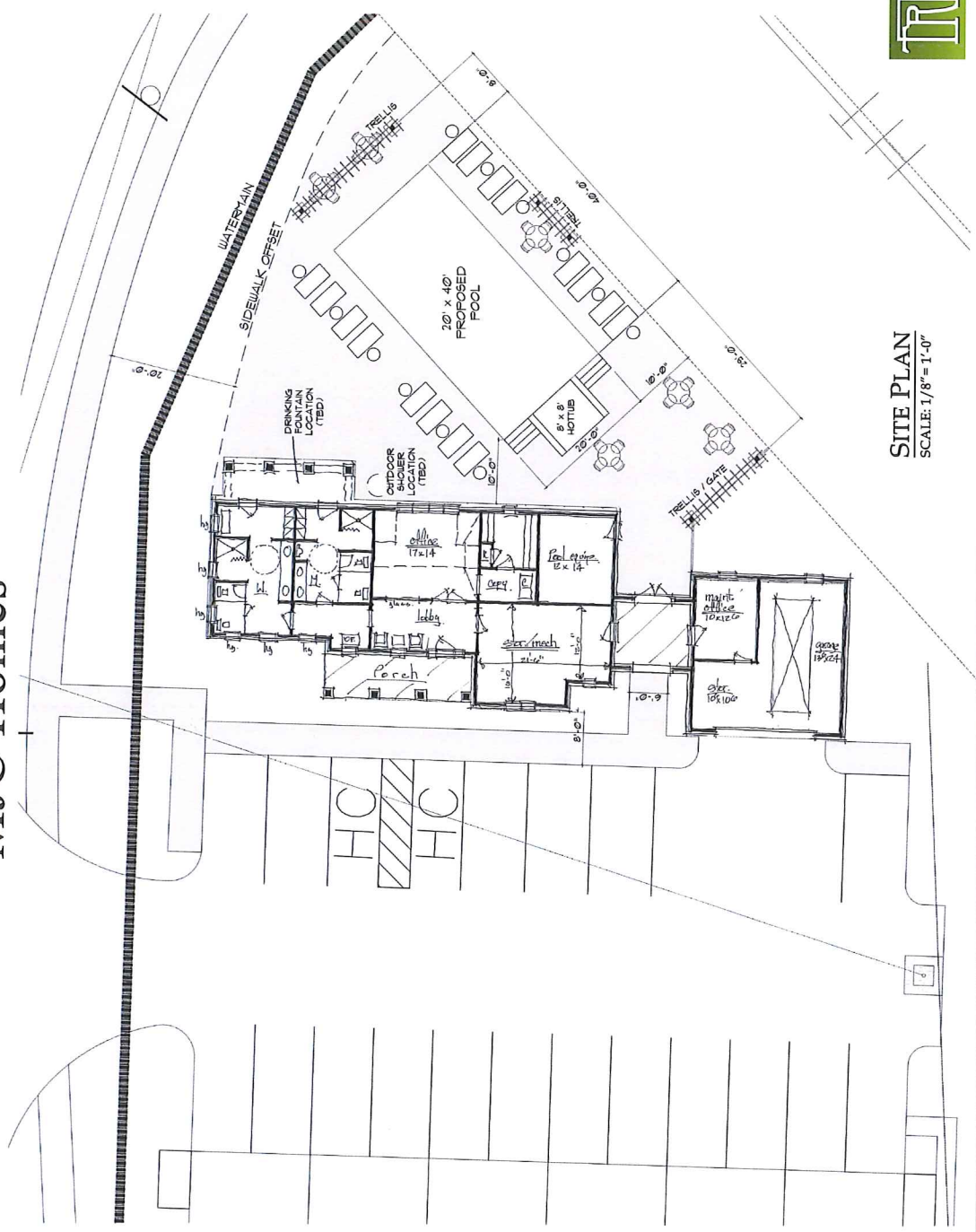
Elevation Concept  
SCALE 1/4" = 1'-0"



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EXHIBIT "B"

# Harvard Place, Pool House MJC Homes



SITE PLAN  
SCALE: 1/8" = 1'-0"

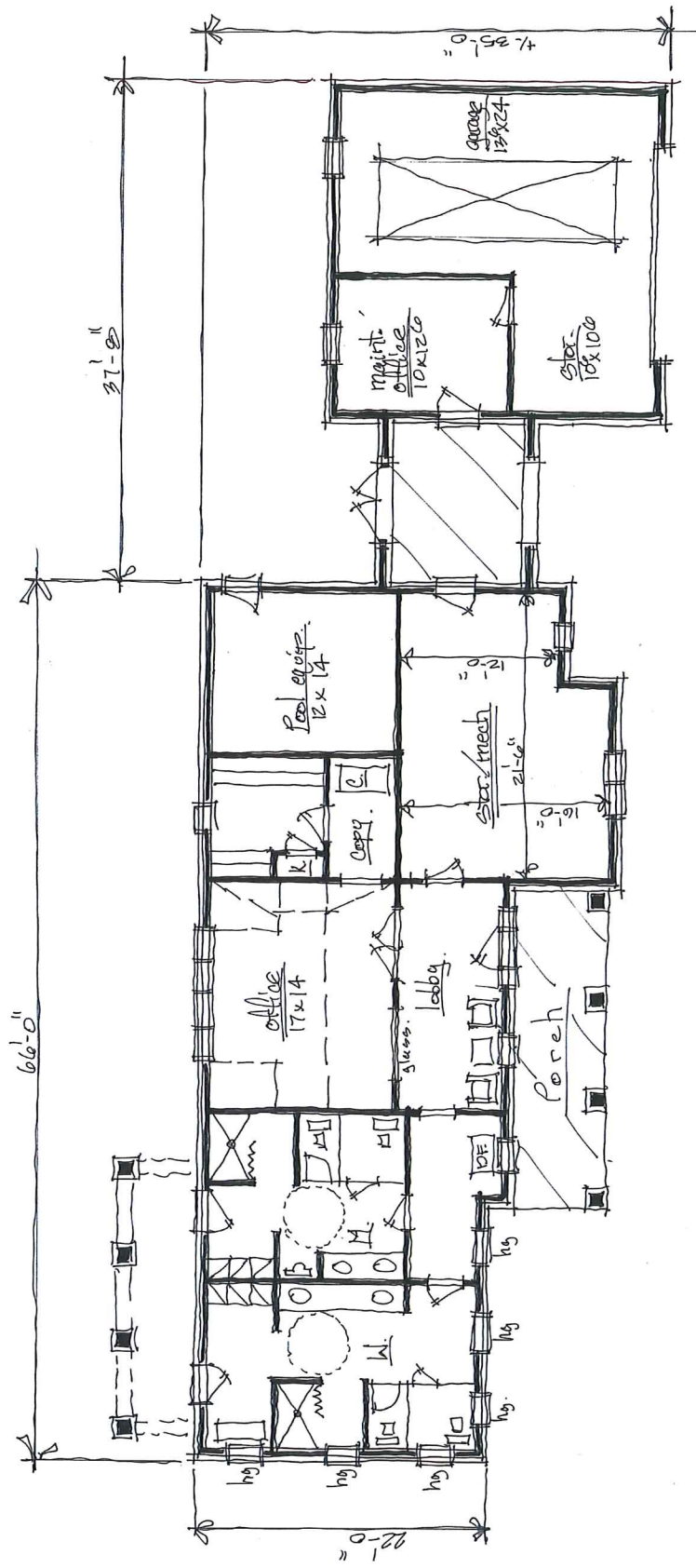


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ΣΧΗΜΑΤΑ "B"

# Harvard Place, Pool House

## MJC Homes



FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



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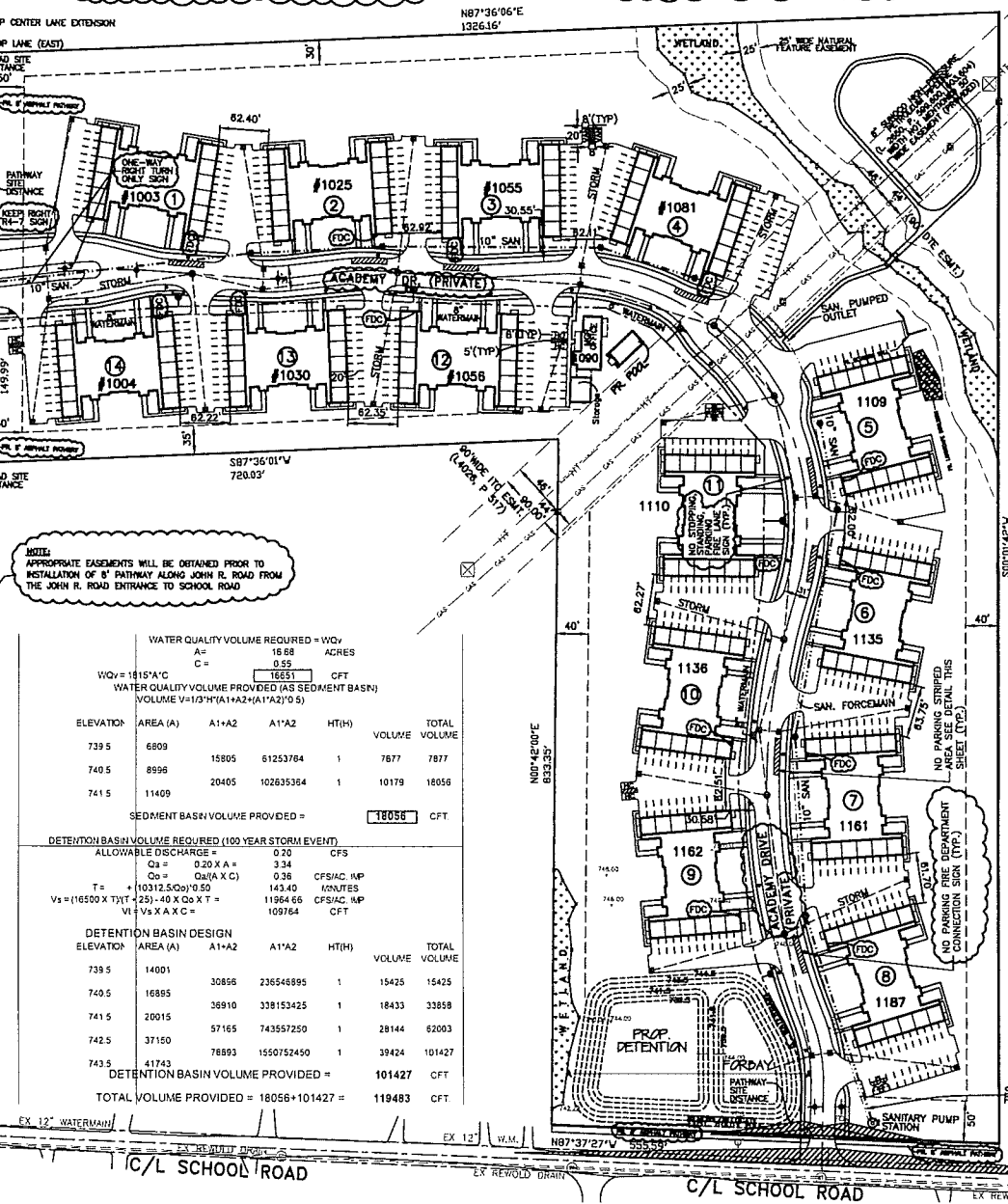
# EXHIBIT "B" HARVARD PLACE

PART OF THE NW. 1/4 OF SEC 24, T3N., R11E.,  
ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

**LEGAL DESCRIPTION**  
PART OF THE NW 1/4 OF SECTION 24, T.3N., R.11E., ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT WHICH IS S87°37'27"E, 769.35 FEET; ALONG THE EAST-WEST 1/4 LINE OF SECTION 24 AND CENTERLINE OF SCHOOL ROAD (NORTH 43 FEET WIDE R.O.W.) AND N00°42'00"E, 43.02 FEET TO THE NORTH R.O.W. LINE OF SCHOOL ROAD (NORTH 43 FEET WIDE R.O.W.) FROM THE WEST 1/4 CORNER OF SECTION 24; THENCE CONTINUING N00°42'00"E, 833.35 FEET; THENCE S87°36'01"W, 720.03 FEET TO THE EAST 60 FEET R.O.W. LINE OF JOHN R. ROAD (EAST 60 FEET WIDE R.O.W.); THENCE N00°00'00"E, 149.99 FEET ALONG SAID EAST 60 FEET R.O.W. LINE OF JOHN R. ROAD (EAST 60 FEET WIDE R.O.W.); THENCE S87°36'24"W, 60.05 FEET TO THE WEST LINE OF SECTION 24 AND CENTERLINE OF JOHN R. ROAD (EAST 60 FEET WIDE R.O.W.); THENCE N00°00'00"E, 348.00 FEET ALONG SAID WEST LINE OF SECTION 24 AND CENTERLINE OF JOHN R. ROAD (EAST 60 FEET WIDE R.O.W.); THENCE N87°36'06"E, 1326.16 FEET TO THE 1/8 LINE OF SECTION 24; THENCE S00°01'42"W, 1377.16 FEET ALONG SAID 1/8 LINE OF SECTION 24 TO THE NORTH R.O.W. LINE OF SCHOOL ROAD (NORTH 43 FEET WIDE R.O.W.); THENCE N87°37'27"W, 555.59 FEET ALONG SAID NORTH R.O.W. LINE OF SCHOOL ROAD (NORTH 43 FEET WIDE R.O.W.) TO THE POINT OF BEGINNING.  
CONTAINING 25.755 ACRES.  
SUBJECT TO THE RIGHTS OF THE PUBLIC AND ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED OR DEEDED FOR STREET, ROAD OR HIGHWAY PURPOSES.

**ACADEMY DR. ENTRANCE NOTE:**  
MEDIAN ISLAND AT JOHN R. ROAD ENTRANCE MAY BE REQUIRED TO BE MODIFIED IN THE FUTURE IF THE PROPOSED CONFIGURATION CAUSES ADVERSE INGRESS/EGRESS TRAFFIC CONFLICT AT THE ENTRANCE.

**JOHN R. ROAD IMPROVEMENTS NOTE:**  
PROPOSED IMPROVEMENTS ALONG JOHN R. WILL BE REVISED AND GRATER DETAIL WILL BE PROVIDED TO ACCOMMODATE 100' OF CENTER LEFT TURN STORAGE FOR BERYL CT, 3 FOOT FULL DEPTH PAVED SHOULDER WITH 3 3 FOOT WIDE GRAVEL SHOULDERS ON THE CONSTRUCTION PLANS.



WATER QUALITY VOLUME REQUIRED = WQV  
16.68 ACRES

WQV = 1815 A<sup>2</sup>C  
C = 0.55  
16651 CFT

WATER QUALITY VOLUME PROVIDED (AS SEDIMENT BASIN)  
VOLUME = 1/12 \* (A1+A2) \* (H1+H2) \* 0.5  
18056 CFT

ELEVATION	AREA (A)	A1+A2	A1*A2	HT(H)	VOLUME	TOTAL VOLUME
739.5	6809	15805	61253784	1	7877	7877
740.5	8998	20405	102635364	1	10179	18056
741.5	11409					

SEDIMENT BASIN VOLUME PROVIDED = 18056 CFT

DETECTION BASIN VOLUME REQUIRED (100 YEAR STORM EVENT)  
ALLOWABLE DISCHARGE = 0.20 CFS  
C<sub>1</sub> = 0.20 X A<sup>0.5</sup> = 3.34  
C<sub>2</sub> = 0.20 X A<sup>0.5</sup> = 3.34  
Q<sub>0</sub> = Q<sub>1</sub> X C<sub>1</sub> X C<sub>2</sub> = 0.38 CFS/AC, IMP  
T = (10312.5 Q<sub>0</sub>) / 0.50 = 143.40 MINUTES  
V<sub>1</sub> = (16500 X T) / (2.3) - 40 X Q<sub>0</sub> X T = 11864.66 CFS/AC, IMP  
V<sub>2</sub> = V<sub>1</sub> X A<sup>0.5</sup> X C<sub>2</sub> = 109764 CFT

ELEVATION	AREA (A)	A1+A2	A1*A2	HT(H)	VOLUME	TOTAL VOLUME
739.5	14001	30856	236546895	1	15425	15425
740.5	16885	35910	338153425	1	18433	33858
741.5	20015	57165	743557250	1	28144	62003
742.5	37150	78893	1550752450	1	39424	101427
743.5	41743					

DETECTION BASIN VOLUME PROVIDED = 101427 CFT  
TOTAL VOLUME PROVIDED = 18056 + 101427 = 119483 CFT

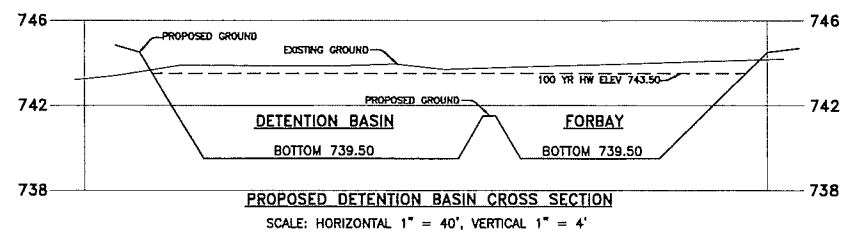
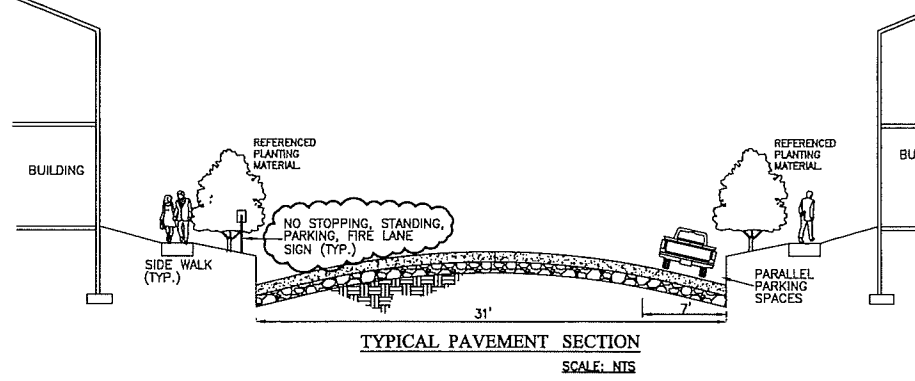
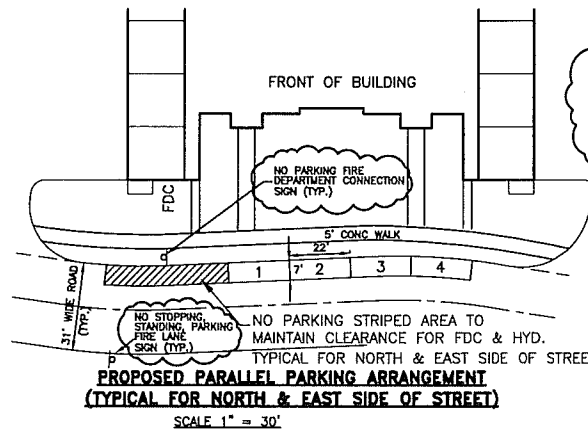
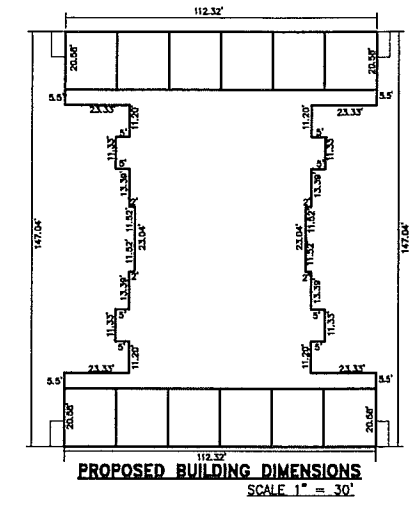
**SOIL DATA:**

13B	OSHEMO-BOYER LOAMY SANDS 0 TO 6 PERCENT SLOPES	62248	SQ FT
14B	OAKVILLE FINE SAND 0 TO 6 PERCENT SLOPES	169984	SQ FT
34B	KIBBIE FINE SANDY LOAM 0 TO 4 PERCENT SLOPES	91506	SQ FT
35A	THETFORD LOAMY FINE SAND 0 TO 3 PERCENT SLOPES	18600	SQ FT
	CLUB HOUSE	2050	SQ FT
	TOTAL IMPERVIOUS AREA	343388	SQ FT
	TOTAL IMPERVIOUS AREA	7.88	AC
	WATER SURFACE AREA (DETECTION BASIN)	0.95	AC

WATER QUALITY VOLUME PROVIDED = 18056 CFT

**BENCH MARKS: (U.S. & G.S. DATUM)**

- ARROW ON FIRE HYDRANT LOCATED WEST OF JOHN R. ROAD AND ± 180' NORTH OF SOUTH PROPERTY LINE. ELEVATION: 760.88
- ARROW ON FIRE HYDRANT LOCATED NORTH OF SCHOOL ROAD AND ± 230' EAST OF WEST PROPERTY LINE. ELEVATION: 743.98



**SITE DATA:**  
SITE ZONING: PUD  
SITE AREA:  
GROSS SITE AREA: 25.755 AC.  
EXISTING R.O.W.: 0.263 AC. ±  
FUTURE R.O.W.: 0.216 AC. ±  
FUTURE R.O.W.: 0.216 AC. ±  
NET SITE AREA (EXCLUDING R.O.W.): 25.492 AC.  
NET SITE AREA (EXCLUDING FUTURE R.O.W.): 25.276 AC.  
DENSITY: 6.646 DU/AC.

PROPOSED 168 UNITS (14 BLDG. x 12 UNITS)  
CONSTRUCTION TYPE: 5B  
AREA OF TYPICAL UNIT IN EACH BUILDING:  
4 UNITS @ 1,441 S.F.  
4 UNITS @ 1,508 S.F.  
4 UNITS @ 1,651 S.F.  
EACH GARAGE = 360 S.F.  
AREA OF MANAGER'S APARTMENT: 2,046 S.F.

- GENERAL NOTES:**
- THIS SITE IS IN ZONED AS PUD.
  - ALL UNITS WILL BE SERVED WITH PUBLIC SANITARY SEWER AND PUBLIC WATER.
  - 8" WATERMAIN WILL BE PROVIDED BY CONNECTION TO THE EXISTING 12" WATERMAIN ALONG JOHN R. ROAD AND SCHOOL ROAD.
  - 10" SANITARY WILL BE PROVIDED BY CONNECTION TO THE EXISTING SANITARY SEWER ALONG JOHN R. ROAD. SANITARY PUMP STATION AND FORCE MAIN WILL BE PROVIDED IN ACCORDANCE WITH CITY. THE SANITARY FORCE MAIN IS TEMPORARY AND THAT THE PUMP STATION AND FORCE MAIN WILL BE ABANDONED WHEN SANITARY SEWER BECOMES AVAILABLE IN SCHOOL ROAD. THIS WILL BE THE RESPONSIBILITY OF THE OWNER. THE SANITARY SEWER FOR THE EAST HALF OF THIS SITE WILL BE CONNECTED AS A GRAVITY-FLOW SYSTEM TO THE SCHOOL ROAD SANITARY SEWER AT THAT TIME.
  - STORM SEWER SYSTEM WILL BE PROVIDED PER CITY OF ROCHESTER HILLS ENGINEERING DEPARTMENT AND OAKLAND COUNTY WATER RESOURCES COMMISSION ON SITE DETENTION BASIN WILL BE PROVIDED WITH PERMITTED RESTRICTED OUTLET.
  - ALL PUBLIC UTILITIES AS REQUIRED BY THE ENGINEERING PLANS AND UTILITY COMPANIES.
  - SOIL EROSION AND SEDIMENTATION CONTROL MEASURES WILL BE TAKEN PER OAKLAND COUNTY WATER RESOURCES COMMISSION REQUIREMENTS.
  - PAVING WILL BE PROVIDED MEETING ALL THE CITY OF ROCHESTER HILLS REQUIREMENTS.
  - ALL WORK WITHIN JOHN R. ROAD AND SCHOOL ROAD R.O.W. WILL BE IN ACCORDANCE WITH THE CITY OF ROCHESTER HILLS REQUIREMENTS.
  - PERMIT IS REQUIRED FROM THE CITY FOR ALL WORK IN THE JOHN R. ROAD RIGHTS-OF-WAY.
  - THIS PROJECT WILL ABIDE BY THE CITY OF ROCHESTER HILLS TREE PRESERVATION ORDINANCE.
  - PROPOSED GRADES WILL MATCH EXISTING ELEVATIONS AT THE PROPERTY LINES UNLESS GRADING EASEMENTS ARE OBTAINED OR RETAINING WALLS PROVIDED.
  - ALL HYDRANTS INCLUDING PROJECTIONS WILL BE A MINIMUM OF 5 FEET FROM THE BACK OF CURB AND 3 FEET FROM THE EDGE OF SIDE WALK.
  - ANY EXISTING SEPTIC SYSTEM HEADS OR WELLS WILL BE ABANDONED IN ACCORDANCE WITH CITY AND "OCD" REQUIREMENTS.
  - IMPROVEMENT OF JOHN R. ROAD AT SOUTH OF PINE TRAIL DRIVE AND AT SCHOOL ROAD WILL BE CARRIED OUT AS CITY REQUIREMENTS.
  - ALL THE BUILDINGS AT HARVARD PLACE WILL HAVE AN AUTOMATIC FIRE SUPPRESSION SYSTEM.

- FIRE DEPARTMENT NOTES:**
- A KNOX KEY SYSTEM SHALL BE INSTALLED IN A LOCATION APPROVED BY THE FIRE CODE OFFICIAL. ORDERING INFORMATION IS AVAILABLE FROM THE ROCHESTER HILLS FIRE DEPARTMENT AT (248) 658-4717.
  - FIRE LANES SHALL BE DESIGNATED BY THE FIRE CODE OFFICIAL AND SHALL BE CONSPICUOUSLY POSTED ON BOTH SIDES OF THE FIRE LANE, WITH FIRE LANE SIGNS, SPACED NOT MORE THAN 100' APART. FIRE LANE SIGNS SHALL READ "NO STOPPING, STANDING, PARKING, FIRE LANE", AND SHALL CONFORM TO THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
  - CONSTRUCTION SITES SHALL BE SAFEGUARDED IN ACCORDANCE WITH IFC 2006 CHAPTER 14.
  - OPEN BURNING IS NOT PERMITTED INCLUDING THE BURNING OF TRASH, DEBRIS, OR LAND CLEARING MATERIALS. OPEN BURNING FOR WARMING OF SAND AND/OR WATER FOR THE PREPARATION OF MORTAR SHALL BE WITHIN THE CITY OF ROCHESTER HILLS BURN PERMIT GUIDELINES.

3 WORKING DAYS  
BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171

CITY FILE # 04-037.2

**LAND DEVELOPMENT CONSULTING SERVICES, INC.**  
4660 ROMEO PLANK, SUITE 2  
MACOMB, MI 48044  
PHONE: (586)868-2350  
FAX: (586)868-2351

**HARVARD PLACE**  
PART OF THE NW. 1/4 OF SEC 24, T3N., R11E.,  
ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN

**PRELIMINARY SITE PLAN**

CLIENT: MJC HARVARD PLACE LLC  
4660 ROMEO PLANK, SUITE 5, MACOMB, MI 48044  
PHONE: 586-283-1203

SCALE: AS NOTED  
DATE: 01-21-13  
DRAWN BY: AJAY  
LDCS # 11-002  
DRAWING NO. C2

REV. 09-08-15 ADD POOL AND STORAGE AREA  
REV. 05-15-13 LOCATION OF PLAY AREA PER IFC  
REV. 04-17-13 PER CITY COUNCIL PUD APPROVAL  
REV. 03-13-13 PER CITY ENGINEERING  
REV. 02-25-13 PER CITY DEPARTMENTS