

Department any additional language should be removed (Section 9 PUD text).

18. That the indicated number of years be changed from 5 to 3, in conformance with the Holiday Village proposed PUD Agreement (Section 10 of the PUD text).

19. That language is revised to be consistent with the proposed condition of approval regarding parking. Any reference to exception to the ordinance needs to be removed. The change shall be made prior final approval of the PUD by City Staff (Section 11 of the PUD text).

20. That language should be changed to state that road abandonment/vacation should be done in accordance with established Rochester Hills Process.

21. Preliminary acceptance of the Final PUD Plan by the Michigan Department of Transportation.

22. Preliminary acceptance of the Final PUD Plan by the Road Commission for Oakland County.

23. Remove Exhibit D (Roadway Improvements) from the Final PUD Agreement.

The motion carried by the following vote:

**Aye:** Barnett, Duistermars, Holder, Raschke and Robbins

**Nay:** Dalton and Hill

**Enactment No:** RES0066-2004

## UNFINISHED BUSINESS

**2004-0124**

Approval of Road Improvement Agreement made by and among Curtis Properties (Curtis Properties) Group, L.L.C., Tienken Partners, LLC, (Tienken Partners) and the City of Rochester Hills as a condition of approval of the Papa Joe's Planned Unit Development and the City Walk Planned Unit Development

**Attachments:** Agenda Summary.pdf; TIENKEN-REZONING - Road Agreement (00196148[2].pdf; 2004-0124 Master Report.pdf

*Mr. Paul Davis, City Engineer, explained that the preliminary approval of the road improvement agreement was needed to move the matter on to the Oakland County Road Commission and MDOT. He stressed that he would maintain final oversight of the project following agreement by those two (2) agencies.*

*Mr. Gaber outlined specific changes made to the road improvement agreement since Council had seen the document at the previous meeting, specifically relating to the following:*

- 1) *Added language regarding "payment and performance bonds."*
- 2) *The City has no responsibility to pay any project costs.*
- 3) *Clarification of the language regarding potential liens on the properties.*

*Mr. Staran stated that the final agreement would not be signed by the Mayor until the document was complete and Mr. Staran had "signed off on it."*

*Ms. Hill expressed her concern that Council would be approving a legal document that was not complete at this time.*

**A motion was made by Duistermars, seconded by Holder, that this matter be Adopted by Resolution.**

Whereas, Curtis Properties seeks to develop a planned unit development to be known as the Papa Joe's Gourmet Market on approximately 15.3 acres of land located at the northwest corner of the Rochester/Tienken Road intersection and,

Whereas, Tienken Partners seeks to develop a planned unit development to be known as the City Walk Retail Plaza on approximately 12.4 acres located at the southwest corner of the Rochester/Tienken Road intersection and

Whereas, the City believes that the intersection of Rochester Road and Tienken Road in the City is currently providing an inadequate level of service and

Whereas, a traffic impact study at the intersection of Rochester and Tienken Roads for Curtis Properties and Tienken Partners indicated that levels of service would be improved with the road improvements as set forth in the Agreement and

Whereas, construction of the road improvements described in the Agreement is a condition to the approval by the City of the Papa Joe's PUD and the City Walk PUD and Curtis Properties and Tienken Partners desire to construct the road improvements described in the Agreement in accordance with the terms and conditions of the Agreement.

Resolved, that the Rochester Hills City Council hereby accepts the Draft Road Improvement Agreement dated February 13, 2004, between Curtis Properties Group L.L.C., 2025 Rochester Road, Rochester Hills, MI 48307, Tienken Partners LLC, 37020 Garfield, Suite T-1, Clinton Township, MI 48036 and the City of Rochester Hills, 1000 Rochester Hills Drive, Rochester Hills, MI 48309.

Be It Further Resolved that approval of this Road Agreement is subject to finalization of the Agreement to the satisfaction of the City administration.

Be It Further Resolved that the Mayor and the City Clerk are authorized to execute and deliver the Agreement on behalf of the City.

The motion carried by the following vote:

**Aye:** Dalton, Barnett, Duistermars, Holder, Raschke and Robbins

**Nay:** Hill

**Enactment No:** RES0067-2004

**(Recess 10:05 p.m. - 10:27 p.m.)**

**2004-0174**

Request to Withdraw Review Rights - Historic Districts Study Committee withdraws request for review rights to be granted to the Historic Districts Commission for 3533 W. Tienken Road, Rochester Hills, MI

**Attachments:** Agenda Summary 20040303.pdf; Agenda Summary 20031210.pdf; Minutes CC 20031210.pdf; Minutes HDC 20030313.pdf; SHPO Surveys.pdf; 2004-0174 Master Report.pdf

*Mr. Derek Delacourt, Planner II, stated that the Historic Districts Study Committee, following their ninety (90) day study, had determined that there was no evidence to support a recommendation for historic designation of this property. He asked that their review rights be withdrawn.*

*Ms. Hill thanked Mr. Delacourt and the Study Committee for their efforts and requested that Council be provided a copy of the final report "so we have an end in the paperwork*