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David W. Berry (1948-2008)

October 13, 2009

Via Overnight. Mail

The Clerk of the City of Ann Arbor
City Clerk Jacqueline Beaudry
City Hall, 2nd Floor
100 N. Fifth Ave.
Ann Arbor, MI 48104

TO: THE CLERK OF THE CITY OF ANN ARBOR

2009 OCT 14 PM 3:39

CITY OF ANN ARBOR
CITY CLERK
RFD 11

PROTEST PETITION CONCERNING THE REZONING OF 1320 SOUTH UNIVERSITY

On Friday October 9, 2009, the owners of 1320 South University (the "Owners") received notice that on October 19, 2009, the Ann Arbor City Council will hold a public hearing on the second reading of a zoning ordinance that in part proposes to rezone 1320 South University from the existing C2A classification to the new D2 zoning classification.

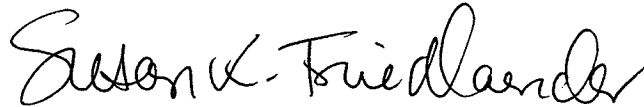
Pursuant to Section 125.3403(a) of the Michigan Zoning Enabling Act, MCL 125.3101 *et seq*, the Owners own 100% of the area of land included in the proposed change and therefore have standing to protest the rezoning. (See Attached Map) The Owners protest the rezoning of their land to D2 because the proposed zoning is unreasonable as applied to 1320 South University, will prevent the redevelopment of the land in an economically viable manner and is reverse spot zoning.

The Owners request that the City defer rezoning 1320 South University to D2 and instead consider rezoning the land to D1 or alternatively to D1 with conditions. Pursuant to MCL 125.3401(3), and under separate cover, the Owners have requested a hearing on the proposed rezoning for the purpose of offering such conditions for rezoning to D1.

October 13, 2009

Page 2

Very truly yours,

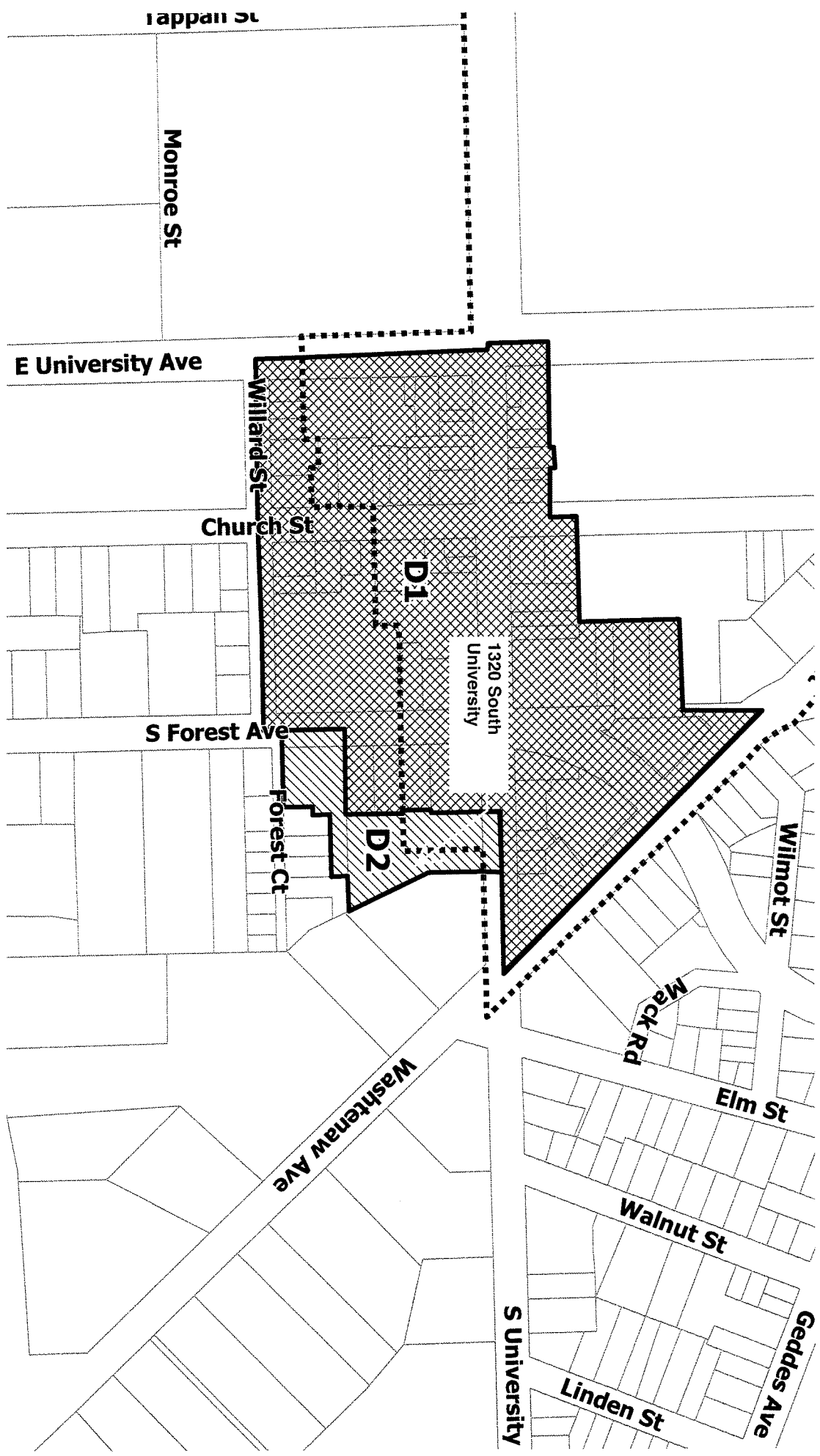


Susan K. Friedlaender

Attorneys for the Owners of 1320 South University

SKF/tn

cc: Honorable Mayor John Hieftje, via e-mail
City Council Member Sabra Briere, via e-mail
City Council Member Sandi Smith, via e-mail
City Council Member Stephen Rapundalo, via e-mail
City Council Member Tony Derezinski, via e-mail
City Council Member Leigh Greden, via e-mail
City Council Member Christopher Taylor, via e-mail
City Council Member Marcia Higgins, via e-mail
City Council Member Margie Teall, via e-mail
City Council Member Mike Anglin, via e-mail
City Council Member Carsten Hohnke, via e-mail
Stephen K. Postema, City Attorney, via e-mail and U.S. mail



Tappan St

Monroe St

E University Ave

Willard St

Church St

D1

1320 South University

S Forest Ave

D2

Forest Ct

Washkenaw Ave

Mack Rd

Wilmot St

Elm St

Walnut St

S University

Linden St

Geddes Ave