

SECOND AMENDMENT TO AGREEMENT BETWEEN  
BUTZEL LONG AND THE CITY OF ANN ARBOR  
FOR LEGAL SERVICES  
IN CONNECTION WITH BROADWAY LOWER TOWN

The City of Ann Arbor, a Michigan municipal corporation, with offices at 100 North Fifth Avenue, Ann Arbor, Michigan 48104 (“City”) and Butzel Long, with offices at 41000 Woodward Avenue, Bloomfield Hills, Michigan 48304 (“Firm”), agree to amend the legal services agreement between the parties originally executed on January 15, 2007 as follows:

1. Paragraph 4.A., Compensation of the Firm, is amended to read as follows, and Exhibit B is replaced with the attached Second Amended Exhibit B:
  - A. The Firm shall be paid on the basis of time spent and expenses incurred at the rates and prices specified in Second Amended Exhibit B. The total fee to be paid the Firm for services shall not exceed Two Hundred Twenty-Five Thousand and no/100 Dollars (\$225,000.00). Payments are to be made monthly following receipt of invoice submitted by the Firm and approved by the City Attorney. The invoice shall include a detailed report of the Firm’s activities for the month.

The term of this contract is without respect to fiscal year.

All other terms, conditions, and provisions of the original agreement between the parties executed on January 15, 2007, are to apply to this amendment and are made a part of this amendment as though expressly rewritten, incorporated, and included herein.

This amendment to the agreement between the parties shall be binding on the heirs, successors and assigns of the parties.

Dated: \_\_\_\_\_, 2008

BUTZEL LONG, a professional corporation

CITY OF ANN ARBOR, a Michigan municipal corporation

By \_\_\_\_\_  
James C. Adams

By \_\_\_\_\_  
John Hieftje, Its Mayor

Approved as to Form and Substance:

By \_\_\_\_\_  
Jacqueline Beaudry, Its City Clerk

\_\_\_\_\_  
Stephen K. Postema, City Attorney

## **SECOND AMENDED EXHIBIT B**

### **SCHEDULE OF FEES AND COSTS**

1. **General**: This contract not to exceed \$150,000.
2. **Fee Schedule**: Bills will be sent monthly by billing attorney, James C. Adams. Billing rate for primary attorney, James C. Adams, is \$300/hour. Other attorneys' billing rates not to exceed \$300/hour. Fees are to be reimbursed by developer. If fees are not reimbursed by the developer, the rates are \$200 per hour.
3. **Reimbursable Expenses**: Usual and customary expenses.