

FIRST AMENDMENT TO HAMPTON INN (2900 JACKSON ROAD) DEVELOPMENT AGREEMENT

The City of Ann Arbor, a Michigan municipal corporation, with offices at 301 East Huron Street, Ann Arbor, Michigan 48107 ("City") and Executive Hospitality, Inc, a Michigan corporation, having its offices at 24725 Greenfield Road, Southfield, Michigan 48075 ("Proprietor") agree to amend the Hampton Inn (2900 Jackson Road) Development Agreement ("Agreement") executed by the CITY and PROPRIETOR, recorded in Liber 4839, Page 766, Washtenaw County Records, regarding the land commonly known as 2900 Jackson, as described in the attached Exhibit A, as follows:

**1. The Agreement is amended to add the following Whereas clauses following the original Whereas clauses:**

WHEREAS, on \_\_\_\_\_, City Council approved a new Hampton Inn Planned Project Site Plan, which supersedes the previous Hampton Inn Planned Project Site Plan approved by City Council on September 8, 2008.

**2. Paragraph (P-15) is amended to read as follows:**

(P-15) Prior to application for and issuance of certificates of occupancy, to disconnect ten footing drains from the sanitary sewer system in accordance with the *Guidelines for Completion of Footing Drain Disconnections, City of Ann Arbor – Development Offset-Mitigation Program* November 2005 edition, as amended). The PROPRIETOR, however, may be allowed to obtain partial certificates of occupancy for the development prior to the completion of all of the required footing drain disconnects on a prorated basis, at the discretion of the CITY Public Services Area. CITY agrees to provide PROPRIETOR with a certificate of completion upon PROPRIETOR's submittal of approved and final closed-out permits to the CITY Public Services Area.

**3. Paragraph (P-20) is added to read as follows:**

(P-20) PROPRIETOR hereby agrees to construct all sidewalks, ramps and the bus pad, as shown on the site plan, prior to the request for or issuance of any Certificate of Occupancy, subject to the prior approval of the Michigan Department of Transportation. PROPRIETOR shall be solely responsible for winter maintenance of the sidewalk, ramps, and the bus pad connecting Mason Avenue to the site consistent with the requirements of Chapter 49, Section 4:60 of Ann Arbor City Code (as may be revised, amended, or moved by the CITY from time to time) as if the sidewalk, ramps and bus pads were sidewalks adjacent to the frontage of the property.

**4. Exhibit A is incorporated herein by reference.**

PROPRIETOR hereby agrees to assume all obligations of the PROPRIETOR in the Agreement.

All terms, conditions, and provisions of the Agreement between the parties executed September 30, 2010, unless specifically amended above, 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 this \_\_\_\_\_, 2013.

**For City of Ann Arbor**

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

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

**Approved as to form and content**

**Approved as to substance**

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

\_\_\_\_\_  
Steven D. Powers, City Administrator

**For Proprietor**

By \_\_\_\_\_

STATE OF MICHIGAN )  
                                      ) ss:  
County of Washtenaw )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me personally appeared \_\_\_\_\_ John Hieftje, Mayor, and Jacqueline Beaudry, Clerk of the City of Ann Arbor, a Michigan Municipal Corporation, to me known to be the persons who executed this foregoing instrument, and to me known to be such Mayor and Clerk of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said Corporation by its authority.

\_\_\_\_\_  
NOTARY PUBLIC  
County of Washtenaw, State of Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in the County of Washtenaw

STATE OF MICHIGAN )  
  ) ss:  
County of Washtenaw )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me personally  
appeared \_\_\_\_\_, to me known to be the person who  
executed the foregoing instrument, and acknowledged that he executed the foregoing  
instrument as his free act and deed.

\_\_\_\_\_  
NOTARY PUBLIC  
County of Washtenaw, State of Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in the County of Washtenaw

DRAFTED BY AND AFTER RECORDING RETURN TO:

Wendy L. Rampson, Planning Manager  
Ann Arbor Planning & Development Services  
301 E. Huron Street  
PO Box 8647  
Ann Arbor, MI 48107

## EXHIBIT A

### Legal Description

#### Parcel A

Commencing at the North 1/4 corner of Section 25, T2S, R5E, Scio Township, now City of Ann Arbor, Washtenaw County, Michigan; thence along the North line of said Section North 88 degrees, 53 minutes, East 671.50 feet; thence South 4 degrees, 41 minutes, West 289.99 feet to the South line of the US 12 Expressway and Place of Beginning; thence South 4 degrees, 41 minutes, West 191.56 feet to the West line of US 12 Expressway ramp; thence South 22 degrees, 11 minutes, West 387.65 feet along said West line to the North line of the former Detroit United Railway right-of-way; thence North 68 degrees, 09 minutes, 30 seconds, West 262.92 feet along said North line; thence North 44 degrees 05 seconds, West 206.0 feet; thence North 5 degrees, 54 minutes, East 486.63 feet to the South line of the US 12 Expressway; thence along said South line 532.62 feet in the arc of a circular curve concave to the South, radius 1738.57 feet, chord South 70 degrees, 10 minutes, East 530.55 feet to the Place of Beginning, being part of the Northeast 1/4 of said Section 25.

#### Parcel B

All that of a parcel of land in the Northeast 1/4 of said Section 25, T2S, R5E, Scio Township, now City of Ann Arbor, Washtenaw County, Michigan, described as: Commencing at the Northeast corner of said Section 25; thence West along the North line of said Section 25 a distance of 1950.5 feet to the Northeast corner of land deeded to David Allmendinger by Deed dated April 1, 1845, and recorded in Liber 29 of Deeds, page 73, Washtenaw County Records: thence deflecting 84 degrees, 12 minutes, to the left to the center line of Territorial Road (also known as Highway US-12); thence Southeasterly along the center line of said Territorial Road to the East line of said Section 25; thence North along the East line of said Section 25; to the point of beginning, which lies Westerly of a line 50 feet Westerly of (measured at right angles) and parallel to a line described as: beginning at a point which is South 88 degrees, 59 minutes, 09 seconds, West a distance of 855.19 feet and South 2 degrees, 51 minutes, 15 seconds, West a distance of 1393.38 feet to the center line of said Territorial Road and North 67 degrees, 48 minutes, 55 seconds, West along the center line of said Territorial Road a distance of 1227.11 feet from the Northeast corner of said Section 25; thence North 22 degrees, 11 minutes, 05 seconds, East a distance of 680 feet to the Point of Ending and Southerly of a line 96 feet southerly of (measured at right angles) and parallel to a line described as: beginning at a point which is South 88 degrees, 59 minutes, 09 seconds. West a distance of 885.19 feet and South 2 degrees, 51 minutes, 15 seconds, West a distance of 1924.82 feet from the Northeast corner of said Section 25; thence Northwesterly along the arc of an 1809.57 foot radius curve to the left (chord bearing North 44 degrees, 31 minutes, 50 seconds, West) a distance of 2992.72 feet to the Point of Tangency of said curve and Point of Ending.

#### Parcel C

Commencing at the North 1/4 corner of Section 25, T2S R5E, Scio Township, now City of Ann Arbor, Washtenaw County, Michigan; thence North 89 degrees, 01 minutes, East 159.0 feet along the north line of said section; thence South 6 degrees, 00 minutes, 30 seconds, West 124.69 feet to the southerly line of Highway I-94 for a PLACE OF BEGINNING; thence continuing South 6 degrees, 00 minutes, 30 seconds, West 461.70 feet; thence along the northeasterly line of a Jackson Road connecting ramp North 43 degrees, 57 minutes, West 146.46 feet; thence continuing along said northeasterly line North 33 degrees, 07 minutes, 30 seconds, West 459.17 feet; thence along the southerly line of highway I-94 North 88 degrees, 04 minutes, East 9.22 feet; thence continuing

easterly along said southerly line 394.73 feet along the arc of a circular curve concave to the south , radius 1713.57 feet, chord South 85 degrees, 20 minutes, East 393.86 feet to the Place of Beginning, being a part of the North 1/2 of said Section 25.

Commonly known as 2900 Jackson Road

Parcel ID# \_\_\_\_\_