

Toll Brothers

America's Luxury Home Builder™

August 14, 2015

Steven Powers, City Administrator
Kevin McDonald, Assistant City Attorney
City of Ann Arbor

Re: Nixon Farms North and Nixon Farms South Developments

Dear Administrator Powers and Mr. McDonald:

This letter is to notify you that Toll Bros., Inc., the petitioner for the Nixon Farms North and Nixon Farms South rezoning and site plans, proposes that the land be zoned as conditional zoning, as provided in MCL 125.3405, with certain provisions as a condition to the rezoning of the parcels that have been annexed to the City.

Toll Bros., Inc. proposes that the R4-A zoning be adopted with the following conditions:

1. That Toll Bros., Inc. shall pay the City \$1,025,460.00, which shall be Toll Bros., Inc.'s contribution to the cost of construction of the reconfiguration of the intersection. Fifty percent of this amount shall be contributed for the property known as Nixon Farms South and 50% for the property known as Nixon Farms North. This contribution is a maximum payment for 50% of the estimated cost of the intersection, and the City shall return to Toll Bros., Inc. any difference between the actual and the projected cost;
2. That Toll Bros., Inc. shall grant the City an easement for construction, use, and maintenance of public right-of-way as depicted in the City's conceptual plan for the reconfiguration of the intersection of Nixon Road, Green Road and Dhu Varren Road. The easement shall include utilities and wetlands adjacent to and within the intersection. The reconfiguration of the intersection shall be consistent with Site Plans as approved by City Council and may change from the conceptual plan consistent with the final design, as well as engineering design standards and best practices;
3. That Toll Bros., Inc. shall only construct and develop the Nixon Farms North and South Site Plans (and administrative amendments to the Site Plans) as approved by the Ann Arbor City Council. No administrative amendment may contain more units than the number shown on the Site Plans; and

4. That Toll Bros., Inc. agrees to not request any certificate of occupancy for the property prior to April 1, 2017. Toll shall not request a total of more than 50 certificate of occupancy prior to October 30, 2017. It is Toll Bros., Inc.'s understanding that the City shall construct the reconfiguration of the intersection in 2017.

These conditions are consistent with the Development Agreements, Site Plans, and the Nixon Farm Traffic Mitigation Agreement to be approved by the City Council.

Best regards,



Jason Minock
Division Vice President

cc: Jeff Brainard - Toll
File