

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of February 18, 2010

SUBJECT: Plymouth Green Crossings Amended PUD Site Plan (Northwest corner of Plymouth and Green Roads) File No. SP09-022

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Plymouth Green Crossings Amended PUD (Planned Unit Development) Site Plan, an amendment to the PUD Site Plan dated January 23, 2006, subject to execution of the revised development agreement dated February 1, 2010.

STAFF RECOMMENDATION

Staff recommends that this petition be **approved** because it complies with all the applicable local, state, and federal laws, ordinances, standards, and regulations; would not cause a public or private nuisance; and would not have a detrimental effect on public health, safety, or welfare.

LOCATION

The site is located on the northwest corner of Plymouth Road and Green Road (Northeast Area; Millers Creek Watershed).

STAFF REPORT

At the October 20, 2009 Planning Commission meeting, staff recommended that action on this petition be postponed to give the petitioner an opportunity to address issues regarding the affordable housing payment which is a requirement of the development agreement. The petitioner has addressed the issue by making an additional payment and requesting an amendment to the development agreement that would adjust the payment schedule. City Council approved this amendment on February 1, 2010. The petitioner now asks that the built portion of the project and the proposed temporary parking lot be called Phase 1. Phase 2A would consist of the restaurant while Phase 2B would consist of the yet to be built mixed use building on the north side of the site. No other modifications to the petition have been made since the October 20, 2009 meeting.

Prepared by Jeff Kahan
Reviewed by Connie Pulcifer and Wendy Rampson
jsj/2/11/10

Attachments: 10-20-09 Staff Report
2/1/10 Amended Development Agreement

Petitioner/Owner: Gateway Ann Arbor LLC
157 E. Hoover
Ann Arbor, MI 48105

Petitioner's Representative: Midwestern Consulting, LLC
Earl Ophoff
3815 Plaza Drive
Ann Arbor, MI 48108

File No. SP09-022

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of October 20, 2009

SUBJECT: Plymouth Green Crossings Amended PUD Site Plan (Northwest corner of Plymouth and Green Roads) File No. SP09-022

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve Plymouth Green Crossings Amended PUD (Planned Unit Development) Site Plan, dated January 23, 2006, subject to the petitioner addressing issues related to the required affordable housing contribution.

STAFF RECOMMENDATION

Staff recommends that this petition be **postponed** to give the petitioner an opportunity to address an item in the development agreement pertaining to affordable housing.

LOCATION

The site is located on the northwest corner of Plymouth Road and Green Road (Northeast Area; Miller's Creek Watershed).

DESCRIPTION OF PETITION

The petitioner proposes to add phasing to the plan as well as temporary parking in place of the restaurant. A total of 26 temporary parking spaces plus 11 motorcycle spaces are shown in the location of the restaurant. The petitioner has indicated that the restaurant would be built in Phase 2 when market conditions improve. Two trees will be relocated and parking lot lighting will be provided. The 26 vehicular parking spaces increase the total number of spaces on the site to 275, which is the maximum number of spaces allowed by the supplemental regulations. The temporary parking does not increase imperviousness on the site compared to the proposed restaurant, nor does it require a change in how storm water is proposed to be handled. The first phase is proposed to include the temporary surface parking lot and all other site improvements; the second phase will include the construction of the restaurant.

HISTORY

The PUD site plan was approved on January 23, 2006. Construction began soon thereafter. The bank, two mixed use buildings, parking garages, parking lots and detention facilities have been constructed. The petitioner has indicated that recent market conditions have not justified the construction of the restaurant and northernmost mixed use building.

PLANNING BACKGROUND

The site is located in the Northeast Area. The Northeast Area Plan (2006) recommends a mixture of land uses for this site including research, office, retail, educational, residential, and restaurant.

DEPARTMENT COMMENTS

Planning and Development Services – The petitioner amended the development agreement in early 2008 to allow the affordable housing contribution (\$315,000) to be paid incrementally instead of with a lump sum. To date, three \$15,000 payments have been made, but the time period from the issuance of the first certificate of occupancy has expired per Item 3 listed below.

Excerpt from February 4, 2008 Plymouth Green Crossings PUD Development Agreement regarding affordable housing contribution:

(P-27) To pay the CITY an affordable housing contribution to be deposited in the City of Ann Arbor Affordable Housing Trust Fund in the following manner: 1) \$315,000 for the first 35 residential units; 2) for the 36th residential unit and any additional residential units an additional contribution to be calculated at the rate of 15 percent of any additional residential units provided multiplied by \$60,000 in accordance with Section 5:80 of Ann Arbor City Code; and 3) partial payment of \$15,000 shall be made prior to PROPRIETOR requesting or being issued a Certificate of Occupancy for each residential and nonresidential unit on the property, but the entire amount shall be due prior to PROPRIETOR requesting or being issued the final Certificate of Occupancy or 540 days after the issuance of the first Certificate of Occupancy, whichever comes first.

Prepared by Jeff Kahan
Reviewed by Connie Pulcipher and Wendy Rampson
jsj/10/16/09

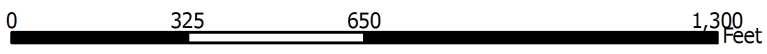
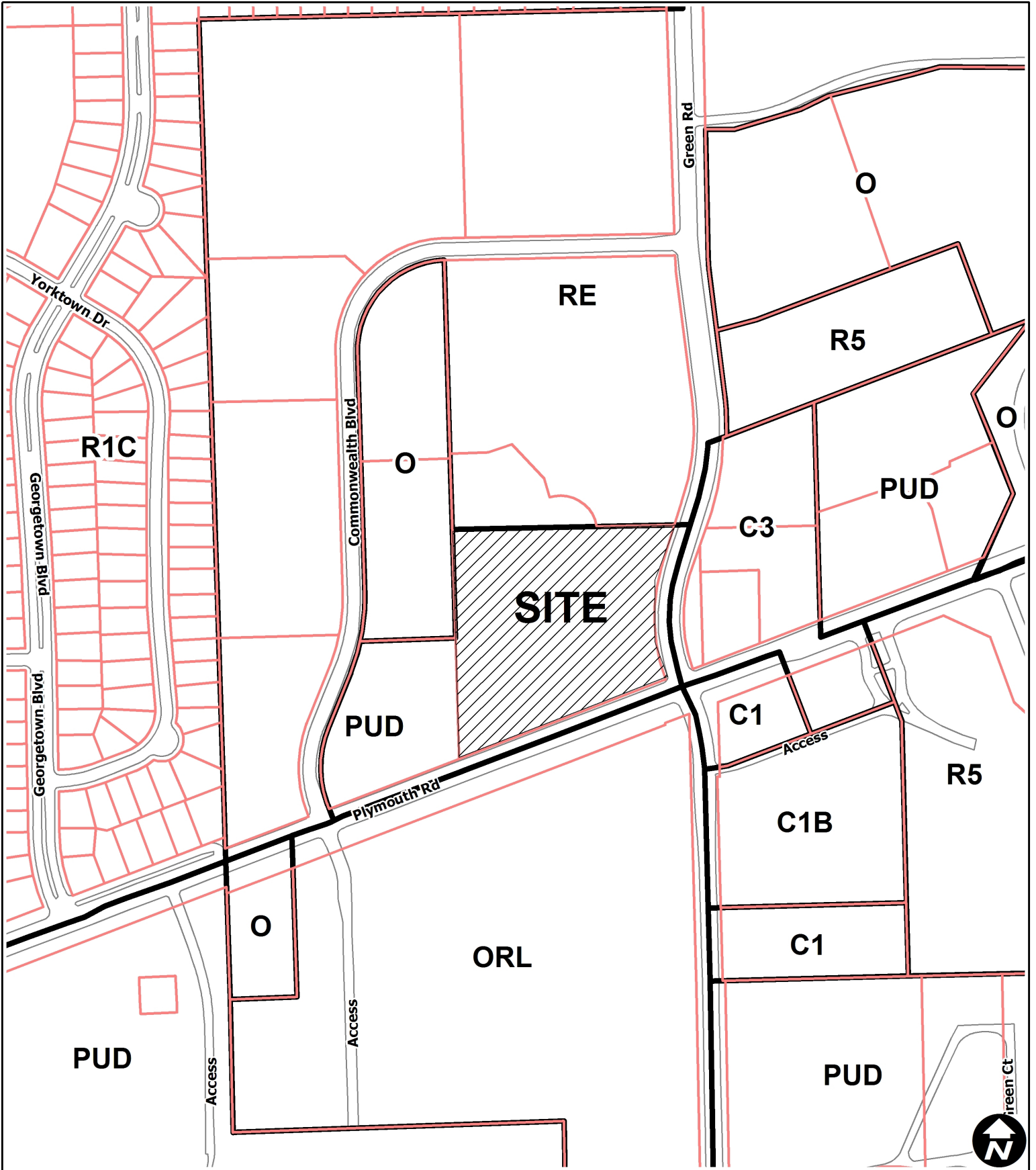
Attachments: Zoning Map
Aerial
Site Plan
Landscape Plan
Citizen Participation Report

c: Petitioner: Gateway Ann Arbor LLC
157 East Hoover Street
Ann Arbor, MI 48104

Petitioner's Representative: Midwestern Consulting, Inc.
3815 Plaza Drive
Ann Arbor, MI 48108

Systems Planning
File No. SP09-022

Plymouth/Green Crossings PUD -Zoning Map-



Map Legend

- City Boundary
- Railroads



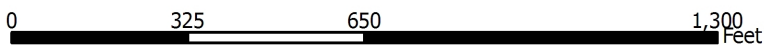
Maps available online:
<http://gisweb.ewashtenaw.org/website/mapwashtenaw/>

Copyright 2008 City of Ann Arbor, Michigan

No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.

This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.

Plymouth/Green Crossings PUD -Aerial Map-



Map Legend

- City Boundary
- Railroads



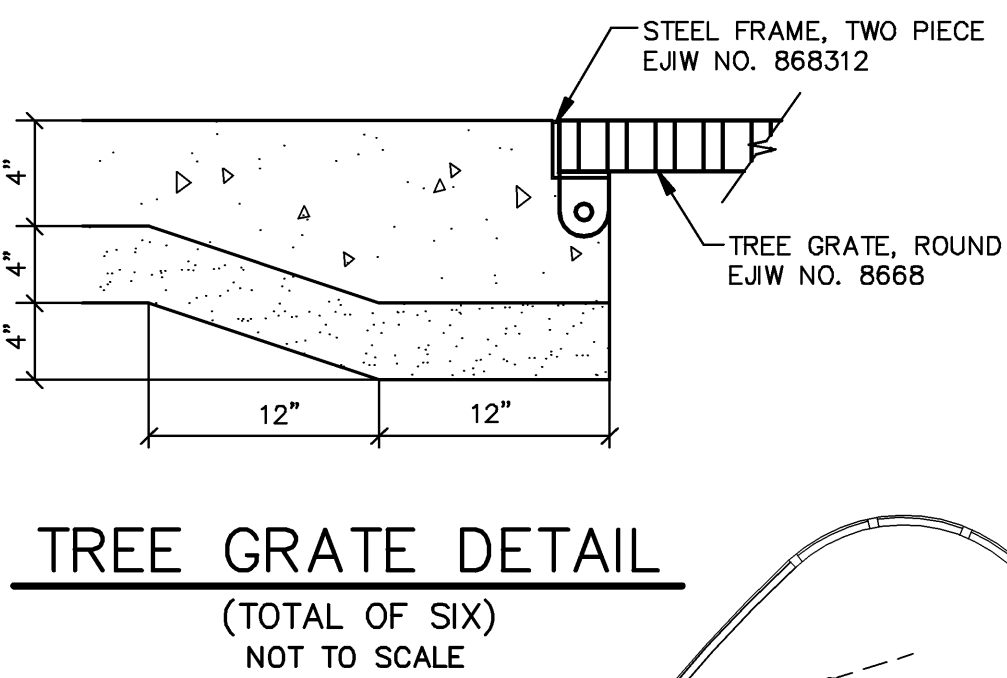
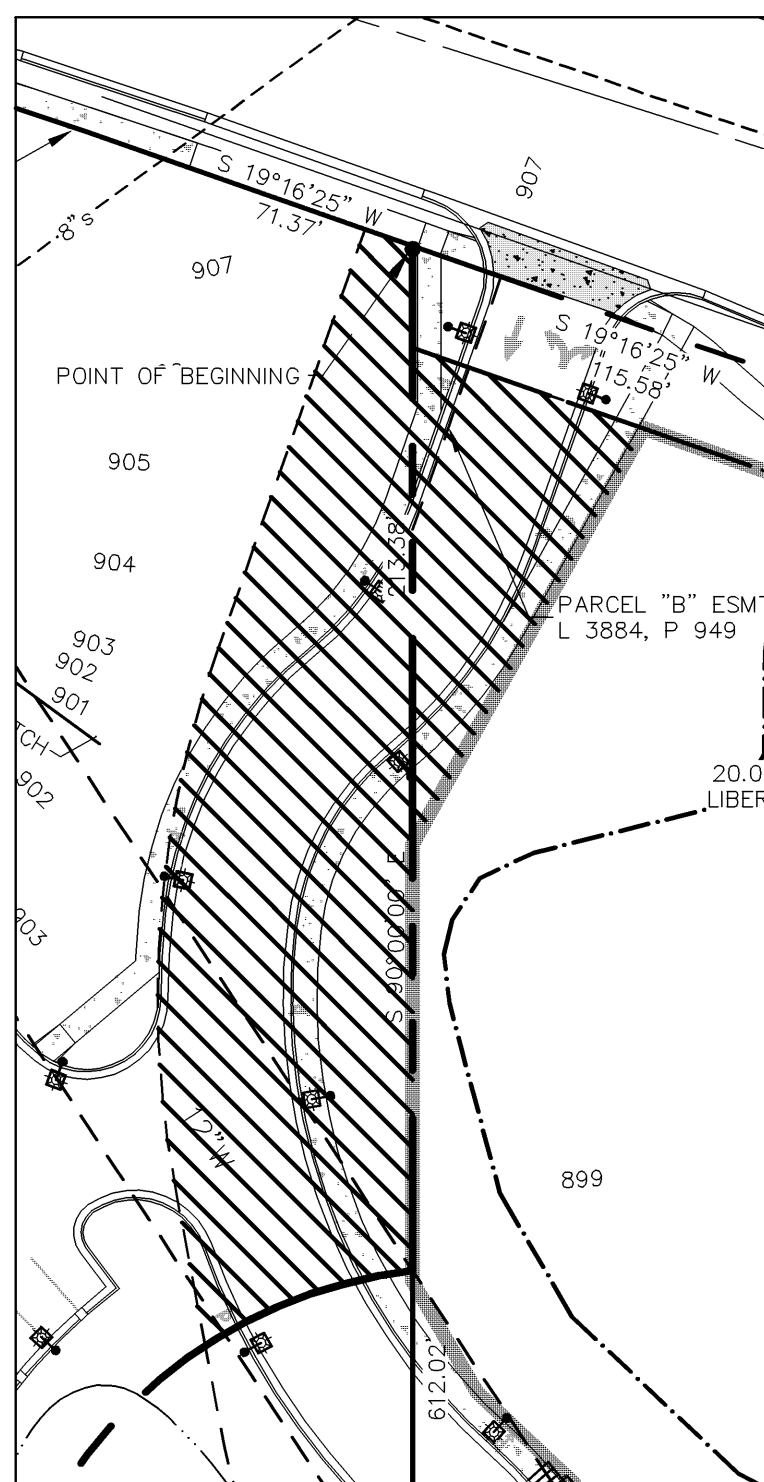
Maps available online:

<http://gisweb.ewashtenaw.org/website/mapwashtenaw/>

Copyright 2008 City of Ann Arbor, Michigan

No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.

This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.

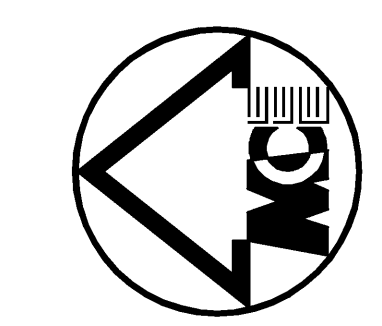
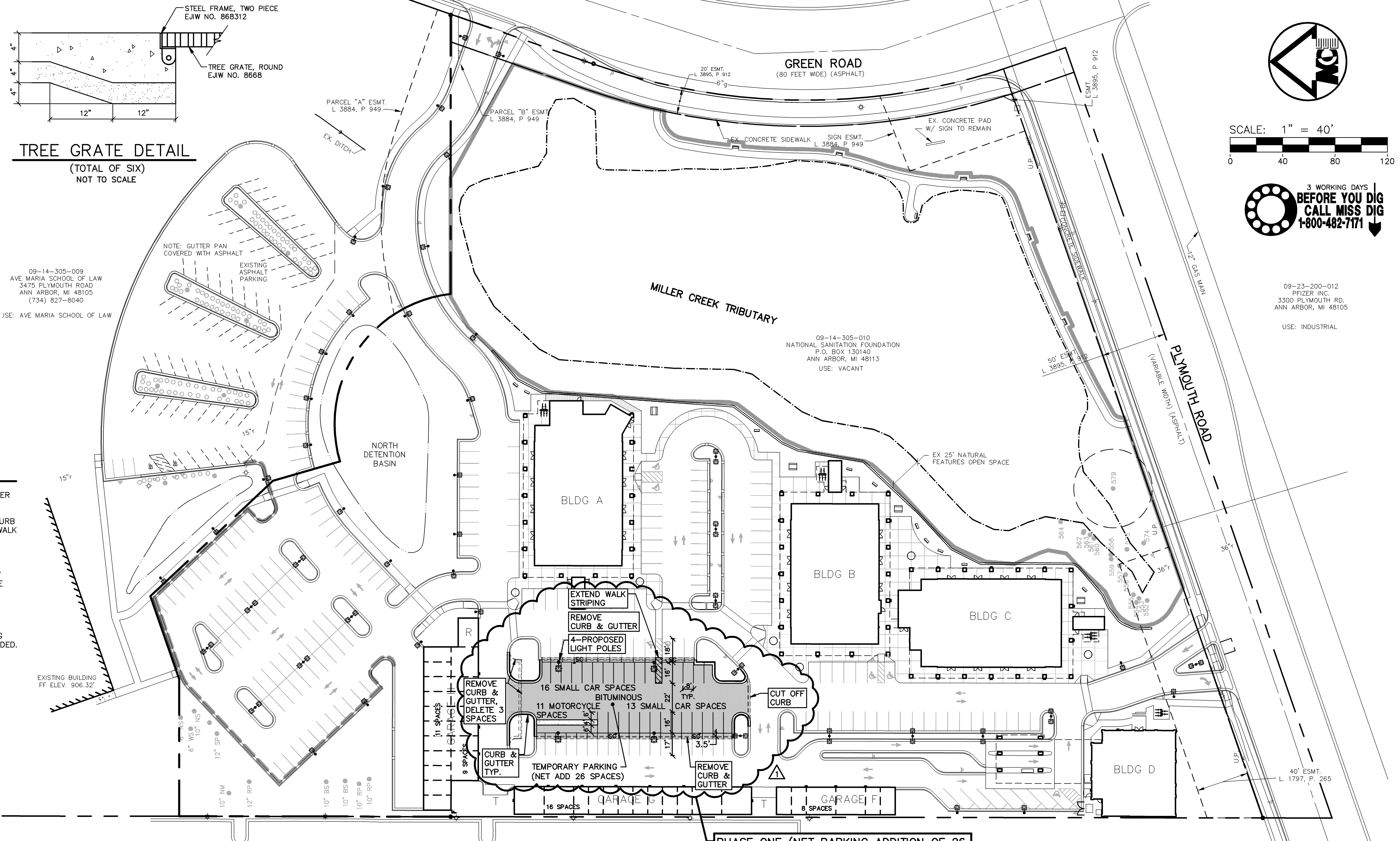


09-14-305-009
AVE MARIA SCHOOL OF LAW
3475 PLYMOUTH ROAD
ANN ARBOR, MI 48105
(734) 827-8040
JSE: AVE MARIA SCHOOL OF LAW

DRIVEWAY EASEMENT

NOTES

1. ALL WORK WITHIN PUBLIC ROAD R.O.W. TO BE PER CITY STANDARDS.
2. ALL DIMENSIONS ARE TO BACK OF CURB FOR CURB & GUTTER AND FACE OF CURB FOR INTEGRAL WALK & CURB, UNLESS OTHERWISE NOTED.
3. ALL RADII ARE 5' UNLESS OTHERWISE NOTED.
4. ALL WALKS WITHIN THE PUBLIC RIGHTS-OF-WAY ARE TO MEET ADA AND MICHIGAN BARRIER FREE STANDARDS. SEE DETAILS ON SHEET C16.
5. ALL ON-SITE LIGHTING IS TO BE INSTALLED & MAINTAINED BY THE PROPERTY OWNERS.
6. A CONSERVATION EASEMENT OVER THE EXISTING AND PROPOSED WETLAND AREA IS TO BE PROVIDED.
7. ALL PROPOSED BUILDINGS ARE PARALLEL AND PERPENDICULAR TO THE WEST PROPERTY LINE.



SCALE: 1" = 40'
0 40 80 120



09-23-200-012
PFIZER INC.
3300 PLYMOUTH RD.
ANN ARBOR, MI 48105
USE: INDUSTRIAL

MIDWESTERN CONSULTING
Civil, Environmental and Transportation Engineers
Planners, Surveyors
Landscape Architects
3815 Plaza Drive
Ann Arbor, Michigan 48108
Phone: 734.995.0200
Fax: 734.995.0599

CLIENT
GATEWAY ANN ARBOR, LLC.
157 E. HOOVER
ANN ARBOR, MI 48105
(734) 768-2700

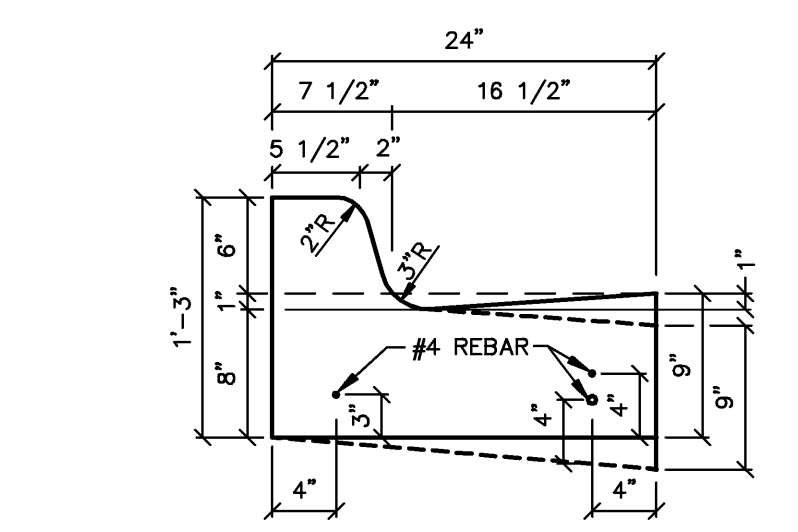
PLYMOUTH GREEN CROSSINGS
AMENDED PUD SITE PLAN
DIMENSIONAL SITE PLAN

2

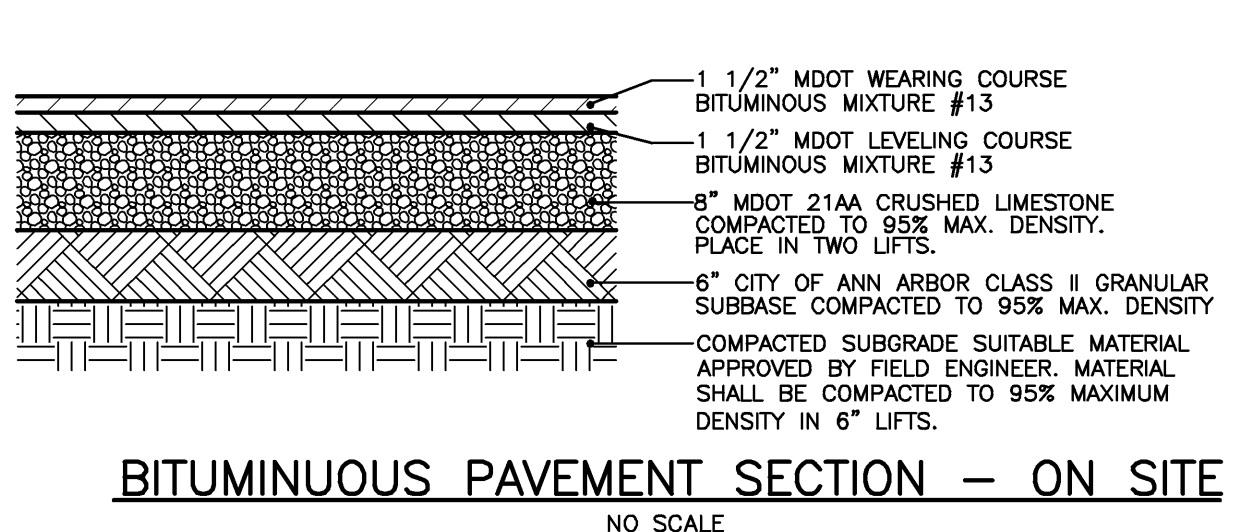
DATE: 2-20-08	ISSUE DATE
SHEET: 2 OF 8	ISSUE DATE
CADD: TDA, DMG	ISSUE DATE
ENG: JAF	ISSUE DATE
TECH: EFO	ISSUE DATE
09-AMEND/050/OSPL	ISSUE DATE
FFB	ISSUE DATE

LEGEND

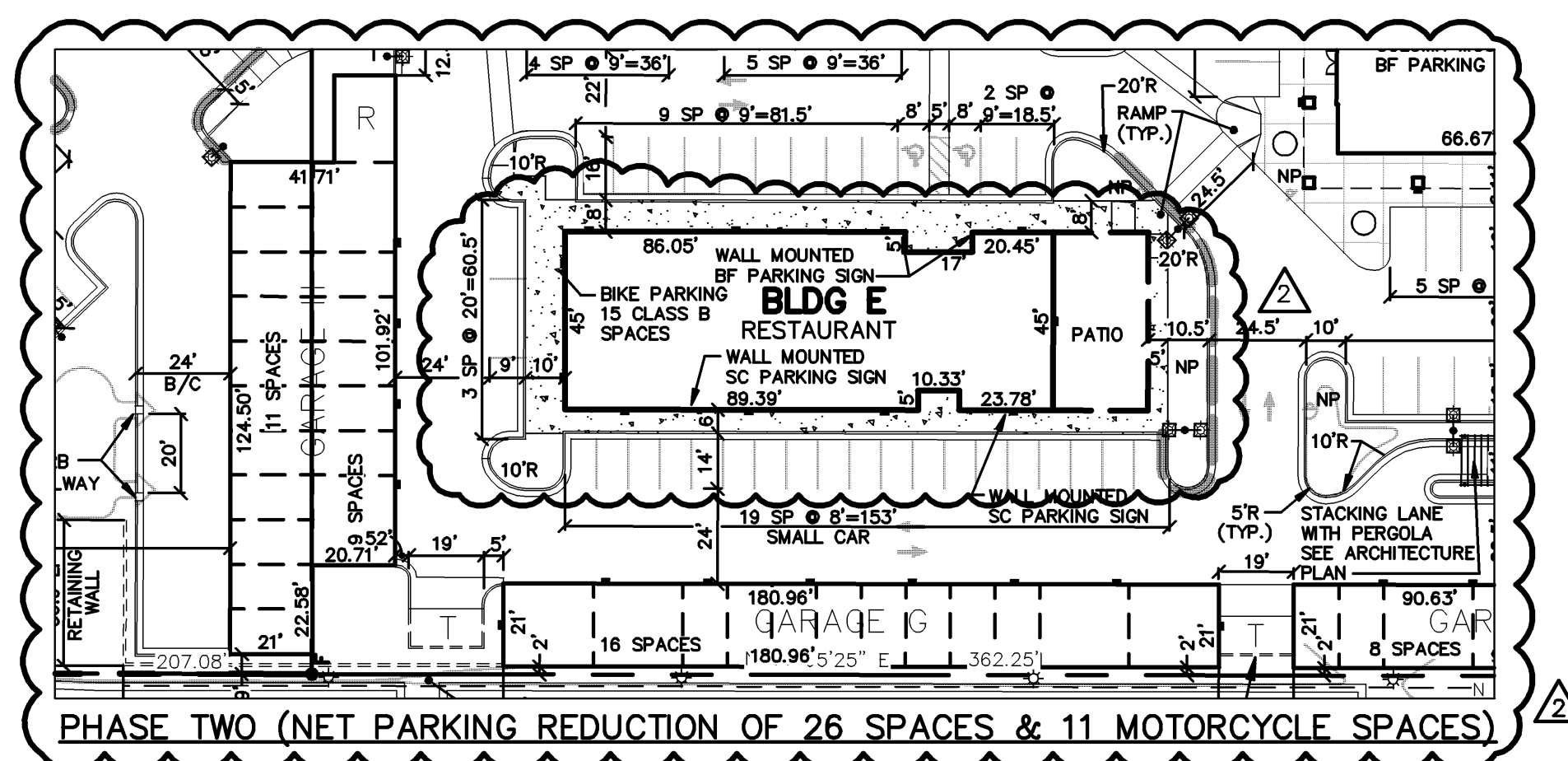
- SINGLE TREE SIGN
- ▬ CURB & GUTTER, SPILL IN
- ▬ BF NO PARKING SIGN
- ▬ NP NO PARKING SIGN
- ▬ FL/NP FIRE LANE/NO PARKING SIGN
- ▬ SC SMALL CAR PARKING
- ▬ RAMP
- TRAFFIC FLOW DIRECTION
- ⊙ EXIST. POLE MOUNTED STREET LIGHT
- ⊙ EXIST. POLE MOUNTED LIGHT - SINGLE
- ⊙ EXIST. POLE MOUNTED LIGHT - DOUBLE
- ⊙ EXIST. BUILDING MOUNTED LIGHT
- T TRASH AREA
- BITUMINOUS PAVEMENT
- CONCRETE PAVEMENT



24" STANDARD CURB & GUTTER
24" STANDARD CURB W/SPILLOUT GUTTER



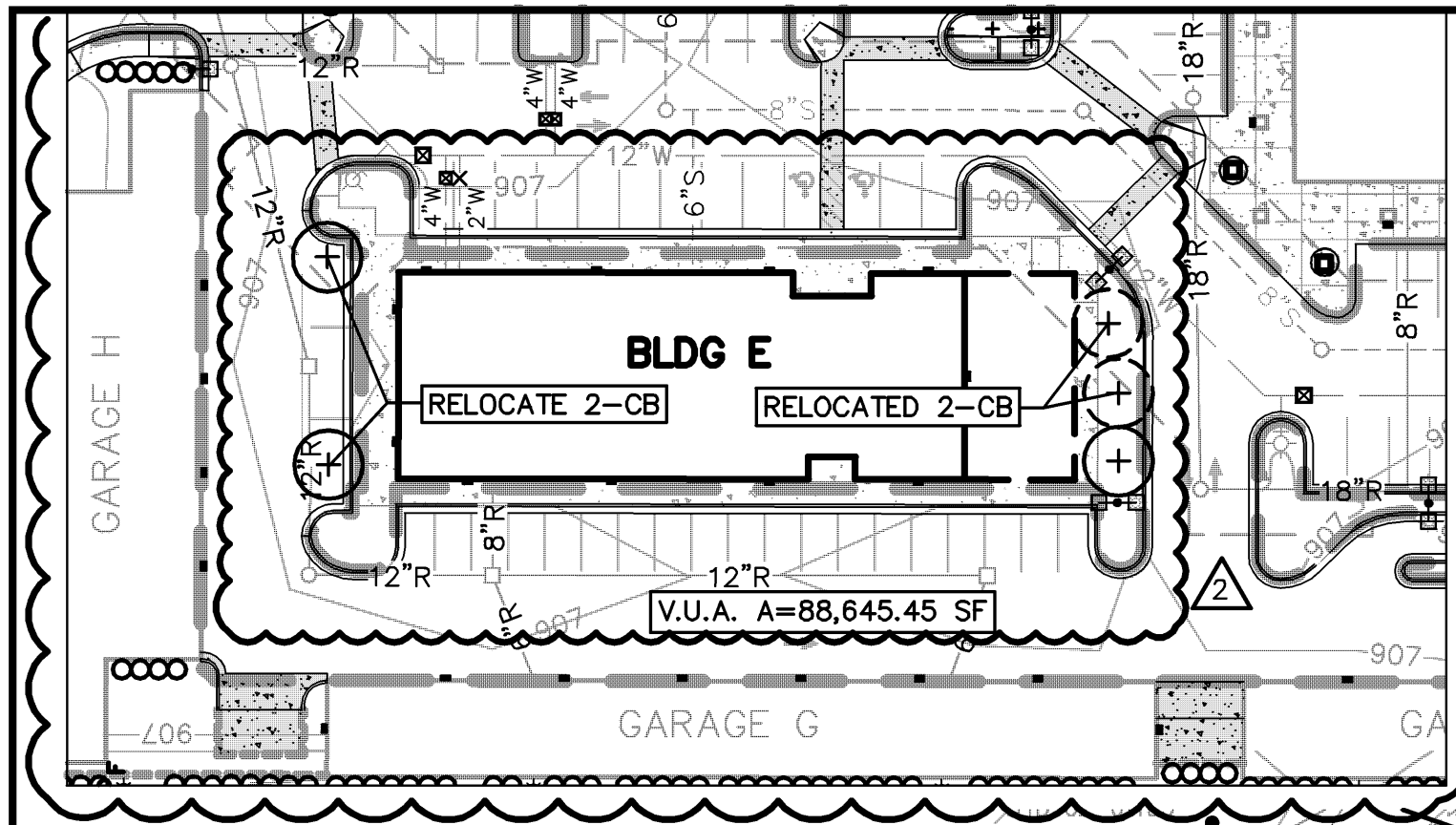
BITUMINOUS PAVEMENT SECTION - ON SITE
NO SCALE



PHASE TWO (NET PARKING REDUCTION OF 26 SPACES & 11 MOTORCYCLE SPACES)

PHASE 2-FUTURE BUILDING 10-15-09
PHASE 1-TEMPORARY PARKING 10-15-09

JOB No. **05010**
ISSUED FOR:



LANDSCAPE DATA (parking amendment) BASED ON PHASE ONE V.U.A.

Interior Landscaping

(a) Vehicular Use Area: 96,435 sq ft

Interior Island: 0.87% of vehicular use area = 6,461 sq ft
 Provided: 0.89% = 8,620 sq ft
 Trees Required: 1/250 sq ft = 6,481 sq ft / 250 = 26 trees
 Trees Provided: 32 trees plus 1 existing landmark tree.

Right-of-Way Screening (along Green Road): N/A
 Right-of-Way Screening (along Plymouth Road): N/A

Landmark Tree Replacement:
 One (1) existing landmark tree (26" Hickory) to be replaced
 Required: 50% of total caliper = 13 inches
 Provided: thirteen (13) 1-inch trees in wetland buffer

Street Trees:
 Owner to provide street tree easement:
 Green Road: 436 LF frontage x \$1.30 = \$ 566.80
 Plymouth Road: 606 LF frontage x \$1.30 = \$ 787.80
 Total: \$1,354.60

- LANDSCAPE NOTES**
- All landscaping shall be installed and maintained in accordance with City of Ann Arbor standards and in accordance with current industry standards in a neat, healthy and weed free condition. Diseased, damaged or dead plant material is to be replaced within one (1) growing season in accordance with City regulations.
 - All disturbed unpaved areas are to be spread with a minimum of four (4) inches of screened topsoil and sodded with MDOT Class A sod. Seeding or hydro-seed may be substituted at the Owner's discretion with Class A seed.
 - The landscape contractor shall be responsible for verification of all underground and overhead utilities. Plant material is to be located such that it will not interfere with any underground or overhead utilities.
 - All required landscape areas shall be provided with a readily available water supply.
 - Any plant substitutions shall have prior City approval.
 - For any discrepancy(ies) with the plan and plant list, the number of symbols on the plan shall take precedence.
 - Canopy and evergreen trees are to be planted a minimum of 15 ft on center.
 - Disturbance of the wetland/natural features buffer is in the public's best interest, as follows:
 - The buffer is an existing mowed lawn area that does little to enhance the wetland or provide cover for wildlife, and contributes to pollution from the use of lawn chemicals.
 - Proposed plantings will increase the diversity of habitats and plant species, and will provide an effective filter for contaminants.
 - The MDEQ has requested that storm outlets and riprap be extended into the wetland and that the upland area east of the wetland be graded to expand the flood storage volume within Miller's Creek.

PLANT SCHEDULE

QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	SPECIFICATION	NOTES
Trees						
21	AR	Acer rubrum 'Red Sunset'	Red Sunset Red Maple	2-1/2" cal	B&B	
3	AR-1	Acer rubrum	Red Maple	1" cal	cont. bare root or B&B	
3	CB	Carpinus betulus	European Hornbeam	2-1/2" cal	B&B	
20	CO	Celtis occidentalis	Hackberry	2-1/2" cal	B&B	
25	GT	Gleditsia triacanthos 'Skyline'	Skyline Locust	2-1/2" cal	B&B	
15	PL-1	Platanus x acerifolia	London Planetree	1" cal	cont. bare root or B&B	
13	QP-1	Quercus palustris	Pin Oak	1" cal	cont. bare root or B&B	
3	TA	Tilia americana 'Redmond'	Redmond's American Linden	2-1/2" cal	B&B	
3	ZE	Zelkova serrata	Zelkova	2-1/2" cal	B&B, 15' o.c.	
12	PG	Picea glauca	White Spruce	6' hgt	B&B, 15' o.c.	
5	PS	Pinus strobus	White Pine	6' hgt	B&B	
12	PM	Pseudotsuga menziesii	Douglas Fir	6' hgt	B&B, 15' o.c.	
Shrubs						
28	AM	Aronia melanocarpa	Black Chokeberry	2-3' hgt	cont. or bare root	
14	CA	Clethra alnifolia	Summersweet	2' hgt	cont. or bare root	
14	CR	Cornus sibirica 'Rusby'	Rusby Siberian Dogwood	3' hgt	B&B	
50	IM	Ilex verticillata 'Winter Red'	Winter Red Winterberry	18" hgt	container	Female
9	IM	Ilex verticillata 'Winter Red'	Winter Red Winterberry	18" hgt	container	Male
13	SK	Syringa p. 'Miss Kim'	Miss Kim Lilac	2' hgt	B&B	
13	VA	Viburnum acerifolium	Magee's Viburnum	30" hgt	cont. or bare root	
51	VD	Viburnum dentatum	Arrowwood viburnum	30" hgt	cont. or bare root	
9	JM	Juniperus s. 'Moffat'	Moffat's Blue Juniper	2' hgt	B&B	
17	TT	Thuja o. 'Teddy'	Mission Arborvitae	5' hgt	B&B	
Vines						
22	PQ	Parthenocissus quinquefolia	Virginia Creeper	6' cont.	20' o.c.	

Bold revised locations from original construction plans

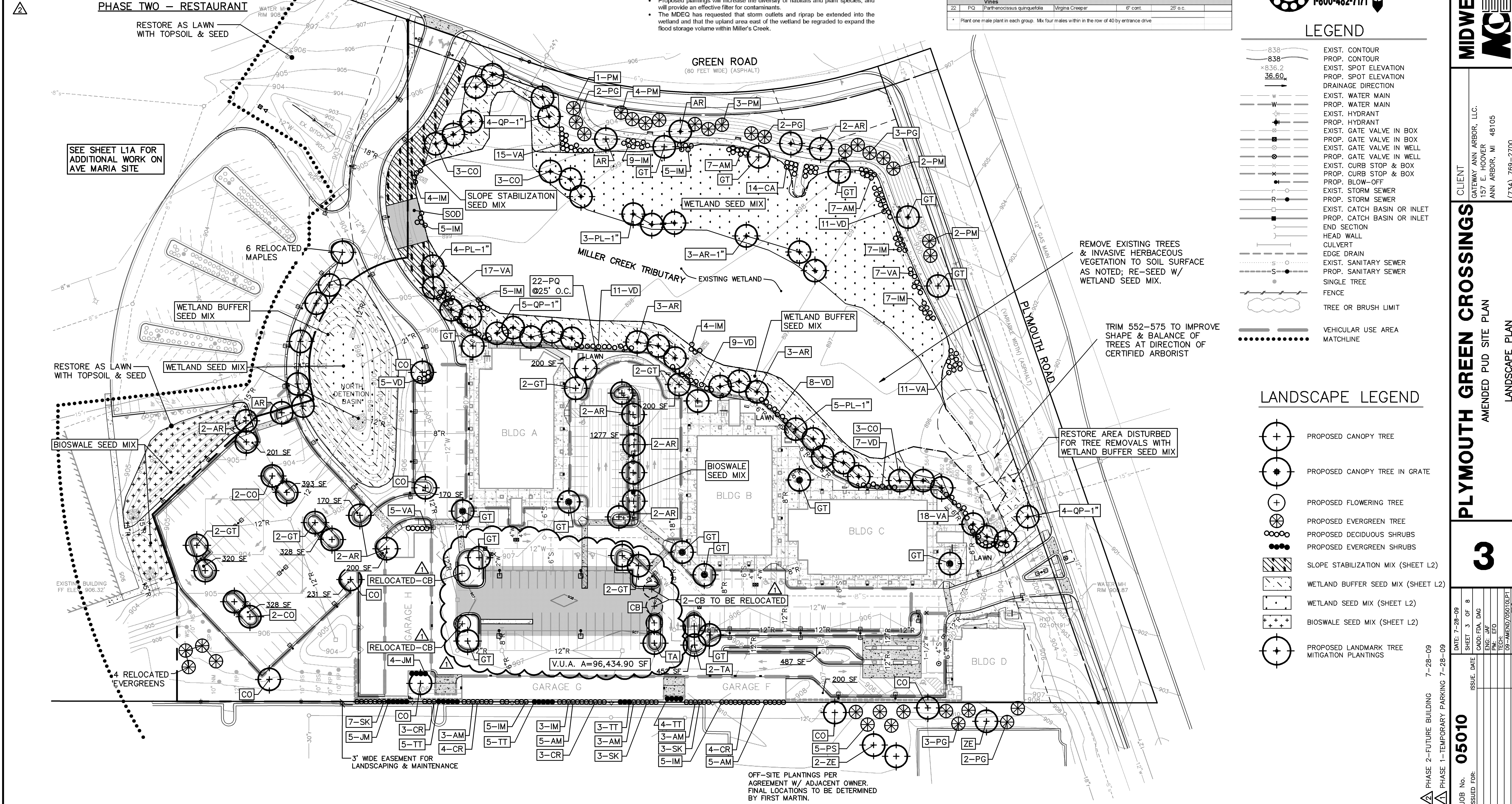
* Plant one male plant in each group. Mix four males within in the row of 40 by entrance drive

SCALE: 1" = 40'

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

LEGEND

- 838 EXIST. CONTOUR
- 838 PROP. CONTOUR
- x836.2 EXIST. SPOT ELEVATION
- 36.60 PROP. SPOT ELEVATION
- DRAINAGE DIRECTION
- W EXIST. WATER MAIN
- W PROP. WATER MAIN
- EXIST. HYDRANT
- PROP. HYDRANT
- EXIST. GATE VALVE IN BOX
- PROP. GATE VALVE IN BOX
- EXIST. GATE VALVE IN WELL
- PROP. GATE VALVE IN WELL
- EXIST. CURB STOP & BOX
- PROP. CURB STOP & BOX
- PROP. BLOW-OFF
- EXIST. STORM SEWER
- PROP. STORM SEWER
- EXIST. CATCH BASIN OR INLET
- PROP. CATCH BASIN OR INLET
- END SECTION
- HEAD WALL
- CULVERT
- EDGE DRAIN
- EXIST. SANITARY SEWER
- PROP. SANITARY SEWER
- SINGLE TREE
- FENCE
- TREE OR BRUSH LIMIT
- VEHICULAR USE AREA
- MATCHLINE



LANDSCAPE LEGEND

- PROPOSED CANOPY TREE
- PROPOSED CANOPY TREE IN GRATE
- PROPOSED FLOWERING TREE
- PROPOSED EVERGREEN TREE
- PROPOSED DECIDUOUS SHRUBS
- PROPOSED EVERGREEN SHRUBS
- SLOPE STABILIZATION MIX (SHEET L2)
- WETLAND BUFFER SEED MIX (SHEET L2)
- WETLAND SEED MIX (SHEET L2)
- BIOSWALE SEED MIX (SHEET L2)
- PROPOSED LANDMARK TREE
- MITIGATION PLANTINGS

MIDWESTERN CONSULTING
 Civil, Environmental and Transportation Engineers
 3815 Plaza Drive, Ann Arbor, Michigan 48108
 Phone: 734.995.0200, Fax: 734.995.0599

PLYMOUTH GREEN CROSSINGS
 AMENDED PUD SITE PLAN
 LANDSCAPE PLAN

3

DATE: 7-28-09
 SHEET: 3 OF 8
 CADD: FDM, DAG
 ENG: JAF
 ETO
 09-AMEN/050101.P1

PHASE 2 - FUTURE BUILDING 7-28-09
 PHASE 1 - TEMPORARY PARKING 7-28-09

JOB No. **05010**
 ISSUED FOR:

R:\05010\ACAD\09\Amendment\050101.P1.dwg, 03/07/2009 4:04:42 PM, DAG, D:\Size-KIP.pcs

September 22, 2009

City of Ann Arbor
Planning Department
100 N. Fifth Avenue
Ann Arbor, MI 48107-8647

Attn: Jeff Kahan

via email to jkahan@a2gov.org

Re: **Plymouth Green Crossings
Amended PUD Site Plan
Citizen Participation Report**

Dear Mr. Kahan:

The following is the Citizen Participation Report for the proposed Amended PUD Site Plan for Plymouth Green Crossings.

1. Approximately 85 postcard notices were sent out on September 4, 2009 to all addresses provided by the City for locations within 500 feet of the site.
2. Two postcards were received stamped "return to sender, vacant, unable to forward."
3. 83 postcards were apparently delivered successfully.
4. One comment was received by email regarding motorcycle parking and our response is shown below email:

To: Pat Bohland
Subject: RE: postcard
Sent: Monday, September 14, 2009 3:44 PM

It's a green effort in response to what appears to be a shift in transportation modes. Motorcycles and tri-cycles, both with and without sidecars and trailers, and motor scooters have begun to be more popular for everyday transportation. These additional spaces also encourage the residents in the units above the retail uses to have and use more efficient means of transportation. And finally, creating a defined motorcycle parking area offers a bit more protection for the motorcycles and provides a concrete surface to keep kickstands from sinking into the bituminous paving.

-----Original Message-----

From: Pat Bohland [<mailto:pblnd@med.umich.edu>]
Sent: Monday, September 14, 2009 3:14 PM
To: Earl Ophoff
Subject: postcard

Just out of curiosity - why the need for 11 motorcycle parking spaces? Are we looking at a Sports Bar or a 'green' effort of transportation?

Tks

Pat Bohland
Office Administrator
Neuropsychology Section
2101 Commonwealth Blvd. Ste C
Box 0716
Ann Arbor, MI 48105-0716

Voice: 734-764-3169
FAX: 734-936-9262

Client
Date
Page 2

Please contact us if additional information is required. Thank you for your assistance.

Respectfully submitted:
MIDWESTERN CONSULTING


Earl F. Ophoff, Project Manager

Cc: Gateway Ann Arbor LLC

FIRST AMENDMENT TO PLYMOUTH GREEN CROSSINGS PUD DEVELOPMENT
AGREEMENT

The City of Ann Arbor, a Michigan municipal corporation, with offices at 100 N. Fifth Avenue, Ann Arbor, Michigan 48107 ("City") and Gateway Ann Arbor, LLC, a Michigan limited liability company, having its offices at 157 East Hoover Street, Ann Arbor, Michigan 48104 ("Proprietor") agree to amend the Plymouth Green Crossings PUD Development Agreement executed by the parties, dated January 23, 2006, superseded by the Development Agreement dated February 4, 2008, recorded in Liber 4677, Page 652, Washtenaw County Records, regarding the land now known as Plymouth Green Crossings Condominium, as described in the attached Exhibit A, as follows:

1. Paragraph (P-27) is amended to read as follows:

THE PROPRIETOR(S) HEREBY AGREE(S)

(P-27):

- a) To pay to the CITY an affordable housing contribution of \$315,000 (based on 35 total residential units) to be deposited in the City of Ann Arbor Affordable Housing Trust Fund in the following manner:
 - 1) Pay a minimum of \$15,000 to the CITY on or before June 15, 2010;
 - 2) Pay a minimum of an additional \$15,000 to the CITY on or before June 15, 2011;
 - 3) Pay the balance of the total affordable housing contribution owed to the CITY by December 31, 2012. (The City hereby acknowledges prior receipt of \$60,000, bringing the total affordable housing contribution currently owed to the CITY to \$255,000.)
- b) That any amount unpaid to the CITY by the date due may be assessed against each residential condominium unit of a portion of the Property described below in a pro rata share consistent with the percentage of value of each residential unit provided in the master deed for the condominium. (If any of the residential units are not constructed at the time of assessment then the pro rata share of each residential unit shall be proportionally increased to account for 100% of the total amount due.)
- c) That the assessment shall be made and collected by the CITY in accordance with the City's ordinance regarding single lot assessment, currently codified in Chapter 13, Section 1:292 of Ann Arbor City Code, as if the amount due is an assessable expense under the ordinance.
- d) That for the purpose of section P-27, the Property subject to assessment is the Lofts at Plymouth Green Crossings, a condominium, according to the Amended Master Deed thereof, as recorded in Liber 4659, Page 731, Washtenaw County Records, designated as Washtenaw County Condominium Subdivision Plan No. 565, together with the rights in

- e) That if the Lofts at Plymouth Green Crossings Condominium is terminated, then the entire amount shall be assessable against Unit 2 of Plymouth Green Crossings Condominium. Proprietor also agrees that if Plymouth Green Crossings Condominium and Lofts at Plymouth Green Crossings Condominium are terminated, then the entire amount shall be assessable against the land described in Exhibit A.
- f) To provide a copy of this Amendment to any potential purchaser of a residential condominium unit on the Property at least five days prior to the date of sale. PROPRIETOR further agrees to pay to the CITY at the time of sale and from the proceeds of sale the pro rata share of the affordable housing contribution for any residential condominium unit sold.
- g) And acknowledges that failure to meet any of the terms of section P-27 shall be a violation of the underlying PUD zoning and may be enforced by the City of Ann Arbor as such a violation.
- h) PROPRIETOR warrants and represents that it is duly organized, validly existing, and in good standing under the laws of the State of Michigan, and that it has all the requisite power and authority to bind the PROPRIETOR, as well as any condominium developer and condominium association identified under the condominium master deeds or bylaws of Plymouth Green Crossings Condominium or Lofts at Plymouth Green Crossings Condominium. PROPRIETOR further warrants and represents that it will execute any and all documents and take any and all such further actions that may be required to establish or implement this Amendment.

2. Paragraph (C-5) is amended to read as follows:

THE CITY HEREBY AGREES:

- i) That if the City approves phasing of the Plymouth Green Crossings PUD development, to reduce the affordable housing contribution to the amount required for the constructed phases of the development in the Plymouth Green Crossings PUD Zoning District, as approved by City Council on January 23, 2006. (If the City approves phasing of the Plymouth Green Crossings PUD, the PROPRIETOR agrees to make partial payment of the total affordable housing contribution for any future phase in a prorated amount for each residential unit prior to PROPRIETOR requesting or being issued a Certificate of Occupancy for each residential unit in the phase.)

3. Exhibit A is incorporated herein by reference.

All terms, conditions, and provisions of the original agreement between the parties executed February 4, 2008, 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 _____, 2010.

For City of Ann Arbor

By _____
John Heiftje, Mayor

By _____
Jacqueline Beaudry, City Clerk

Approved as to form and content

Stephen K. Postema, City Attorney

Approved as to substance

Roger W. Fraser, City Administrator

Service Area Administrator Name

**For Proprietor
Gateway Ann Arbor, LLC**

By _____
David Kwan, Managing Member

DRAFTED BY AND AFTER RECORDING RETURN TO:
Kevin S. McDonald (P-61761)
City of Ann Arbor, Office of the City Attorney
100 N. Fifth Avenue
PO Box 8647
Ann Arbor, MI 48107

Exhibit A

Land Description:

Commencing at the center of Section 14, Town 2 S, Range 6 E, City of Ann Arbor, Washtenaw County, Michigan; thence S 00°05'25 W 667.92 feet along the N and S 1/4 line of said Section 14; thence N 89°54'35 W 40.00 feet to a point on the Westerly right-of-way line of Green Road; thence along the said right-of-way line in the following courses: Southerly 46.90 feet along the arc of a 490.00 foot radius circular curve to the left through a central angle of 05°29'00 having a chord which bears S 02°39'05 E 46.88 feet S 05°23'35" E 353.86 feet Southerly 271.22 feet along the arc of a 630.00 foot radius circular curve to the right through a central angle of 24°40'00 having a chord which bears S 06°56'25" W 269.13 feet and S 19°16'25 W 71.37 feet for a POINT OF BEGINNING; thence continuing S 19°16'25" W 115.58 feet; thence Southerly 328.12 feet along the arc of a 490.00 foot radius circular curve to the left through a central angle of 38°20'02 having a chord which bears S 00°05'24 W 322.02 feet; thence S 19°05'35" E 40.00 feet; thence S 70°54'25 W 621.71 feet along the centerline of Plymouth Road to a point of the East line of Plymouth Professional Park, a subdivision of part of the W 1/2 of Section 14, Town 2 S, Range 6 E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 23 of Plats, Pages 30 through 32 inclusive, Washtenaw County Records; thence N 00°05'25 E 879.37 feet along the east line of said subdivision; thence N 90°00'00 E 104.51 feet; thence N 70°52'36" E 66.95 feet; thence S 43°18'07 E 128.36 feet; thence S 16°10'32" E 53.27 feet; thence Southeasterly 174.32 feet along the arc of a 100.00 foot radius circular curve to the right, through a central angle of 99°52'47 having a chord which bears S 56°31'20" E 153.07 feet; thence S 90°00'00 E 213.38 feet to the POINT OF BEGINNING being a part of the E 1/2 of the SW 1/4 of Section 14, Town 2 S, Range 6 E, City of Ann Arbor, Washtenaw County, Michigan. Containing 8.90 acres of land, more or less. Subject to easements and restrictions of record, if any.

Now known as:

Plymouth Green Crossings, a condominium, according to the Amended Master Deed thereof, as recorded in Liber 4657, Page 858, Washtenaw County Records, designated as Washtenaw County Condominium Subdivision Plan No. 524, together with the rights in general and common elements and limited common elements, as set forth in the Amended Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Tax ID #: 09-09-14-305-013
09-09-14-305-014
09-09-14-305-015
09-09-14-305-016