

**STATE OF MICHIGAN
WASHTENAW COUNTY TRIAL COURT**

ANN ARBOR CENTRAL PARK
BALLOT COMMITTEE

Case No. 18-816 CZ

Plaintiff,
v.

Hon. David S. Swartz,
Circuit Judge

CITY OF ANN ARBOR and ANN ARBOR
CITY CLERK JACQUELINE BEAUDRY,

Defendants.

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STIPULATION FOR ENTRY OF ORDER GRANTING PERMANENT INJUNCTION

The parties, by and through their respective counsel, stipulate as follows:

1. The amended complaint in this action concerns whether Defendants may sell certain development rights over the “Library Lot,” as that property has been described in said complaint, pursuant to a purported contract (that purported contract being the “Contract”).
2. On November 6, 2018, voters in the City of Ann Arbor approved an amendment to the City Charter (“Proposal A”) that requires that, among other things, the Library Lot remain in City ownership in perpetuity.

3. In its amended complaint, Plaintiff claims that Proposal A” prevents the City from selling the development rights to the Library Lot pursuant to the Contract, and seeks an injunction to that effect.

4. On December 31, 2018, Ann Arbor City Administrator Howard Lazarus sent a letter to the buyer under the Contract stating that he was invoking its Section 18 to terminate the Contract and that the City would not proceed with selling the development rights to the Library Lot pursuant to the Contract.

5. In particular, Mr. Lazarus’ letter explains that Proposal A’s passage and “related litigation are conditions that prevent or impair the closing of the Library Lot transaction and relieve the City of any obligation to close.”

6. Because the parties agree that Proposal A prevents the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the Contract, they hereby stipulate to the entry of the attached order permanently enjoining the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the Contract.

Thomas F. Wieder (P33228)
Attorney for Plaintiffs

Stephen K. Postema (P38871)
Attorney for Defendant

ORDER GRANTING PERMANENT INJUNCTION

At a session of said Court
held in the City of Ann Arbor,
County of Washtenaw, State of Michigan
this ____ day of _____, 2019.

HON. DAVID S. SWARTZ
Circuit Judge, presiding.

Based on the parties' Stipulation for Entry of Order Granting Permanent Injunction, and the Court being otherwise advised in the premises:

IT IS HEREBY ORDERED that Defendant City of Ann Arbor is permanently enjoined from selling the development rights to the Library Lot, as described in the amended complaint, pursuant to any purported contract between the City and Core Spaces, LLC or Core Spaces Ann Arbor Fifth LLC.

THIS IS THE FINAL ORDER THAT RESOLVES ALL CLAIMS AND CLOSES THE CASE.

Hon. David S. Swartz
Circuit Judge

Order Prepared By:

Approved as to Form and Content:

Thomas F. Wieder (P33228)
Attorney for Plaintiffs

Stephen K. Postema (P38871)
Attorney for Defendants

Dated: _____

Dated: _____