



FIRST AMENDMENT TO 841 BROADWAY DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this 28th day of April, 2023, by and between the City of Ann Arbor, a Michigan municipal corporation, with principal address at 301 East Huron Street, Ann Arbor, Michigan 48107, hereinafter called the CITY; and Lower Town Partners LLC, a Michigan limited liability company, with principal address at 1117 Griswold, Suite 1416, Detroit, MI 48226, hereinafter called the DEVELOPER, amends the development agreement between the City and the DEVELOPER dated April 28, 2023, and recorded in Liber 5519, Page 898, Washtenaw County Records ("Development Agreement") regarding certain land in the City of Ann Arbor, more particularly described in Exhibit A.

WHEREAS, the DEVELOPER has received site plan approval for certain land in the City of Ann Arbor, commonly known as 841 Broadway;

WHEREAS, the DEVELOPER requests amendment to the Development Agreement to allow the construction of affordable housing units on-site;

WHEREAS, the DEVELOPER requests amendment to the Development Agreement to allow the construction of all required infrastructure improvements by the Developer;

Therefore, the CITY and the DEVELOPER agree to the following:

Paragraph P-20 from the Development Agreement shall be replaced with the following:

(P-20) Prior to the issuance of any grading or building permits for the Site Plan, for the benefit of the Property and in order to comply with Ann Arbor City Code requirements for site access and traffic impacts of the Project on nearby roads, to enter into an agreement with the CITY detailing specific public improvements ("Traffic Mitigation Improvements") to be made in order to mitigate access and traffic impacts of the development. The Traffic Mitigation Improvements as shown on the Site Plan, as further detailed in that certain final report of ROWE Professional Services Company dated as of July 7, 2020. and as shall be further specified in civil construction plans consistent therewith, and shall include: 1)The addition of a left-turn lane on Broadway Street for entry to the Project, including but not limited to, construction of an access lane, a drive opening



Type M, retaining wall, and relocated pedestrian parapet wall; 2) A signalized site access intersection including, but not limited to, control signals and crosswalks; and 3) Access for emergency vehicles from the south side of Broadway Street, including but not limited to, a drive opening Type L, widening of existing sidewalk, and segmented retaining wall. All Traffic Mitigation Improvements shall be constructed consistent with all applicable laws and standards, and shall include all work necessary to restore impacted intersections, streets, bridges, sidewalks, and other public infrastructure. The final design and civil construction drawings for the foregoing Traffic Mitigation Improvements 1 and 3 shall be completed by the DEVELOPER subject to review and approval by the CITY, and the Improvements shall be constructed by the DEVELOPER. The final design and civil construction drawings for Traffic Mitigation Improvement 2 shall be completed by the CITY and shall be constructed by the DEVELOPER in accordance with such plans. All design, review and construction costs for the Traffic Mitigation Improvements shall be paid for by the DEVELOPER, and payment to CITY shall be made prior to the request for and issuance of any first certificate of occupancy for the Project, although Traffic Mitigation Improvements may be accepted at a later time as determined by the City Public Services Area.

Paragraph P-28 from the Development Agreement shall be replaced with the following:

(P-28) Prior to the issuance of the first certificate of occupancy, to pay to the CITY an affordable housing contribution of \$2,057,350 to be deposited in the City of Ann Arbor Affordable Housing Fund in compliance with the applicable PUD Ordinance Standards of July 2019 and the approved Supplemental Regulations for this Property, unless prior to the issuance of such certificate of occupancy the CITY and DEVELOPER have agreed-upon a plan for DEVELOPER constructing at least 15% of total Project Units as Affordable Housing for Low Income Households as defined in the Code and in compliance with the PUD Zoning and Site Plan.

(Signatures on the following pages)

CITY

By: [Signature]
Christopher Taylor, Mayor

By: [Signature]
Jacqueline Beaudry, City Clerk

STATE OF MICHIGAN)
County of Washtenaw) ss

This instrument was acknowledged before me this 28th day of April, 2023, by Christopher Taylor and Jacqueline Beaudry, Mayor and City Clerk respectively of the City of Ann Arbor.



[Signature]
MICHELE YANGA

NOTARY PUBLIC Livingston
County of ~~Washtenaw~~, State of Michigan
Acting in the County of Washtenaw
My Commission Expires: 6-4-24

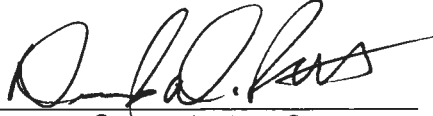
Approved as to Substance:

[Signature]
Milton Dohoney Jr., City Administrator

Approved as to Form:

[Signature]
Atleen Kaur, City Attorney

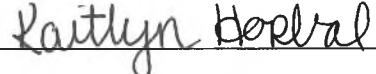
DEVELOPER

By: 
Name: David Di Rita
Title: Member

STATE OF MICHIGAN)
County of Washtenaw) ss

This instrument was acknowledged before me this 17 day of March, 2023 by David Di Rita, Member of Lower Town Partners, LLC, a Michigan limited liability company, on behalf of the company.

Kaitlyn Horbal
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires September 23, 2028
Acting in the County of Washtenaw


NOTARY PUBLIC
County of Wayne, State of Michigan
Acting in the County of Washtenaw
My Commission Expires: September 23, 2028

DRAFTED BY AND AFTER RECORDING RETURN TO:

✓ Ann Arbor Planning & Development Services
ATTN: Brett Lenart
Post Office Box 8647
Ann Arbor, Michigan 48107
(734) 794-6265

Exhibit A

Land Description:

City of Ann Arbor, Washtenaw County, Michigan

PART OF BLOCK 14, ALL OF BLOCKS 15, 20, 21, 22 AND 23 AND VACATED FOURTH STREET, VACATED FIFTH STREET, VACATED HOTEL ALLEY, VACATED RAILROAD STREET AND VACATED RIVER STREET OF ORMSBY & PAGE'S ADDITION TO THE VILLAGE (NOW CITY) OF ANN ARBOR, BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 20 AND THE SOUTHWEST 1/4 OF SECTION 21, TOWN 2 SOUTH, RANGE 6 EAST, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN AS RECORDED IN LIBER M OF DEEDS, PAGE 191, WASHTENAW COUNTY RECORDS EXCEPT LAND CONVEYED TO THE MICHIGAN CENTRAL RAILROAD COMPANY AS RECORDED IN LIBER 86 OF DEEDS, PAGE 105 AND IN LIBER 450, PAGE 79, WASHTENAW COUNTY RECORDS AND THE LAND BETWEEN THE HURON RIVER (AS PLATTED) AND THE WATER'S EDGE OF THE EXISTING HURON RIVER, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 14, THENCE SOUTH 20 DEGREES 01 MINUTES 45 SECONDS EAST ALONG THE NORTH LINE OF MICHIGAN CENTRAL RAILROAD, 106.00 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK 14; THENCE SOUTH 24 DEGREES 55 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE OF MICHIGAN CENTRAL RAILROAD, 99.00 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF SAID BLOCK 14; THENCE SOUTH 29 DEGREES 38 MINUTES 55 SECONDS EAST, 18.61 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE MICHIGAN CENTRAL RAILROAD AND THE SOUTHERLY FACE OF A STEEL SEAWALL, AS EXTENDED, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 60 DEGREES 54 MINUTES 09 SECONDS EAST ALONG SAID SOUTHERLY FACE OF A STEEL SEAWALL, 24.79 FEET; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID THE SOUTHERLY FACE: 1) 89.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, RADIUS OF 269.37 FEET, CENTRAL ANGLE OF 19 DEGREES 08 MINUTES 09 SECONDS, CHORD BEARING NORTH 71 DEGREES 46 MINUTES 28 SECONDS EAST, 89.55 FEET AND 2) SOUTH 69 DEGREES 37 MINUTES 45 SECONDS EAST, 11.66 FEET TO THE END OF SAID SEAWALL, ALSO BEING POINT 'A'; THENCE SOUTHEASTERLY ALONG THE WATER'S EDGE OF RELOCATED HURON RIVER 1540 FEET, PLUS OR MINUS, TO A POINT ON THE WEST LINE OF BROADWAY STREET (98 FEET WIDE); THENCE SOUTH 56 DEGREES 30 MINUTES 00 SECONDS WEST ALONG SAID WEST LINE OF BROADWAY STREET, 22.00 FEET, PLUS OR MINUS, TO A POINT BEING SOUTH 69 DEGREES 37 MINUTES 45 SECONDS EAST, 107.27 FEET AND NORTH 72 DEGREES 18 MINUTES 19 SECONDS EAST, 175.00 FEET AND SOUTH 84 DEGREES 12 MINUTES 49 SECONDS EAST, 310.00 FEET AND SOUTH 67 DEGREES 40 MINUTES 35 SECONDS EAST, 400.00 FEET AND SOUTH 50 DEGREES 11 MINUTES 00 SECONDS EAST, 435.00 FEET AND SOUTH 19 DEGREES 36 MINUTES 25 SECONDS EAST, 84.50 FEET FROM SAID POINT 'A'; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 56 DEGREES 30 MINUTES 00 SECONDS WEST, 127.54 FEET; THENCE THE FOLLOWING (13) THIRTEEN COURSES ALONG THE NORTHERLY LINE OF THE MICHIGAN CENTRAL RAILROAD: 1) NORTH 33 DEGREES 30 MINUTES 00 SECONDS WEST, 50.00 FEET, 2) SOUTH 56 DEGREES 30 MINUTES 00 SECONDS WEST, 77.14 FEET, 3) 269.33 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, RADIUS OF 634.03 FEET, CENTRAL ANGLE OF 24 DEGREES 20 MINUTES 18 SECONDS, CHORD BEARS SOUTH 68 DEGREES 41 MINUTES 06 SECONDS WEST, 267.31 FEET TO A POINT ON THE

CENTERLINE OF SAID VACATED RAILROAD STREET, 4) NORTH 61 DEGREES 55 MINUTES 00 SECONDS WEST ALONG SAID CENTERLINE OF VACATED RAILROAD STREET, 496.57 FEET TO A POINT ON THE CENTERLINE OF SAID VACATED FIFTH STREET, 5) SOUTH 31 DEGREES 03 MINUTES 43 SECONDS WEST ALONG SAID CENTERLINE OF FIFTH STREET, 74.65 FEET, 6) NORTH 60 DEGREES 15 MINUTES 43 SECONDS WEST, 174.80 FEET, 7) NORTH 51 DEGREES 15 MINUTES 43 SECONDS WEST, 147.00 FEET, 8) NORTH 47 DEGREES 45 MINUTES 43 SECONDS WEST, 43.00 FEET TO A POINT ON THE EAST LINE OF SAID VACATED FOURTH STREET, 9) SOUTH 26 DEGREES 28 MINUTES 38 SECONDS WEST, 3.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 15, 10) NORTH 38 DEGREES 58 MINUTES 32 SECONDS WEST, 72.40 FEET TO THE SOUTHERLY CORNER OF SAID BLOCK 14, 11) NORTH 39 DEGREES 01 MINUTES 45 SECONDS WEST, 98.00 FEET TO THE NORTHWEST CORNER OF LOT 6 OF SAID BLOCK 14, 12) NORTH 34 DEGREES 21 MINUTES 00 SECONDS WEST, 98.00 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID BLOCK 14, 13) NORTH 29 DEGREES 38 MINUTES 55 SECONDS WEST, 80.39 FEET TO THE POINT OF BEGINNING.

Parcel ID: 09-09-20-403-023