

FIRST AMENDMENT TO 1140 BROADWAY DEVELOPMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 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; Morningside Lower Town LLC, a Michigan limited liability company, with principal address at 223 West Erie, Third Floor, Chicago, Illinois 60654, hereinafter called the DEVELOPER, amends the agreement between the City and the DEVELOPER previously entered into on _____ (L__, P__), witnesses that:

WHEREAS, the DEVELOPER has received site plan approval for certain land in the City of Ann Arbor, described below and site planned as 1140 Broadway Planned Project Site Plan, and

WHEREAS, the DEVELOPER has increased the number of dwelling units of the site plan from 617 to 736, and

WHEREAS, the CITY and DEVELOPER agree to the following amendments to Paragraph (P-13) of the ___ 1140 Broadway Development Agreement (L__, P__):

(P-13) For the benefit of the residents of the DEVELOPER'S development, to make a park contribution of ~~\$364,000~~\$460,000 to the CITY Parks and Recreation Services Unit prior to issuance of certificates of occupancy, which may be provided in installments based on the number of dwelling units in each building occupied. The contributions may be used for improvements to Riverside Park, the Farmers Market, Argo Canoe Livery, Broadway Dog Park, or other facilities that would improve recreational opportunities for the residents.

The parties acknowledge that all other items stated in the 1140 Broadway Development Agreement (L__, P__) shall remain unchanged.

CITY OF ANN ARBOR, MICHIGAN
301 East Huron Street
Ann Arbor, Michigan 48107

By: _____
Christopher Taylor, Mayor

By: _____
Jacqueline Beaudry, City Clerk

Approved as to Substance:

Milton Dohoney Jr., City Administrator

Approved as to Form:

Atleen Kaur, City Attorney

Morningside Lower Town LLC

By: _____
[Name, Title]

STATE OF MICHIGAN)
) ss:
County of Washtenaw)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by Christopher Taylor, Mayor, and Jacqueline Beaudry, Clerk of the City of Ann Arbor, a Michigan municipal corporation, on behalf of the corporation.

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

STATE OF _____)
) ss:
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____, _____ of _____, a _____, on behalf of the _____.

NOTARY PUBLIC

County of _____, State of _____

My Commission Expires: _____

Acting in the County of _____

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

DRAFT