

FIRST AMENDMENT TO 616 E. WASHINGTON DEVELOPMENT AGREEMENT

THIS First Amendment (“Amendment”) to the 616 E. Washington Development Agreement, is made and entered into this _____ day of _____, 2024, by and between the City of Ann Arbor, a Michigan municipal corporation, with principal address at 301 East Huron Street, Ann Arbor, Michigan 48107 (“CITY”), and LMP Ann Arbor Property Owner, LLC, a Delaware limited liability company, with principal address at 310 Oconee Street, Athens, Georgia 30601 (“DEVELOPER”). This Amendment modifies the 616 E. Washington Development Agreement between the City and a predecessor developer, Cerca Trova LLC (“Cerca Trova”), a Michigan limited liability company, dated February 9, 2022, recorded in Liber 5468, Page 972, Washtenaw County Records (“Development Agreement”) regarding certain land in the City of Ann Arbor more particularly described in Exhibit A (“Property”).

WHEREAS, Cerca Trova received site plan approval for the 616 East Washington Planned Project Site Plan (“Site Plan”) on the Property on December 2, 2019, and administratively amended on February 4, 2022;

WHEREAS, the DEVELOPER is the current owner of the PROPERTY and has been assigned interest in the Development Agreement by Cerca Trova;

WHEREAS, the DEVELOPER requests amendment to the Development Agreement to reduce the minimum rated capacity of solar power generated and strike offsite parking requirements;

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

- (1) Paragraph P-23 from the Development Agreement shall be replaced with the following:

To provide partial solar power for the Project by installing solar panels on the roof of the Project, as shown on the Site Plan, and subsequent construction drawings. The solar panels shall produce a minimum rated capacity of 79,000 kWh per year

(2) Paragraph P-25 from the Development Agreement shall be removed entirely.

CITY

By: _____
Christopher Taylor, Mayor

By: _____
Jacqueline Beaudry, City Clerk

STATE OF MICHIGAN)
) ss
County of Washtenaw)

This instrument was acknowledged before me this _____ day of _____, 2025
by Christopher Taylor and Jacqueline Beaudry, Mayor and City Clerk respectively of the
City of Ann Arbor.

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

Approved as to Substance:

Milton Dohoney Jr., City Administrator

Approved as to Form:

Atleen Kaur, City Attorney

LMP ANN ARBOR

By: _____
W. Christopher Hart
Representative

STATE OF MICHIGAN)
) ss
County of Washtenaw)

This instrument was acknowledged before me this ____ day of _____, 2025
by _____,

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

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:

(a) The Developer's Parcel referred to herein is described below:

DESCRIPTION AS SURVEYED OF DEVELOPER'S PARCEL:

DESCRIPTION OF A 0.567 ACRE PARCEL (616 E. WASHINGTON STREET) OF LAND BEING A PART OF ASSESSOR'S PLAT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 9 OF PLATS, PAGE 18, WASHTENAW COUNTY RECORDS, LOCATED IN THE NORTHEAST 1/4 OF SECTION 29, TOWN 2 SOUTH, RANGE 6 EAST, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

ALL OF LOTS 7, 8, 9 AND 10, INCLUSIVE, OF ASSESSOR'S PLAT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN UBER 9 OF PLATS, PAGE 18, WASHTENAW COUNTY RECORDS, LOCATED IN THE NORTHEAST 1/4 OF SECTION 29, TOWN 2 SOUTH, RANGE 6 EAST, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 9 OF ASSESSOR'S PLAT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN UBER 9 OF PLATS, PAGE 18, WASHTENAW COUNTY RECORDS; THENCE N88°04'47"W 156.68 FEET ALONG THE SOUTH LINE OF LOTS 7, 8 AND 9 OF SAID ASSESSOR'S PLAT NO. 27; THENCE N01°43'25"E 132.68 FEET ALONG THE WEST LINE OF SAID LOT 7; THENCE S88°02'15"E 209.69 FEET ALONG THE NORTH LINE OF SAID LOTS 7, 8 AND 9 AND LOT 10 OF SAID ASSESSOR'S PLAT NO. 27 AND ALONG THE SOUTH RIGHT OF WAY LINE OF WASHINGTON STREET (66 FEET WIDE); THENCE S02°11'05"E 132.54 FEET ALONG THE EAST LINE OF SAID LOT 10; THENCE N88°23'04"W 62.04 FEET ALONG THE SOUTH LINE OF SAID LOT 10 TO THE PLACE OF BEGINNING, CONTAINING 0.652 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO EASEMENTS, CONDITIONS, RESTRICTIONS AND EXCEPTIONS OF RECORD, IF ANY.

EXCEPTING THEREFROM the following (MTF Screening Room Parcel): PART OF LOTS 7, 8 AND 9 OF ASSESSOR'S PLAT NO. 27, ACCORDING TO THE PLAT THEREOF AS RECORDED IN UBER 9 OF PLATS, PAGE 18 OF WASHTENAW COUNTY RECORDS, COMMENCING AT THE SOUTHEAST CORNER OF LOT 9, ASSESSOR'S PLAT NO. 27, ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN UBER 9 OF PLATS, PAGE 18, WASHTENAW COUNTY RECORDS; THENCE NORTH 86 DEGREES 06 MINUTES 33 SECONDS WEST 4.39 FEET ALONG THE SOUTH LINE OF LOT 9 TO THE POINT OF BEGINNING; THENCE NORTH 86 DEGREES 06 MINUTES 33 SECONDS WEST 69.58 FEET ALONG THE SOUTH LINE OF LOTS 8 AND 9; THENCE NORTH 85 DEGREES 46 MINUTES 13 SECONDS WEST 17.85 FEET ALONG THE SOUTH LINE OF LOT 7;

THENCE NORTH 04 DEGREES 11 MINUTES 58 SECONDS EAST 42.58 FEET;
THENCE SOUTH 85 DEGREES 49 MINUTES 20 SECONDS EAST 86.96 FEET
ALONG THE NORTH SIDE OF BUILDING; THENCE SOUTH 03 DEGREES 34
MINUTES 19 SECONDS WEST 42.25 FEET ALONG THE EAST SIDE OF BUILDING
TO THE POINT OF BEGINNING.

Commonly known as 616 E. Washington (formerly 514, 600, 602, 604 and 606 E.
Washington), Ann Arbor, Michigan.

(b) The Property includes the MTF Screening Room Parcel referred to herein and
separately described below (which is not part of the Developer's Parcel):

DESCRIPTION AS SURVEYED OF MTF SCREENING ROOM PARCEL:
DESCRIPTION OF A 0.085 ACRE PARCEL (PART OF 603 E. LIBERTY STREET) OF
LAND BEING A PART OF ASSESSOR'S PLAT NO. 27, ACCORDING TO THE PLAT
THEREOF AS RECORDED IN LIBER 9 OF PLATS, PAGE 18, WASHTENAW
COUNTY RECORDS, LOCATED IN THE NORTHEAST 1/4 OF SECTION 29, TOWN 2
SOUTH, RANGE 6 EAST, CITY OF ANN ARBOR, WASHTENAW COUNTY,
MICHIGAN

PART OF LOTS 7, 8 AND 9 OF ASSESSOR'S PLAT NO. 27, ACCORDING TO THE
PLAT THEREOF AS RECORDED IN LIBER 9 OF PLATS, PAGE 18 OF WASHTENAW
COUNTY RECORDS, COMMENCING AT THE SOUTHEAST CORNER OF LOT 9,
ASSESSOR'S PLAT NO. 27, ACCORDING TO THE RECORDED PLAT THEREOF, AS
RECORDED IN LIBER 9 OF PLATS, PAGE 18, WASHTENAW COUNTY RECORDS;
THENCE NORTH 86 DEGREES 06 MINUTES 33 SECONDS WEST 4.39 FEET
ALONG THE SOUTH LINE OF LOT 9 TO THE POINT OF BEGINNING; THENCE
NORTH 86 DEGREES 06 MINUTES 33 SECONDS WEST 69.58 FEET ALONG THE
SOUTH LINE OF LOTS 8 AND 9; THENCE NORTH 85 DEGREES 46 MINUTES 13
SECONDS WEST 17.85 FEET ALONG THE SOUTH LINE OF LOT 7; THENCE
NORTH 04 DEGREES 11 MINUTES 58 SECONDS EAST 42.58 FEET; THENCE
SOUTH 85 DEGREES 49 MINUTES 20 SECONDS EAST 86.96 FEET ALONG THE
NORTH SIDE OF BUILDING; THENCE SOUTH 03 DEGREES 34 MINUTES 19
SECONDS WEST 42.25 FEET ALONG THE EAST SIDE OF BUILDING TO THE
POINT OF BEGINNING.

Tax Identification Numbers:

09-09-29-108-037	514 E. Washington (Cadillac Building)
09-09-29-108-036	600 E. Washington
09-09-29-108-035	602 E. Washington
09-09-29-1 08-034	604 E. Washington
09-09-29-108-012	606 E. Washington
09-09-29-108-039 (Part of Theater)	603. E. Liberty (Screening Room & historic Michigan Theater)