

SECOND AMENDMENT TO SOUTHTOWN DEVELOPMENT AGREEMENT

This agreement, made this ___ day of _____, 2026, by and between the City of Ann Arbor, a Michigan municipal corporation, with principal address at 301 East Huron Street, Ann Arbor, Michigan 48104, hereinafter called the CITY; and South Town by 4M LLC (“DEVELOPER”), a Michigan limited liability company, with principal address at 2082 S State St, Ann Arbor, Michigan 48104, amends the development agreement between the CITY and the DEVELOPER dated November 22, 2024 (“Development Agreement”), as amended by the First Amendment to the Development Agreement dated November 22, 2024 (“Amended Development Agreement”).

WHEREAS, On September 5, 2023, Ann Arbor City Council passed Ordinance 23-14 to zone the property at 1601 South State Street to C1A/R (Campus Business Residential) with conditions, including adopting and incorporating a Conditional Zoning Statement of Conditions, and approved the South Town Site Plan and Development Agreement;

WHEREAS, On July 15, 2024, Ann Arbor City Council passed Ordinance 24-13 to zone the property to C1A/R with amended conditions including adopting and incorporating a Conditional Zoning Statement of Conditions;

WHEREAS, On July 15, 2024, City Council approved the First Amendment to the Development Agreement;

WHEREAS, The Development Agreement and First Amendment thereto were entered into on November 22, 2024 and recorded in Liber 5573, Page 571 and Liber 5573, Page 573, Washtenaw County Records;

WHEREAS, On April 7, 2026, the City Planning Commission approved the Southtown Site Plan file number SP25-0028, which superseded the previously approved site plan;

WHEREAS, This amendment is intended to align the Amended Development Agreement with the site plan approved April 7, 2026.

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

- A. Paragraph P-16 of the Amended Development Agreement is deleted.

- B. Paragraph P-10 of the Amended Development Agreement is amended to read as follows:

(P-10) For the benefit of the residents of the DEVELOPER'S Project, to make a park contribution based on the formula of the Number of Dwelling Units x \$625.00 to the CITY Parks and Recreation Services Unit prior to the issuance of certificate of occupancy. (For 289 dwelling units, the contribution to be provided is \$180,625.00.) This contribution will be used for Improvements to neighborhood parks such as Graydon Park, Frisinger Park, or regional parks such as Gallup Park, Burns Park or Buhr Park.

- C. This agreement shall become effective on the date it is signed by the last party to sign it. This agreement shall be binding on and shall inure to the benefit of the parties' and their permitted successors and assigns.
- D. Unless specifically amended by this agreement, all provisions of the Amended Development Agreement remain in effect and apply to this agreement.

CITY OF ANN ARBOR
a Michigan municipal corporation

Christopher Taylor, Mayor

Jacqueline Beaudry, City Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF WASHTENAW)

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

(Signatures continue on the following page)

City of Ann Arbor Internal Approvals

Approved by:

Milton Dohoney Jr., City Administrator

Atleen Kaur, City Attorney

(Signatures continue on the following page)

SOUTH TOWN BY 4M LLC

By: _____
Name:
Its:

STATE OF MICHIGAN)
) ss
COUNTY OF WASHTENAW)

This instrument was acknowledged before me this _____ day of _____, 2026 by _____, _____ of South Town by 4M LLC, a Michigan limited liability company, on behalf of the company.

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

DRAFTED BY AND AFTER RECORDING RETURN TO:

Christopher Frost (P70380)
Senior Assistant City Attorney
Office of the City Attorney
City of Ann Arbor
Ann Arbor, MI 48104