

Conditional Zoning Statement of Conditions

Near North
700 N Main St

This Conditional Zoning Statement of Conditions (“Statement of Conditions”) is made and entered into this ___ day of _____, 2026, by and between the City of Ann Arbor (“City”), a Michigan municipal corporation, with offices located at 301 E. Huron St., Ann Arbor, Michigan 48107, and Near North Development, LLC, a Michigan limited liability company (the “Developer), with principal address 2617 Beacon Hill Drive, Auburn Hills, Michigan 48326.

Recitals

- A. The Michigan Zoning Enabling Act (MCL 125.3405 of P.A. 110 of 2006, as amended) allows for conditional zoning.
- B. The City of Ann Arbor recognizes that there are certain instances where it would be in the best interest of the City, as well as advantageous to the Developer, for certain conditions to be proposed as part of a request for rezoning or a request for an amendment to the zoning map.
- C. On January 27, 2026, the Developer applied for an amendment to the City zoning map for land in the City of Ann Arbor to be developed with multiple-family residential use, as more fully described in the attached **Exhibit A** (the “Property”).
- D. On January 27, 2026, the Developer voluntarily offered in writing conditions regarding the use and development of the land to be incorporated into the zoning of the Property.
- E. On May 5, 2026, the Planning Commission, after public hearing, recommended approval to rezone the Property to R4E Multiple-Family Dwelling with Conditions. The Developer also submitted an Area Plan showing the specific proposed use and conceptual site design of the property.
- F. On _____, the Ann Arbor City Council approved rezoning the Property to R4E With Conditions, adopting and incorporating Near North, 700 N Main St, Conditional Zoning Statement of Conditions, as Ordinance _____.

- G. Based on the specific facts and circumstances regarding the Property, the City has decided to accept the Developer's offer conditions.
- H. By executing this Statement of Conditions, the City and the Developer desire to set forth and confirm the conditions under which the City grants conditional zoning of the Property.

NOW, THEREFORE, Developer and City agree:

1. Conditions Running with the Property. This Statement of Conditions covers the Property described in the attached **Exhibit A**. This Statement of Conditions is incorporated into the zoning of the Property, shall run with the Property, and shall be binding upon and inure to the benefit of the Developer and the City, and their heirs, successors, and assigns.
2. List of Conditions. The conditional zoning of the Property has been approved based on the following conditions that were voluntarily offered by the Developer. The City and Developer agree that these restrictions on the use and development of the land are necessary for consistency and conformance with the City's Comprehensive Plan. The conditions voluntarily offered by the Developer and approved by the City are as follows:
 - a. The maximum height limit shall be 75 feet.
3. Developer Acknowledgment. Developer acknowledges that it voluntarily offered and consented to all of the provisions contained in this Statement of Conditions. Developer agrees that the conditions contained herein are fair, reasonable and equitable requirements and conditions; agrees that the Statement of Conditions does not constitute a taking of property for any purpose or a violation of any constitutional right; and agrees to be bound by each and every provision of this Statement of Conditions. Furthermore, it is agreed and acknowledged that any improvements and undertakings described herein are necessary and roughly proportional to the burden imposed by the conditional zoning, and are necessary to ensure capability with adjacent and surrounding uses of land; to promote use of the Property in a socially and economically manner; and to achieve other legitimate objectives of the City authorized by law.
4. Authority to Execute. This Statement of Conditions has been authorized by all necessary action of Developer and Developer acknowledges that it is the owner of the Property or has been authorized by the owner to conditionally zone the Property. Furthermore, the signatory for Developer acknowledges they are authorized to enter and execute this Statement of Conditions on behalf of Developer and bind the Developer to its terms.
5. City Approval. This Statement of Conditions and the City's approval of these conditions are based on the particular facts and circumstances

presented, as well as the surrounding land uses and other characteristics regarding the Property, and approval of these conditions for the Property may not be relied on as precedent by any other property owner seeking a conditional zoning.

6. Obligation to Obtain Other Approvals. Developer acknowledges that any use or development approved by this conditional zoning that may require a special land use permit, a variance, or site plan approval under the terms of Ann Arbor City Code, may only be commenced if such special land use permit, variance, and/or site plan approval is ultimately granted in accordance with the terms of Ann Arbor City Code.
7. Amendment. This Statement of Conditions may only be amended in the same manner as prescribed for a rezoning of property under the terms of Ann Arbor City Code.
8. Compliance with Statement of Conditions. Developer shall continuously operate and maintain the development and/or use of the Property in full compliance with all of the conditions set forth in this Statement of Conditions. Any failure to comply fully with the conditions contained in this Statement of Conditions shall constitute a violation of the Zoning Ordinance of Ann Arbor City Code. Any such violation shall be deemed a nuisance per se and subject to judicial abatement or any other remedy permitted by law.
9. Rezoning. Developer acknowledges that nothing in this Statement of Conditions shall prohibit the City from exercising its right to rezone the Property at any time as permitted by law. The City acknowledges that nothing in this Statement of Conditions shall prohibit the Developer from requesting a rezoning of the Property at any time.

(Signatures on the following pages.)

CITY OF ANN ARBOR
a Michigan municipal corporation

By: _____
Christopher Taylor, Mayor

By: _____
Jacqueline Beaudry, City Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF WASHTENAW)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2026 by Christopher Taylor and Jacqueline Beaudry, the Mayor and City Clerk respectively of the City of Ann Arbor, a Michigan municipal corporation, on behalf of the corporation.

_____, Notary Public
Acting in the County of Washtenaw
My Commission Expires: _____

East Madison Project Owner LLC,
A Delaware limited liability company

Its: _____

STATE OF MICHIGAN)
) ss
COUNTY OF WASHTENAW)

The foregoing Agreement was acknowledged before me this ____ day of _____,
2026 by _____, of _____, a _____,
on behalf of the company.

_____, Notary Public
Acting in the County of Washtenaw
My Commission Expires:_____

Reviewed by and after recording return to:
Christopher Frost (P-70380)
Office of the City Attorney
City of Ann Arbor
P.O. Box 8647
Ann Arbor, MI 48107-8647

Exhibit A

Legal Description of the Property:

Commencing at the monumented intersection of Main Street and Summit Street; thence S 62°00'42" E 37.46 feet to a point along the centerline of Summit Street, said point being N 62°00'42" W 366.67 feet from the monumented intersection of Summit Street and N. Fourth Street; thence S 19°00'00" W 114.21 feet parallel to the monumented centerline of Main Street and along the westerly line of Lot 1 of Block 1, Ormsby and Page's Addition, as recorded in Liber M of Deeds, Pages 191 and 192, Washtenaw County Records, Michigan for a Point of Beginning; thence S 71°02'44" E 80.66 feet; thence S 18°20'18" W 29.33 feet; thence S 70°52'52" E 10.05 feet; thence S 28°13'07" W 1.73 feet; thence S 71°07'58" E 67.47 feet along the north line of Lot 5 of said Addition; thence S 22°03'45" W 208.08 feet along the east line of lots 5, 7, 9 and 11 of said Addition to a found iron pipe; thence S 22°36'53" W 123.99 feet along the east line of lots 11 and 13 of said Addition; thence N 70°53'11" W 139.30 feet along the south line of Lot 13 of said Addition to a point which lines N 19°00'00" E 215.31 feet parallel to the monumented centerline of Main Street, along the easterly right-of-way line of Block 1 of said Addition from the southwesterly corner of Lot 19 of said Addition; thence N 19°00'00" E 362.08 feet parallel to the monumented centerline of Main Street, along the easterly right-of-way line of Block 1 of said Addition to the Point of Beginning.

Being a part of Lots 1 and 2 and all of Lots 5, 7, 9, 11 and 13 of Block 1, Ormsby and Page's Addition, in the SE 1/4 of Section 20, Town 2 South, Range 6 East, in the City of Ann Arbor, Washtenaw County, Michigan.