

FIRST AMENDMENT TO MIDTOWN ANN ARBOR CONDOMINIUM DEVELOPMENT AGREEMENT

The City of Ann Arbor, a Michigan municipal corporation, with offices at 301 E. Huron Avenue, Ann Arbor, Michigan 48107 (“City”) and Midtown Ann Arbor, LLC, a Michigan limited liability company, with principal address at 25925 Telegraph Rd., Southfield, MI 48033 (“Developer”) agree to amend the Midtown Ann Arbor Condominium Development Agreement executed by the City and Midtown Ann Arbor, LLC, dated October 4, 2019, and recorded in Liber 5329, Page 959, Washtenaw County Records, regarding certain land in the City of Ann Arbor, more particularly described in Exhibit A and in the Midtown Ann Arbor Condominium Development Agreement.

Paragraphs (P-1, P-4, and P-6) are amended to read as follows:

(P-1) To prepare and submit to the CITY for approval plans and specifications (“the Plans”) prepared by a registered professional engineer for construction of public water and sanitary sewer mains, a water pressure booster station, and private storm water management systems (“the Improvements”) provided that no work on said Improvements shall be commenced until the Plans have been approved by the City Administrator or designee, and until such other relevant information to CITY service areas as shall be reasonably required has been provided.

(P-4) To grant easements to the CITY for public utilities and the water pressure booster station as shown on the approved site plan and construction drawings, subject to City Council approval. (The DEVELOPER shall construct a water pressure booster station for the CITY as specified in the Water Booster Station Construction Plans to be approved by the CITY Public Services Area.) DEVELOPER shall submit legal descriptions and survey drawings for the easements prior to the request for and issuance of building permits, and the easements shall be granted to the CITY in a form reasonably acceptable to the CITY Attorney. The easements must be accepted by City Council prior to the request for and issuance of any temporary or final certificate of occupancy, although the easements may be accepted at a later time as determined by the CITY Public Services Area.

(P-6) To install all water mains, storm sewers, and sanitary sewers, pursuant to CITY approved plans and specifications, necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of any building permits for each phase of the development as shown on the approved site plan. The water pressure booster station shall be installed pursuant to CITY approved plans and specifications prior to the issuance of any certificate of occupancy for the development for any residential units.

All terms, conditions, and provisions of the original agreement between the parties dated June 30, 2022, unless specifically amended above, are to apply to this amendment and are made a part of this amendment as though expressly rewritten, incorporated, and included herein.

This amendment to the agreement between the parties shall be binding on the heirs, successors and assigns of the parties.

Dated: _____, 2022.

For City of Ann Arbor

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

**For Developer,
Midtown Ann Arbor, LLC**

By _____
David Cohen, Authorized Signatory

Exhibit A

Land Description:

Commencing at the East 1/4 corner of Section 36, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01°19'00" W 126.81 feet along the East line of said Section 36 and the centerline of Maple Road (66 feet wide) to the POINT OF BEGINNING; thence S 88°41'00" W 343.00 feet; thence S 01°19'00" E 129.40 feet measured (129.64 feet recorded); thence S 88°15'01" W 798.16 feet measured (797.99 feet recorded) along the E-W 1/4 line of said Section 36; thence along the Easterly right-of-way line of the I-94 Expressway in the following three (3) courses:

Northerly 1142.10 feet in the arc of a non-tangential circular curve to the right, radius 3674.83 feet, central angle 17°48'25", long chord N 06°02'52" W 1137.51 feet; N 87°08'20" W 20.00 feet; N 02°51'40" E 568.31 feet; thence N 88°09'00" E 306.50 feet; thence S 04°27'00" E 649.24 feet; thence S 85°04'06" W 339.94 feet;

thence Southerly 518.20 feet along the arc of a non-tangential circular curve to the left, radius 3644.83 feet, central angle 08°08'46", long chord S 02°44'08" E 517.77 feet; thence N 88°15'01" E 755.58 feet;

thence Northeasterly 433.94 feet along the arc of a non-tangential circular curve to the right, radius 383.00 feet, central angle 64°54'57", long chord N 56°13'32" E 411.10 feet; thence N 88°41'00" E 95.54 feet; thence S 01°19'00" E 608.34 feet along the East line of said Section 36 and the centerline of said Maple Road to the POINT OF BEGINNING. Being a part of the NE 1/4 of Section 36, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan and containing 20.46 acres of land, more or less. Being subject to the rights of the public over the East 33.00 feet thereof, as occupied by said Maple Road.

Parcel ID No.:09-08-36-100-009