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John D. Gaber  
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October 2, 2013

City Council  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, Michigan 48309

**Re: *Termination of City Place PUD Agreement***

Dear Members of City Council:

As you know from my letter to you of June 12, 2013, and our discussion with City Council at your June 24, 2013 meeting, my client, G&V Investments, seeks to terminate the City Place Amended and Restated Planned Unit Development Agreement ("PUD Agreement"). Please construe this letter as a formal request for termination of the PUD Agreement.

As more fully set forth in my June 12, 2013 letter (a copy of which is attached for your convenience), G&V Investments has been unable to develop its property for the almost 10 years it has been subject to a PUD Agreement. We appreciate the City's cooperation in 2010 to amend the PUD Agreement in a way that all believed would lead to a quality development of my client's property. However, due to market factors, the lack of a traffic signal servicing the property and certain restrictions in the PUD Agreement, G&V Investments has not been able to secure interest for the development of the property from quality users that all parties would deem desirable.

With this letter, G&V Investments notifies the City that it is unable to develop the property in accordance with the PUD Agreement and is therefore also unable to submit a site plan for the development of the property pursuant to the PUD Agreement. G&V Investments is abandoning the PUD Agreement as of November 16, 2013. This is the date set forth in the PUD Agreement that vests the City with the right to terminate the PUD Agreement and consider the rezoning of the property if G&V Investments has not submitted a site plan. G&V Investments does not request an extension of this three (3) year period because the property cannot be developed under the PUD Agreement, so such an extension would be pointless. Pursuant to the last sentence of Section 18.B. and Section 18.C. of the PUD Agreement, G&V Investments waives its right to an abandonment notice and requests that the City terminate the PUD Agreement effective November 16, 2013.

City Council  
City of Rochester Hills  
October 2, 2013  
Page 2

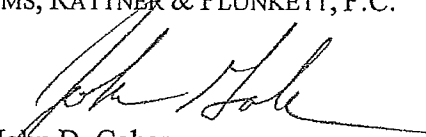
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G&V Investments further requests that the City retain the existing underlying FB-2 zoning of the property, which would give my client the opportunity to develop the property as consistent with the City's Master Plan, which designates this property as "Business/Flexible Use 2." As indicated in its Master Plan, the City intended that this property be developed as an FB-2 mixed use development to create a transition buffer from Rochester Road and the adjacent FB-3 Bordine's property to the Eddington Farms residential subdivision. The FB-2 zoning classification provides extensive building and development standards that require a compatible development to sufficiently protect the adjacent property owners from any potential effects of the development of the property.

For the reasons set forth above, we would respectfully request that the termination of the PUD Agreement be placed on the first available City Council meeting agenda as an action item. Thank you for your attention to this matter and your consideration of our request.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.



John D. Gaber

Enclosures  
(839470)

cc: Honorable Bryan K. Barnett, Mayor  
Mr. Edward Anzek, Director, Planning and Economic Development  
Mr. Paul Davis, City Engineer  
Ms. Tina Barton, City Clerk  
Ms. LeAnn Scott, Deputy City Clerk  
Mr. John Staran, Esq., City Attorney  
Mr. William Gilbert