


**CITY OF ROYAL OAK
NOTICE OF HEARING**

TO: James B. Canner David S. Greene
 Managing Partner Vice President/Brokerage Manager
 AFKF, L.L.C. First Commercial Realty & Development Co.
 5060 Delemere Avenue 27600 Northwestern Hwy., Suite 200
 Royal Oak, MI 48073 Southfield, MI 48034

Please take notice that pursuant to a request from AFKF, L.L.C., the Royal Oak City Commission will conduct a hearing on Monday, August 9, 2010 at 7:30 p.m. in the City Commission Chambers, Room 315 of Royal Oak City Hall, 211 Williams Street, Royal Oak, Michigan, to determine whether or not the City's April 19, 2010 moratorium on consideration or action on any request for any approval related to a medical marijuana facility has resulted in the denial of all viable economic use of the property at 2521 Torquay, Royal Oak, Michigan, or has otherwise resulted in a violation of applicable federal or state constitution or law. A copy of the resolution is attached.

At the conclusion of the hearing, the City Commission shall make findings and conclusions with respect to whether or not AFKF has demonstrated that all viable economic use of the property has been denied by the moratorium, and/or whether or not the resolution on its face or as applied to AFKF violates applicable law. If it is demonstrated and found that the moratorium has had the effect of denying all viable economic use of the property, or that the moratorium violates applicable law, the City Commission shall grant relief from the moratorium to the extent necessary to cure the violation.

Dated: July 29, 2010



David W. Gillam
City Attorney
City of Royal Oak
211 Williams Street
Royal Oak, Michigan 48068-0064

At a Regular Meeting of the Royal Oak City Commission held on Monday, April 19, 2010, in City Hall, 211 Williams Street, the following Resolution was adopted:

WHEREAS, on November 4, 2008, Michigan voters approved a ballot initiative that legalized medical marihuana; and

WHEREAS, on December 4, 2008, Michigan's Medical Marihuana Act (MMMA), MCL 333.2641 et seq., took effect; and

WHEREAS, on April 4, 2009, the Michigan Department of Community Health adopted rules to implement the MMMA; and

WHEREAS, on March 9, 2010, the City's Planning Commission offered a recommendation that medical marihuana facilities be permitted as a special land use in the General Business District; and

WHEREAS, there continues to be a great deal of uncertainty among municipalities across the State as to how best to regulate the dispensing of medical marihuana; and

WHEREAS, the City Commission has determined that it is necessary to give further study to the Planning Commission's recommendation, in order to insure consistent, cohesive and sensible land use and development in the City; and

WHEREAS, the City Commission has determined that during this further study, it would be counterproductive if applications for approvals related to medical marihuana facilities were allowed to move forward; and

WHEREAS, the City Commission also recognizes that deferring review of applications for approvals related to medical marijuana facilities could result in hardship to some applicants;

THEREFORE, BE IT RESOLVED, that during the course of the City Commission's deliberations on the Planning Commission's recommendation as to the appropriate zoning for medical marihuana facilities, review of all applications related to medical marihuana facilities should be deferred, and that a moratorium is hereby declared, effective immediately, for a period of 180 days.

BE IT FURTHER RESOLVED, that during the period of this moratorium, there shall be no consideration or action taken by the City, any elected official, any appointed official, or any employee on any request for any approval related to a medical marihuana facility.

BE IT FURTHER RESOLVED, that during the period of this moratorium, any entity or property owner alleging that the deferred review resulting from the moratorium will result in the denial of any viable economic use of property or would otherwise result in a violation of applicable federal or state constitution or law shall be entitled to an expedited hearing before the City Commission. At the conclusion of this hearing, the City Commission shall make findings and conclusions with respect to whether or not the Petitioner has demonstrated that all viable economic use of the property has been denied by the deferred review, and/or whether or not his resolution on its face or as applied to the Petitioner violates applicable federal or state constitution or law. If it is demonstrated and found that the deferral has the effect of denying all viable economic use of the property, or that the deferral violates applicable federal or state constitution or law, the City Commission shall grant relief from the moratorium to the extent necessary to cure the violation.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Royal Oak City Commission at a meeting held on April 19, 2010.

Melanie Halas

City Clerk