

From: Marvin Karana <marvin@karanalaw.com>
Sent: Wednesday, December 2, 2020 1:55 PM
To: Markee, Kimberly <kmarkee@waterfordmi.gov>
Subject: Medical Marihuana Facility License Ordinance Question

Hello Ms. Markee,

I saw the update of the application being posted and have some questions which look like they need to be directed towards you.

- Application window. Says window opens January 4th but does not mention when it closes?
- Section 10-301
 - (3)(j)- Litigation- is the Township looking for ALL civil litigation, including where the applicant is a Plaintiff? Usually these questions are asked if Applicant is a defendant in litigation.
 - Also assume an Applicant, is involved in a civil litigation matter in regards to a real estate LLC with many partners. Would that litigation need to be disclosed?
 - (4) "Written consents or approvals of facility by all Applicants"- what is the township looking for on this item?
 - (6) Applicants will most likely have options to purchase real estate once approved. Most real estate is owned by LLC's with many partners. The requirements states "ALL Owners." Would one signature from a managing partner suffice for this? You can imagine it would be hard to track down all owners.
 - (8) Consents or approvals of adjoining properties- if this is cannot be obtained, what happens? One of our properties is next door to a McDonalds. They would not issue such approval. Also many competing Applicants would offer money or other incentives to adjoining property owners/occupants so that such approval/consent is not given. Just looking to see what happens in this situation.
 - (11) if Applicant is purchasing the property and not leasing, would this still be required? Also similar to question 6, would ALL signatures need to be required from ALL owners?. Again, corporate owned real estate would be impossible to get this.

I highlighted the question in red for easy reading. Thank you for your time and I look forward to hearing from you.

TOWNSHIP RESPONSES TO THE 7 QUESTIONS PRESENTED

1. The first day Applications will be accepted for filing is Monday, January 4, 2021, when the Clerk's office opens for business at 8:00 AM. There is no deadline for submitting Applications. However, per Section 10-300(b) of the Ordinance, the Clerk's office will not accept an Application if it is for a type of facility license that is not available because the number of authorized licenses for that type of facility under Section 10-298 have already been approved for issuance by the Township Board.
2. Ordinance Section 10-301(b)(3)j requires information on all civil litigation an Applicant has been a party to, as a Plaintiff, Defendant, or other party designation.
3. If the Applicant for whom information is being provided was a named party in the civil litigation, then it should be disclosed. Litigation in which an LLC the Applicant is a member of is the named party would not need to be disclosed. Information required is for civil litigation in which the Applicant was a named party.
4. That all Applicants as defined in Section 10-294(b) of the Ordinance have approved or consented to the proposed facility as described in the Application.
5. Owner of real property will be the persons and legal entities in whose name(s) legal title is held and any such persons or legal entities that are land contract vendees. The written consent or approval must be by all such persons, which in the case of a legal entity such as an LLC, partnership, or corporation, would be by a person authorized to sign for and on behalf of that entity.
6. Obtaining written consent or approvals of owners and occupants of adjoining properties or building areas is not required for an Application to be reviewed and considered. Having such consents or approvals is only one of the application review criteria in Section 10-304 of the Ordinance, and reasons for not having them may be explained in the other information a Named Applicant wants to have considered that may be included in the Application per Ordinance Section 10-301(b)(25).
7. If legal title of the property is not in the Named Applicant's name, the persons and entities in whose names legal title is held must have approved the site and building plans by a signed document. See Response to Question 5 above regarding who must sign for legal entities.