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Downtown Development Authority  
of the City of East Lansing, Michigan  
410 Abbot Road, East Lansing, Michigan, 48823

Adam Cummins:  
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Re: *Demolition of 314, 328, and 334 Evergreen Avenue and temporary use of by Granger Construction for purposes related to the construction of the MSUFCU commercial office building on the adjacent City Parking Lot #4, to be discussed at Downtown Development Authority Special Meeting - 25 Mar 2021*

To Whom It May Concern,

This Firm represents 327 Abbott Road, LLC ("327") and Authentic Properties, LLC ("AP" and with 327, "Dublin Square"), the owners and operators of the restaurant in East Lansing commonly known as "Dublin Square" (the "Dublin Property"). As I am sure you are aware, Dublin Square is a restaurant that relies heavily upon (i) outdoor seating for its patrons on a patio immediately adjacent to City Parking Lot #4 in East Lansing ("Parking Lot 4") and (ii) the use of the alley adjoining the Dublin Property and the properties at 314, 328, and 334 Evergreen Avenue (the "Demolition Properties") for daily deliveries and access to parking.

As I am sure you know, Dublin Square has been in discussions with Michigan State University Federal Credit Union ("MSUFCU") regarding its proposal to demolish and redevelop Parking Lot 4. Dublin Square has learned that staff from the Downtown Development Authority ("DDA") have been in contact with MSUFCU and Granger Construction to discuss demolishing the Demolition Properties in order to use such properties as temporary staging areas and crane and machinery positioning during construction of Parking Lot 4.

Given the specific nature and design of the Dublin Property, Dublin Square questions whether it is possible for Dublin Square to continue to provide outdoor dining services in a safe manner while any portion of the contemplated construction, including demolition of adjoining properties, is proceeding. Due to COVID-19, outdoor seating will be the only place where Dublin Square's business can be safely conducted, or substantially conducted, for the foreseeable future. Dublin Square and MSUFCU have, thus far, been unable to come to any mutual agreement on easements or access with respect to the Dublin Property. As a result, any encroachment by MSUFCU, the DDA, or their respective contractors onto the Dublin Property, whether on the property, underground or in Dublin Square's airspace during the construction of

Parking Lot 4 will not be tolerated by Dublin Square and all parties should expect an injunction to be sought with the applicable court to stop any such encroachments should they arise.

Further, Dublin Square has serious concerns regarding its ability to use the alley that runs N/S between the Dublin Property and the Demolition Properties (the "Alley") if the Demolition Properties are used to stage and house equipment for the purpose of assisting MSUFCU with its development of its private property. The concerns include the use of overhead cranes and machinery encroaching on neighboring property, thus rendering Dublin Square unable to use the public Alley (or at least the safe use thereof) for daily semi-truck on and off-loading of materials, supplies and equipment needed in order to operate Dublin Square. If, as a result of the demolition and staging use of the Demolition Properties, the Alley becomes unusable by Dublin Square, or effectively unusable due to safety issues, then this would cause substantial and material interference with Dublin Square's business and possibly force the closure of Dublin Square. Please be aware, should the construction or use of the Development Parcel, including the use of the Demolition Properties related thereto, result in any limitation to the lawful and full use of the Dublin Property, or the future development of the Dublin Property, Dublin Square will pursue its claims against the applicable party to the extent of such damage. All rights and remedies are hereby preserved.

Thank you for your cooperation in this matter.

JAFFE, RAITT, HEUER & WEISS  
Professional Corporation

  
Sarah Weston, Esq.