



CITY OF ANN ARBOR, MICHIGAN

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Office of The City Attorney

September 20, 2011

Dori Edwards
Ganja Mama's Treecity Health Collective
1712 S. State St.
Ann Arbor, MI 48104

Francis Clark
P.O. Box 3739
Ann Arbor, MI 48106

Re: Operation of Medical Marijuana Dispensary at 1712 S. State Street

Dear Ms. Edwards and Mr. Clark:

We have learned that you have re-opened your medical marijuana dispensary business at 1712 S. State Street after you had closed down. The City requires that you cease and desist the operation of this dispensary.

The City's zoning and licensing ordinances concerning medical marijuana dispensaries require, among other things, that they comply with the Michigan Medical Marijuana Act.

As you know, the Michigan Court of Appeals in *State v McQueen*, issued on August 23, 2011, stated that "the MMMA does not authorize marijuana dispensaries." (If you believe that you nevertheless are somehow in compliance with state law, please state your rationale.)

Further, please be aware that the mere operation of your dispensary in an "O" zoning district, alone, also constitutes a public nuisance per se. A use of property that a zoning ordinance does not explicitly permit is prohibited; a prohibited use of property, by itself, is a public nuisance. Presumably, this is exactly why you have sought rezoning.

Thus, by operating a dispensary in the City of Ann Arbor, you are violating City ordinances, violating state law, and creating a public nuisance. You must cease operation of this business immediately. If you do not, the City will take appropriate legal action against you.

Please have your attorney contact Kristen Larcom upon receipt of this letter.

Sincerely,



Stephen K. Postema
City Attorney