

CITY OF ANN ARBOR, MICHIGAN

301 E. Huron St., P.O. Box 8647, Ann Arbor, Michigan 48107-8647 Phone (734) 794-6170 FAX (734) 994-4954 www.a2gov.org

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:

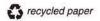
We have learned that you have re-opened your medical marijuana dispensary business at 1712 S. State Street after you had closed down. The City requires that you cease and desist the operation of this dispensary.

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

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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

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