



CITY OF NOVI CITY COUNCIL NOVEMBER 17, 2025

SUBJECT: Consideration of a request from Chubby Cattle Novi, LLC (DBA: Chubby Cattle Waygyu Shabu House) for a special land use request for service of alcoholic beverages and for a new Class C quota license to be located at 42768 Grand River Ave, Novi, MI 48375 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders.

SUBMITTING DEPARTMENT: City Clerk

KEY HIGHLIGHTS:

- The Chubby Cattle is a new restaurant that is opening in the Sakura development.
- The restaurant will offer high-end Japanese Shabu-Shabu dining featuring premium wagyu beef and unique hot pot experiences.
- The City currently has two available quota liquor licenses.

BACKGROUND INFORMATION:

The City currently has two Class C quota liquor licenses available. Chapter 3 of the City code contains the review criteria for considering a new license. Section 3-13 establishes the city's general licensing policy, which considers whether the facility:

- a) Will provide a service, product, or function that is not presently available within the city or that would be unique to the city or to an identifiable area within the city.
- b) Is of a character that will foster or generate economic development or growth within the city, or an identifiable area of the city, in a manner consistent with the city's policies.
- c) Represents an added financial investment on the part of a long-term business or resident with recognized ties to the city and the local community.

In addition, Section 3-15 (g) establishes specific criteria, evaluating the application with regard to:

The applicant (subsection [g][1]), such as:

- The applicant's management experience in the alcohol/liquor business

The facility (subsection [g][2]), such as:

- compliance with building, zoning, and other code requirements
- effects on traffic
- effects on surrounding businesses and neighborhood
- proximity of the proposed business facility to other similarly situated licensed liquor facilities

Benefits to the community (subsection [g][3])

- effects upon the economic development of the city
- effects on the health, welfare and safety of the general public
- whether the applicant has demonstrated a public need or convenience for the issuance of the liquor license for the business facility at the location proposed, taking into consideration, among other things:
 1. total number of licenses for similar establishments and/or operations in the city; and
 2. proximity of the establishment to other licensed liquor establishments
- The uniqueness of the facility contrasted with other existing or proposed facilities
- The permanence of the proposed facility in the community.

Section 3-17 of the City Code allows for an agreement on the prohibition on profiteering by Class C liquor license holders. Under the terms of the agreement, the City Council shall not approve the transfer of a Class C liquor license within three (3) years of the date of the original issuance of the license. A draft agreement is included in this packet.

The Chubby Cattle will provide high-end Japanese Shabu-Shabu dining featuring premium wagyu beef and unique hot pot experiences as well as "Sake & Wine" that pairs traditionally with Shabu-Shabu. The Chubby Cattle is located in the new Sakura development which offers housing, dining, and retail opportunities. The plaza will propel Novi forward and bring visitors from other cities as well as workers from other countries.

A public hearing was held on November 5, 2025 for consideration of the Special Land Use request for approval for service of alcoholic beverages at the new construction restaurant, The Chubby Cattle, in accordance with section 4.89 of the Novi Zoning Ordinance. The Community Development Department has reviewed the required application and plans and found the documents to be complete. Jan Zozios, Assessor, Charles Boulard, Community Development Director and Jeff Herczeg, Director of Public Works, considered the request in accordance with the standards for review specified in Section 4.89 of the Zoning Ordinance and determined to forward a recommendation to City Council for approval of the Special Land Use.

RECOMMENDED ACTION: Consideration of an approval a special land use request for service of alcoholic beverages and for a new Class C quota license at Chubby Cattle Novi, LLC (DBA: Chubby Cattle Waygyu Shabu House) at 42768 Grand River Ave, Novi, MI 48375, The addition of The Chubby Cattle will complement the area and provide residents with a dining option which will foster or generate economic development or growth within the new Sakura Novi Development, in a manner consistent with the city's policies. The applicant appears to qualify for a license under the City's ordinance. It also meets the requirements of Section 4.89 of the Zoning Ordinance because

1. The proposed establishment will promote the City's economic development goals and objectives, and will be consistent with the City's master plan and zoning ordinance
2. Given the character, location , development trends and other aspects of the area in which the proposed use or change in use is requested, it is demonstrated that the use will provide a service, product, or function that is not presently available within the City and that is unique to the City and is in character with the new Sakura Novi Development and will be an asset to the area.
3. The use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located, since it is a new restaurant that is consistent with the theme of the Sakura Novi Development, and will not have any appreciable negative secondary effects on the area, such as:
 - a. Vehicular and pedestrian traffic, particularly during late night or early morning hours, that might disturb the area residents.
 - b. Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings.
 - c. Excessive number of persons gathering outside the establishment.
 - d. Peak hours of use that add to congestion or other negative effects in the neighborhood.
 - e. Fighting, brawling, outside urination or other behavior that can accompany intoxication.

Questionnaire A – Applicant Cover Information and Procedures for Liquor License

The Novi City Council will consider whether an applicant's proposal for a liquor license is reasonable when measured against the information contained within this completed application. Please answer each question thoroughly. All answers should be typed or printed legibly and neatly in black ink. If the space provided is insufficient for a complete answer, use additional sheets of paper, following the same format used in the questionnaire and attach to that part of the application. Failure to provide all required information or attachments could result in delay or denial of liquor license. All liquor license applications are subject to final approval by the Novi City Council. Please refer to Novi Alcoholic Liquor Ordinance, Articles I-II.

1(a). Name, address and phone number of applicant:

ERIC MAI

1(b). Name, address and phone number of business:

CHUBBY CATTLE NOVI, LLC
CHUBBY
d/b/a CATTLEWAGU SHABU HOUSE

42768 GRAND RIVER AVE.

NOVI, MI 48375

NOTE: If the applicant is a partnership, you must include the name and address of each partner and attach a copy of the partnership agreement. If the applicant is a privately held corporation, you must include the name and address of each corporate officer, member of the board of directors and/or stockholders. Attach a copy of the articles of incorporation.

2. Type of liquor license applying for (circle all those that apply):

☒ Class C ☐ Resort ☐ Tavern ☐ Club ☐ Hotel A B ☒ Quota ☐ Transfer ☐ Microbrewery/Brewpub

Theme of Proposed Business:

HIGH-END JAPANESE SHABU-SHABU DINING FEATURING PREMIUM
WAGYU BEEF AND UNIQUE HOT POT EXPERIENCES

3. Street address and legal description of the property where liquor license is to be located:

42768 GRAND RIVER AVE. NOVI MI 48375

PROPOSED UNIT NOS. 1, 2, and 3, SAKURA NOVI, A CONDOMINIUM, TO BE RECORDED IN THE
OAKLAND COUNTY RECORDS, WITH RIGHTS IN GENERAL COMMON ELEMENTS AND LIMITED
COMMON ELEMENTS AS SET FORTH IN SAID MASTER DEED AND PURSUANT TO ACT 59 OF
THE PUBLIC ACTS OF MICHIGAN OF 1978, AS AMENDED.

Questionnaire B – Administrative Background Information for Liquor License

The Novi City Council will consider whether an applicant's proposal for a liquor license is reasonable when measured against the information contained within this completed application. Please answer each question thoroughly. All answers should be typed or printed legibly and neatly in black ink. If the space provided is insufficient for a complete answer, use additional sheets of paper, following the same format used in the questionnaire and attach to that part of the application. Failure to provide all required information or attachments could result in delay or denial of liquor license. All liquor license applications are subject to final approval by the Novi City Council.

1. What is the applicant's management experience in the alcohol/liquor business?

NO DIRECT EXPERIENCE, BUT WORKING WITH A WELL-ESTABLISHED
FRANCHISE (CHUBBY GROUP) AND HIRING AN EXPERIENCED GENERAL MANAGER

2. What is the applicant's general business management experience?

EXTENSIVE EXPERIENCE AS BUSINESS OWNER AND COLLABORATING WITH
SUCCESSFUL FRANCHISE OPERATIONS

3. What is the applicant's general business reputation?

KNOWN FOR PROFESSIONALISM, INTEGRITY, AND SUCCESSFUL BUSINESS
VENTURES

4. What is the applicant's financial status and ability to build and/or operate the proposed facility on which the proposed liquor license is to be located?

FINANCIALLY SUPPORTED BY PERSONAL INVESTMENTS, LOAN, AND
FRANCHISE PARTNERSHIPS

5. What are the applicant's past criminal convictions involving moral turpitude, violence or alcoholic liquors?

NONE

6. Does the applicant use alcoholic beverages to excess?

NO

13. What effect will the facility to which the proposed liquor license is to be issued have upon vehicular and pedestrian traffic in the area?

MINIMAL IMPACT WITH ADEQUATE PARKING AND TRAFFIC FLOW DESIGN

14. What is the proximity of the proposed business facility to other similarly situated licensed liquor facilities?

ADDS DIVERSITY TO NOVI'S DINING SCENE
NO SIMILAR LIQUOR-LICENSED FACILITIES IN NOVI.

15. What is the proximity of the proposed facility to complimentary uses such as office and commercial development?

NEAR OFFICES AND SHOPPING CENTERS (NOVI TOWN CENTER, SAKURA NOVI, TWELVE OAKS MALL, FOUNTAIN WALK, WEST OAK, ...)
IDEAL FOR ATTRACTING PATRONS

16. What effect would the proposed facility have upon the surrounding neighborhood and/or business establishments, including impacts upon residential areas, church and school districts?

POSITIVE IMPACT THROUGH QUALITY DINING AND COMMUNITY ENGAGEMENT. NOT CLOSE (WITHIN 500 FEET) OF CHURCHES OR SCHOOLS.

17. What proposed or actual commitments are being made by the applicant to establish permanency in the community?

LONG-TERM INVESTMENT AND DEDICATED TO ESTABLISHING A LASTING PRESENCE

18. What utilities are available to serve the facility?

ALL NECESSARY UTILITIES ARE IN PLACE

19. What other factors should the Novi City Council consider?

WE ARE SUPPORTED BY A WELL-ESTABLISHED FRANCHISE (GAUBBYGROUP.COM)
AND A FOCUS ON COMMUNITY IMPACT. WE WANT TO ATTRACT VISITORS FROM SURROUNDING CITIES TO NOVI, BOOSTING LOCAL ECONOMIC ACTIVITY.

7. What is the effect that the issuance of a license would have upon the economic development of the surrounding area?

WILL CREATE JOBS, ATTRACT CUSTOMERS, AND BOOST LOCAL BUSINESS ACTIVITY

8. What effect would the issuance of a license have on the health, welfare and safety of the general public?

COMMITTED TO SAFE AND RESPONSIBLE ALCOHOL SERVICE

9. Has the applicant received responses from the Police Department, Building Department and/or Fire Department with regard to the proposed facility?

NOT YET

10. What is the public need or convenience for issuance of a liquor license for this facility at the proposed location?

WILL COMPLEMENT THE DINING EXPERIENCE AND MEET THE DEMAND FOR UPSCALE OPTIONS, ESPECIALLY AS "SAKE & WINE" PAIRS TRADITIONALLY WITH SHABU - SHABU

11. What is the uniqueness of the proposed facility when contrasted against other existing or proposed facilities and the compatibility of the proposed facility to surrounding architecture and land use?

OFFERS PREMIUM WAGYU SHABU-SHABU, A UNIQUE CONCEPT IN NOVI. POSSIBLY IN THE STATE OF MICHIGAN

12. Does the facility to which the proposed liquor license is to be issued comply with the applicable building, plumbing, electrical and fire prevention codes and zoning statutes and ordinances applicable to the City of Novi? Has applicant received information from the appropriate departments?

FACILITY WILL MEET ALL REQUIRED CODES; HEALTH DEPARTMENT & CITY OF NOVI APPROVALS



Premium Wagyu Set

Menu Price \$45/ person Member Price \$38/person

Soup Broth

House Broth , Sukiyaki

Speciality Dish (One per Person)

Bone Marrow

***American Wagyu Chuck Ribeye*UNLIMITED**

***American Wagyu Brisket *UNLIMITED**

***American Wagyu Shoulder Cut *UNLIMITED**

***JIDORI Organic Chicken *UNLIMITED**

***Kurobuta Pork *UNLIMITED**

Seasonal Vegetables Platter *UNLIMITED

SIDE

Japanese Rice

Udon

Snacks

Sweet Potato Fries

Fried Mini Bun

Beverage

(+\$3/person)

Coke, Sprite, Coke Zero, Lemonade, Ice tea, Ginger Ale, Hot Tea

Sauce

Ponzu sauce, Sesame Sauce

Daliy ice cream selection

90 Minutes Dinning limit will be applied

Thank you for dinning with Chubby Cattle Wagyu Shabu House.

We hope to see you soon.

*Ask your server about menu items that are cooked to order or served raw. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of

Alcohol Menu

<u>Sapporo (Cup)</u>	<u>\$5.9</u>
<u>Sapporo (Pitcher)</u>	<u>\$15.98</u>
<u>Sake</u>	
<u>Nihon Sakari Junmai Sake 720ml</u>	<u>\$22</u>
<u>Michinoku Onikoroshi "Honjozo"</u>	<u>\$38</u>
<u>Kubota Senjyu Ginjo 300ml</u>	<u>\$25</u>
<u>Kubota Senjyu Ginjo 720ml</u>	<u>\$45</u>
<u>Dassai 45 720ml</u>	<u>\$49</u>
<u>BORN MUROKA NAMA GENSHU Daiginjo 720ml</u>	<u>\$78</u>
<u>Other Alcohol</u>	
<u>JPOP White Peach/Grapefruit (Can Chu-hi)</u>	<u>\$4.98</u>
<u>Yuki Nigori (Lychee/White Peach) 375ml</u>	<u>\$19.98</u>
<u>Yuzu Omoi Sake 500ml</u>	<u>\$60</u>
<u>Asabiraki Ume Kanon 500ml</u>	<u>\$60</u>





November 10, 2025

CITY COUNCIL

Mayor
Justin Fischer

Mayor Pro Tem
Laura Marie Casey

Dave Staudt

Brian Smith

Ericka Thomas

Matt Heintz

Priya Gurumurthy

City Manager
Victor Cardenas

City Clerk
Cortney Hanson

TO: Cortney Hanson, City Clerk
Melissa Morris, Deputy City Clerk

FROM: Andrew Copeland – Fire Marshal

SUBJECT: -Liquor Business License–
Chubby Cattle
42768 Grand River, Novi. Mi. 48375

A fire inspection will be conducted upon final construction and final opening permits for occupancy, at the above location. At this time, the Fire Dept. does not object to the Liquor License application.

Sincerely,

Andrew Copeland – Fire Marshal
City of Novi Fire Department

cc. file

City of Novi
45175 Ten Mile Road
Novi, Michigan 48375
248.347.0460
248.347.0577 fax

cityofnovi.org

MEMORANDUM



TO: CORTNEY HANSON, CITY CLERK
FROM: ERICK W. ZINSER
DIRECTOR OF PUBLIC SAFETY / CHIEF OF POLICE
INITIATED BY: MICHAEL BENDER, DETECTIVE *MB*
SUBJECT: CLASS C/QUOTA LIQUOR LICENSE APPLICATION,
CHUBBY CATTLE NOVI, LLC
DATE: SEPTEMBER 22, 2025

Liquor License Request:

Chubby Cattle Novi, LLC, DBA Chubby Cattle Wagyu Shabu House, is requesting a new Class C/Quota liquor license, which will be located in the Sakura development, 42768 Grand River Avenue, Novi, MI 48375.

Applicant/Background Information:

This application is being sought by Eric Mai, who is the owner of the Tulip Nail Bar, located in Novi. The applicant is experienced in business management, high standard customer service, and growth strategies. The applicant is financially supported by personal investments, loan, and franchise partnerships.

Criminal History/Police Contacts:

The applicant has no criminal history or negative police contacts.

Theme of Proposed Business

This will be a high-end Japanese Shabu restaurant featuring premium Wagyu Beef and unique hot pot experiences.

Financial Review:

Based upon the financial data provided by the corporation, no issues were found to prevent the liquor license application process from proceeding.

Summary:

Based on the information provided and the subsequent liquor investigation, I find no reason to deny the applicant's request. This request requires the approval of the Novi City Council.

C: Victor Cardenas, City Manager

REVIEWED

Erick W. Zinser
Director of Public Safety
Chief of Police

MEMORANDUM



TO: Melissa Morris, Deputy City Clerk

FROM: Alan Hall, Deputy Director of Community Development *ASH*

SUBJECT: THE CHUBBY CATTLE LIQUOR LICENSE

DATE: 11/07/25

The property located at **42768 GRAND RIVER AVE C100** with the business name of The Dancing Pine has received Special Land Use permit PSLU25-0004 for the purpose of:

- ☐ Auctions
- ☒ Liquor license – The Cubby Cattle
- ☐ Arcade license
- ☐ Massage license
- ☐ Outdoor gathering
- ☐ Outdoor seating
- ☐ Other: _____

From a building and safety standpoint, the Building Division does not object to the proposed license. Should you have any further questions with regards to this matter please feel free to contact me at (248) 347-0417.



MINUTES SPECIAL LAND USE HEARING CITY OF NOVI

November 5, 2025, 10:00 AM
Mayor's Conference Room | Novi Civic Center
45175 Ten Mile Road

Present: Charles Boulard, Director of Community Development; Jeff Herczeg, Director of Public Works; Jan Ziozios, Assessor; Nina Schaffrath, Recording Secretary; Eric Mai, Owner of The Chubby Cattle Novi LLC; David Draper, Attorney for Eric Mai

Applicant: The Chubby Cattle – Eric Mai

Hearing called to order at 10:00 A.M.

Correspondence Received: None

Public Participation:
None

1. PSLU25-0004 - 42768 Grand River Ave C101 – Parcel Number: 50-22-23-127-002

The applicant, **The Chubby Cattle Novi LLC** is requesting Special Land Use approval at **42768 Grand River Ave C101**, parcel number **50-22-23-127-002**. The applicant is requesting approval to use a portion of the parcel for service of alcoholic beverages in accordance with Section 4.89 of the Zoning Ordinance.

The Chubby Cattle Novi LLC is asking for Special Land Use approval for the service of alcoholic beverages. David Draper and Eric Mai explained the concept of the restaurant of The Chubby Cattle, it will be an authentic Japanese Wagyu Steak and Shabu-Shabu dining experience. The primary alcoholic sales will be Sakae, Soju and beer. This restaurant is unique to Novi and to the Midwest. Mr. Mai does not have extensive background experience in owning/managing restaurants. However, he does own and manages a franchise nail salon called Tulip Nails, that does have a location in Novi. The Chubby Cattle Franchise is supporting Mr. Mai, with managers and chefs currently training at the Chubby Cattle headquarters on the west coast, that will be coming to work at the Novi location. The owners of The Chubby Cattle Franchise will be coming in to support and help the restaurant open to ensure success. All managers and servers undergo extensive training on serving alcoholic beverages including ServSafe, and other additional training sources on how to monitor customer consumption and limits and when to recognize when a customer may have had too much. Alcohol is a part of the full Shabu-Shabu experience. Mr. Mai wants to make sure that The Chubby Cattle is family-orientated and has something to offer all people, older and younger, to create a special experience. The Chubby Cattle offers all you can eat wagyu steak at an affordable price. This is very difficult due to wagyu steak vendor locations and inflation on top of the already higher price of the steak. In addition to the Shabu-Shabu experience, alcohol sales will help offset the price of all you can eat wagyu steak and keep it affordable for customers. The Chubby Cattle also has a membership program to help build a community and to keep a loyal customer base. The Franchise, The Chubby Cattle, has a very high standard of customer satisfaction and if the restaurant does not meet that standard, the corporation will send in a specialized manager to help run the restaurant to ensure all standards of customer service are being met. The General Manager that has been selected to run The Chubby Cattle Novi, has extensive experience in the restaurant business, most recently managing K-Pot in Novi, which also offers alcohol services. All alcohol will be served at a table and there will not be a walk-up bar

available to order drinks from. The hours of operation after the soft open will be 11:00 AM to 10:30 PM, Sunday through Thursday and 11:00 AM to 11:00 PM on Fridays and Saturdays. Due to their location being in a mixed-use zoning district (Commercial/Residential), with a large residential population surrounding it, Mr. Mai has taken additional training steps with his management team and shift leaders in how to handle restaurant guests that may become unruly with their alcohol consumption. Including having a trained former TSA agent on staff. If any staff notice anyone that may cause issues or a nuisance, then they will follow proper procedure and notify authorities as needed. Jeff Herczeg states that DPW has no objection to The Chubby Cattle serving alcohol and made a motion to recommend approval to City Council for the Special Land Use for a Liquor License for The Chubby Cattle based on information gathered during the public hearing and provided in the application packet and in accordance with section 4.89 - 4-A, 4-B, and 4-C of the City of Novi Zoning Ordinance. Ms. Ziozios agrees and states that the Assessing Department has no objections and seconded the motion. The motion passed 3-0.

IN CASE NO. PSLU25-0004 Motion to recommend approval, because:

- 1. The proposed establishment will promote the City's economic development goals and objectives, and will be consistent with the City's master plan and zoning ordinance**
- 2. Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, it is demonstrated that the use will provide a service, product, or function that is not presently available within the City or that would be unique to the City or to an identifiable area within the City and that the addition of the use or proposed change in use will be an asset to the area.**
- 3. The use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:**
 - a. Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb the area residents.**
 - b. Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings.**
 - c. Excessive number of persons gathering outside the establishment.**
 - d. Peak hours of use that add to congestion or other negative effects in the neighborhood.**
 - e. Fighting, brawling, outside urination or other behavior that can accompany intoxication.**

Motion approved 3-0 Voice Vote.

Meeting was adjourned at 10:22 A.M.

AGREEMENT REGARDING LIQUOR LICENSE

This Agreement made as of the date of the last signature on _____,
by and between THE CITY OF NOVI, a municipal corporation, with offices located at
45175 W. Ten Mile Road, Novi, Michigan 48375, hereinafter known as "THE CITY", and
_____, owners of _____, whose address is _____, Novi,
Michigan _____, hereinafter known as "APPLICANT."

RECITALS:

A. The City Council of THE CITY, approved a Resolution to recommend to the
Michigan Liquor Control Commission, approval of the issuance of THE CITY'S Class C
Liquor License (hereinafter "License") from THE CITY'S quota for the APPLICANT, to be
located at _____, Novi, Michigan _____ (hereinafter
"PREMISES").

B. To assure that APPLICANT'S representations that were made to and relied
upon by the City Council of THE CITY in approving the Resolution were honored and
enforceable by THE CITY, its City Council separately directed that the signing and
delivery of the Resolution be deferred until the City Attorney had approved one or
more agreements guaranteeing the License would stay in THE CITY, with this Agreement
and the PREMISES.

IT IS THEREFORE AGREED:

1. In the event APPLICANT should cease operating its restaurant and/or
cease to use the License at the PREMISES for any reason whatsoever for a period in
excess of ninety (90) consecutive days without the written consent of THE CITY, then
APPLICANT shall immediately proceed to place the License in escrow as provided in
subsection (a), or return and request termination of the License under subsection (b) if it

has not been removed from escrow as provided in subsection (a) within five (5) years of being placed in escrow. In recognition that notwithstanding the requirements of this Agreement, the Michigan Liquor Control Commission could approve a transfer of the License to a location outside of THE CITY as currently provided in MCL 436.1521(1), as amended, if the License is required to be placed in escrow by this Agreement or the Michigan Liquor Control Act, APPLICANT agrees that after notice and an opportunity for APPLICANT to be heard, the City Council may object to renewal of the License by the Michigan Liquor Control Commission in accordance with the provisions of the Michigan Liquor Control Act and specifically MCL 436.1501(2), as amended.

- a. APPLICANT shall place the License into escrow with the Michigan Liquor Control Commission and maintain same in good standing with the Michigan Liquor Control Commission, conditioned on and with APPLICANT agreeing to take whatever steps are necessary to cause the License to remain in THE CITY, by APPLICANT using the License itself at another location within THE CITY, selling or transferring the License to the OWNER or a successor tenant for use at the PREMISES as provided in the attached Lease or selling or transferring the License to another entity for use at another location in THE CITY.
- b. APPLICANT shall return the License to the Michigan Liquor Control Commission and request that its rights to the License be terminated and that the License not be placed or continued in escrow but instead be returned to THE CITY to be added to its available quota Class C Licenses.

2. The parties also agree that in the event of a fire loss or some other type of event causing physical damage to the APPLICANT'S restaurant at the PREMISES and which results in a temporary closing of the APPLICANT'S business exceeding the ninety (90) consecutive days stated herein while the premises are being repaired or renovated, then same shall not be considered a violation of any of the conditions of this Agreement.

3. APPLICANT agrees that the City Council shall not approve the transfer of the License within three (3) years of the date of the original issuance of the License. The City Council may, but is not required to, excuse the above limitation for any of the following reasons:

- (1) If the License holder is a natural person, he or she dies or becomes incapacitated.
- (2) If the License holder is a corporation, the majority shareholder dies or becomes incapacitated, or the corporation dissolves for reasons other than to transfer the License.
- (3) If the License holder is a limited liability company, the company dissolves for reasons other than to transfer the License.
- (4) The License holder and the proposed License transferee establish that the transfer of the class License shall not result in profiteering.
- (5) The application of this limitation will subject the APPLICANT to financial hardship due to no fault of the APPLICANT, such as a change in the business climate, illness or death, labor or supply problems, and/or other factors outside the APPLICANT'S control.

Unless excused by the City Council as provided above, in the event a License is proposed for transfer within three (3) years from the date of issuance, the APPLICANT agrees that the Michigan Liquor Control Commission shall terminate the License and the City Council may approve the issuance of a new License to a new Applicant without any compensation to the Licensee who placed the License into escrow; provided, however, prior to the approval of such issuance to a new Applicant, the person or entity who placed the License into escrow shall be afforded written notice and an opportunity to be heard, and all objections raised at the hearing shall be resolved (at the Michigan Liquor Control Commission or in the circuit court if necessary) prior to issuance of the License to a new Applicant.

4. APPLICANT agrees that the recommendation of approval agreed upon by the City Council is not a property right and was approved upon the express and continuing condition that the requirements and conditions set forth in this Agreement shall be maintained and not violated by APPLICANT.

5. APPLICANT agrees that after notice and an opportunity for APPLICANT to be heard, a finding by the City Council that a violation of a requirement or condition set forth in this Agreement has occurred, shall be grounds for the City Council to request revocation and/or object to renewal of the License by the Michigan Liquor Control Commission in accordance with the provisions of the Michigan Liquor Control Act and specifically MCL 436.1501(2), as amended.

6. APPLICANT acknowledges that the agreements contained herein are unique and in the event it violates one or more of those agreements, THE CITY would not be adequately compensated by damages or resorting to the remedies described in Paragraph 5, and therefore agrees that the terms and conditions of this Agreement

shall be specifically enforceable by THE CITY by action for such relief in the Oakland County Circuit Court for the State of Michigan and that if THE CITY prevails in such an action, it shall be entitled to an award and judgment that APPLICANT pay THE CITY'S costs and attorney fees incurred.

Witnesses:

APPLICANT:

By:
Its:

Subscribed and sworn to before me
this ____ day of _____, 20__

Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission expires: _____

Witnesses:

THE CITY:

By: Justin Fischer, Mayor

By: Cortney Hanson, Clerk

Subscribed and sworn to before me
this ____ day of _____, 20__

Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission expires: _____