



April 23, 2015

Jamie Verbrugge  
City Manager  
CITY OF BLOOMINGTON  
1700 West 98<sup>th</sup> Street  
Bloomington, Minnesota 55431

VIA EMAIL ONLY

RE: *Withdrawal of Joint Rezoning Application ("Rezoning Application") submitted by NESBITT INDUSTRIAL I, LLC ("Nesbitt") and SEVEN HILLS PREPATORY ACADEMY ("Seven Hills") (collectively the "Applicants") for 6100 West 110<sup>th</sup> Street, Bloomington, Minnesota 55438, PIN 32.116.21.44.0009 (the "Property") and of Joint Application for Text Amendment ("Text Amendment Application") (collectively the "Applications")*

Dear Mr. Verbrugge:

As you know, I represent NESBITT and SEVEN HILLS in connection with the Rezoning Application to rezone the Property from IP to C-4 and the Text Amendment Application to add K-12 schools as a conditional use within the IP district.

As you know, both Applications were driven to allow Seven Hills to locate its "Upper School" at the Property beginning with the 2015-2016 school year. As we have stated on multiple occasions, timing has been a critical factor for Seven Hills as it does not currently have a location for its 6<sup>th</sup> through 8<sup>th</sup> grade students to go when classes begin in September.

Given the City's rejection of the CUP application, staff's opposition to the rezoning application, and staff's opposition to the Text Amendment Application, Nesbitt has lost Seven Hills as a tenant. Therefore, this letter is to formally advise you that my clients are withdrawing the Applications. Please issue a refund on any unused application fees for either of the Applications at your earliest opportunity.

While Seven Hills and Nesbitt are withdrawing the Applications, I must also advise you that Nesbitt will be continuing with the existing litigation. The realities of this case are undeniable.

Regards,

A handwritten signature in black ink, appearing to read "Michael J. Mergens".

Michael J. Mergens

cc: Traci Tomas (via email)  
Carl Schlueter (via email)