

**EXHIBIT C**

**Right of Entry Permit**

**MILWAUKEE COUNTY  
DEPARTMENT OF PARKS, RECREATION & CULTURE**

**9480 Watertown Plank Road, Wauwatosa, Wisconsin 53226**

**Phone (414) 257-6100 FAX (414) 257-8190**

**CONSTRUCTION / RIGHT OF ENTRY PERMIT**

**Date:**

**Permit Number:**

**Permit Fee: WAIVED per GRA ¶5 Restoration Bond Amount: None Required**

**Permittee: City of Milwaukee**

**Contact: Chad Chrisbaum**

**Address: Dept. of Public Works  
841 N. Broadway, 9<sup>th</sup> Floor  
Milwaukee, WI 53202**

**Phone: 414-286-0470; chad.chrisbaum@milwaukee.gov**

**Contractor:**

**Contact:**

**Address:**

**Phone:**

**To Enter:** County parcels at 7245 N. Granville Rd. and 7401 N. 91<sup>st</sup> Street, Milwaukee that are not dedicated public right-of-way, and also other areas of County park land as approved by DPRC prior to construction.

**Location of Cross Streets: Near N. 91<sup>st</sup> Street, W. Good Hope Rd., & N. Granville Rd.**

**Purpose:** required by GRA ¶5, and to gain access to project area.

**Expiration Date of Permit:** July 31, 2015

**Conditions:** This Right-of-Entry Permit (“ROE”) is issued by the Milwaukee County Department of Parks, Recreation and Culture (the “County”) under the Granville Road Agreement (“GRA”) between City and County, with the express condition that all work by Permittee be performed and completed according to the New Road Plans and Removal/Restoration Plans (as defined in the GRA) and as required herein and in the GRA. Permittee, its agents and contractors agree to comply with all of the following conditions and requirements:

1. Permittee shall furnish to County the New Road Plans and Removal/Restoration Plans per GRA ¶2. Those plans will show details and specifications to identify the land to be entered, proposed access routes, proposed vegetation pruning or removal, the location and construction methods for proposed work, and the complete site restoration plan.

2. Permittee assumes all responsibility for and shall indemnify and hold Milwaukee County harmless from any claims, liability, loss, damage or expense for any person’s injury or death or any damage to property either real or personal that results from any act or omission of the Permittee, or its agents or contractors which may arise out of or be connected with the activities covered by this ROE. This indemnification is unlimited as to dollar amount but County understands City is a municipal corporation, and this is subject to City’s rights at law and in equity, including under Wis. Stat. § 893.80, and that County is responsible for the intentional or negligent acts or omissions of County personnel and County agents..

3. County understands that its parcels were the subject of EPA action because of environmental contamination, that they are part of an **EPA Moss-American Superfund Site**, and that the County signed and recorded against title to its parcels an “Amended Declaration of Restriction on Use of Real Property” (recorded with the Register of Deeds on 6-30-2000 as Doc. No. 7931309) regarding this.

City and County will adhere to the provisions of GRA ¶10, and City will abide by EPA or DNR imposed requirements accepted by City and County arising as a result of GRA ¶10 that relate to the ICA project construction. City, at its expense, shall be responsible for lawful excavation, handling, and disposal of soils attributable to the project.

4. Utility-relocation work shall be addressed and handled per GRA ¶7.

5. Subject to GRA ¶¶ 5 and 10, Permittee or its agents shall comply with any and all laws, requirements, approvals, and obtain any licenses or permits, required by local municipalities or other regulatory agencies.

6. Permittee shall protect and avoid damage to any part of the Project Area and surrounding areas to ensure the safety of Permittee’s or its agent’s personnel, County staff and all park users. Permittee shall also provide and install safety devices, barricades, signs, flag person(s) or other

measures as needed in accordance with generally recognized practice associated with public works projects.

7. Subject to work required by the New Road Plans and Removal/Restoration Plans, Permittee shall protect existing trees, shrubs, delineated wetlands and wetland plants, and other vegetation located at or near the Project Area and surrounding areas of the construction site that this ROE grants access to.

8. Roadways, parking lots, bicycle/recreation trails, sidewalks, and other County-owned property located at or near the Project Area that this ROE grants Permittee access to must be kept clean and free of soil, rock, stone, and debris at all times. No materials or equipment may be placed, stockpiled, or stored on County-owned property that is not included in this ROE. County owned and operated roadways, parking lots, bicycle/recreation trails, and sidewalks shall not be obstructed or closed without written permission from County.

9. Construction or work-related vehicles and equipment shall not be operated upon County-owned roadways, parking lots, bicycle/recreation trails, sidewalks, or surrounding areas of the Project Area not included in this ROE without prior written permission from County.

10. Upon completion of all work, Permittee shall restore any and all damage to County-owned property included in the ROE and surrounding areas of the Project Area caused by Permittee or its agents. Required repairs or restoration shall be made per the Removal/Restoration Plans approved by County under the GRA, at no expense to County.

11. [Intentionally Deleted. Not applicable].

12. Permittee is required to contact **Diggers Hotline (1-800-242-8511)** regarding potential utilities located within the Project Area allowed by this ROE a minimum of five (5) business days before commencing work.

13. Permittee is required to contact **Mr. Gene Andrzejak, Park Maintenance Manager, at phone number (414) 258-2322**, regarding potential County utilities located within the Project Area allowed by this ROE a minimum of five (5) business days before commencing work. County is not aware of any County utilities within the Project Area at this time.

14. Permittee is required to contact, **Mr. Kevin Haley of the County at phone number (414) 257-6242** to schedule a site inspection before the start of any work to approve that construction locations, access routes or any required tree or shrub pruning/removal within the area of construction allowed by this ROE are as per the County-approved New Road Plans and Removal/Restoration Plans under the GRA a minimum of five (5) business days before commencing work, and upon completion to approve final restoration of the site per the Removal/Restoration Plans.

15. Permittee is required to contact the **Regional Manager** listed below a minimum of five (5) business days before commencing work to provide the anticipated start date and to receive any additional specific instructions (that are consistent herewith and with the GRA). Permittee is also required to contact the **Regional Manager** upon completion to approve final restoration of the site per the Removal/Restoration Plans.

**Authorized Parks Department Representative:**

  
\_\_\_\_\_

Date: 11 Sep 13

**Permittee Approval and Acceptance of Conditions:**

\_\_\_\_\_

Date: \_\_\_\_\_

**Approval upon satisfactory completion of all work:**

Parks Regional Manager: \_\_\_\_\_

Date: \_\_\_\_\_

North Regional Manager: Jeff Orłowski

Location: Parks Administration Building

Phone: 414-881-6175

Address: 9480 Watertown Plank Road, Wauwatosa WI 53226