

THIRTEENTH AMENDMENT TO RIVERWALK  
DEVELOPMENT AGREEMENT FOR BUSINESS  
IMPROVEMENT DISTRICT NO. 15

THIS THIRTEENTH AMENDMENT TO RIVERWALK DEVELOPMENT AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2006, by and between the City of Milwaukee ("City") and the Board of Business Improvement District No. 15 ("Board").

RECITALS

The City and the Board acknowledge the following:

A. The City and the Board entered into a Riverwalk Development Agreement for Business Improvement District No. 15 dated as of May 23, 1994, and have subsequently amended same twelve times. (The initial Riverwalk Development Agreement and all amendments thereto are collectively referred to as the "Development Agreement.")

B. The Development Agreement provides for the construction and development of a riverwalk system along the Milwaukee River in downtown Milwaukee (the "Riverwalk System").

C. In August, 2003 the City and the Board received correspondence from the United States Department of Justice ("DOJ") stating that the United States Attorney for the Eastern District of Wisconsin had opened an investigation into a complaint filed with the DOJ alleging that the Riverwalk System failed to comply with the requirements of the Americans with Disabilities Act of 1990 ("ADA"). Such correspondence identified various components of the Riverwalk System that allegedly violated the ADA.

D. Subsequent to receipt of the DOJ's correspondence the Board and the City engaged a consultant to analyze the DOJ's allegations and entered into discussions with the DOJ regarding the DOJ's investigation. As a result of such analysis and discussions, the Board and the City entered into a Settlement Agreement with the DOJ dated as of \_\_\_\_\_, 2006 pursuant to which the Board and the City agreed to undertake certain additional improvements to the Riverwalk System (the "Accessibility Improvements").

E. The Board and the City desire to enter into this Thirteenth Amendment so as to provide for the funding and development of the Accessibility Improvements.

F. The City has, via Resolution \_\_\_\_\_, approved this Thirteenth Amendment and authorized the proper City officers to execute the same on the City's behalf.

G. The Board has approved this Thirteenth Amendment and authorized its Chair to execute same on its behalf.

## AGREEMENTS

Now, therefore, in consideration of the Recitals and the mutual promises and undertakings hereinafter contained, the parties mutually agree and covenant as follows:

1. The cost of the Accessibility Improvements is budgeted at \$1,500,000 and the Board's share of such cost is budgeted at \$330,000. A revised Exhibit C to the Development Agreement is attached hereto. Such revised Exhibit identifies the Accessibility Improvements and increases the overall budget for the Riverwalk System by \$1,500,000.

2. The Board shall carry out the Accessibility Improvements following the same procedures set forth in the Development Agreement applicable to all other work performed by the Board; provided, however, that the City contemplates authorizing the funding for ADA Improvements over a three-year period. Accordingly, the Board's obligation to carry out the Accessibility Improvements is contingent upon the availability of the necessary funding from the City.

3. All other terms and conditions of the Development Agreement not inconsistent with the terms of this Thirteenth Amendment shall remain in full force and effect.

In Witness Whereof, the City and the Board have executed this Thirteenth Amendment as of the day and year first above written.

IN THE PRESENCE OF:

CITY OF MILWAUKEE

\_\_\_\_\_

\_\_\_\_\_, Mayor

\_\_\_\_\_

\_\_\_\_\_, City Clerk

COUNTERSIGNED:

\_\_\_\_\_

\_\_\_\_\_, Comptroller

IN THE PRESENCE OF:

BUSINESS IMPROVEMENT  
DISTRICT BOARD NO. 15

\_\_\_\_\_

\_\_\_\_\_

Approved as to content this  
\_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Special Deputy City Attorney

Approved as to form and execution  
this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Special Deputy City Attorney