

DEPARTMENT OF THE ARMY  
OMAHA DISTRICT, CORPS OF ENGINEERS  
TERMINATION BY MUTUAL AGREEMENT  
ARMY LEASE NO. DACA45-5-06-00020  
MILWAUKEE (LOGAN) USARC/OMS, WISCONSIN (WI042)

THIS TERMINATION AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by and between the CITY OF MILWAUKEE, a municipal corporation, by and through its Board of Harbor Commissioners (hereinafter collectively referred to as the Lessor), and the UNITED STATES OF AMERICA (hereinafter called the Government), WITNESSETH THAT:

WHEREAS, the Lessor and the Government entered into a Lease Agreement dated November 1, 2005 (hereinafter referred to as the "Lease"), for the lease of approximately 5.97 acres of real property located at 2372 South Logan Avenue in the City of Milwaukee (hereinafter referred to as the "Property"; and

WHEREAS, it is the desire of the parties and in the best interest of the Government to cancel the aforesaid Lease by mutual agreement, effective 9 May 2007; and

WHEREAS, neither the Government nor the Lessor have a further requirement for the improvements made by the Government on the Property and the Lessor gave notice to the Government that the improvements must be removed in accordance with Condition 12B of the Lease; and

WHEREAS, the Lessor is willing to accept and remove the improvements in accordance with a demolition contract (hereinafter referred to as the "Contract"), attached hereto and made a part hereof as Exhibit "A", for the sum of \$258,368 plus additional amounts as further specified in this Termination Agreement in full settlement of the cost of demolition and restoration to the Property being relinquished by the Government;

NOW THEREFORE, in consideration of the Property, the parties hereto mutually agree as follows:

1. The Government, for and in consideration of the Property, does hereby remise, release and quitclaim unto the City of Milwaukee, Wisconsin, a municipal body incorporated in the State of Wisconsin, by and through its Board of Harbor Commissioners, for itself, its successors and assigns, forever, all of its right, title and interest in and to the improvements located on the Property situated in Milwaukee County, State of Wisconsin.

2. The Lessor hereby agrees to accept above-described improvements and the sum of \$258,368, plus additional costs as specified in paragraph 3 of this Termination Agreement in full settlement of the cost of demolition of the aforementioned improvements and of restoration of the Property being relinquished by the Government, and will, as of the date of execution of this Termination Agreement assume custody and care of said improvements, the Government thereafter being relieved from any further responsibility therefor except as otherwise specified in

TERMINATION BY MUTUAL AGREEMENT  
ARMY LEASE NO. DACA45-5-06-00020  
MILWAUKEE (LOGAN) USARC/OMS, WISCONSIN (WI042)

this Termination Agreement, and the Lessor further agrees that the Lease is terminated the 9<sup>th</sup> day of May 2007.

3. In addition to the Contract amount specified in paragraph 2 of this Termination Agreement, the Government shall pay any additional costs of demolition and restoration of the Property incurred by the Lessor as specified herein. Additional costs up to an aggregate total of 15% of the Contract amount shall be payable by the Government upon presentation of a certified in-scope modification to the Government's representative by the Lessor without the necessity of higher level review, authorization or approval. Additional costs in excess of 15% of the Contract amount specified in paragraph 2 of this Termination Agreement must be coordinated with the Corps of Engineers Real Estate for review, approval and authorization of funds prior to commencing work. Such approval and authorization of funds shall not be unreasonably withheld or delayed. Notices presented to the Government's representative shall be addressed as follows:

DEPARTMENT OF THE ARMY  
OMAHA DISTRICT, CORPS OF ENGINEERS  
ATTN: REAL ESTATE DIVISION  
106 SOUTH 15<sup>TH</sup> STREET  
OMAHA, NE 68102-1618

4. The Lessor by these presents does for itself, its successors and assigns remise, release and forever discharge the Government, its officers, agents and employees of and from all manner of actions, liability and claims against the Government, its officers, agents and employees, which they ever had, now have, or ever will have, upon or by reason of any matter, cause or thing whatsoever, particularly arising out of said Lease and the occupation by the Government of the aforementioned Property, except that the Government's obligations with respect to the environmental condition of the Property, as more fully set forth in subparagraphs 15A through F of the Lease, shall survive the termination of the Lease, in accordance with applicable federal, state, interstate and local law.

5. This Termination Agreement may be executed in any number of counterparts, each of which shall constitute an original and all of which shall constitute one and the same Termination Agreement. The terms "Board of Harbor Commissioners" and "City" whenever used herein shall mean and include the Board of Harbor Commissioners of the City of Milwaukee and/or its successors and assigns in authority, as the context may require.

6. It is further agreed and understood that this Termination Agreement must be submitted to the Common Council of the City of Milwaukee and that the same must be approved by the Common Council and its execution authorized.

TERMINATION BY MUTUAL AGREEMENT  
ARMY LEASE NO. DACA45-5-06-00020  
MILWAUKEE (LOGAN) USARC/OMS, WISCONSIN (WI042)

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date above written.

CITY OF MILWAUKEE, WISCONSIN

---

Tom Barrett, Mayor

---

Ronald D. Leonhardt, City Clerk

COUNTERSIGNED:

---

W. Martin Morics, City Comptroller

BOARD OF HARBOR COMMISSIONERS

---

Daniel J. Steininger, President

---

Donna C. Luty, Secretary

TERMINATION BY MUTUAL AGREEMENT  
ARMY LEASE NO. DACA45-5-06-00020  
MILWAUKEE (LOGAN) USARC/OMS, WISCONSIN (WI042)

THE UNITED STATES OF AMERICA

\_\_\_\_\_  
Lon G. Larson, Chief, Real Estate Division  
U.S. Army Corps of Engineers, Omaha District

STATE OF WISCONSIN  
MILWAUKEE COUNTY

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2007, Tom Barrett, Mayor of the above-named municipal corporation, who by its authority and on its behalf executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
NOTARY PUBLIC, State of Wisconsin  
My Commission expires \_\_\_\_\_

STATE OF WISCONSIN  
MILWAUKEE COUNTY

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2007, Ronald D. Leonhardt, the City Clerk of the above-named municipal corporation, who by its authority and on its behalf executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
NOTARY PUBLIC, State of Wisconsin  
My Commission expires \_\_\_\_\_

TERMINATION BY MUTUAL AGREEMENT  
ARMY LEASE NO. DACA45-5-06-00020  
MILWAUKEE (LOGAN) USARC/OMS, WISCONSIN (WI042)

STATE OF WISCONSIN  
MILWAUKEE COUNTY

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2007, W. Martin Morics, Comptroller of the above-named municipal corporation, who by its authority and on its behalf executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
NOTARY PUBLIC, State of Wisconsin  
My Commission expires \_\_\_\_\_

STATE OF WISCONSIN  
MILWAUKEE COUNTY

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2007, Daniel J. Steininger, President, and Donna C. Luty, Secretary of the Board of Harbor Commissioners, who by its authority and on its behalf executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
NOTARY PUBLIC, State of Wisconsin  
My Commission expires \_\_\_\_\_

STATE OF \_\_\_\_\_  
\_\_\_\_\_ COUNTY

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2007, Lon Larson, Chief of Real Estate of the United States of America (U.S. Army, Omaha District, Corps of Engineers), who by his authority and on his behalf executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
NOTARY PUBLIC, State of \_\_\_\_\_  
My Commission expires \_\_\_\_\_

TERMINATION BY MUTUAL AGREEMENT  
ARMY LEASE NO. DACA45-5-06-00020  
MILWAUKEE (LOGAN) USARC/OMS, WISCONSIN (WI042)

APPROVED as to Form and Execution this  
\_\_\_\_\_ day of \_\_\_\_\_, 2007.

---

Assistant City Attorney

FUND CITATION:

217 2080 0000 0 2A BRAJ 132R9300000 232Z 2WGAZM WI0423F7DEM001 GAZM2W 012167

SSM:lmb  
8/24/07  
1122-2007-1011:122588