

CITY DEED RESTRICTION

Document Number

EXHIBIT C

CITY DEED RESTRICTION

Recording Area

Name and Return Address

Gregg Hagoopian
Asst. City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

309-0679-000-5 and 309-0689-000-X and 309-0690-000-5

Parcel Identification Number (PIN)

This is a City Deed Restriction against parcel numbers 309-0679-000-5, 309-0689-000-X, and 309-0690-000-5. Particulars are set forth on Exhibit A attached.

Legal descriptions of parcel numbers 309-0679-000-5, 309-0689-000-X, and 309-0690-000-5 are attached, respectively, as Exhibits B-1, B-2, and B-3.

(For informational purposes only: computer-generation document no. 48871).

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EXHIBIT A

CITY DEED RESTRICTION

Declaration of Restrictions

In Re: legal description of the properties as those descriptions appear on **Exhibits B-1, B-2, and B-3** attached (i.e. the properties commonly known as 2879 North 30th Street, Milwaukee, WI, Tax Key No. 309-0679-000-5, and 3021 West Locust Street, Milwaukee, WI, Tax Key No. 309-0689-000-X, and 2880 North 30th Street, Milwaukee, WI, Tax Key No. 309-0690-000-5).

STATE OF WISCONSIN)

) ss

COUNTY OF Milwaukee)

WHEREAS, National Business Enterprises, Inc. ("NBE") is the owner of the properties described on **Exhibits B-1, B-2, and B-3** and commonly referred to as:

- (1) 2879 North 30th Street (herein called "2879");
- (2) 3021 West Locust Street (herein called "3021"); and
- (3) 2880 North 30th Street (herein called "2880").

2879, 3021, and 2880 are herein together called the "Parcels", and they are all in Milwaukee, WI.

WHEREAS, NBE acquired 2879 and 3021 by virtue of Judgment of In Rem Foreclosure (Milw. Co. Circuit Court Case No. 01-CV-006959, Judge Thomas Cooper, 2001 No. 2 in rem file, Parcel 525 (i.e. 2879) and Parcel 526 (i.e. 3021)), pursuant to Wis. Stat. § 75.521 and § 75.106, in a § 75.106 transaction involving a "75.106 In Rem Assignment Contract" (the "75.106 Contract") among the City of Milwaukee ("City"), 30th Street Industrial Corridor Corporation ("ICC"), and NBE; and

WHEREAS, pursuant to the 75.106 Contract, it is the duty, desire and intention, of NBE, as owner of the Parcels, to impose on the Parcels the restrictions set forth herein.

NOW THEREFORE, NBE, the owner, on behalf of itself, and its successors and assigns, hereby covenants and declares that all of the Parcels described herein and on **Exhibits B-1, B-2, and B-3** are held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

1. **Restriction.** Unless the Common Council of the City of Milwaukee expressly agrees otherwise, no part of any of 2880, 2879, or 3021 may be leased for longer than 10 years, sold, mortgaged, hypothecated, transferred, or conveyed, without also leasing, selling,

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mortgaging, hypothecating, transferring, or conveying the remainder of 2880, 2879, and 3021. For example, unless the Common Council expressly agreed otherwise:

- (a) if 2880 were ever sold, then 2879 and 3021 would have to be sold along with 2880;
- (b) if 2879 and 3021 were ever sold, then 2880 would have to be sold along with 2879 and 3021;
- (c) neither 2879 nor 3021 could be sold without selling all of 2880, 2879, and 3021; and
- (d) if 2880 were ever mortgaged, 2879 and 3021 would have to be mortgaged along with 2880.

The foregoing are merely examples, and the same shall not, in any way, be deemed to be exhaustive with respect to the applicability of this document or the restrictions herein.

- 2. **Runs With Land.** The restrictions herein are hereby declared to be a covenant running with the land and against the Parcels, and shall be fully binding upon all persons acquiring the Parcels whether by descent, devise, purchase or otherwise.
- 3. **Enforceability.** This restriction is enforceable by the City, its successors or assigns. City (and its successors or assigns) may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this document or the restrictions herein. City expressly retains and reserves all rights at law and in equity (in addition to any right hereunder), including, but not limited to, the right to have a court enjoin or prevent any proposed violation and/or the right to recover damages for any violation.
- 4. **Possible Future Release From Restriction.** Any person who is or becomes owner of the Parcels may request the City to release one or more of the Parcels from, or any particular transaction from, the restrictions set forth herein. If the City, in its discretion, and by specific resolution of the City Common Council, does expressly agree to any such release, a copy of the particular Common Council resolution authorizing release may be recorded in the Milwaukee County Register of Deeds Office by the property owner or other interested party, along with an affidavit of the owner or interested party, to give notice of the particular release.
- 5. **Authorization.** By signing this document, Ann Holt and James Holt assert that they are duly authorized to sign this document on behalf of the owner of the Parcels, National

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Business Enterprises, Inc.

IN WITNESS WHEREOF, NBE, the owner of the Parcels, has caused this Declaration of Restrictions to be executed, this day ___ of , 2002.

NBE: National Business Enterprises, Inc.

By: _____
Ann Holt, President

Attest: _____
James Holt, Vice-President and
Treasurer

Signatures of Ann Holt and James Holt were
subscribed and sworn to before me
this ___ day of _____, 2002.

Name Printed: _____

Notary Public, State of _____

My Commission _____

**DRAFTED BY, AND AFTER
RECORDING RETURN TO:**

Assistant City Attorney Gregg Hagopian
City of Milwaukee
City Hall, Suite 800
200 East Wells Street
Milwaukee, WI 53202

47604

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EXHIBIT B-1

**LEGAL DESCRIPTION OF
2879 N. 30TH STREET, MILWAUKEE.**

Lots 1, 2, 3, and 4 in Block 7 in Fond du Lac Avenue Addition of Lots 13 to 35, both inclusive, of Cawkers Subdivision of the Northeast $\frac{1}{4}$ of Section 13, Town 7 North, Range 21 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

Tax Key No. 309-0679-5

ADDRESS: 2879 N. 30th Street

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EXHIBIT B-2

**LEGAL DESCRIPTION OF
3021 W. LOCUST STREET, MILWAUKEE.**

Lot 20, in Block 7, in Fond du Lac Avenue Addition of Lots 13 to 35, inclusive, in Cawker's Subdivision in the Northeast ¼ of Section 13, Township 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, Wisconsin.

Tax Key No. 309-0689-X

ADDRESS: 3021 W. Locust Street

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EXHIBIT B-3

**LEGAL DESCRIPTION OF
2880 N. 30TH STREET, MILWAUKEE**

Fond du lac Avenue Addition of Lots 13 to 35 inclusive of Cawkers Subdivision in NE ¼ Sec.
13-7-21 Block 8 Lots 1-2 & 3.

Tax Key No. 309-0690-000-5

ADDRESS: 2880 N. 30th Street

Doc no 48886

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