

AMENDMENT OF RESTRICTION
(QUIT CLAIM DEED-ISLAND)

Document Number

Document Title

THIS AMENDMENT OF RESTRICTION, Made as of the 1st day of February, 2007, between the CITY OF MILWAUKEE, a Wisconsin municipal corporation, acting by and through its Board of Harbor Commissioners, ("GRANTOR"), and the STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES, ("GRANTEE").

A COPY OF THE QUIT CLAIM DEED-ISLAND
AND
LEGAL DESCRIPTION OF PROPERTY
ATTACHED AS EXHIBIT "A".

Recording Area

Name and Return Address

Wisconsin Department of Natural Resources
Bureau of Legal Services
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-1921

Part of: 429-9998 and 395-9999-111-9

Tax Key Number:

WITNESSETH

WHEREAS, Grantor conveyed the real property legally described on Exhibit "A" ("Property"), comprising a portion of Lakeshore State Park to Grantee pursuant to a Quit Claim Deed – Island dated as of the 1st day of February, 2005 and recorded on June 10, 2005 as Document No. 09008805; and

WHEREAS, The Quit Claim Deed – Island contained certain restrictions, including restriction 3(i) stating "no above grade structures shall be constructed by GRANTEE upon the Property, with the exception of one building of not more than 1,500 square feet to house restroom and shower facilities, an office for the Lakeshore State Park and display areas, the construction, design and placement of which shall be subject to the written approval of GRANTOR's Commissioner of City Development and the Chair of GRANTOR's Board of Harbor Commissioners, which shall not be unreasonably withheld;" and

WHEREAS, GRANTEE has requested an amendment to restriction 3(i) to increase the size of the one building permitted pursuant to the restriction; and

WHEREAS, The Board of Harbor Commissioners of the City of Milwaukee approved this Amendment on _____, 2007 and the Common Council of the City of Milwaukee approved this Amendment pursuant to Common Council Resolution File No. _____ adopted _____, 2007;

NOW, THEREFORE, For good and valuable consideration a sheet of which is hereby acknowledged, GRANTOR hereby amends restriction 3(i) set forth in the Quit Claim Deed – Island to read as follows:

3(i) "no above grade structures shall be constructed by GRANTEE upon the Property, with the exception of one building of not more than 2,500 square feet to house restroom and shower facilities, an office for the Lakeshore State Park and display areas, the construction, design and placement of which shall be subject to the written approval of GRANTOR's Commissioner of City Development and the Chair of GRANTOR's Board of Harbor Commissioners, which shall not be unreasonably withheld;"

IN WITNESS WHEREOF, GRANTOR has caused this Amendment of Restriction (Quit Claim Deed – Island) to be executed by its duly authorized representatives as of the day and date first set forth above.

CITY OF MILWAUKEE

BOARD OF HARBOR COMMISSIONERS

Tom Barrett, Mayor

President

Ronald D. Leonhardt, City Clerk

Secretary

COUNTERSIGNED:

W. Martin Morics, City Comptroller

STATE OF WISCONSIN)
)ss.
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)
)ss.
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2007, Ronald D. Leonhardt, 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: _____

STATE OF WISCONSIN)
)ss.
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2007, _____, President and _____ Secretary of the above-named 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: _____

THIS INSTRUMENT WAS DRAFTED BY
City of Milwaukee, City Attorney's Office
Thomas O. Gartner, Assistant City Attorney
Wisconsin State Bar No. 01003072