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**AGREEMENT**

This Agreement is made and entered into between The Milwaukee Jewish Federation, Inc. (the "Federation"), and Robin L. Van Harpen (the "Petitioner") (each a "Party," and collectively, the "Parties").

**Witnesseth:**

WHEREAS, the Federation owns the properties located at 2005 and 2009 East Kenwood Boulevard, Milwaukee, Wisconsin (the "Federation Properties"); and

WHEREAS, the Federation purchased the Federation Properties for the purpose of demolishing them and constructing a Jewish student religious center ("Hillel") on the same site; and

WHEREAS, the Petitioner, on October 13, 2006, submitted a petition with the City of Milwaukee Historic Preservation Commission seeking the interim designation of the Federation Properties as historic; and

WHEREAS, the Petitioner, on November 9, 2006, submitted a petition with the City of Milwaukee Historic Preservation Commission seeking the collective interim designation of the Federation Properties, as well as the properties located at 2015, 2019, 2025-27 and 2029 East Kenwood Boulevard (collectively with the Federation Properties, the "Kenwood Properties"), as historic; and

WHEREAS, at public hearing(s) held on December 11, 2006 pursuant to Section 308-81-10.5 of the Milwaukee Code of Ordinances (the "MCO"), the City of Milwaukee Historic Preservation Commission voted to designate, on an interim basis, the Kenwood Properties for historic preservation; and

WHEREAS, on December 14, 2006, the Federation timely filed an appeal petition for the review of the interim designations by the Common Council of the City of Milwaukee in accordance with MCO Section 308-81-10(f) (the "Petition for Review"); and

WHEREAS, the Petitioner has requested that the Parties agree to an adjournment of the Federation's Petition for Review.

NOW, THEREFORE, the Parties agree as set forth below.

1. The Parties agree to request the adjournment of the proceedings pertaining to the interim historic designation of the Kenwood Properties currently in progress before the City of Milwaukee Historic Preservation Commission and/or the City of Milwaukee Common Council pursuant to MCO § 308-81-10.5. The Parties further agree that ten (10) days following the written notification by either Party to (i) the other Party, (ii) the City of Milwaukee Common Council, and (iii) the City of Milwaukee Historic Preservation Commission of its desire to continue proceedings on the interim historic designation of the Kenwood Properties, the Parties

shall take the steps necessary to schedule a hearing on the Petition for Review before the City of Milwaukee Common Council.

2. None of the days during the adjournment described in Section 1, above, shall be counted for the purpose of calculating deadlines pursuant to MCO § 308-81-10.5(f). However, the number of days between December 14, 2006 (the date of the Petition for Review) and the date upon which the Federation's Petition for Review is adjourned shall be included in the calculation of deadlines in the manner described in Section 3, below.

3. Ten (10) days following the receipt by either Party of the notice described in Section 1, above, the counting of days for the purpose of calculating deadlines pursuant to MCO § 308-81-10.5(f) shall resume, with all days between December 14, 2006 and the date upon which the City of Milwaukee Common Council adjourns the Federation's Petition for Review to be counted in such calculation. [For example, assume the City of Milwaukee Common Council adjourns the Federation's Petition for Review on January 17, 2007, and that the Federation provides notice to Petitioner of its desire to have its Petition for Review heard by the City of Milwaukee Common Council on February 15, 2007. On February 26, 2007 (ten (10) days following the Federation's notice), counting will resume at day 35 (to take account of the 34 days between December 14, 2006 and January 17, 2007).]

4. Each of the Parties agrees to appear before the City of Milwaukee Historic Preservation Commission at the meeting currently scheduled for February 12, 2007 solely for the purpose of requesting: (i) that the City of Milwaukee Historic Preservation Commission grant an extension of time for further hearing on the question of the historic designation of the Kenwood Properties, and (ii) that the City of Milwaukee Historic Preservation Commission vote to forward a recommendation to the City of Milwaukee Common Council that the Parties be granted additional time for further hearing on the question of the historic designation of the Kenwood Properties.

5. Each of the Parties acknowledges and agrees that nothing in this Agreement shall extend the interim historic designation of any of the Kenwood Properties beyond June 7, 2007. Each of the Parties further acknowledges the last regularly-scheduled public meeting of the City of Milwaukee Common Council before June 7, 2007 is scheduled for May 30, 2007, the last regularly-scheduled public meeting of the City of Milwaukee Zoning and Neighborhood Development Committee before June 7, 2007 is scheduled for May 22, 2007, and the last regularly-scheduled public meeting of the City of Milwaukee Historic Preservation Commission before June 7, 2007 is scheduled for May 14, 2007.

6. Each of the Parties acknowledges and agrees that nothing in this Agreement may be considered or construed as an admission concerning or evidence of the propriety of designating the Kenwood Properties as historic sites, structures and/or a historic district (including, but not limited to, the matters in this Paragraph and Paragraph 10 hereof). Each of the Parties further acknowledges and agrees that no action taken by the Federation in reliance on or as a result of the provisions of this Agreement, including without limitation the search for and/or purchase of alternate property(ies), may be considered or construed as an admission concerning or evidence of the propriety of designating the Kenwood Properties as historic sites, structures, and/or a historic district.

7. Each of the Parties acknowledges and agrees that nothing in this Agreement shall impede or waive the right of the Federation to make any argument in any proceeding concerning the historic designation of the Federation Properties, including without limitation arguments concerning the validity, enforceability and/or constitutionality of MCO §§ 308-81-1, *et seq.*, or actions taken by the Common Council and/or Historic Preservation Commission in accordance therewith.

8. Each of the Parties acknowledges and agrees that nothing in this Agreement shall affect any hearing and/or appeal rights granted to the Federation by MCO §§ 308-81-1, *et seq.*

9. The Federation agrees to utilize its good faith efforts to locate and purchase acceptable alternative property(ies) for Hillel that meet the Federation's criteria for such property(ies).

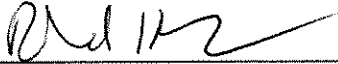
10. In the event the Federation locates and purchases acceptable alternative property(ies) for Hillel, the Parties agree to utilize good faith efforts to prevent the City of Milwaukee Historic Preservation Commission from recommending to the City of Milwaukee Common Council that the Federation Properties be designated as historic pursuant to Petitioner's October 13, 2006 or November 9, 2006 petitions by, to the extent legally possible, withdrawing Petitioner's October 13, 2006 and November 9, 2006 petitions and/or allowing the interim historic designation of the Federation Properties to lapse so that the Federation Properties can be sold without any such designation. The Federation agrees not to demolish the Federation Properties if the Federation purchases acceptable alternative property(ies) for Hillel.

11. Petitioner agrees that for as long as the Federation's Petition for Review is adjourned, she will file no additional petitions with the City of Milwaukee Historic Preservation Commission seeking any designation of the Federation Properties as historic sites, structures, or part of a historic district, will not solicit, endorse, encourage or otherwise support the filing by any other person or entity of a petition seeking the historic designation of the Federation Properties. Petitioner further agrees to utilize her best efforts to discourage other persons from filing petitions seeking the designation of the Kenwood Properties as historic for as long as the Federation's Petition for Review is adjourned.

12. Each of the Parties agrees not to file petitions or take any other actions seeking the historic designation of any of the properties the Federation may consider and/or purchase as alternatives to the Federation Properties.

13. The Federation agrees it will not apply for any certificates of appropriateness pursuant to MCO § 308-81-9 with respect to the Federation Properties or attempt to remove any structures located on the Federation Properties for as long as its Petition for Review is adjourned.

14. Each of the Parties acknowledges and agrees that this Agreement shall take effect upon execution by all Parties, which execution may be in counterparts.

<p><b>Petitioner, Robin L. Van Harpen:</b></p> <p>_____</p> <p>Dated: _____</p>
<p><b>The Milwaukee Jewish Federation, Inc.:</b></p> <p>By: <u></u></p> <p>Its: <u>Executive Vice President</u></p> <p>Dated: <u>1-15-07</u></p>
<p>Approved:</p> <p><b>City of Milwaukee, a Wisconsin municipal corporation:</b></p> <p>By: _____</p> <p>Its: _____</p> <p>Dated: _____</p>
<p>Approved:</p> <p><b>City of Milwaukee Historic Preservation Commission:</b></p> <p>By: _____ Robert J. Bauman</p> <p>Its: _____ Chairman</p> <p>Dated: _____</p>

14. Each of the Parties acknowledges and agrees that this Agreement shall take effect upon execution by all Parties, which execution may be in counterparts.

**Petitioner, Robin L. Van Harpen:**

Robin Van Harpen

Dated: 1-15-07

**The Milwaukee Jewish Federation, Inc.:**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_

Approved:

**City of Milwaukee, a Wisconsin municipal corporation:**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_

Approved:

**City of Milwaukee Historic Preservation Commission:**

By: \_\_\_\_\_  
Robert J. Bauman

Its: \_\_\_\_\_  
Chairman

Dated: \_\_\_\_\_