



Department of City Development
City Plan Commission
Redevelopment Authority of the City of Milwaukee
Neighborhood Improvement Development Corporation

Rocky Marcoux
Commissioner
rmarco@milwaukee.gov

Martha L. Brown
Deputy Commissioner
mbrown@milwaukee.gov

October 9, 2014

Mr. James R. Owczarski
City Clerk
City Hall, Room 205
Milwaukee, WI 53202

Dear Mr. Owczarski:

Enclosed is a copy of the fully executed Riverwalk Easement Amendment between the City of Milwaukee and 1890 Commerce, LLC.

This agreement was executed pursuant to Common Council Resolution File No. 060985, approved December 12, 2006.

Sincerely,

Scott A. Stange
Procurement and Compliance Manager
Department of city Development

Enclosure
Cc: Alyssa Remington (w/encl)



ORIGINAL

RIVERWALK EASEMENT
AMENDMENT
(1890 N. Commerce St.)

Document Number

Document Title

**RIVERWALK EASEMENT AMENDMENT
(1890 N. Commerce St.)**

Drafted by:

City of Milwaukee
Office of the City Attorney

Recording Area

COPY

Name and Return Address

City of Milwaukee
Department of City Development (Remington)
809 North Broadway – Second Floor
Milwaukee, WI 53202

Parcel Identification Number (PIN)

THIS RIVERWALK EASEMENT AMENDMENT (the “**AMENDMENT**”), made as of _____, 2014, is between 1890 Commerce, LLC (“**Owner**”) and the CITY OF MILWAUKEE (“**City**”), a municipal corporation, and is for good and valuable consideration, the receipt and sufficiency of which are acknowledged.

1. **Easement.** On December 13, 2007, the City was granted an easement, for the purpose of public access, maintenance, and decorating a riverwalk constructed on **Owner’s** property that was recorded in the Office of the Register of Deeds of Milwaukee County on April 4, 2008 as Document No. 09581687 (“**Easement**”). At the time it was recorded the Easement anticipated that the Riverwalk development would take place in two phases, and the Easement grant encumbered two portions of the property. Riverwalk construction occurred in the area described in the Easement as Phase 1 Building.


2. **Original Phase 2 Easement Area.** The **Easement** also granted to the City an easement over an area of the property described in the Easement as Phase 2 Building with an address of 1890 N Commerce Street, and a tax key number of 354-0405-000 (the “**Parcel**”), which part is herein called the “**Original Phase 2 Easement Area**” and legally described on **EXHIBIT A** attached. Riverwalk construction occurred in a portion of the Original Phase 2 Easement Area.

3. **Amended Easement Area.** Due to changes in the development plans for the **Parcel** the **Original Phase 2 Easement Area** encumbers more of the **Parcel** than is necessary to accomplish the public access, maintenance, and decorative purposes underlying the **Easement**. As a result, **Owner** and **City** wish to amend the **Original Phase 2 Easement Area** such that the encumbered part of the **Parcel** is as small as needed by **City**. The updated boundary of the encumbered part of the **Parcel** (the “**Amended Phase 2 Easement Area**”) is legally described on **EXHIBIT B** attached. **City** terminates its easement rights over any portion of the **Original Phase 2 Easement Area** that is not included in the **Amended Phase 2 Easement Area**.

4. **Other Provisions Unchanged.** All provisions of the **Easement**, which are not inconsistent with this **Amendment**, shall remain in full force and effect.

5. **Recording; Miscellaneous.** This **Amendment (a)** shall be recorded with the Milwaukee County Register of Deeds, **(b)** is governed by Wisconsin law, **(c)** may only be amended by written instrument signed by all parties, and **(d)** is binding on successors, assigns, and heirs.

IN WITNESS WHEREOF, THE PARTIES HERETO caused this Amendment to be executed by their authorized signatories as of the date first written above.

<p>CITY: CITY OF MILWAUKEE</p> <p>By: <u>Tom Barrett</u> Tom Barrett, Mayor</p> <p>By: <u>Jim Owcarski</u> Jim Owcarski, City Clerk</p> <p>Countersigned:</p> <p>By: <u>Martin Matson</u> Martin Matson, Comptroller RA</p> <p>City Common Council Resolution File No. _____ adopted _____, 20__.</p> <p>CITY ATTORNEY APPROVAL/AUTHENTICATION</p> <p><u>Joey McKee</u>, as a member in good standing of the State Bar of Wisconsin, hereby approves the signatures of the City representatives above per M.C.O. § 304-21, and also authenticates the signatures of those City representatives/signatories per Wis. Stat. § 706.06 so this document may be recorded per Wis. Stat. § 706.05 (2)(b).</p> <p>By: <u>Joey McKee</u> Name Printed: <u>Joey R McKee</u> Assistant City Attorney State Bar No. <u>1051310</u></p>	<p>OWNER:</p> <p>By: <u>Gary P. Grunau</u> Name Printed: <u>Gary P. Grunau</u></p> <p>And By: <u>Samuel H. Denny</u> Name Printed: <u>Samuel H. Denny</u></p> <p>OWNER NOTARY</p> <p>State of Wisconsin))ss Milwaukee County)</p> <p>Before me personally appeared the following signatories, <u>GARY P. GRUNAU AND SAMUEL H. DENNY</u>, to me known to be such person(s) who signed this document and acknowledged the same.</p> <p>Date: <u>OCT 1, 2014</u></p> <p><u>Susan L Press</u> Notary Public Name Printed: <u>SUSAN L. PRESS</u></p> <p>My commission: <u>EXPIRES JAN 15, 2017</u></p> <p>[notarial seal]</p> 
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Date: <u>10/7/14</u>	
1055-2014-1535:206119	

EXHIBIT A
LEGAL DESCRIPTION OF "EASEMENT AREA"

Description of Land for proposed Phase 2 Building

A parcel of land located in the Southwest Quarter of the Northwest Quarter of Section 21, Township 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, Wisconsin; more fully described as follows:

Commencing the Southwest Corner of Certified Survey Map #6832 as recorded with the Milwaukee County Register of Deeds, also being the intersection of the southeasterly right-of-way line of North Commerce Street and the southwesterly right-of-way line of North Booth Street; thence South $46^{\circ}51'38''$ West along said southeasterly right-of-way line of N. Commerce Street, 150.00 feet; thence South $50^{\circ}21'38''$ West along said southeasterly right-of-way line, 117.33 feet to the Point of Beginning; thence South $37^{\circ}34'22''$ East, 158.46 feet to the established dock line of the Milwaukee River; thence South $43^{\circ}22'55''$ West along said dock line, 194.30 feet; thence North $40^{\circ}42'22''$ West, 188.11 feet to the southeasterly right-of-way line of North Commerce Street; thence North $52^{\circ}25'38''$ East along said southeasterly line, 169.51 feet; thence North $50^{\circ}21'38''$ East along said southeasterly line, 32.67 feet to the Point of Beginning.

Containing 34,095 square feet (0/7827 Acres) more or less.

EXHIBIT B
LEGAL DESCRIPTION OF "AMENDED EASEMENT AREA"

That part of Parcel 2 of Certified Survey Map No. 7825, recorded on October 13, 2006, as Document No. 9319757, being a division of part of Lots 22 and 23 and all of Lots 24 to 32 inclusive, in the Plat of Lots 2 and 3 and accrued lands located in the Southwest 1/4 of the Northwest 1/4 of Section 21, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows: Beginning at the Southeast corner of said Parcel 2; Thence South $43^{\circ}22'55''$ West, 194.31 feet along the Southeasterly line of said Parcel 2; Thence North $40^{\circ}42'22''$ West 15.00 feet along the Southwesterly line of said Parcel 2; Thence North $44^{\circ}24'01''$ East, 165.86 feet; Thence North $35^{\circ}58'26''$ East, 29.69 feet to the Northeasterly line of said Parcel 2; Thence South $37^{\circ}34'22''$ East, 16.00 feet along said Northeasterly line to the Point of Beginning.