

STAGING AND GRADING TEMPORARY EASEMENT AGREEMENT
Amendment #1

- This Amendment #1 to the Staging and Grading Temporary Easement Agreement (the "**Agreement**") dated the 25th day of October, 2021 by and between the COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF WEST ALLIS, a separate body politic created by ordinance in the City of West Allis, pursuant to Section 66.1335 of the Wisconsin Statutes ("**Grantor**") and MANDEL DEVELOPMENT, INC., a Wisconsin corporation and assignees and affiliates thereof ("**Grantee**").

All capitalized terms used herein shall have the same meaning as in the Agreement.

The parties to hereby agree as follows:

- 1. EXHIBIT A is hereby replaced by the attached EXHIBIT A, which is the recorded CSM map.**
- 2. EXHIBIT B is deleted. The reference to "Adjacent Parcels" is amended as follows: The Adjacent Parcels are identified as Lots 1, 3 and 4 as shown on EXHIBIT A.**
- 3. EXHIBIT C is deleted and replaced by the updated Civil Engineering Plans attached hereto as EXHIBIT C.**
4. Grantee hereby notifies Grantor that it has assigned its rights under this Agreement to Makers Row Phase I LLC, a Wisconsin limited liability company ("Makers Row") as to this Agreement's access rights and rights of Grading and Soils Management, Construction Staging and Storage and Site Utility Construction located on the Adjacent Parcels identified as Lots 1, 3 and 4 of the Certified Survey Map attached as EXHIBIT A (the "Certified Survey Map"). Adjacent Parcels are also identified independently as "Lots" herein. Makers Row is hereby appended to and referred to as Grantee with regards to Lots 1 and 3.
5. Grantee and Makers Row do hereby agree to coordinate any activities undertaken pursuant to this Agreement such that the work performed is consistent with that work as contained in the Civil Engineering Plans regardless of lot lines between Adjacent Parcels.
6. Grantee has requested additional rights as to Lot 2 whereby Grantee's contractors would be permitted to install subgrade footings and foundations and above-grade concrete foundation walls ("Early Start Work") provided Grantee holds all necessary building permits issued by the City of West Allis ("City"). Grantor consents to this additional scope of work however, in the

event the sale and conveyance of Lot 2 to Grantee is not completed, then Grantor at Grantor's sole option can elect to a) require Grantee to demolish and remove all of the Early Start Work or b) require Grantee to quit claim to Grantor all of Grantee's interests in the Early Start Work. Grantee explicitly agrees that all Early Start Work shall be subject at all times to Section 7 of the Agreement, including in the event of transfer to Grantor.

7. Section 4 of the Agreement is replaced in its entirety as follows:

4. Progression of Work; Purchase of Lots 1 and 3; Purchase of Lot 4

(a) **Obligation to Complete Work When Started.** Upon commencement of any of the Easement Activities, Grantor agrees that it shall complete the work on Lots 1, 3 and 4 at least sufficient to ensure that grading work is properly shaped to drain correctly and is otherwise capped and seeded; and that any underground utility construction work commenced is completed such that the utility service is complete and ready to provide individual service to each Lot.

In the event Makers Row and/or affiliates do not purchase either of Lot 1 or Lot 3, then ownership of that work completed on such Parcels prior to the expiration of the respective purchase and sale agreement shall be conveyed by quit claim deed to Grantor by Grantee and Makers Row. Grantee and Makers Row explicitly agree that all work on Lots 1 and 3 shall be subject at all times to Section 7 of the Agreement, including in the event of transfer to Grantor.

(b) **Purchase of Adjacent Parcels - Lots 1 and 3.** Grantor agrees to enter into purchase and sale agreements ("PSA" or "PSAs") with Makers Row for Lots 1 and 3 of the Certified Survey Map at the earliest possible date, subject to normal and customary municipal approvals. The purchase and sale agreements will include terms and conditions as contained in that certain agreement between Grantor and SoNa Lofts LLC for Lot 2. Makers Row and Grantor agree to expedite the execution of such agreements at the earliest possible date.

The parties acknowledge that the financing structure for development of Lots 1 and 3 will likely require some form of assistance, support or participation from Grantor, the City of West Allis or other outside parties other than private debt and equity. Makers Row's ability to undertake development of these Lots is dependent on a feasible economic structure. Further, the parties acknowledge that final plans for Lot 1 have received conditional zoning approval from the City been approved but that plans have not yet been submitted for Makers Row Phase II.

Given the above status of development proposals for Lots 1 and 3, the parties agree that the target acquisition date for Lot 1 will be March 1, 2022 and the target acquisition date for Lot 3 will be July 1, 2022 (the "Target Acquisition Dates") subject to terms and conditions to be negotiated and agreed to by the parties and further subject to the completion of an agreed-to financing plan for each development subject however, to Makers Row's right to extend either or both Target Acquisition Dates by up to sixty (60) days in consideration of the status of approvals and financing.

(c) **Purchase of Adjacent Parcel - Lot 4.** Grantor and Grantee may negotiate the purchase of Lot 4 at the discretion of the parties.

Signatures follow on next page

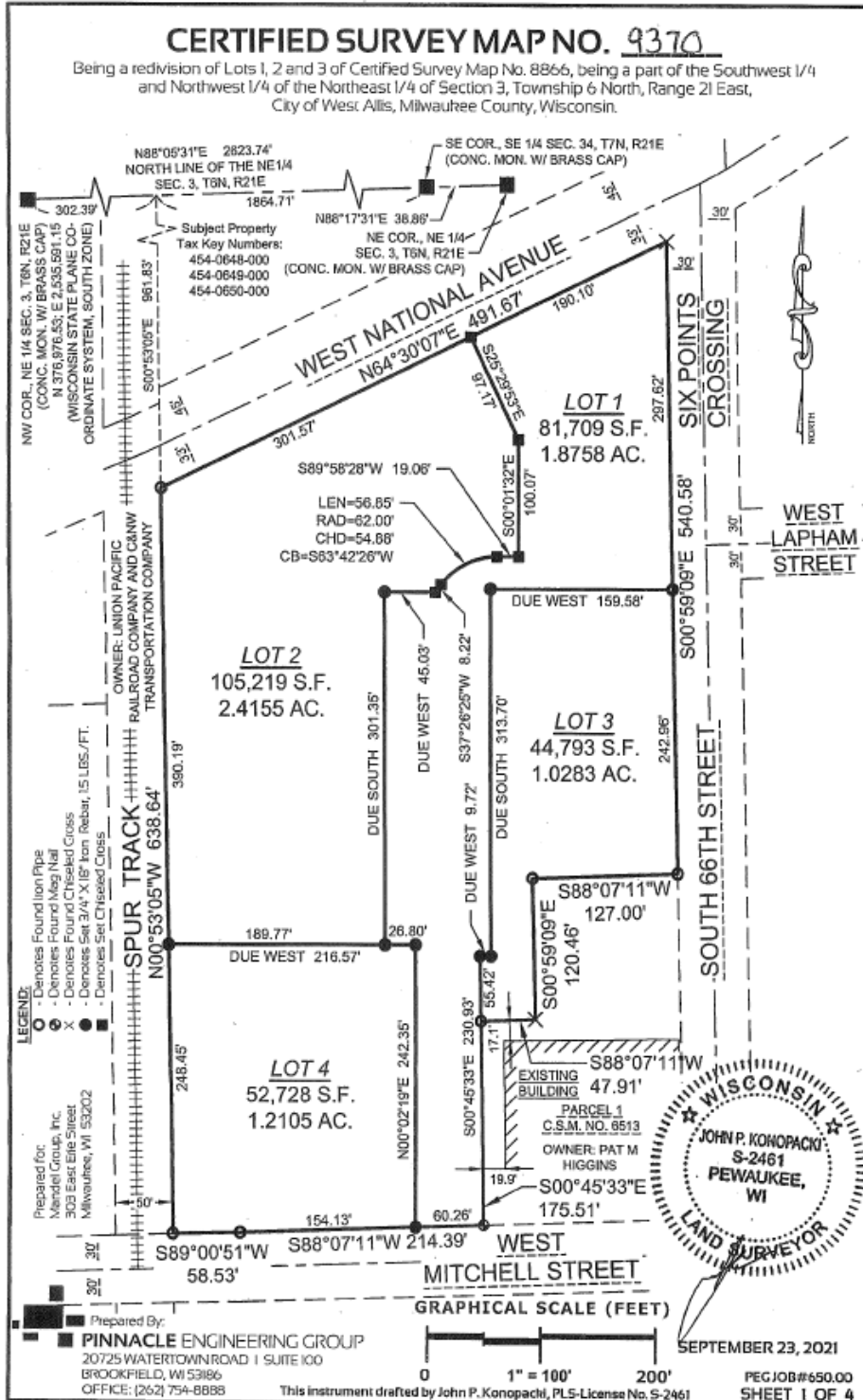
EXHIBIT SCHEDULE

EXHIBIT A – CERTIFIED SURVEY MAP

EXHIBIT B – REMOVED FROM ORIGINAL AGREEMENT INTENTIONALLY

EXHIBIT C - CIVIL ENGINEERING PLANS

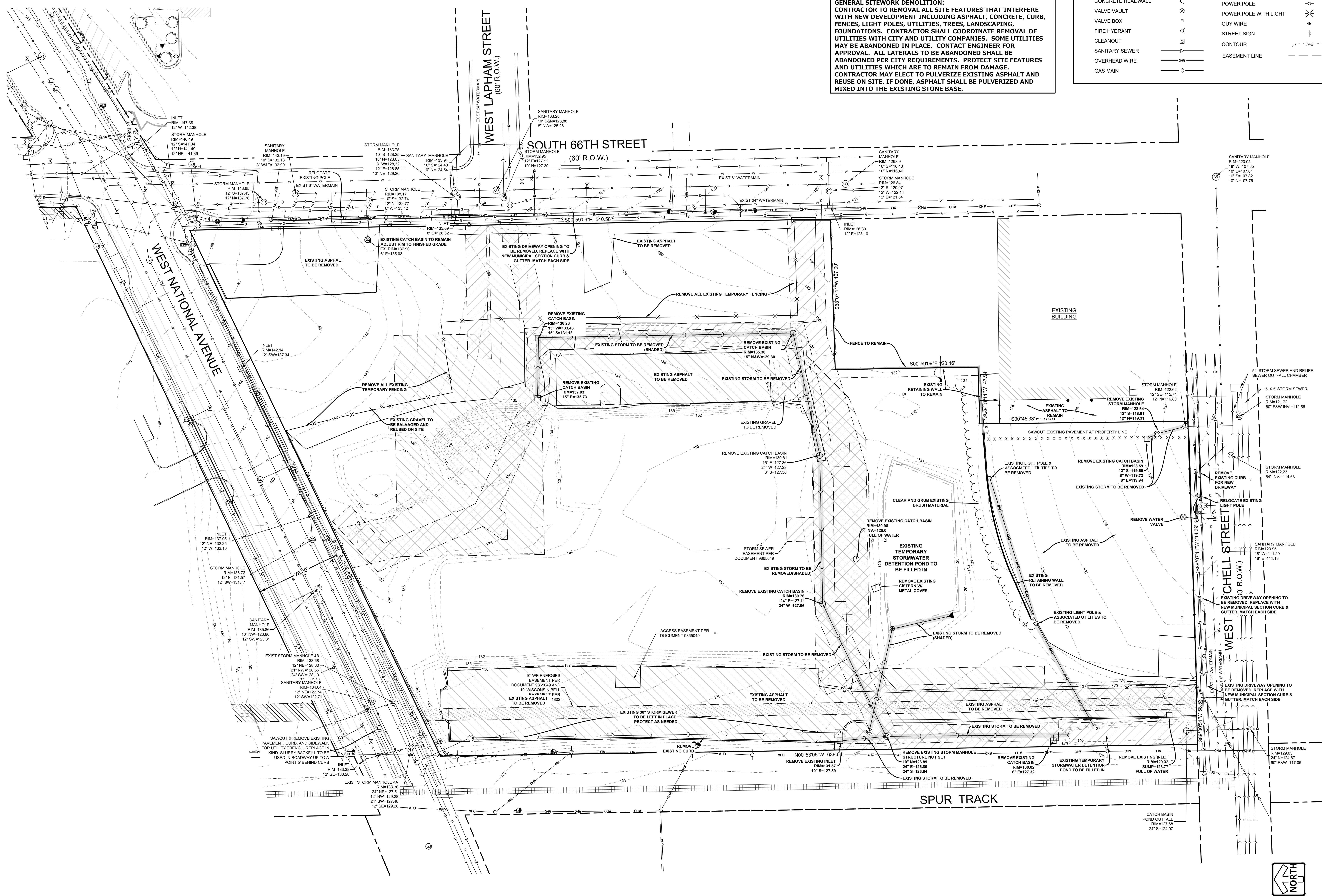
EXHIBIT A – CERTIFIED SURVEY MAP



**EXHIBIT B – INTENTIONALLY REMOVED FROM ORIGINAL DOCUMENT
VIA THIS AMENDMENT**

EXHIBIT C - CIVIL ENGINEERING PLANS

(EXHIBIT C IS SPECIFICALLY LOCATED ON THE 10 PAGES
FOLLOWING THIS PAGE)



CONTRACTOR RESPONSIBILITY:
 THE INFORMATION SHOWN ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATIONS AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO. IF ADDITIONAL UTILITIES ARE KNOWN TO EXIST IN THE PROPERTY, THE OWNER WILL PROVIDE EXISTING PLANS OR OTHER UTILITIES SERVING THE SITE AND THE BUILDING THAT OTHERWISE CANNOT BE LOCATED BY A VISUAL OBSERVATION OF THE PROPERTY OR OF WHICH THE SURVEYOR WOULD HAVE NO KNOWLEDGE.

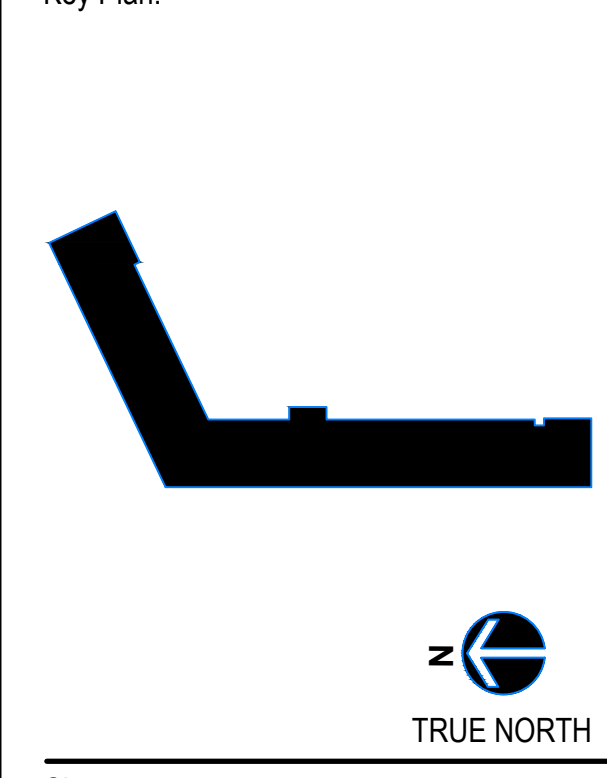
GENERAL SITEWORK DEMOLITION:
 CONTRACTOR TO REMOVE ALL SITE FEATURES THAT INTERFERE WITH NEW DEVELOPMENT INCLUDING ASPHALT, CONCRETE, CURB, FENCES, LIGHT POLES, UTILITIES, TREES, LANDSCAPING, FOUNDATIONS. CONTRACTOR SHALL COORDINATE REMOVAL OF UTILITIES WITH CITY AND UTILITY COMPANIES. SOME UTILITIES MAY BE ABANDONED IN PLACE. CONTACT ENGINEER FOR APPROVAL. ALL LATERALS TO BE ABANDONED SHALL BE ABANDONED PER CITY REQUIREMENTS. PROTECT SITE FEATURES AND UTILITIES WHICH ARE TO REMAIN FROM DAMAGE. CONTRACTOR MAY ELECT TO PULVERIZE EXISTING ASPHALT AND REUSE ON SITE. IF DONE, ASPHALT SHALL BE PULVERIZED AND MIXED INTO THE EXISTING STONE BASE.

LEGEND

SANITARY MANHOLE	⊙	STORM SEWER	—
STORM MANHOLE	⊙	WATER MAIN	—
CATCH BASIN	⊙	LIGHTING	⊙
INLET	⊙	ELECTRICAL CABLE	—
PRECAST FLARED END SECTION	⊙	ELECTRICAL TRANSFORMER OR PEDESTAL	⊙
CONCRETE HEADWALL	⊙	POWER POLE	⊙
VALVE VAULT	⊙	POWER POLE WITH LIGHT	⊙
VALVE BOX	⊙	GUY WIRE	—
FIRE HYDRANT	⊙	STREET SIGN	⊙
CLEANOUT	⊙	CONTOUR	—
SANITARY SEWER	—	EASEMENT LINE	—
OVERHEAD WIRE	—		
GAS MAIN	—		

Developer/Owner:
MANDEL GROUP
 Consultant:
Pinnacle Engineering Group
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Project:
SoNa Apartments
 Location:
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 West Allis, WI 53214



Sheet:
EXISTING CONDITIONS AND DEMOLITION PLAN

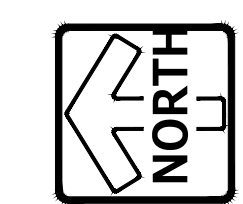
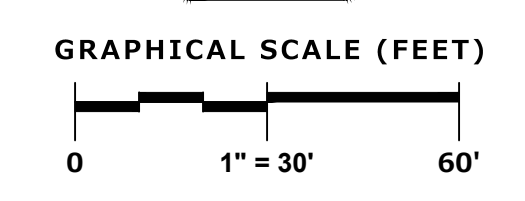
Phase:
100% CONSTRUCTION DOCUMENTS

Scale:

Revisions:

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2	11/11/2021	CONSTRUCTION BULLETIN #1

Date:
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Key Plan:



Sheet:

SITE PLAN

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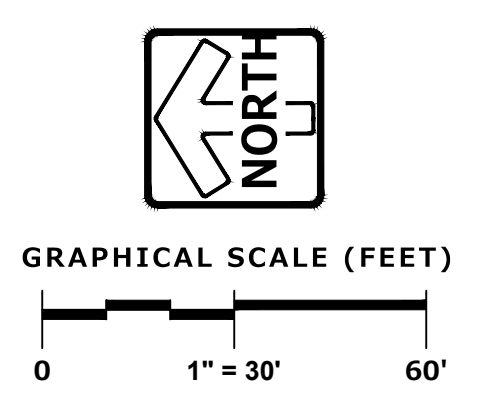
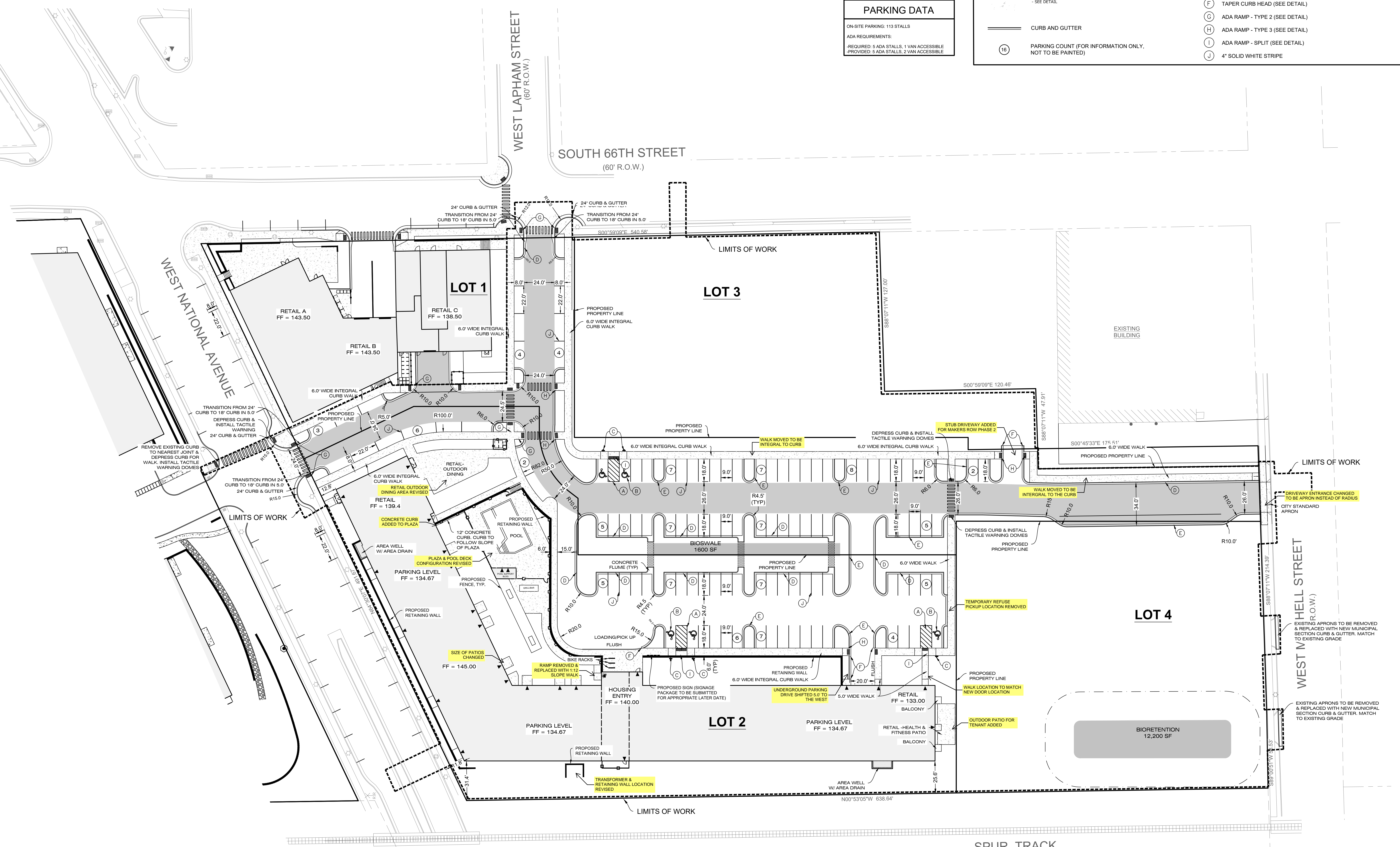
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SITE DATA				
LOT 1	LOT 2	LOT 3	LOT 4	SITE TOTAL
TOTAL AREA: 1.88 AC	TOTAL AREA: 2.42 AC	TOTAL AREA: 1.03 AC	TOTAL AREA: 1.21 AC	TOTAL AREA: 6.54 AC
BUILDING: 0.36 AC / 19.1%	BUILDING: 0.81 AC / 33.5%	BUILDING: 0.00 AC / 0.0%	BUILDING: 0.00 AC / 0.0%	BUILDING: 1.17 AC / 17.9%
IMPERVIOUS: 1.49 AC / 79.3%	IMPERVIOUS: 1.65 AC / 68.2%	IMPERVIOUS: 0.00 AC / 0.0%	IMPERVIOUS: 0.00 AC / 0.0%	IMPERVIOUS: 3.14 AC / 48.0%
GREEN SPACE: 0.39 AC / 20.7%	GREEN SPACE: 0.77 AC / 31.8%	GREEN SPACE: 1.03 AC / 100.0%	GREEN SPACE: 1.21 AC / 100.0%	GREEN SPACE: 3.40 AC / 52.0%

PARKING DATA	
ON-SITE PARKING: 113 STALLS	
ADA REQUIREMENTS:	
-REQUIRED: 5 ADA STALLS, 1 VAN ACCESSIBLE	
-PROVIDED: 5 ADA STALLS, 2 VAN ACCESSIBLE	

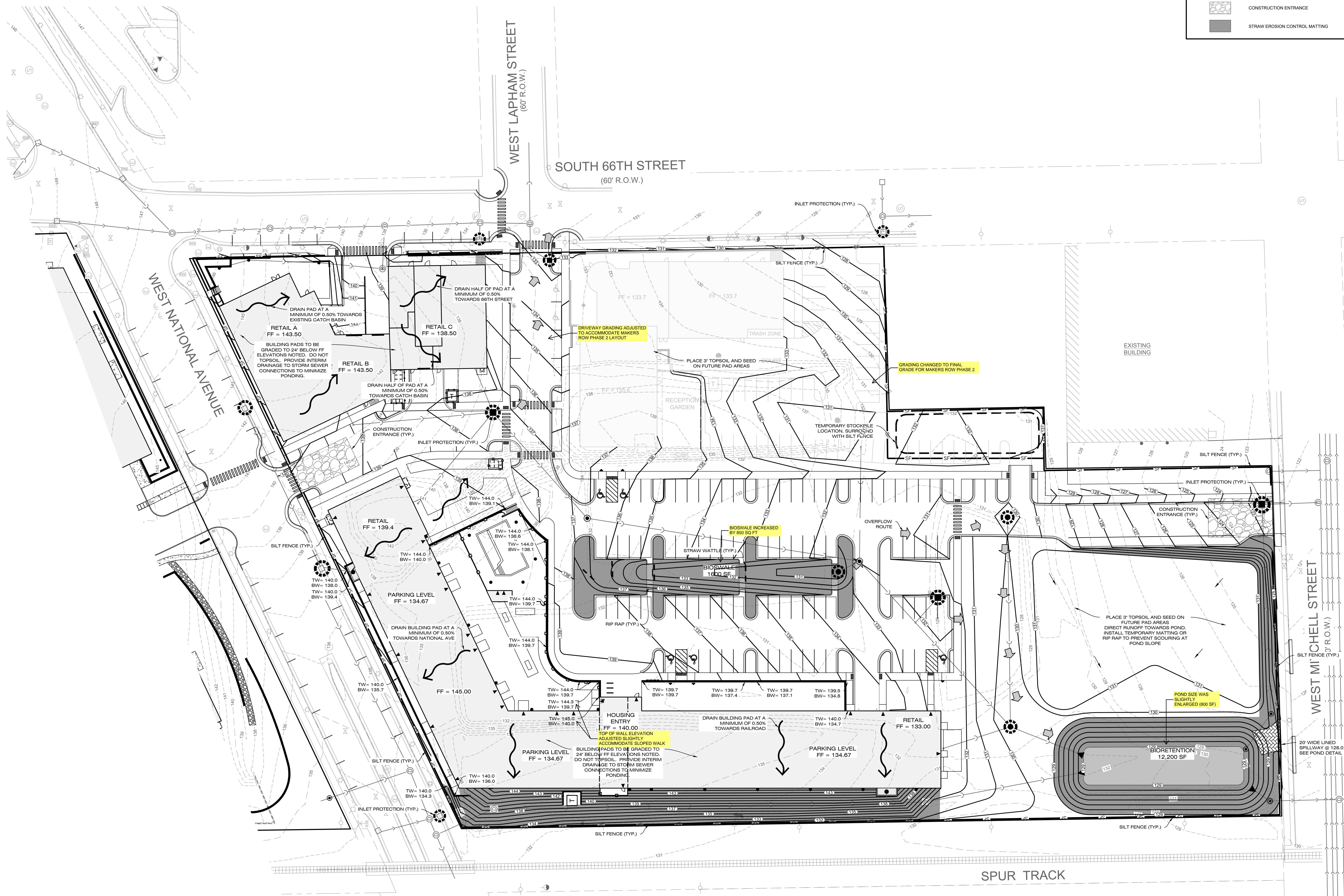
LEGEND	
	HEAVY DUTY ASPHALT PAVEMENT -SEE DETAIL
	REGULAR DUTY ASPHALT PAVEMENT -SEE DETAIL
	CONCRETE SIDEWALK -SEE DETAIL
	CURB AND GUTTER
	PARKING COUNT (FOR INFORMATION ONLY, NOT TO BE PAINTED)
	4" DIAGONAL WHITE STRIPE AT 45° SPACED 2' O.C.
	ADA PARKING STALL INSIGNIA
	ADA PARKING STALL SIGN (SEE DETAIL)
	18" CURB AND GUTTER (SEE DETAIL)
	18" REVERSE PITCH CURB AND GUTTER (SEE DETAIL)
	TAPER CURB HEAD (SEE DETAIL)
	ADA RAMP - TYPE 2 (SEE DETAIL)
	ADA RAMP - TYPE 3 (SEE DETAIL)
	ADA RAMP - SPLIT (SEE DETAIL)
	4" SOLID WHITE STRIPE



IN ALL GREEN SPACE AREAS AN 18" CLEAN SOIL CAP SHALL BE PLACED. THE EXISTING SOIL STOCKPILES ON SITE MAY BE USED FOR THIS PURPOSE. IMPORT ADDITIONAL MATERIAL IF NEEDED.

LEGEND

- STORM SEWER MANHOLE
- STORM CATCH BASIN (ROUND CASTING)
- STORM CATCH BASIN (RECTANGULAR CASTING)
- PROPOSED CONTOUR
- OVERLAND RELIEF PATH
- SF SILT FENCE
- SW STRAW WATTLE
- INLET PROTECTION
- CONSTRUCTION ENTRANCE
- STRAW EROSION CONTROL MATTING

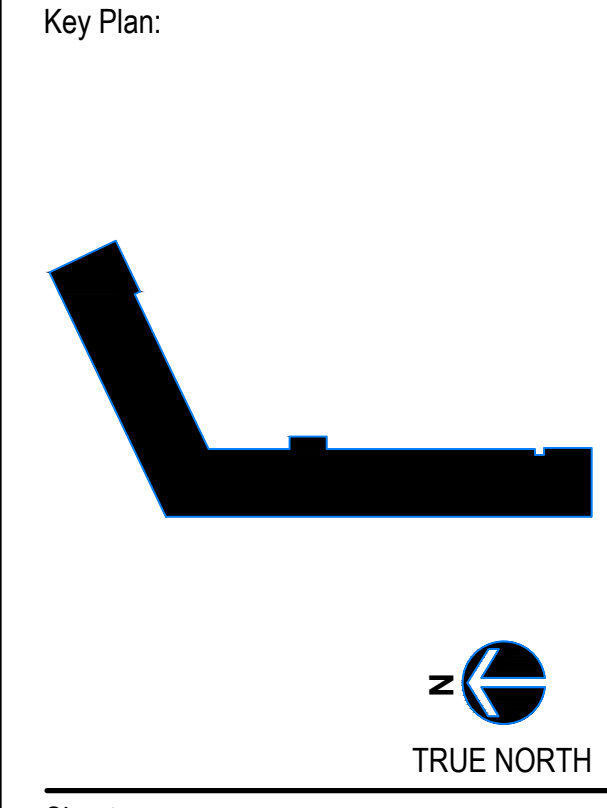


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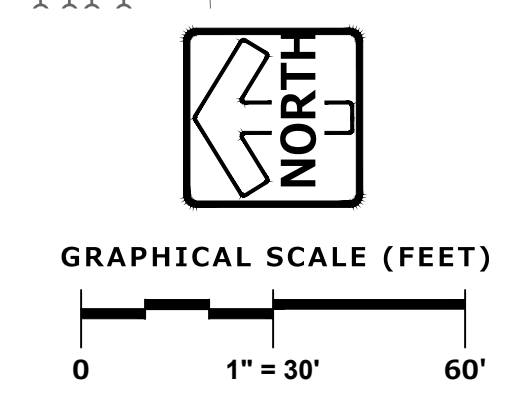
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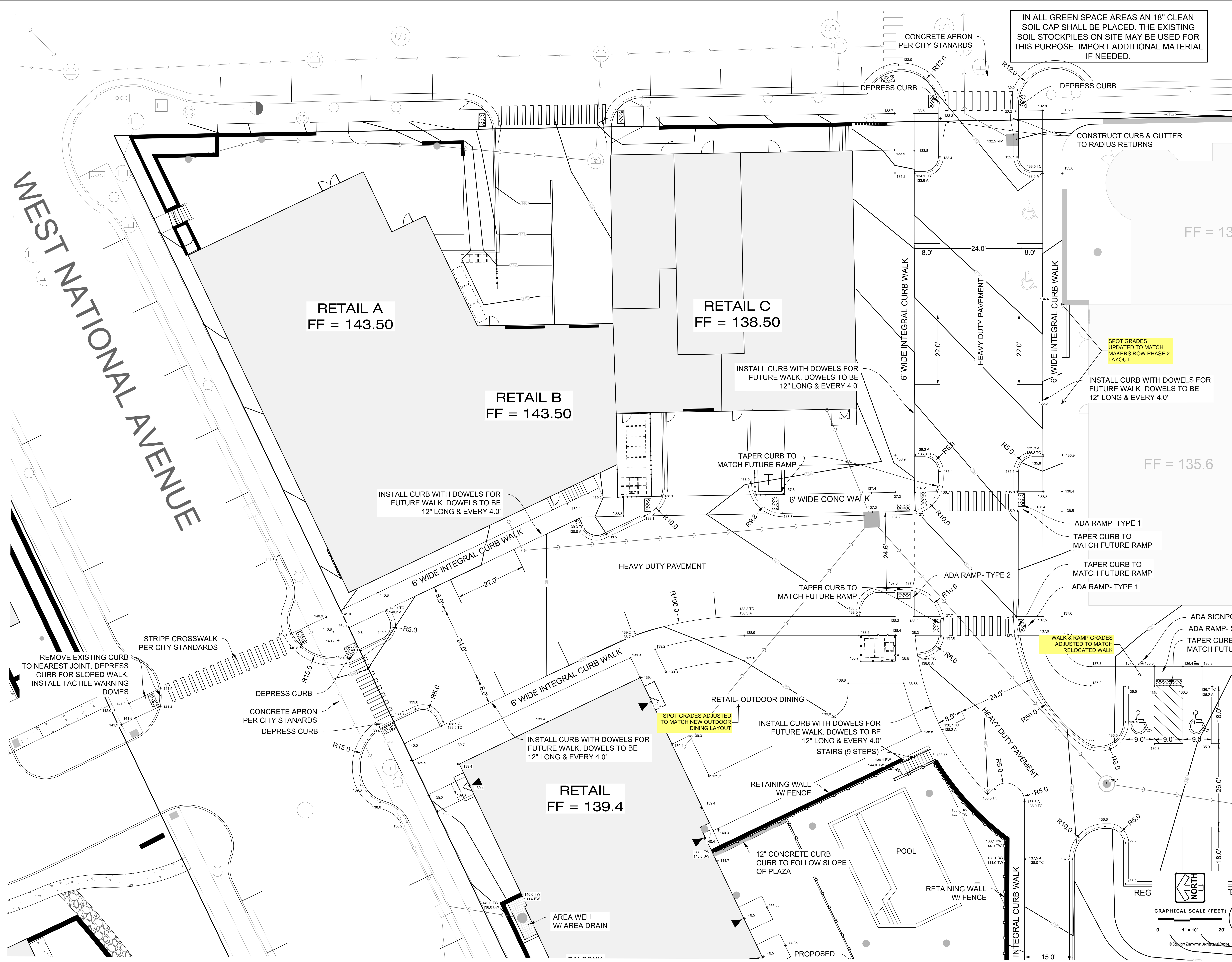
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WEST NATIONAL AVENUE

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RETAIL A
FF = 143.50

RETAIL C
FF = 138.50

RETAIL B
FF = 143.50

RETAIL
FF = 139.4

FF = 13

FF = 135.6

Zimmerman
ARCHITECTURAL STUDIOS, INC.

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Sheet:
SPOT GRADE PLAN

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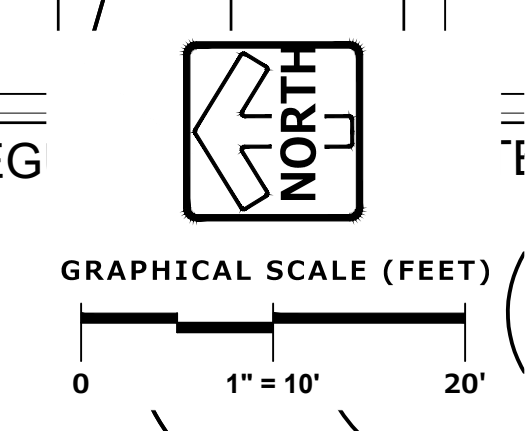
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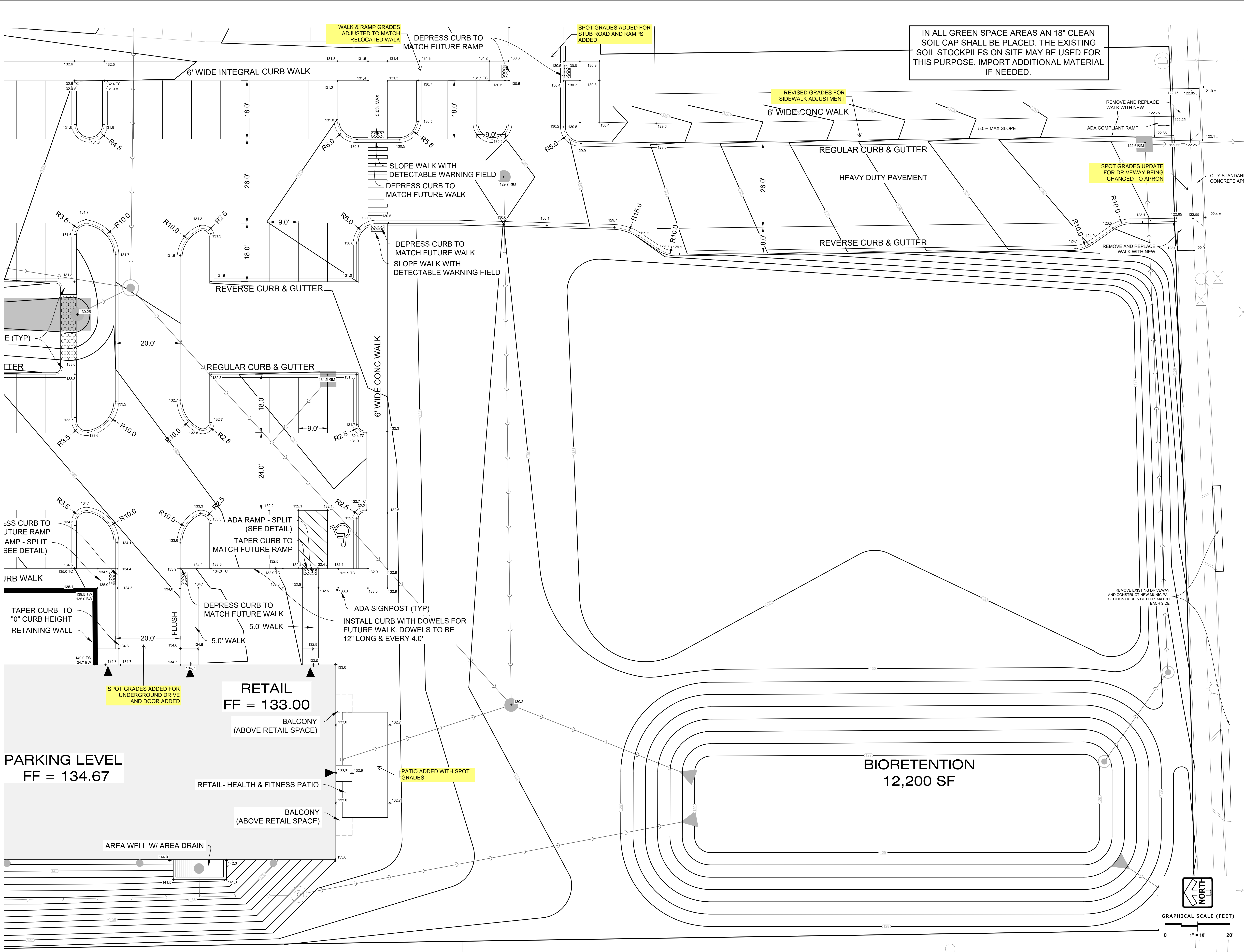
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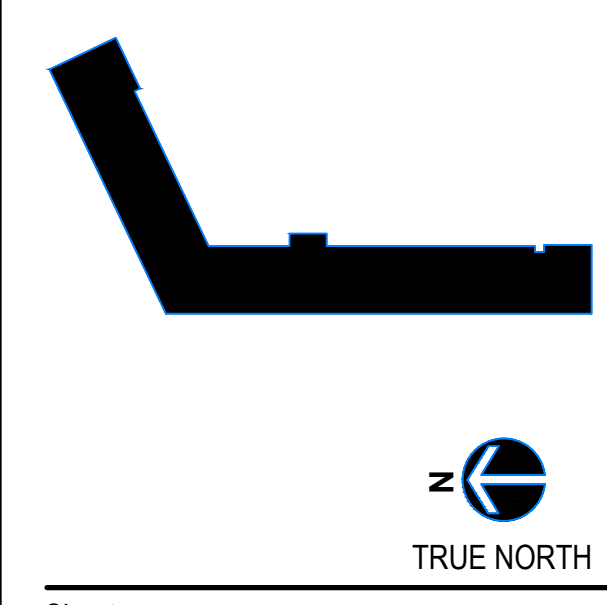
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SPOT GRADE PLAN

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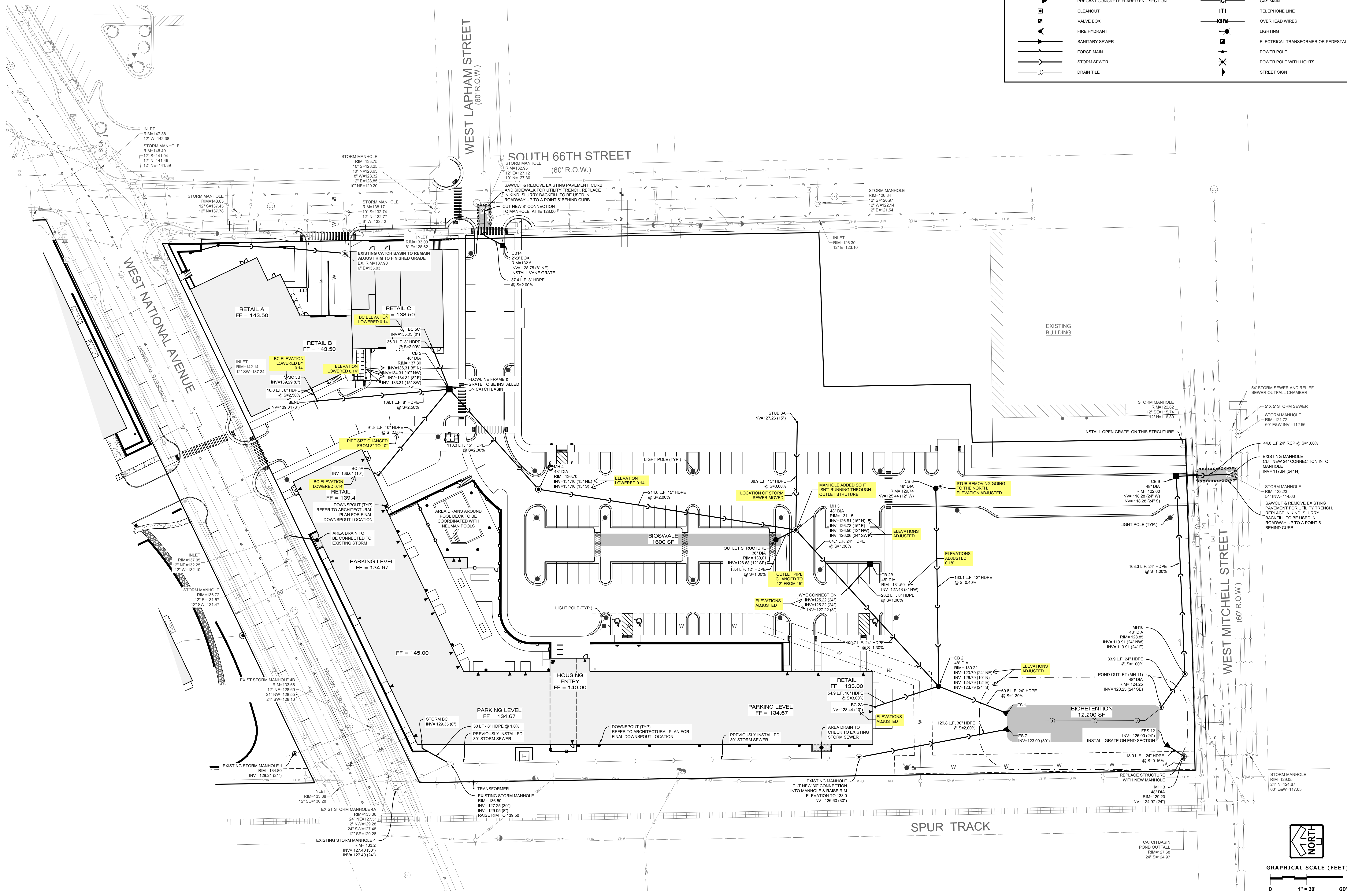
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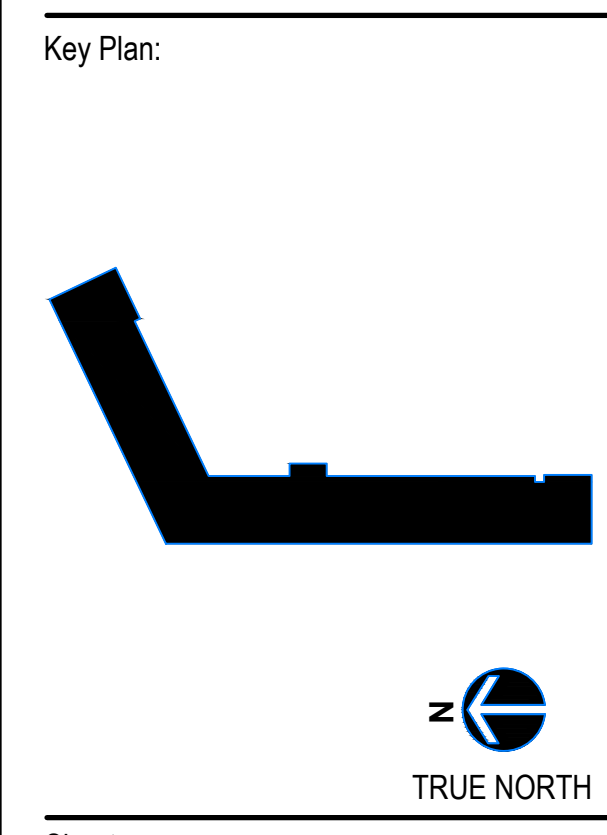
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	SANITARY SEWER MANHOLE
	STORM SEWER MANHOLE
	STORM SEWER CATCH BASIN (ROUND CASTING)
	STORM SEWER CATCH BASIN (RECTANGULAR CASTING)
	PRECAST CONCRETE FLARED END SECTION
	CLEANOUT
	FIRE HYDRANT
	SANITARY SEWER
	FORCE MAIN
	STORM SEWER
	DRAIN TILE
	WATER MAIN
	FIRE PROTECTION
	UTILITY CROSSING
	ELECTRICAL CABLE
	GAS MAIN
	TELEPHONE LINE
	OVERHEAD WIRES
	LIGHTING
	ELECTRICAL TRANSFORMER OR PEDESTAL
	POWER POLE WITH LIGHTS
	STREET SIGN

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STORM SEWER PLAN

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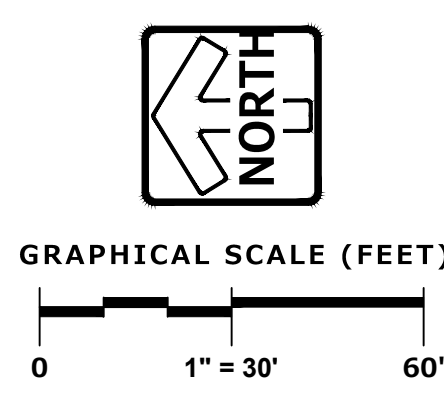
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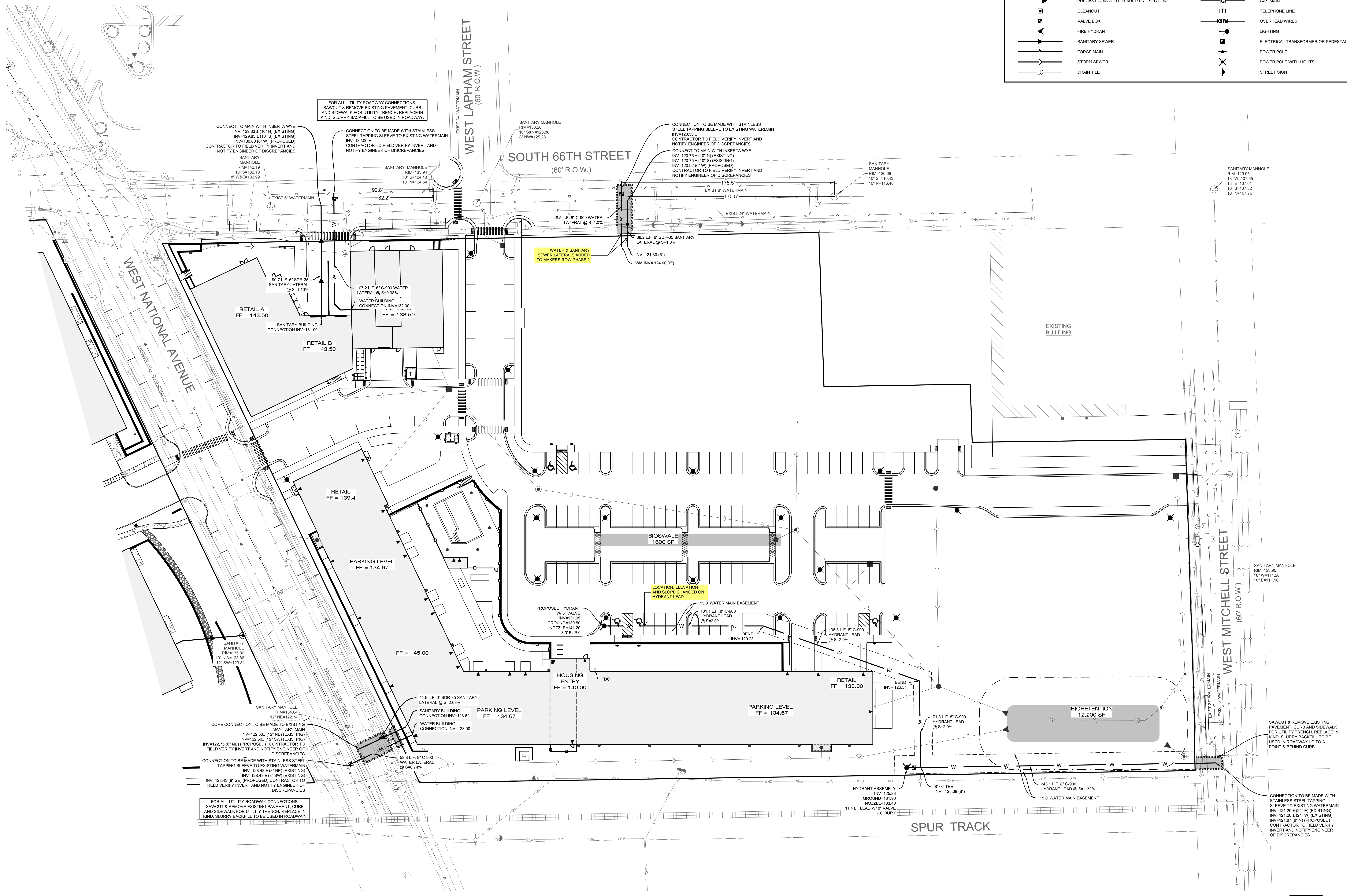
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LEGEND			
	SANITARY SEWER MANHOLE		WATER MAIN
	STORM SEWER MANHOLE		FIRE PROTECTION
	STORM SEWER CATCH BASIN (ROUND CASTING)		UTILITY CROSSING
	STORM SEWER CATCH BASIN (RECTANGULAR CASTING)		ELECTRICAL CABLE
	PRECAST CONCRETE FLARED END SECTION		GAS MAIN
	CLEANOUT		TELEPHONE LINE
	VALVE BOX		OVERHEAD WIRES
	FIRE HYDRANT		LIGHTING
	SANITARY SEWER		ELECTRICAL TRANSFORMER OR PEDESTAL
	FORCE MAIN		POWER POLE
	STORM SEWER		POWER POLE WITH LIGHTS
	DRAIN TILE		STREET SIGN

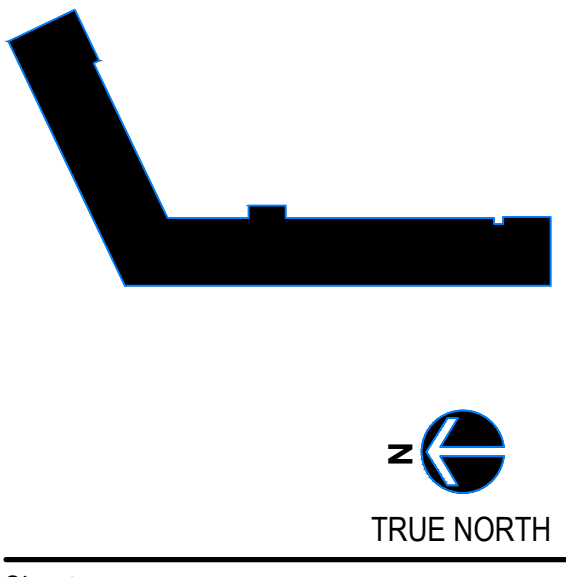
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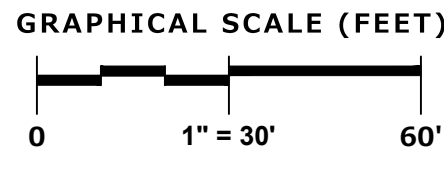
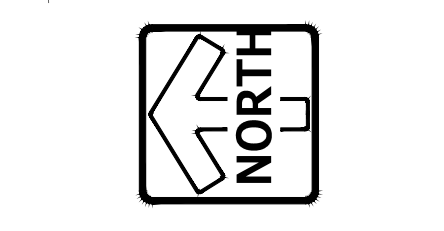
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SANITARY SEWER & WATERMAIN PLAN

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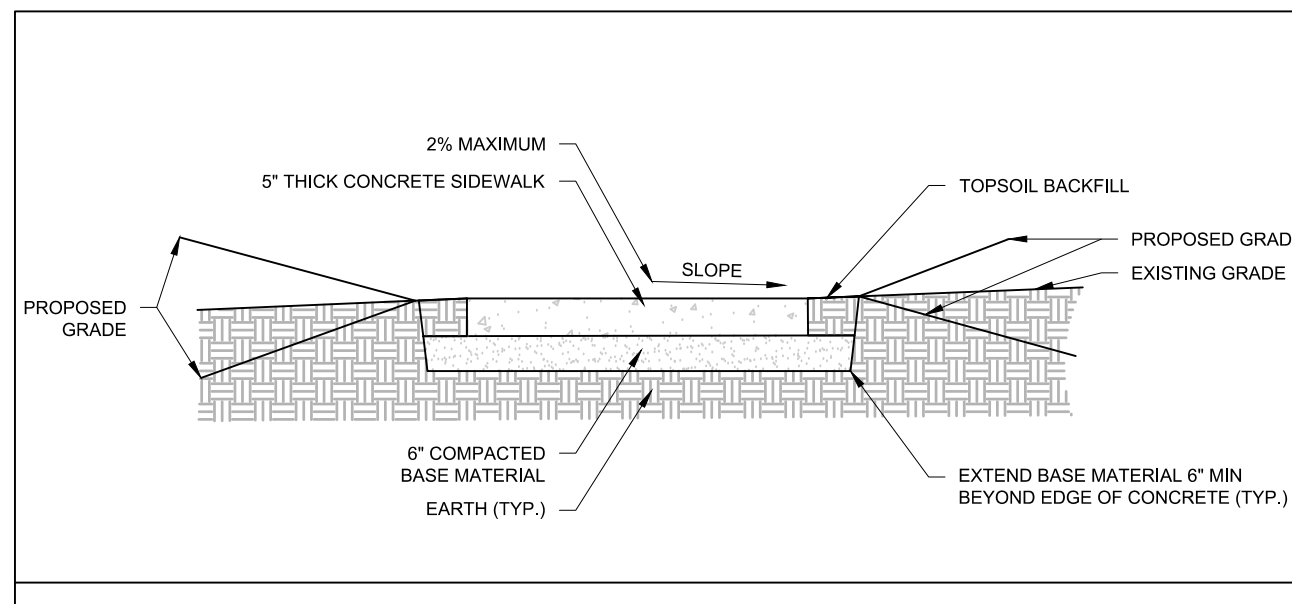
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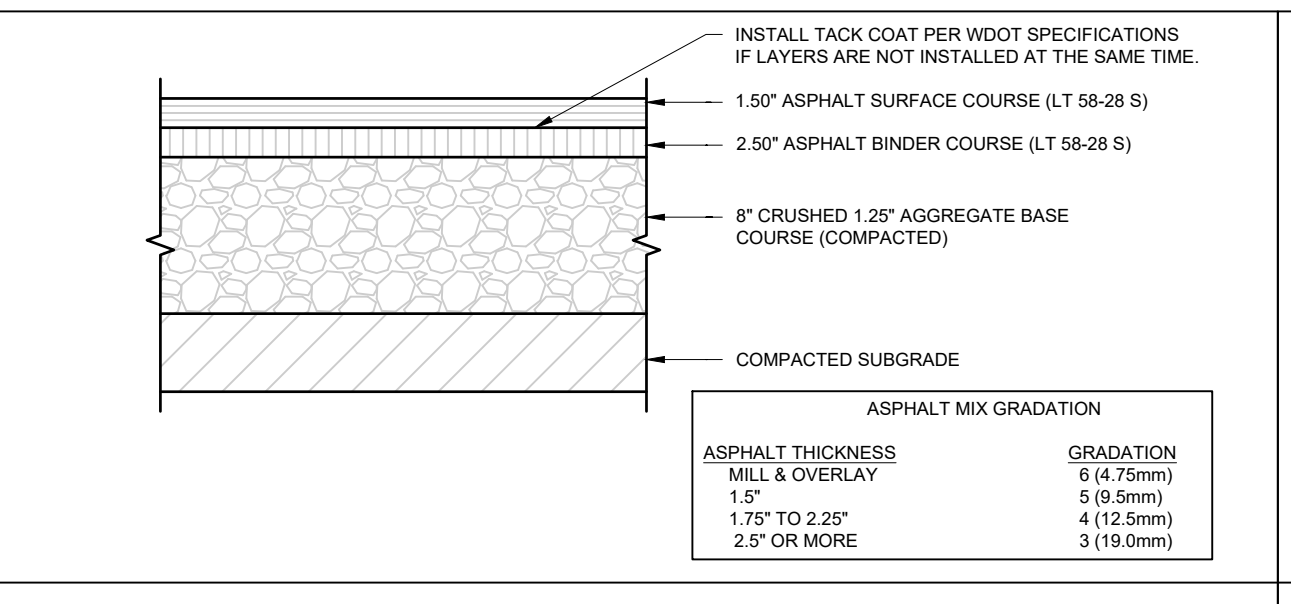
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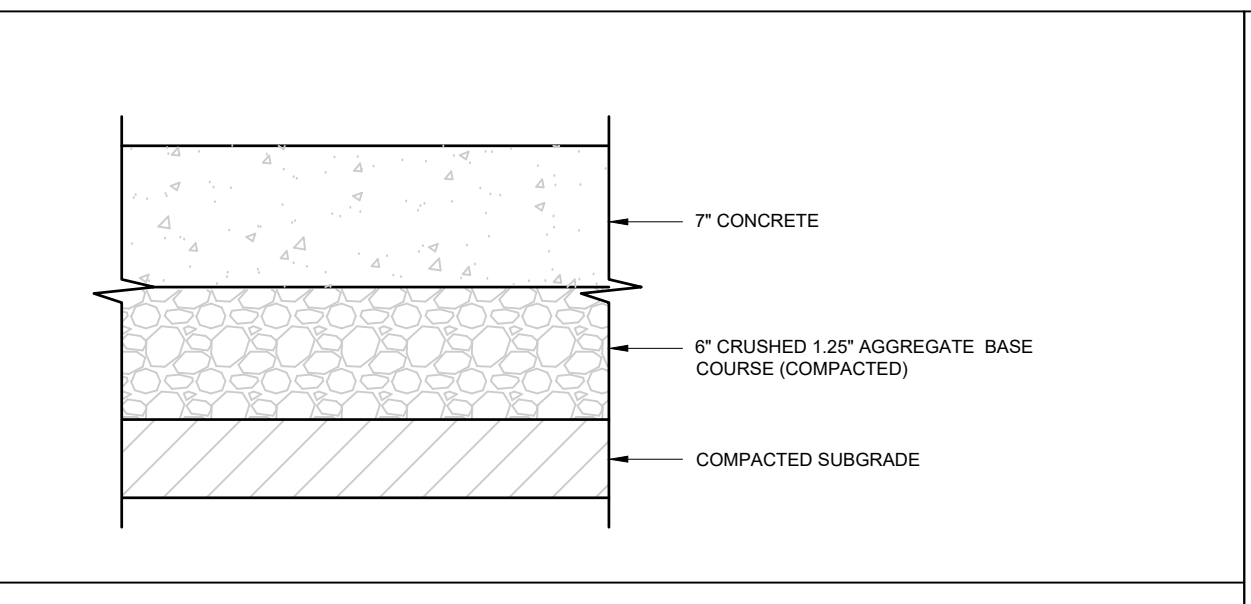
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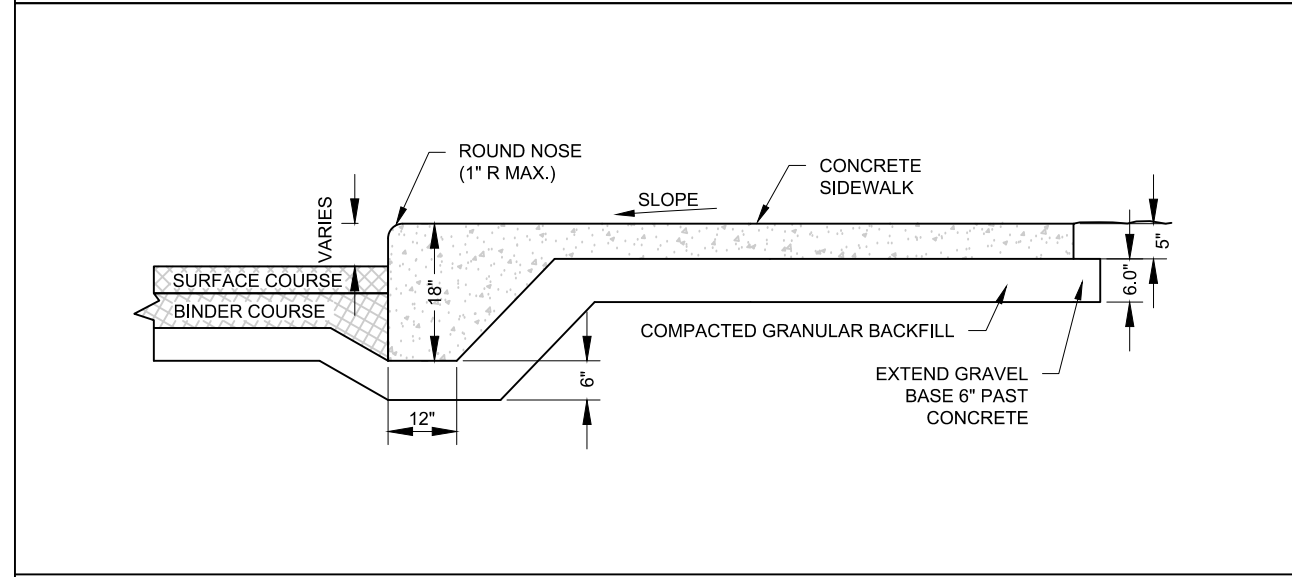
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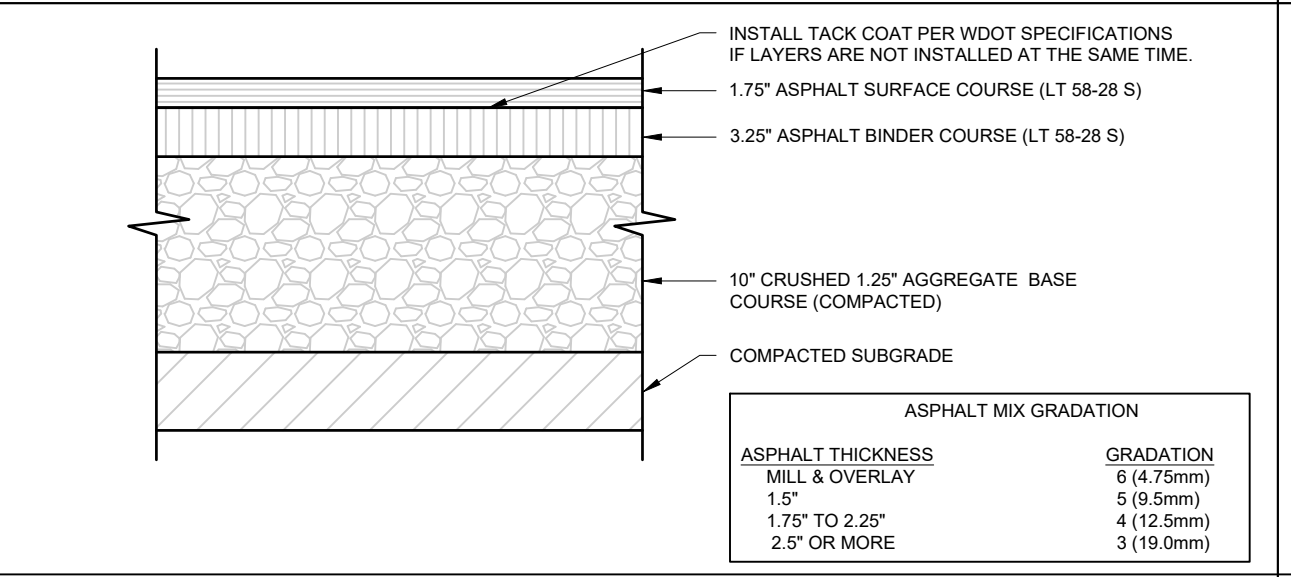
REGULAR DUTY PAVEMENT SECTION



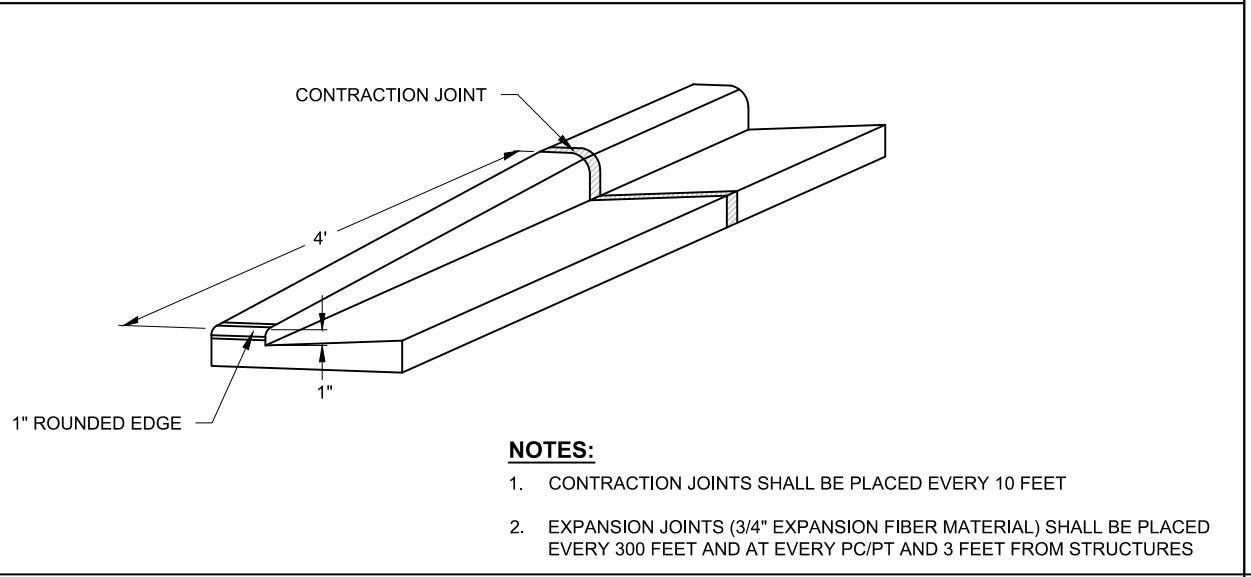
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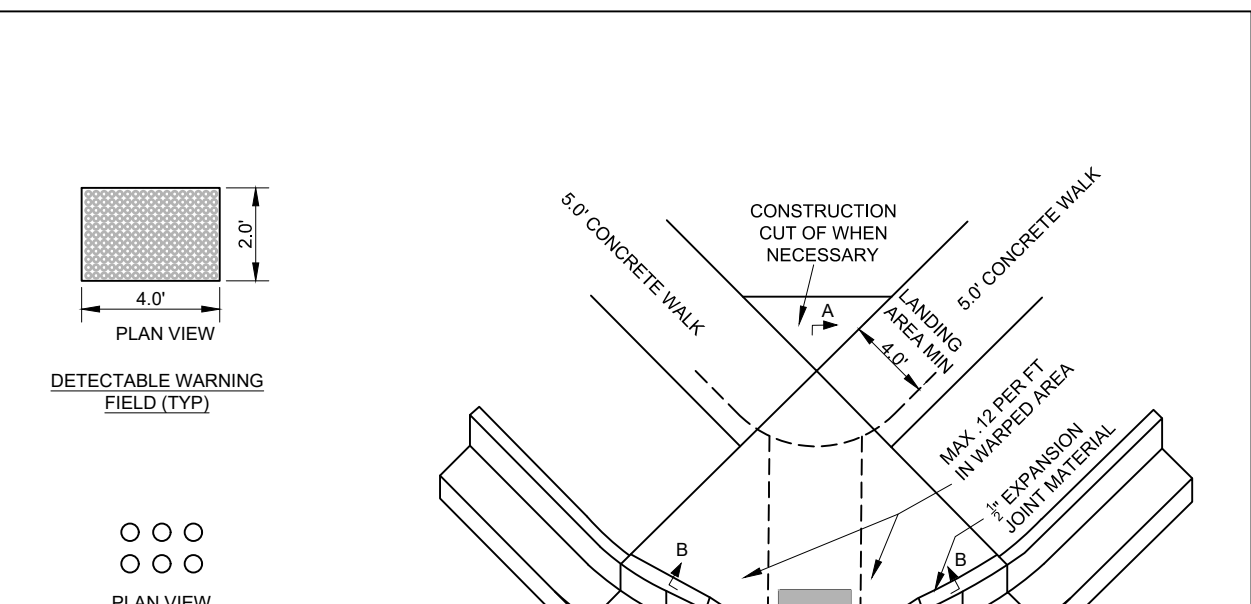
INTEGRAL CURB AND SIDEWALK



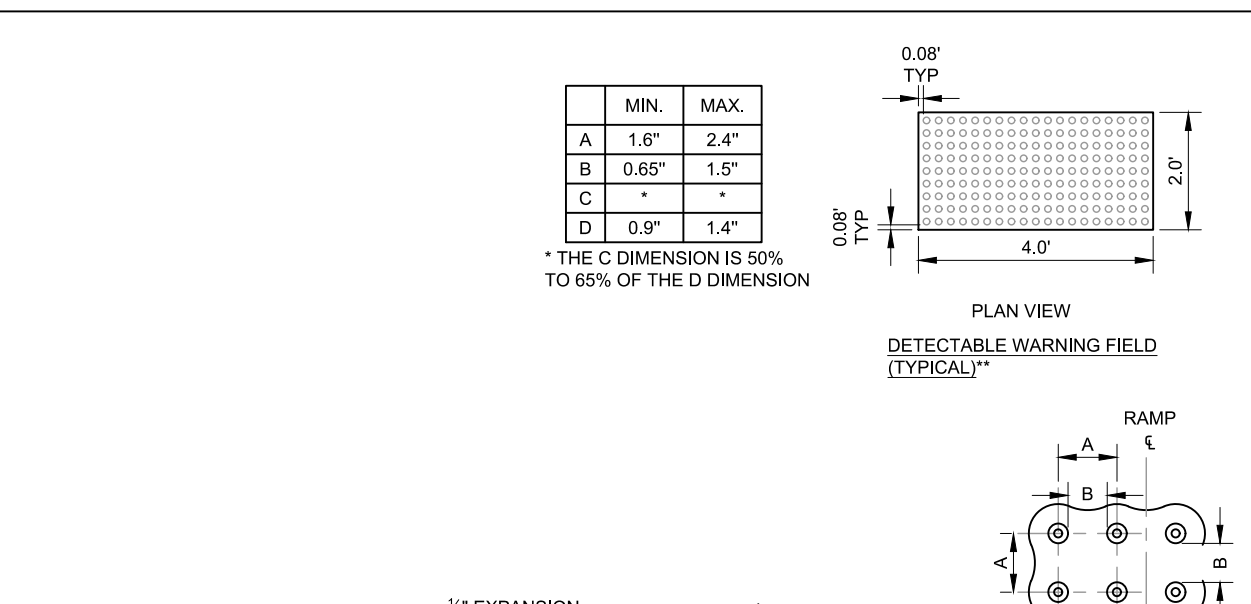
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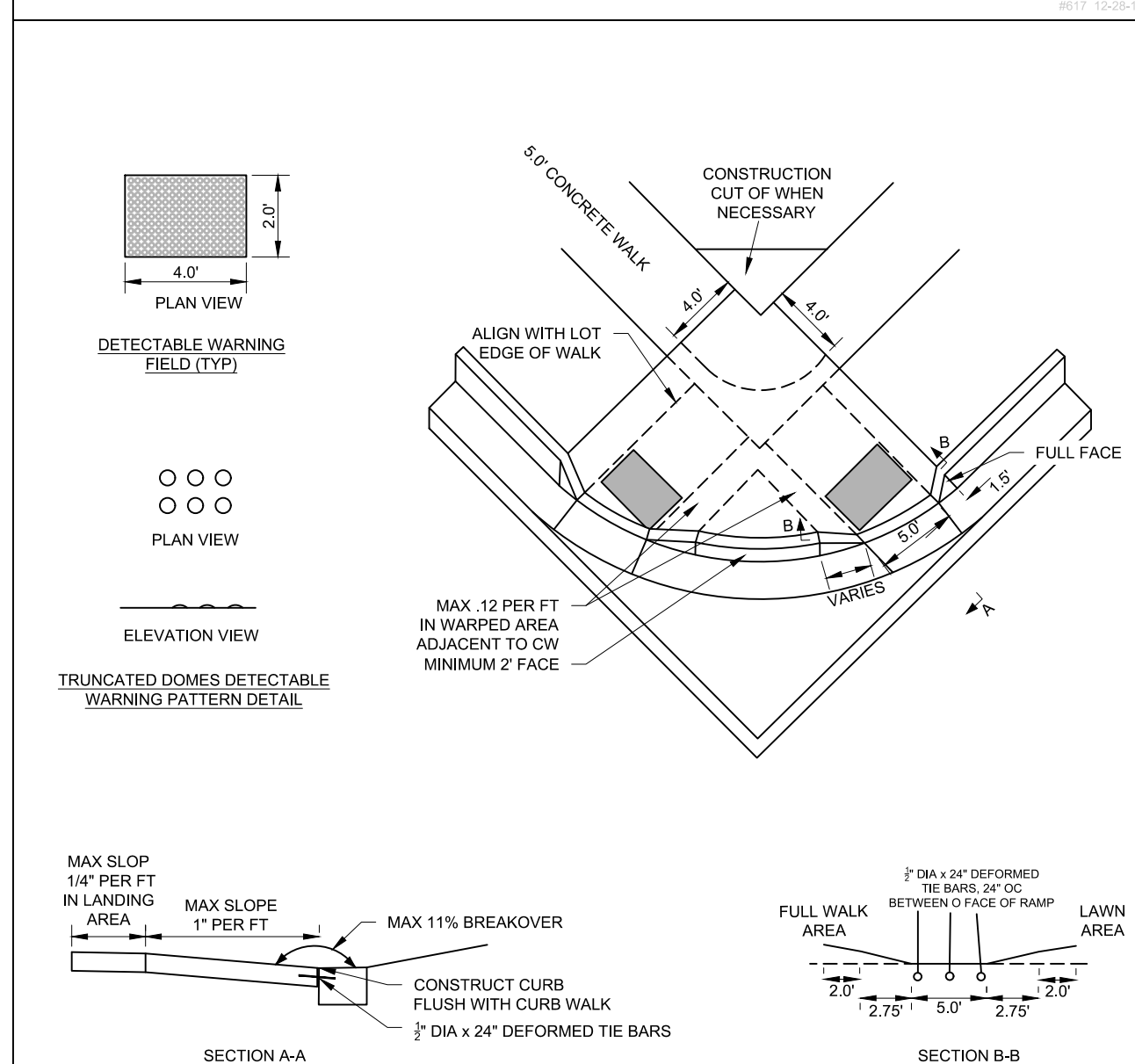
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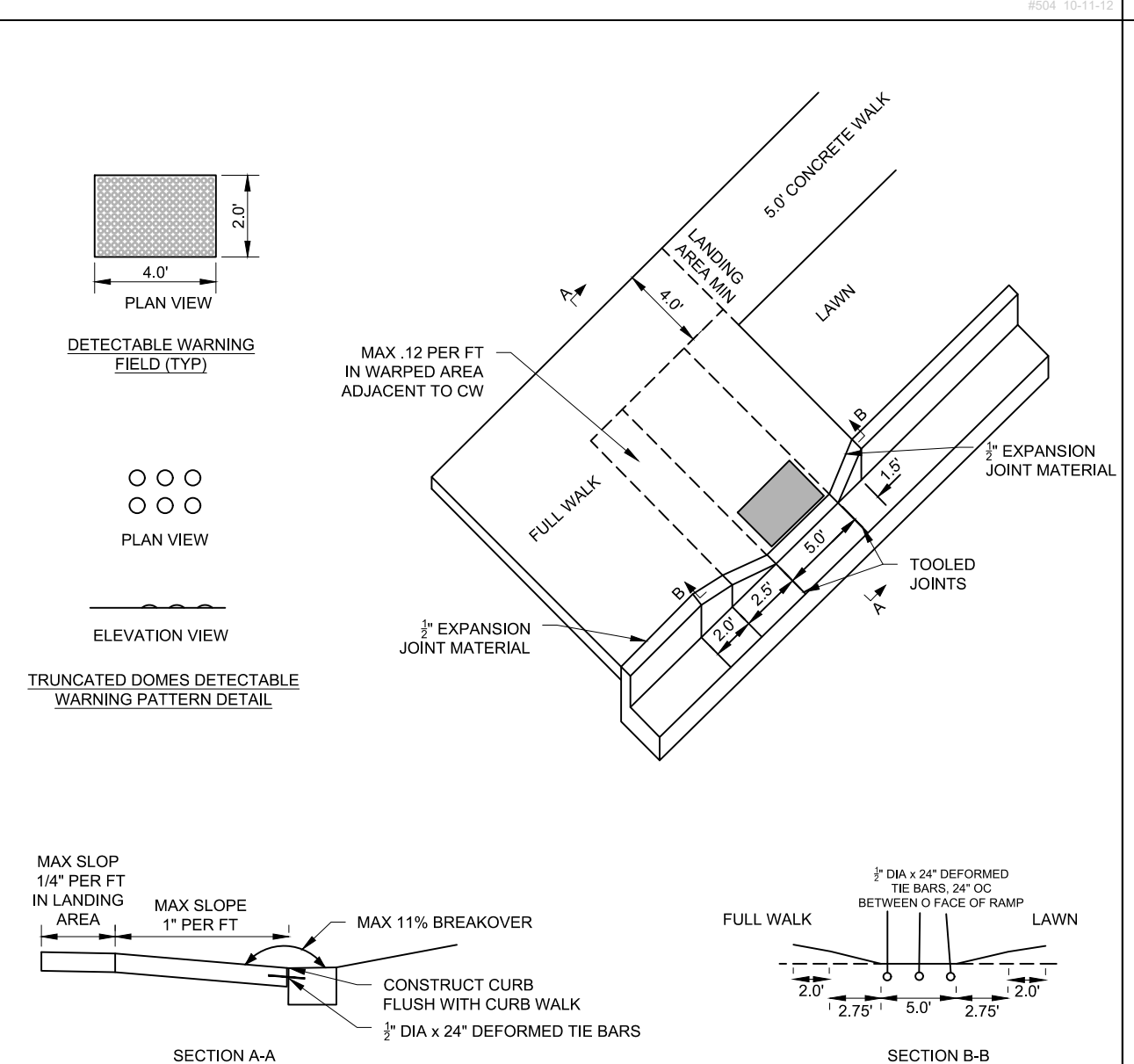
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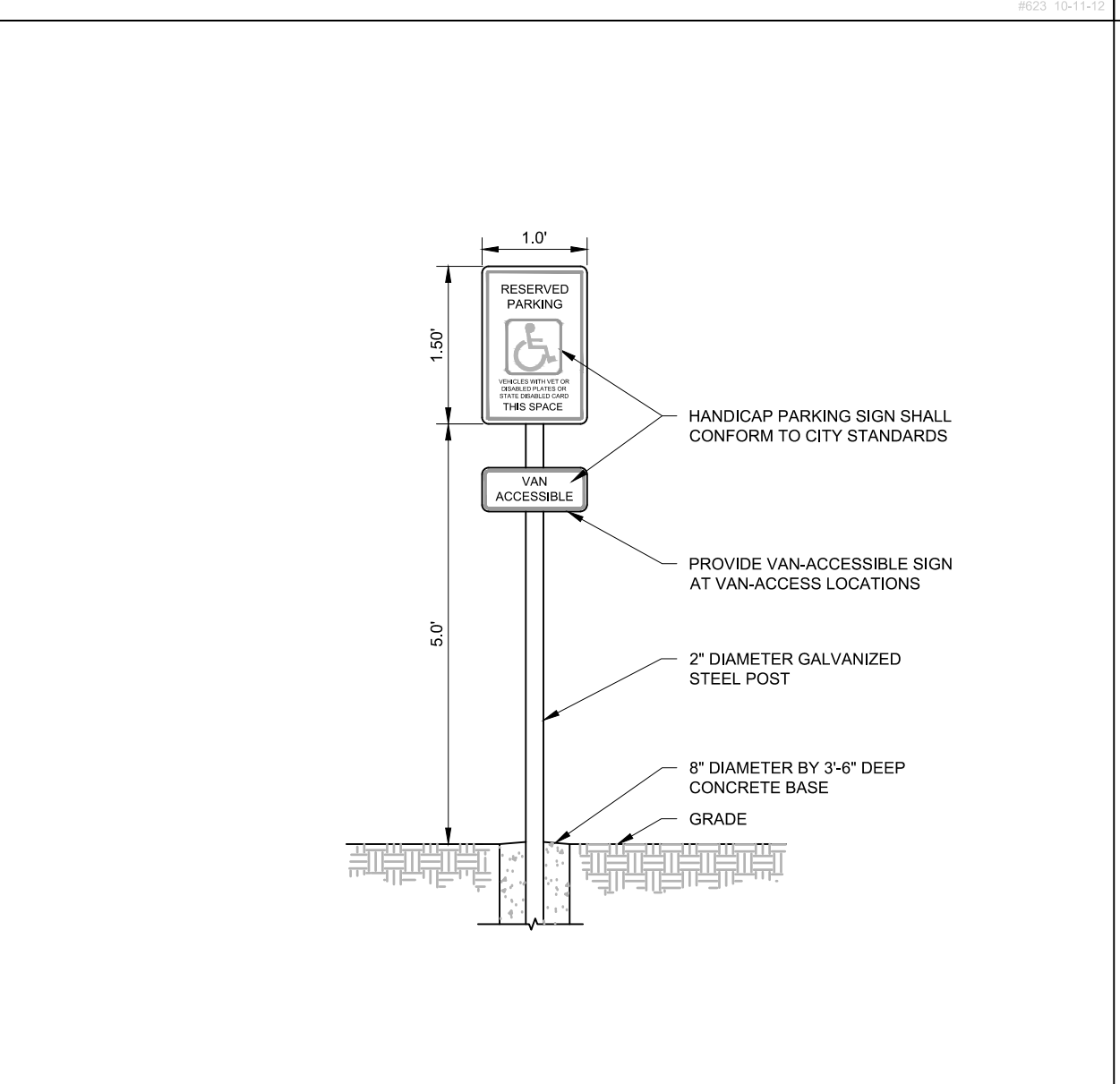
TYPICAL ACCESSIBLE RAMP - SPLIT



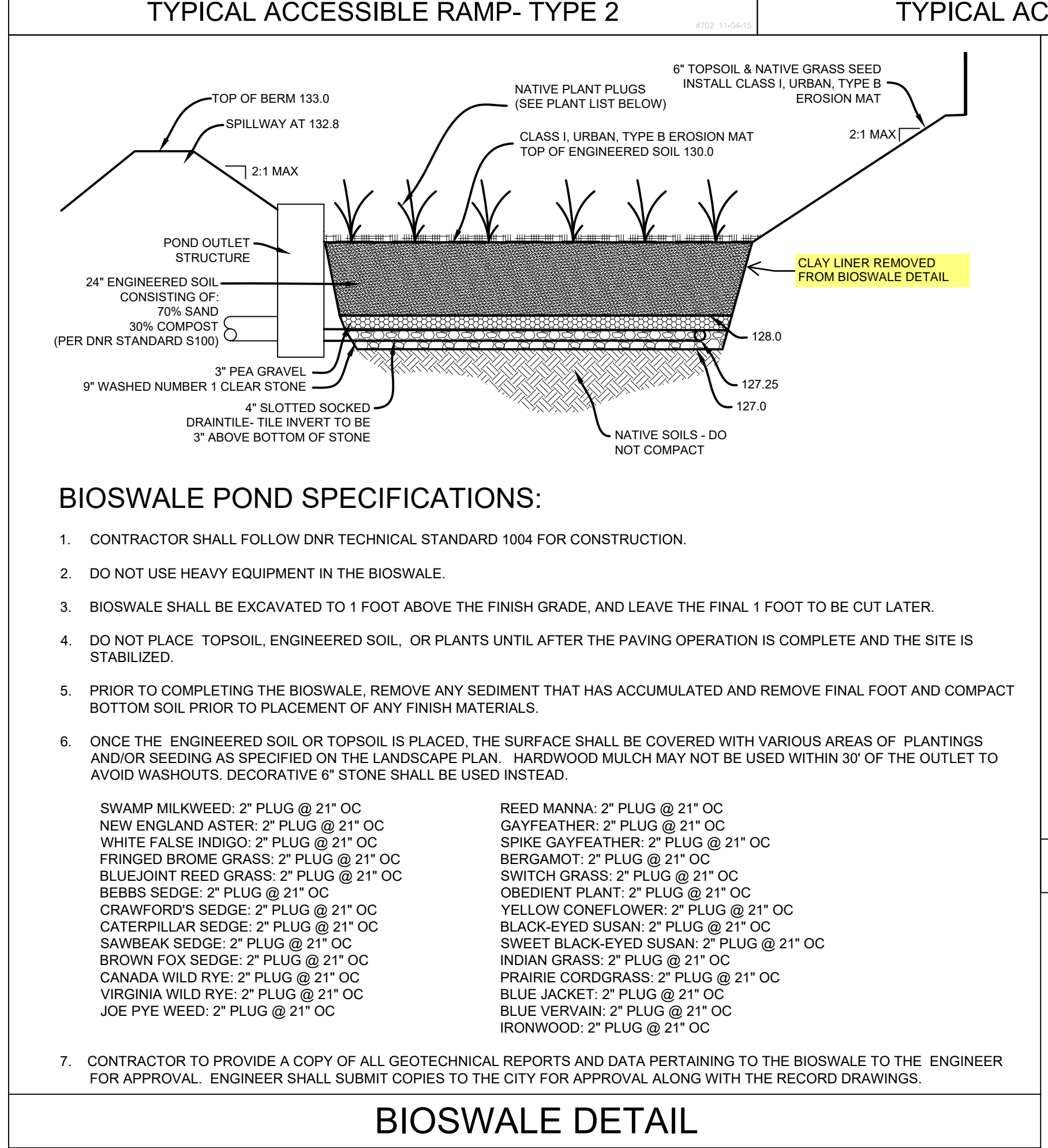
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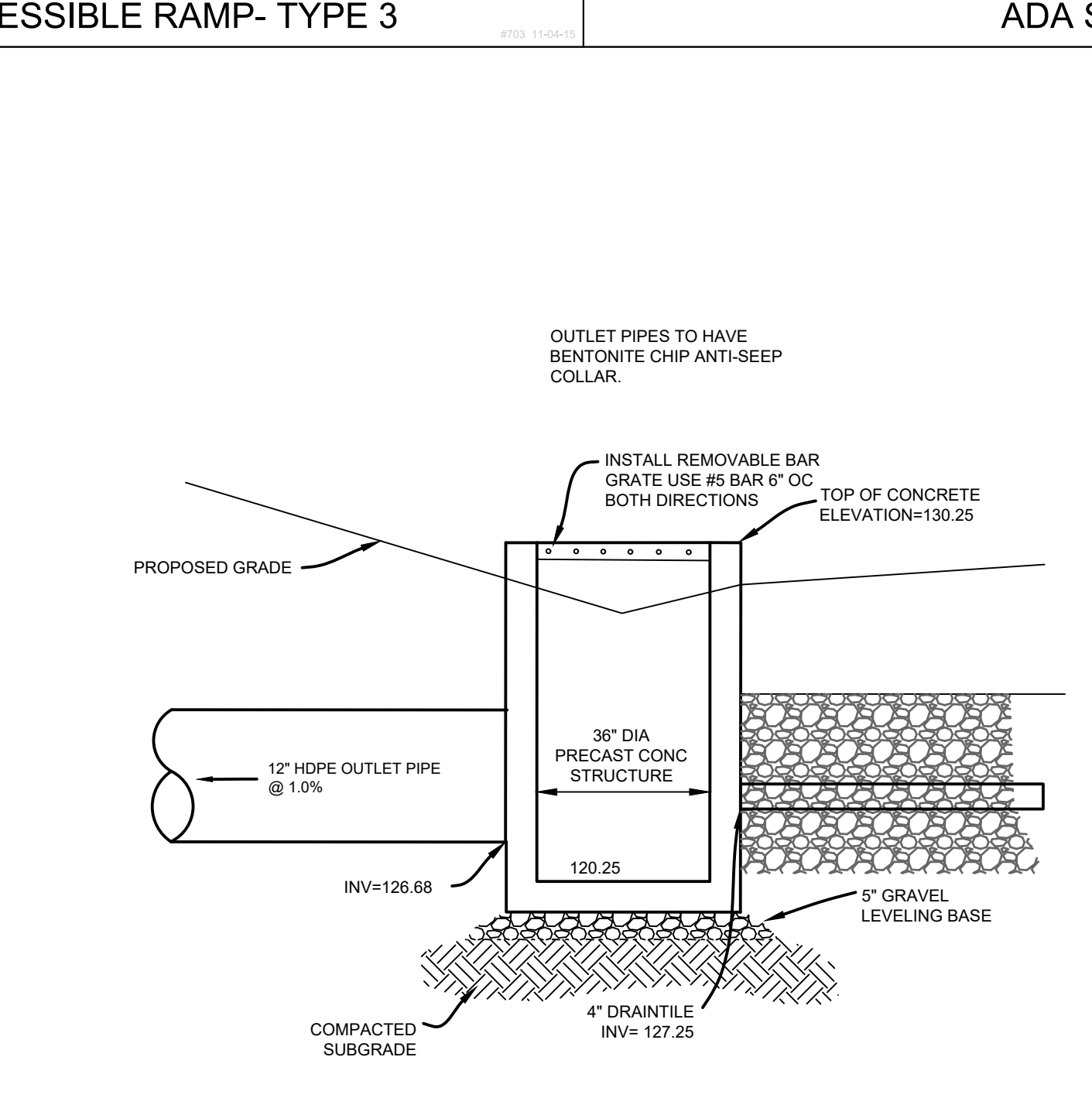
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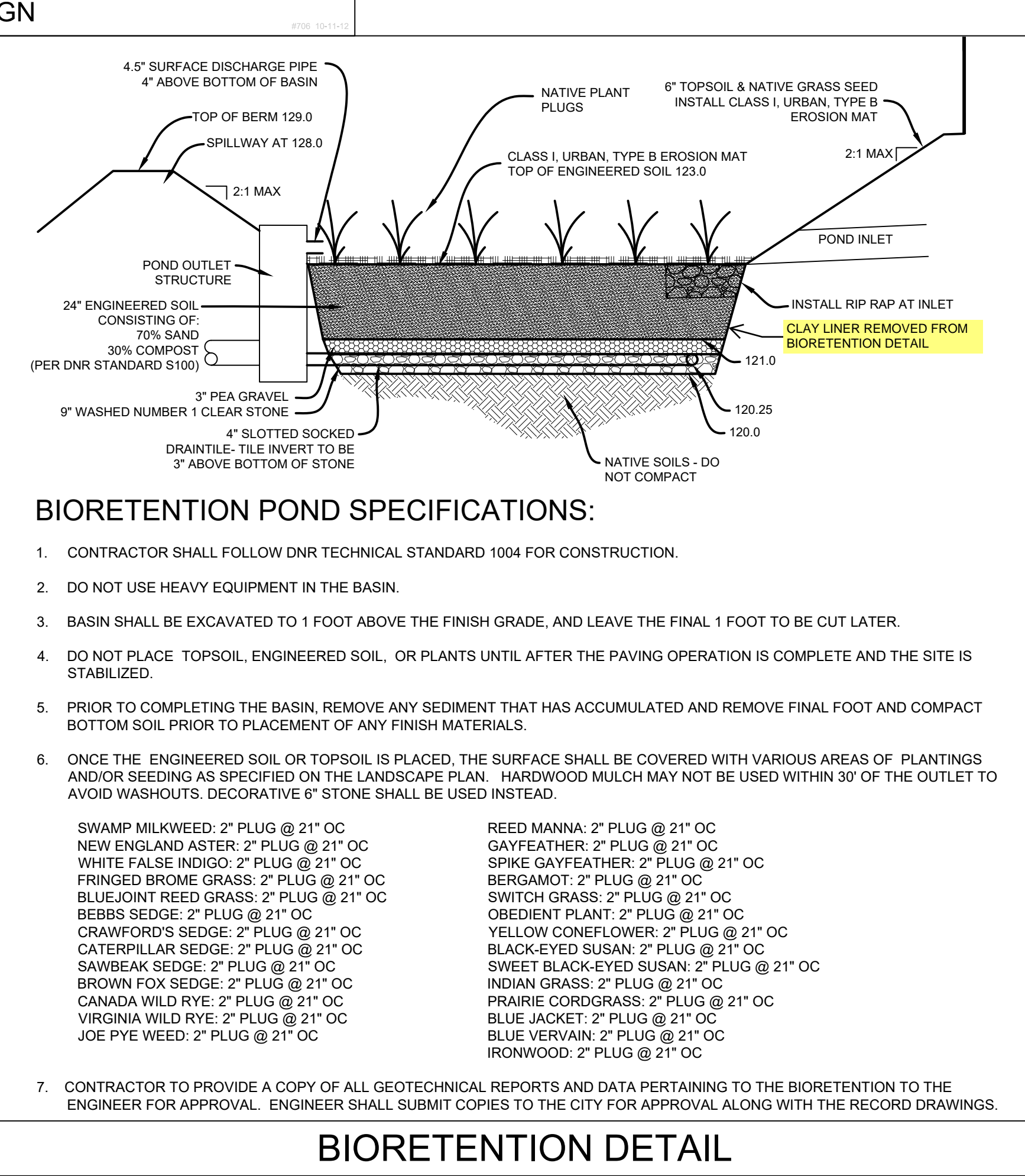
ADA SIGN



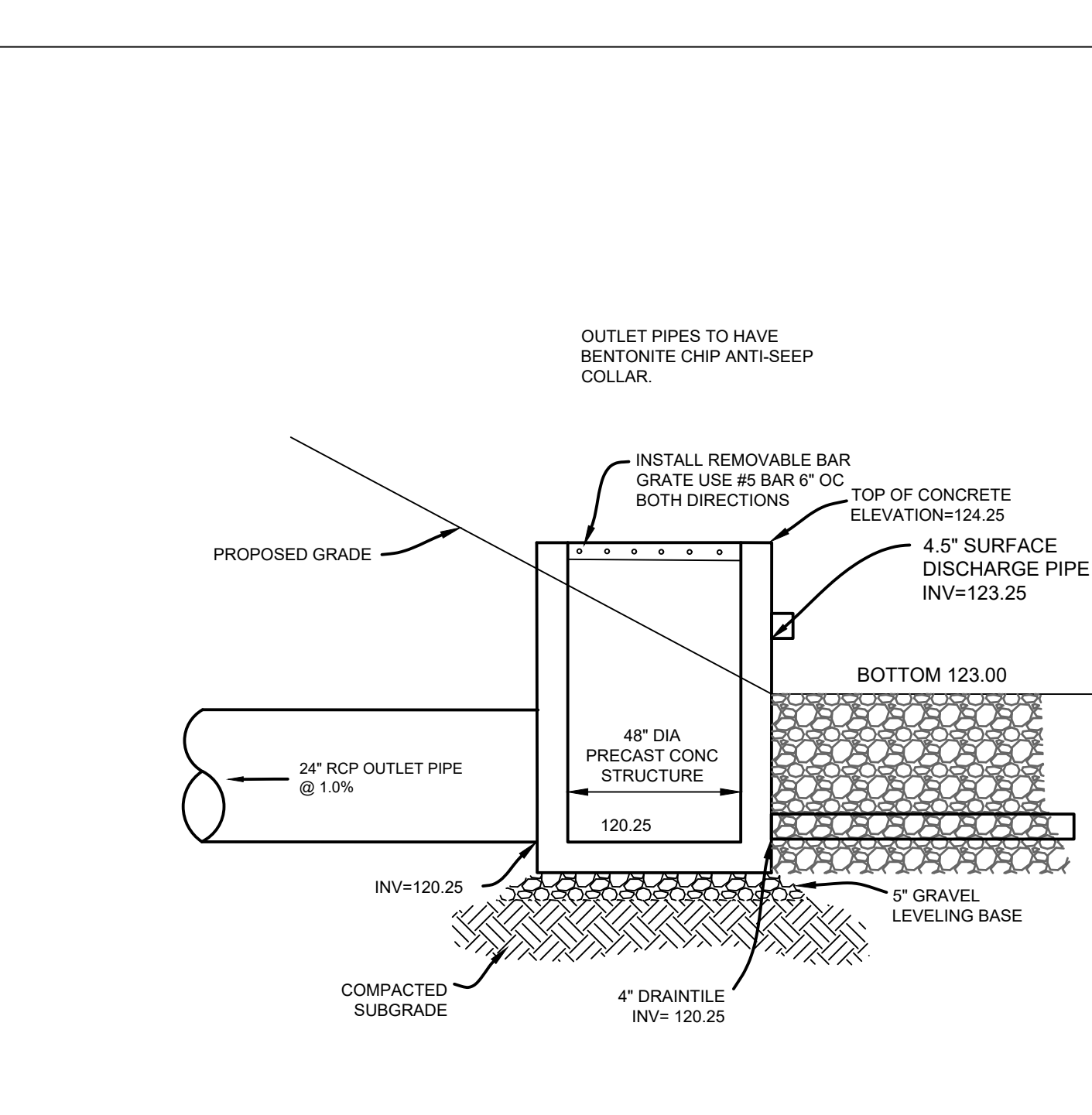
BIOSWALE DETAIL



BIOSWALE OUTLET DETAIL



BIORETENTION DETAIL



BIORETENTION OUTLET DETAIL

Developer/Owner:



Consultant:
Pinnacle Engineering Group
 ENGINEERING | NATURAL RESOURCES | SURVEYING
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 (262) 754-8888
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 www.pinnacle-engr.com
 PLAN | DESIGN | DELIVER

Project:
SoNa Apartments

Location:
 6700 W. National Avenue
 West Allis, WI 53214

Key Plan:



Sheet:

CONSTRUCTION DETAILS
 AND SPECIFICATIONS

Phase:
 100% CONSTRUCTION
 DOCUMENTS

Scale:

Revisions:	
No.	Description:
1	10/15/2021 CHANGES PER CITY COMMENTS
2	11/11/2021 CONSTRUCTION BULLETIN #1

Date:
 10/15/2021

Project No:
 200054.00

Sheet No: