



City of West Allis

Resolution: R-2020-0064

File Number: R-2020-0064

Sponsor(s): Alderperson Barczak

**Final Action:
FEB 19 2020**

Resolution to approve the extension of a parking lot lease contract by and between the City of West Allis and CTR Partnership, L.P., property owner for the property located at 7400 W. Greenfield Avenue

WHEREAS, a Lease Agreement dated December 21, 2006 between the City of West Allis and West Allis Senior Living LLC was entered into for the use of the City-owned parking by West Allis Senior Living LLC; and

WHEREAS, an Assignment and Assumption of Parking Space Lease Agreement dated July 31, 2010 between Stayton SW Assisted Living, L.L.C., successor to West Allis Senior Living, L.L.C., and BRE/SW West Park Place LLC was entered into for the use of the City-owned parking; and

WHEREAS, on February 2, 2016, the City of West Allis approved an Amendment to Lease Agreement, dated February 11, 2016 and effective March 1, 2016, between the City and CTR Partnership, L.P. for the continued rental of thirty-eight (38) parking stalls (the "Parking Stalls") on the west side of South 74th Street and north of the east/west alley of West Greenfield Avenue (collectively, the Lease Agreement and Amendment to Lease Agreement are referred to as the "Lease Agreement"). The sublease by Lessee of the foregoing Lease Agreement to LL West Allis LLC, effective March 1, 2016 was also approved; and

WHEREAS, on November 1, 2019, Lessee having terminated the lease to LL West Allis, LLC of (1) a certain senior housing facility in the City of West Allis (the "Facility") and (2) the sublease of the Lease Agreement, entered into a new lease of such Facility with NSS-ALF West Allis, LLC ("Sublessee"); and

WHEREAS, Lessee and Lessor wish to further amend the Lease Agreement to provide for (i) an extension of the Lease Agreement for five (5) years from and after March 1, 2020, (ii) for additional extension options of five (5) years each, (iii) approval of Sublessee's use of the Parking Stalls under this Lease Agreement, and (iv) approval of a potential future assignment of the Lease Agreement and all rights and obligations thereunder to NSS-ALF-West Allis, LLC in the event Lessee sells the Facility to Sublessee and assigns its rights and obligations under the Lease Agreement to Sublessee in connection therewith;

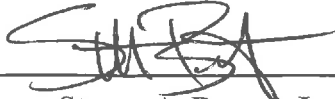
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the Second Amendment to Lease Agreement, a copy of which is attached hereto and made a part hereof, be and is hereby approved.

BE IT FURTHER RESOLVED that the Director of Development, or his designee, be and is hereby authorized to execute and deliver the aforesaid Contract on behalf of the City.

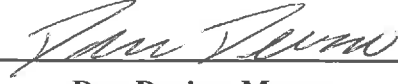
BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized to make such non-substantive changes, modifications, additions and deletions to and from the various provisions of the contract, including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.

ADOPTED FEB 19 2020

APPROVED 2/27/20



Steven A. Braatz, Jr., City Clerk



Dan Devine, Mayor