



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2013-0186

Final Action:

Sponsor(s): Safety & Development Committee

SEP 03 2013

Resolution approving the termination of the Development Agreement and release of Memorandum of Agreement between the City of West Allis and Summit Place, LLC relative to the property located at 901 S. 70th St.

WHEREAS, by Resolution R-2002-0159 adopted on 3/4/03 a Development Agreement between the City of West Allis and Summit Place, LLL; and,

WHEREAS, upon sale of the property to Cardinal Capital Management, the original terms, conditions and restrictions governing the development and use of certain lands located at 901 S. 70 St. are no longer necessary; and,

WHEREAS, Cardinal Capital Management has submitted plans and agreed to construct a new 12,500 square foot office building at 901 S. 70 St.; and,

WHEREAS, the use is consistent with the City Zoning Ordinance and 2030 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the termination of the Development Agreement and release of Memorandum of Agreement between the City of West Allis and Summit Place, LLC relative to property at 901 S. 70 St. (Tax Key No. 440-0259-008) is hereby approved.

BE IT FURTHER RESOLVED that the attached document between the City of West Allis and Summit Place, LLC be and is hereby approved by the Common Council and shall be recorded with the Milwaukee County Register of Deeds.

BE IT FURTHER RESOLVED that the Director of Development is hereby authorized to act on behalf of the City of West Allis for said documents, execute and take necessary action, and to undertake, direct and complete activities.

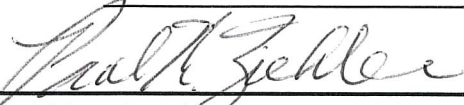
BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized to make such substantive changes, modifications, additions and deletions to and from the various provisions of the Agreement, including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper 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.

cc: Department of Development

DEV-R-723-9-3-13

ADOPTED

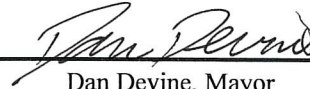
SEP 03 2013



Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

9/5/13



Dan Devine, Mayor

DOC.# 10296642

RECORDED
09/24/2013 09:04AM

JOHN LA FAVE
REGISTER OF DEEDS
Milwaukee County, WI
AMOUNT: \$30.00

FEE EXEMPT #: 0
0

***This document has been
electronically recorded and
returned to the submitter. **

Document Number _____

**TERMINATION OF DEVELOPMENT AGREEMENT
AND RELEASE OF MEMORANDUM OF AGREEMENT**

The Development Agreement made and entered into as of the 11th day of March, 2003, by and between the CITY OF WEST ALLIS, a Wisconsin municipal corporation, and SUMMIT PLACE, LLC, a Wisconsin limited liability company, wherein the parties have set forth the terms, conditions, and restrictions governing the development and use of certain lands located in the City of West Allis, Milwaukee County, State of Wisconsin, legally described on Exhibit "A", attached hereto and made a part hereof is hereby terminated. The parties hereby release the Memorandum of Agreement recorded April 1, 2003, as Instrument Number 8488453, recorded in the Register of Deeds of Milwaukee County, State of Wisconsin.

This space is reserved for recording data

Return to

City Attorney's Office
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214

Parcel Identification Number/Tax Key Number
440-0259-008

[Signature Pages Follow]

IN WITNESS WHEREOF, the undersigned have executed and delivered this Memorandum of Agreements.

CITY OF WEST ALLIS

By: John F. Stibel
John F. Stibel

Attest:
Kristin Johnson
Kristin Johnson

State of Wisconsin) ss
Milwaukee County)

Personally came before me this 19th day of September, 2013, Barbara J. Boal, the Director of Dev. and _____, respectively, of the City of West Allis, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same on behalf of said City.

Barbara J. Boal
NOTARY PUBLIC
(SEAL)
Notary Public, State of Wisconsin
My Commission Expires: 10-18-15

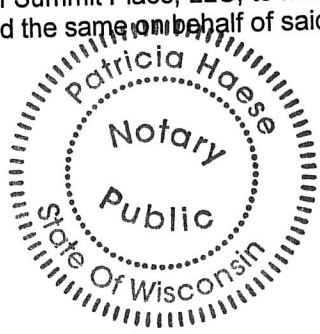
[SIGNATURES CONTINUED]

SUMMIT PLACE, LLC

By: Richard J. Carlson
Title: PRINCIPAL Richard J. Carlson

State of Wisconsin)
) ss
Milwaukee County)

Personally came before me this 19th day of September, 2013, the above-named Richard Carlson, the Principal of Summit Place, LLC, to me known to be the persons who executed the foregoing instrument and acknowledged the same on behalf of said company.



Patricia Haese (SEAL)
Notary Public, State of Wisconsin
My Commission Expires: May 11, 2014

This instrument was drafted by:

Scott E. Post
City Attorney
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214

Exhibit A

Legal Description

Address: 901 S. 70th St.

Tax Key Number: 440-0259-008

Description: Parcel 1 of Certified Survey Map No. 6525, recorded on June 3, 1998, Reel 4321, Images 2318 to 2322, inclusive, as Document No. 7542540, being a redivision of Lots 1, 2, 3, 40, 41, 42 and the North 6.98 feet of Lots 4 and 39, Block 3, Otjen Pullen & Shenners Subdivision, together with the adjoining vacated public alley and vacated West Walker Street, all being in the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 7 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin.