

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

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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

IN WITNESS WHEREOF, the Grantor and the Grantees have hereunto set their hands and seals on date set forth above.

GRANTOR:

COMMUNITY DEVELOPMENT AUTHORITY
OF THE CITY OF WEST ALLIS

By: *Patrick Schloss*
Patrick Schloss
Its: Executive Director



State of *Wisconsin*)
County of *Milwaukee* }


Personally came before me this *14* day of *December*, 2021,
the above-named Patrick Schloss, to me known as the Executive Director of the
Community Development Authority of the City of West Allis, who executed the
foregoing instrument and acknowledged that he executed the same for the purposes
herein contained on behalf of said community development authority.

Gale M Jender
Notary Public
Name: *Gale M Jender*
State of *WI* County of *Milwaukee*
My Commission Expires: *10-8-24*

pm


GRANTEE:

MANDEL DEVELOPMENT, INC.

By: 
Robert B. Monnat
Its: Senior Partner / Authorized Agent

State of WISCONSIN)
County of MILWAUKEE)

Personally came before me this 15th day of DECEMBER, 2021,
the above-named Robert B. Monnat, to me known as the Senior Partner / Authorized
Agent of Mandel Development, Inc., who executed the foregoing instrument and
acknowledged that he executed the same for the purposes herein contained on behalf of
said corporation.


Notary Public

Name: KRISTINE M. DEVITT

State of WI County of MILWAUKEE

My Commission Expires: 11/16/24

**KRISTINE M. DEVITT
NOTARY PUBLIC
STATE OF WISCONSIN**

RM

MAKERS ROW PHASE I LLC

By: *Robert B. Monnat*
Robert B. Monnat
Its: Manager

State of WISCONSIN)
County of MILWAUKEE)

Personally came before me this 15TH day of DECEMBER, 2021,
the above-named Robert B. Monnat, to me known as the Manager of Makers Row Phase
I LLC who executed the foregoing instrument and acknowledged that he executed the
same for the purposes herein contained on behalf of said corporation.

Kristine M. Devitt
Notary Public

Name: KRISTINE M. DEVITT

State of WI County of MILWAUKEE

My Commission Expires: 11/16/24

KRISTINE M. DEVITT
NOTARY PUBLIC
STATE OF WISCONSIN

RM

EXHIBIT SCHEDULE

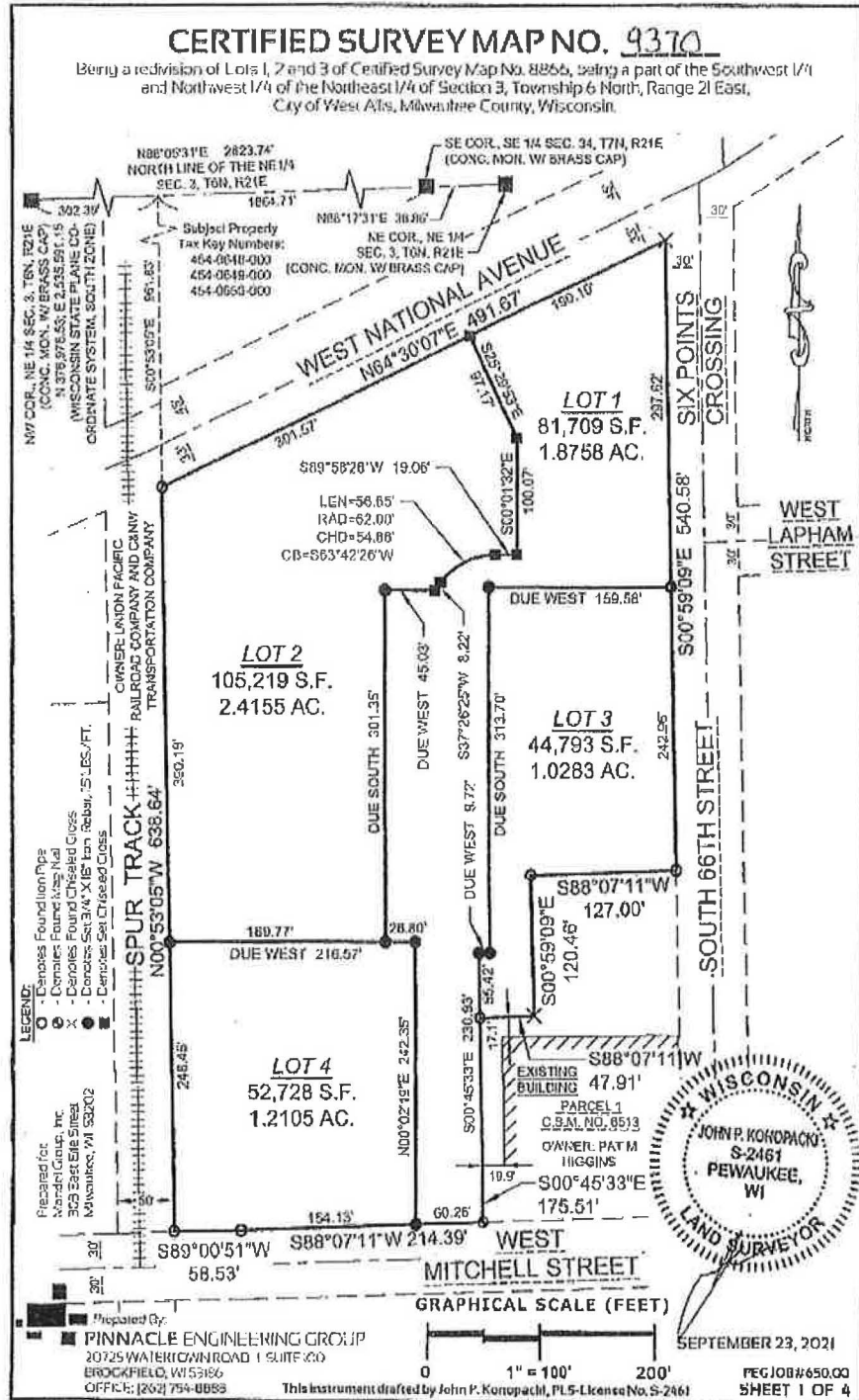
EXHIBIT A – CERTIFIED SURVEY MAP

EXHIBIT B – REMOVED FROM ORIGINAL AGREEMENT INTENTIONALLY

EXHIBIT C - CIVIL ENGINEERING PLANS

RAM

EXHIBIT A – CERTIFIED SURVEY MAP



RM

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

RAM

EXHIBIT C - CIVIL ENGINEERING PLANS

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

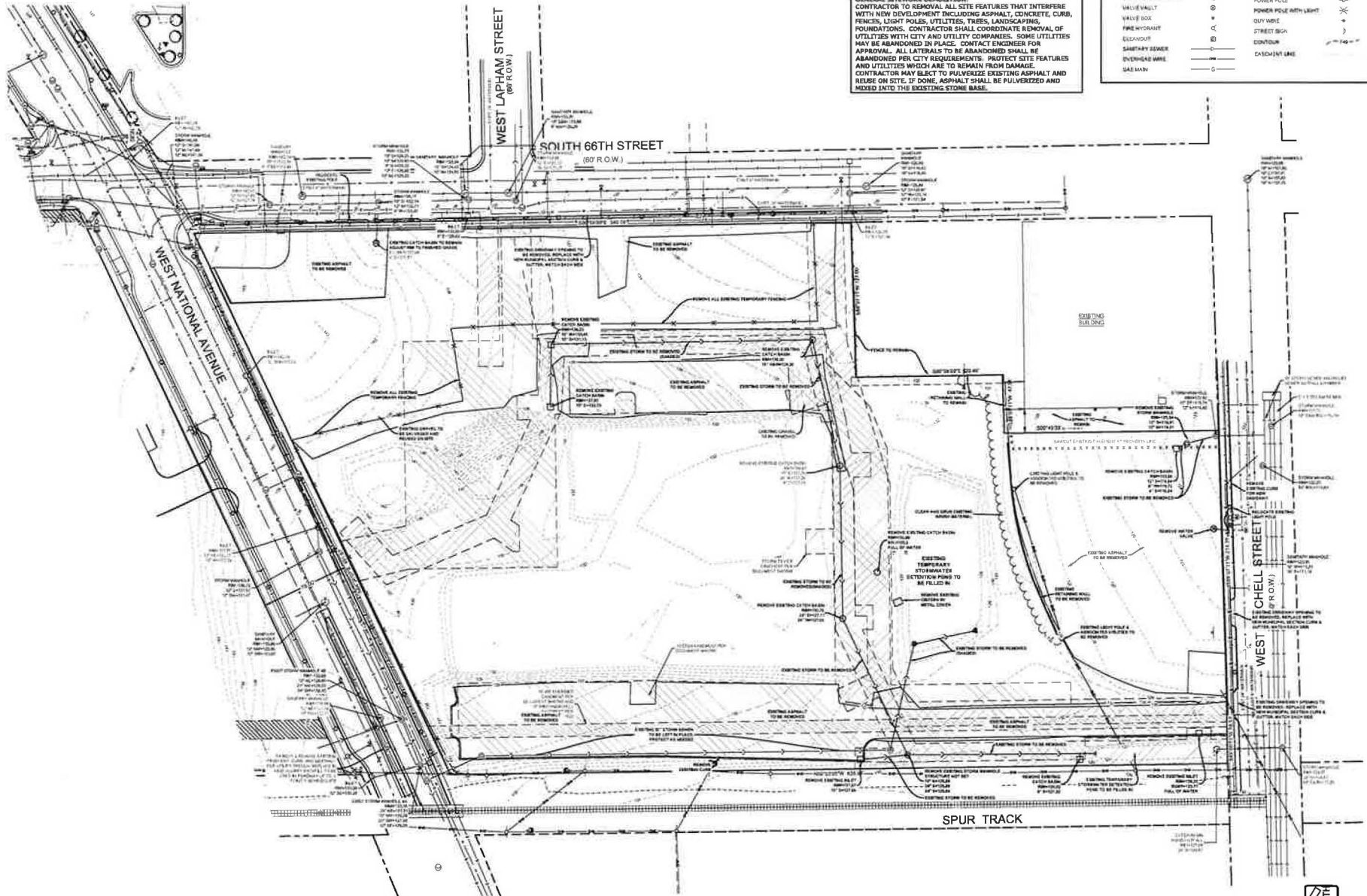
RM

CONTRACTOR RESPONSIBILITY:
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MILWAUKEE AND THE WISCONSIN DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN.

LEGEND

SANITARY MANHOLE	STORM SEWER
UTILITY MANHOLE	WATER MAIN
CATCH BASIN	LIGHTING
INLET	ELECTRICAL CABLE
PRECAST FLARED END SECTION	ELECTRICAL TRANSFORMER
CONCRETE HEADWALL	EM PEDIMENT
VALVE MANT	POWER POLE
VALVE BOX	PUMP HOUSE WITH LIGHT
FIRE HYDRANT	GUY WIRE
ELEASOUR	STREET SIGN
SANITARY POWER	CONTINUM
OVERHEAD WIRE	CADASTRAL LINE
SUB MAIN	

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.



Zimmerman
ARCHITECTURAL STUDIOS, INC.

MANDEL GROUP

FRANCO ENGINEERING GROUP
SECTION OFFICE
1300 W. BLUEMOUND ROAD
WISCONSIN, WI 53001
(262) 754-4000

Project
SoNa Apartments

Location
6700 W. National Avenue
West Allis, WI 53224

Key Plan

Scale
EXISTING CONDITIONS AND DEMOLITION PLAN

Phase
100% CONSTRUCTION DOCUMENTS

Scale

Revised
By: [Signature] Date: 08/15/2021
Checked: [Signature] Date: 08/15/2021

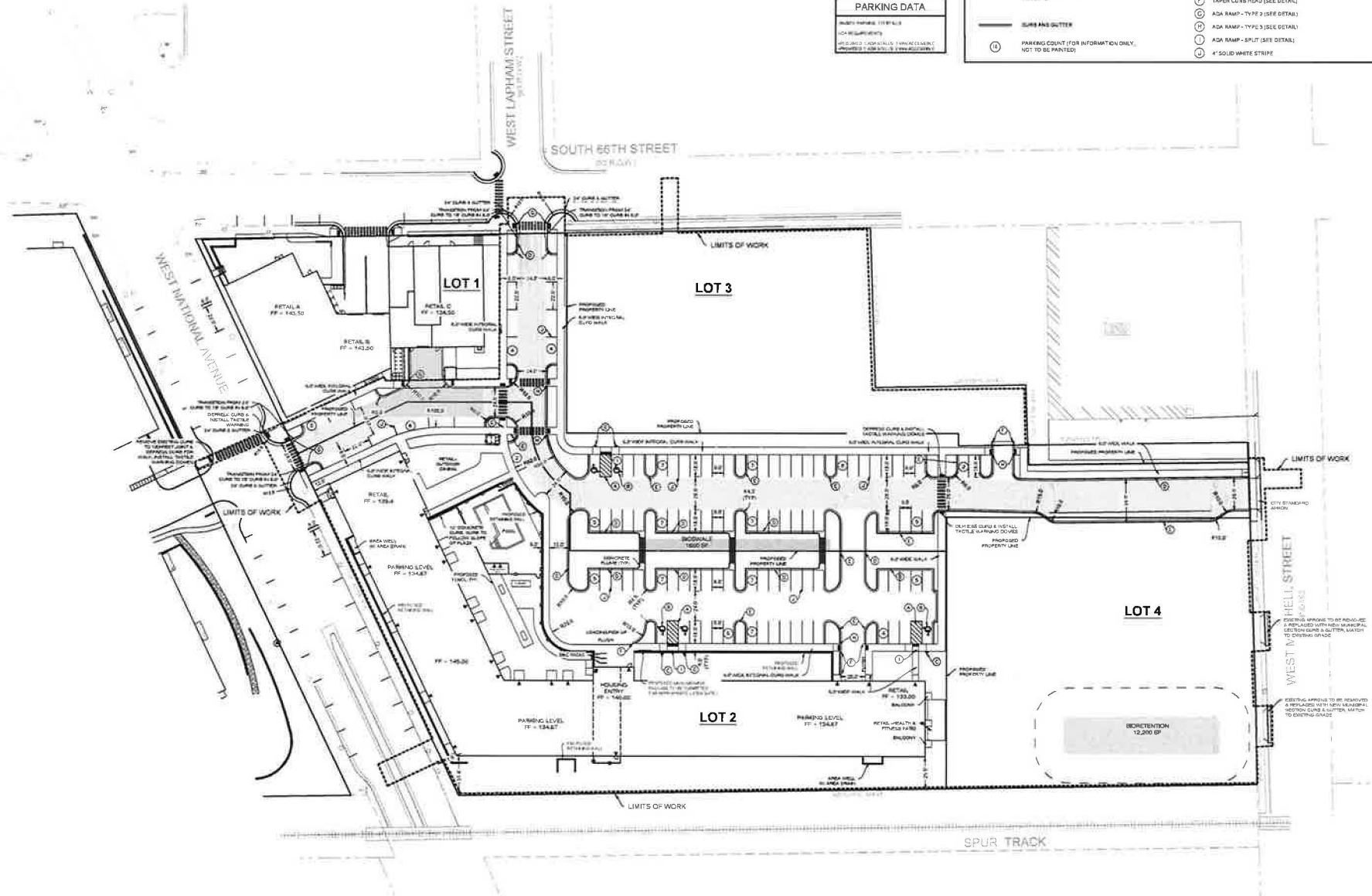
Date: 08/15/2021
Project No: 20054.00
Sheet No: C1.0

GRAPHICAL SCALE (FEET)
1" = 30'

SITE DATA				
LOT 1	LOT 2	LOT 3	LOT 4	TOTAL
TOTAL AREA: 118,400	TOTAL AREA: 14,200	TOTAL AREA: 1,020,000	TOTAL AREA: 1,070,000	TOTAL AREA: 2,302,600
BUILDING: 12,000 GP	BUILDING: 12,000 GP	BUILDING: 12,000 GP	BUILDING: 12,000 GP	BUILDING: 12,000 GP
IMPVEMENTS: 1,000,000	IMPVEMENTS: 1,000,000	IMPVEMENTS: 1,000,000	IMPVEMENTS: 1,000,000	IMPVEMENTS: 1,000,000
GREEN SPACE: 1,000,000	GREEN SPACE: 1,000,000	GREEN SPACE: 1,000,000	GREEN SPACE: 1,000,000	GREEN SPACE: 1,000,000

PARKING DATA	
ASPHALT SURFACE: 100,000	CONCRETE SURFACE: 100,000
CONCRETE SIDEWALK: 100,000	CONCRETE CURB: 100,000
CONCRETE GUTTER: 100,000	CONCRETE GUTTER: 100,000

LEGEND	
HEAVY DUTY ASPHALT PAVEMENT (SEE DETAIL)	④ 4" ORIGINAL WHITE STRIPS AT 40' SPACED @ 10'
REGULAR DUTY ASPHALT PAVEMENT (SEE DETAIL)	⑤ ADA PARKING STALL SIGNAGE
CONCRETE SIDEWALK (SEE DETAIL)	⑥ ADA PARKING STALL SIGN (SEE DETAIL)
CONCRETE GUTTER (SEE DETAIL)	⑦ 18" CURB AND GUTTER (SEE DETAIL)
CONCRETE GUTTER (SEE DETAIL)	⑧ 18" REVERSE FITEH CURB AND GUTTER (SEE DETAIL)
CONCRETE GUTTER (SEE DETAIL)	⑨ TAPER CURB HEAD (SEE DETAIL)
CONCRETE GUTTER (SEE DETAIL)	⑩ ADA RAMP - TYPE 2 (SEE DETAIL)
CONCRETE GUTTER (SEE DETAIL)	⑪ ADA RAMP - TYPE 3 (SEE DETAIL)
CONCRETE GUTTER (SEE DETAIL)	⑫ ADA RAMP - SPLIT (SEE DETAIL)
CONCRETE GUTTER (SEE DETAIL)	⑬ 4" SOLID WHITE STRIPS



Zimmerman
ARCHITECTURAL STUDIOS, INC.
300 W. National Avenue | Milwaukee, WI 53212 | zimmerman.com
TEL: 414.224.1111 | FAX: 414.224.1112

Developer: **MANDEL GROUP**

Consultant: **PRINCIPLES ENGINEERING GROUP**
ARCHITECTURAL OFFICE
1818 W. BAYVIEW BOULEVARD
MILWAUKEE, WI 53227
TEL: 414.224.1111

Project: **SoNa Apartments**

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



Scale: **1" = 20'**

Sheet: **SITE PLAN**

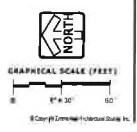
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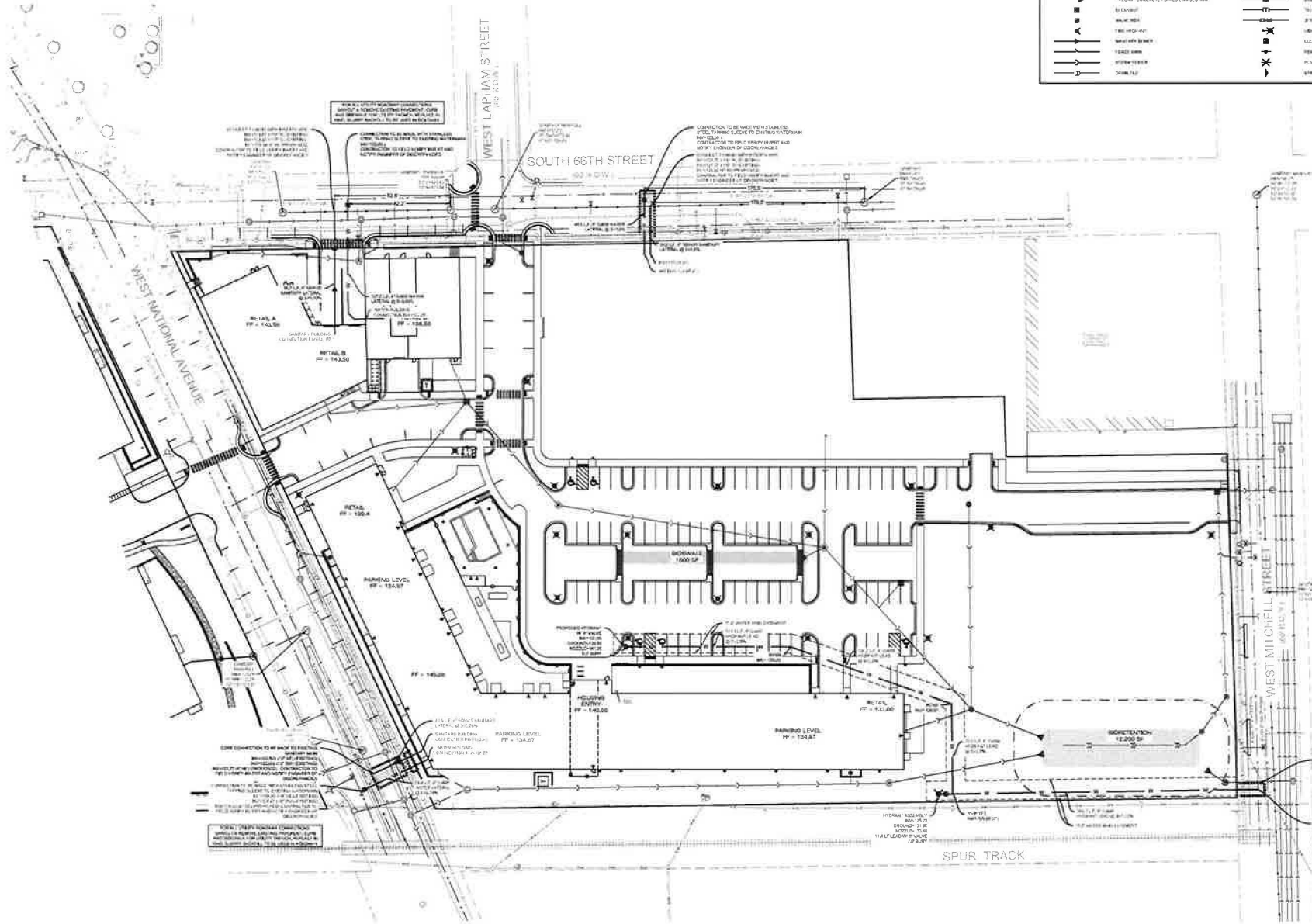
Revised: 11/15/2021

Date: 11/15/2021

Project No: 20055100

Sheet No: **C2.0**





LEGEND

Symbol for Storm Sewer	Symbol for Watermain	Symbol for Electrical
Symbol for Storm Sewer Manhole	Symbol for Watermain Valve	Symbol for Electrical Panel
Symbol for Storm Sewer Catch Basin	Symbol for Watermain Catch Basin	Symbol for Electrical Panel with Lights
Symbol for Precast Concrete Placed and Section	Symbol for Electrical Transformer	Symbol for Street Light
Symbol for Valve	Symbol for Electrical Transformer on Footing	
Symbol for Fire Hydrant		
Symbol for Water Main Break		
Symbol for Road		
Symbol for Storm Sewer		
Symbol for Storm Sewer		

Zimmerman
 ARCHITECTURAL STUDIOS, INC.
 2329 West Lincoln Avenue | Milwaukee, WI 53233 | zimmerman.com
 TEL: 414.224.3322
 FACSIMILE: 414.224.3322

Developer/Owner
C-MANDEL GROUP

Consultant
CONNORS & CONNORS ENGINEERING GROUP
 13430 W. BELLEVILLE ROAD
 WOODFIELD, WI 53090
 414.224.8888

Project
SoNa Apartments

Location
 6700 W. National Avenue
 West Allis, WI 53214

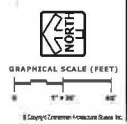


Sheet
SANITARY SEWER & WATERMAIN PLAN

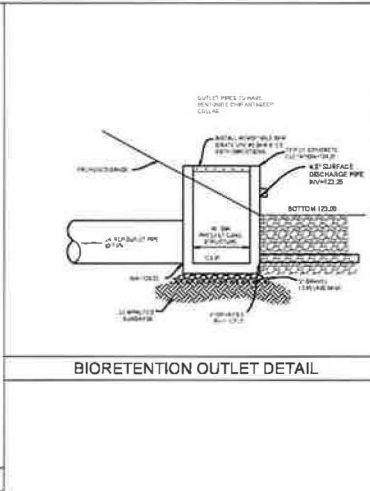
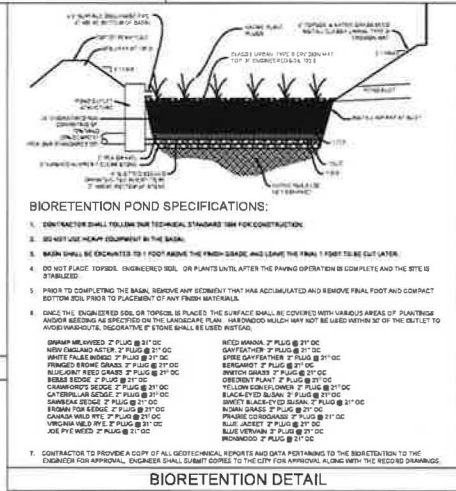
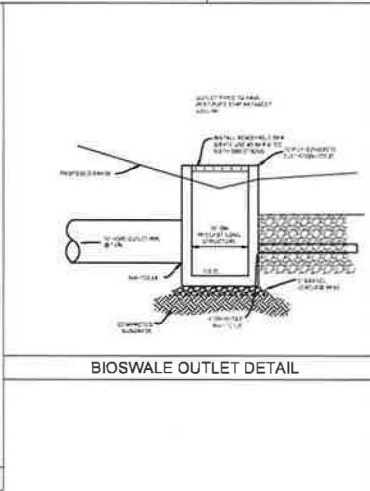
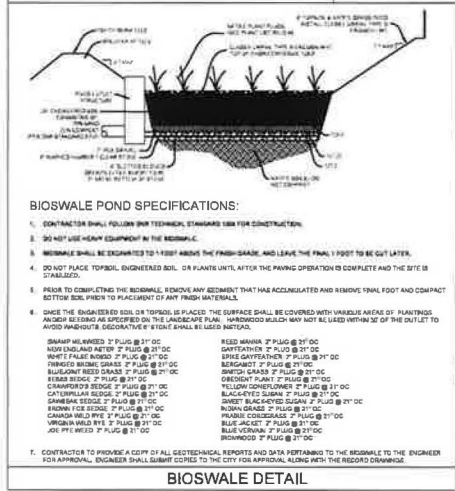
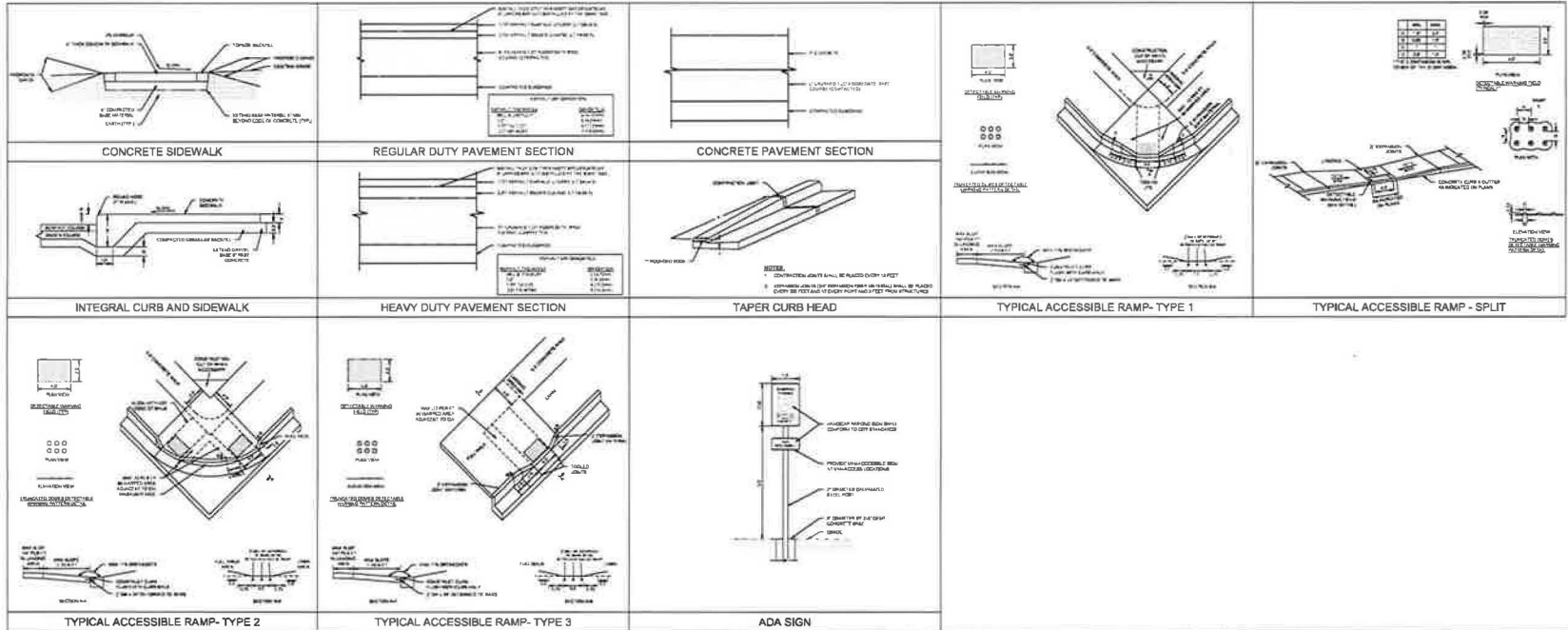
Phase
100% CONSTRUCTION DOCUMENTS

Revisions
 M Date Deleted
 NCT/2011 CHANGES BY C-GRUPP
 A 1/11/10 CONSTRUCTION ALL PLAN

Date
 10/15/2021
 Project No.
 20065400
 Sheet No.



C8.0



Designer/Client:
MANDEL GROUP

Consultant:
PINNACLE ENGINEERING GROUP
 WISCONSIN OFFICE
 13850 W. BLUEBERRY ROAD
 BROOKFIELD, WI 53005
 (847) 750-4888

Project:
 SoNa Apartments

Location:
 5125 W. National Avenue
 West Allis, WI 53214



CONSTRUCTION DETAILS AND SPECIFICATIONS

Sheet:
 100% CONSTRUCTION DOCUMENTS

Revisions:
 No. Description
 11/15/2021 CHANGES PER CITY COMMENTS CONTRACTOR BULLETIN

Date:
 10/15/2021
 Project No:
 202054.DD
 Sheet No:

C10.0