

Res 220
Significant

CONTRACT COVERSHEET

NOTE: Shaded areas are for County Executive review.

DEPARTMENT AIRPORT	CONTRACT/ADDENDUM #: 12574																											
1. This contract, grant or addendum: <input type="checkbox"/> AWARDS <input checked="" type="checkbox"/> ACCEPTS	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Contract</td> <td style="width:34%; text-align: center;"><small>If Addendum, please include original contract number</small></td> <td style="width:33%;">Addendum</td> </tr> <tr> <td style="text-align: center;">↓</td> <td></td> <td style="text-align: center;">↓</td> </tr> <tr> <td><input type="checkbox"/></td> <td style="text-align: center;">POS</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td style="text-align: center;">Co Lesse</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td style="text-align: center;">Co Lessor</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td style="text-align: center;">Intergovernmental</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td style="text-align: center;">Purchase of Property</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td style="text-align: center;">Property Sale</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td style="text-align: center;">Other:</td> <td><input type="checkbox"/></td> </tr> </table>	Contract	<small>If Addendum, please include original contract number</small>	Addendum	↓		↓	<input type="checkbox"/>	POS	<input type="checkbox"/>	<input type="checkbox"/>	Co Lesse	<input type="checkbox"/>	<input type="checkbox"/>	Co Lessor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Intergovernmental	<input type="checkbox"/>	<input type="checkbox"/>	Purchase of Property	<input type="checkbox"/>	<input type="checkbox"/>	Property Sale	<input type="checkbox"/>	<input type="checkbox"/>	Other:	<input type="checkbox"/>
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<input type="checkbox"/>	Property Sale	<input type="checkbox"/>																										
<input type="checkbox"/>	Other:	<input type="checkbox"/>																										
2. This contract is discretionary <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO																												
3. Term of Contract or Addendum: From: Execution To: December 31, 2086																												
4. Amount of Contract or Addendum Present rent of \$2,696.54/MO, with annual CPI adjustment.																												
5. Purpose: Approves assignment of Lease (DCRA 82-7) from Johnson Bank to Madison Commercial Investments, LLC ("MCI")																												
6. Vendor or Funding Source: Madison Commercial Investments, LLC																												
7. MUNIS Vendor Code: 20197																												
8. Bid/RFP Number:																												
9. If grant: Funds Positions? <input type="checkbox"/> YES <input type="checkbox"/> NO Will require on-going or matching funds? <input type="checkbox"/> YES <input type="checkbox"/> NO																												
10. Are funds included in the budget? <input type="checkbox"/> YES <input type="checkbox"/> NO																												
11. Account No. & Amount, Org. & Obj. _____ Amount \$ _____ Account No. & Amount, Org. & Obj. _____ Amount \$ _____ Account No. & Amount, Org. & Obj. _____ Amount \$ _____																												
12. Is a resolution needed: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If "YES," please attach a copy of the Resolution. If Resolution has already been approved by the County Board, Resolution No. & date of adoption 2015 RES-220 (sub.)																												
13. Does Domestic Partner equal benefits requirement apply? <input type="checkbox"/> YES <input type="checkbox"/> NO																												
14. Director's Approval																												

CONTRACT REVIEW/APPROVALS

Initials	Ftnt	Date In	Date Out
	Received	11-9-15	
	Controller		11/13/15
	Corporation Counsel	11/15/15	11/16/15
	Risk Management	11/16/15	11/16/15
	ADA Coordinator	11/16/15	11/16/15
	Purchasing Agent		11/13/15
_____	County Executive		

VENDOR

Vendor Name & Address
Madison Commercial Investments, LLC c/o ElderSpan Management, LLC 1402 Pankratz St. Suite 110 Madison WI 53704
Contact Person
David Griffin
Phone No.
(608) 243-8800
E-mail Address
david@elderspan.com

Footnotes:

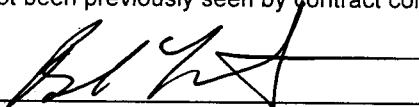
1. _____
2. _____

Return To: Name/Title: Rodney Knight, Airport Counsel	Dept.: Airport - Admin.
Phone: (608) 246-3388	Mail Address: 4000 International Lane
E-mail: knight@msnairport.com	Madison WI 53704

CERTIFICATION

The attached contract: *(Check as many as apply)*


- conforms to Dane County's standard Purchase of Services Agreement form in all respects
- conforms to Dane County's standard Purchase of Services Agreement form with modifications and is accompanied by a revision copy¹
- is a non-standard contract which has been reviewed or developed by corporation counsel which has not been changed since that review/development
- is a non-standard contract previously reviewed or developed by corporation counsel which has been changed since that review/development; it is accompanied by a revision copy¹
- is a non-standard contract not previously reviewed by corporation counsel; it is accompanied by a revision copy
- contains non-standard/indemnification language which has been reviewed or developed by risk management and which has not been changed since that review/development
- contains non-standard insurance/indemnification language which has been changed since review/development or which has not been previously seen by risk management; it is accompanied by a revision copy
- contains non-standard affirmative action/equal opportunity language which has been reviewed or developed by contract compliance and which has not been changed since that review/development
- contains non-standard affirmative action/equal opportunity language which has been changed since the earlier review/development by contract compliance or which has not been previously seen by contract compliance; it is accompanied by a revision copy¹

Date: 11-3-15 Signed: 
 Telephone Number: (608) 246-3390 Print Name: Bradley S. Livingston, AAE Airport Director

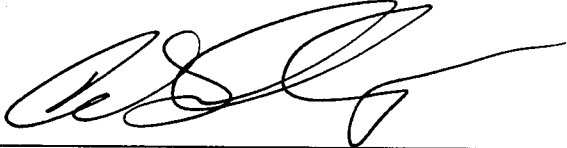
MAJOR CONTRACTS REVIEW (DCO Sect. 25.20) This review applies only to contracts which both exceed \$100,000 in disbursements or receipts and which require county board review and approval.

EXECUTIVE SUMMARY *(Attach additional pages, if needed).*


1. **Department Head** Contract is in the best interest of the County.
 Describe any deviations from the standard contracting process and any changes to the standard Purchase of Services Form Agreement.

Date: 11-3-15 Signature: 

2. **Director of Administration** Contract is in the best interest of the County.
 Comments:

Date: 12/1/15 Signature: 

3. **Corporation Counsel** Contract is in the best interest of the County.
 Comments:

Date: 11/16/15 Signature: 

¹A revision copy is a copy of the contract which shows the changes from the standard contract or previously revised/developed contract by means of overstrikes (indicating deletions from the standard language) and underlining (showing additions to the standard language).

APPROVAL OF LEASE ASSIGNMENT

Lease No. DC-RA 82-7

This instrument was drafted by
and should be returned to:

Attorney Rodney Knight
Airport Counsel
Dane County Regional Airport
4000 International Lane
Madison, WI 53704

Parcel I.D. Nos:
251/0810-304-0003-0
251/0810-304-0087-4

THIS APPROVAL OF LEASE ASSIGNMENT is entered into by and among Dane County, a Wisconsin quasi-municipal corporation whose address is c/o Airport Director, Dane County Regional Airport, 4000 International Lane, Madison, Wisconsin 53704, Johnson Bank, a national banking association whose principal offices are located at 555 Main Street, Suite 490, Racine, Wisconsin 53403, and Madison Commercial Investments, LLC, a Wisconsin limited liability company ("MCI"), with an address at 1402 Pankratz Street, Suite 110, Madison, Wisconsin 53704, and shall be effective upon full execution by the authorized representatives of the parties hereto.

WITNESSETH:

WHEREAS, on April 22, 1982, Dane County, Wisconsin, as Lessor, entered into that certain Ground Lease identified as Lease No. DC-RA 82-7 with Madsen Partners IV, a general partnership, as Lessee, as supplemented by Supplemental Provision to Lease No. DC-RA 82-7, and recorded in the Office of the Register of Deeds for Dane County, Wisconsin on July 21, 1982 as Document No. 1746263, as amended by Amendment to Ground Lease dated May 7, 1986, and as further amended by Amendment No. 2 to Lease No. DC-RA 82-7 dated effective March 1, 1998 (collectively, the "Ground Lease"), affecting that certain land located in the City of Madison, Dane County, Wisconsin adjacent to the Dane County Regional Airport, more particularly described on **Exhibit A** attached hereto (the "Demised Premises");

WHEREAS, by mesne Assignments and by Warranty Deed dated August 14, 2015, and recorded in said Register's Office on August 25, 2015 as Document No. 5179336, Johnson Bank is the current holder of the Lessee's interest under the Ground Lease.

WHEREAS, Johnson Bank has entered into that certain WB-15 Commercial Offer to Purchase and Addendum dated October 12, 2015, for the conveyance and assignment of its interest in the Demised Premises pursuant to the Ground Lease to MCI; and

WHEREAS Dane County has determined that it is in its best interest to approve and recognize MCI as the assignee of the rights and obligations set forth in the Ground Lease.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is acknowledged by each party, Dane County, Johnson Bank and MCI agree as follows:

A. The Ground Lease shall remain in full force and effect unchanged in any manner by this Approval of Lease Assignment except for those changes expressly set forth herein.

B. The County hereby approves and recognizes MCI as the valid assignee of the rights and obligations of the lessee under the Ground Lease, commencing on the effective date of this Approval of Lease Assignment and expiring on December 31, 2086.

IN WITNESS WHEREOF Dane County, Johnson Bank and MCI, by their respective authorized agents, have caused this Approval of Lease Assignment to be executed on the dates indicated below.

[SIGNATURE PAGES FOLLOW]

FOR DANE COUNTY:

Joe Parisi
Dane County Executive

Date: _____

Scott McDonell
Dane County Clerk

Date: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Personally came before me this ____ day of _____, the above-named Joe Parisi, Dane County Executive, and Scott McDonell, Dane County Clerk, to me known to be the authorized representatives of Dane County, Wisconsin, who executed the foregoing instrument and acknowledged the same on behalf of Dane County, Wisconsin.

Notary Public, State of Wisconsin
My Commission expires: _____

[Signature page to Approval of Lease Assignment]

FOR JOHNSON BANK:

Robert A. MacDonald
Robert A. MacDonald
Vice President – Special Assets Group

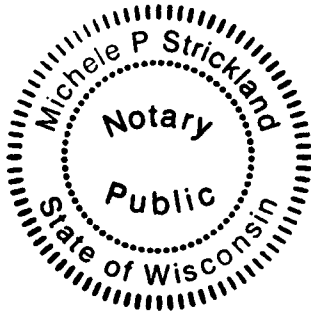
Date: 10.29.15

STATE OF WISCONSIN)
) ss.
COUNTY OF RACINE)
)
)
)

Personally came before me this 29 day of October the above-named Robert A. MacDonald, the Vice President – Special Assets Group, to me known to be an authorized representative of Johnson Bank, who executed the foregoing instrument and acknowledged the same on behalf of Johnson Bank.

Michele P Strickland

Notary Public, State of Wisconsin
My Commission expires: June 18 2019



[Signature page to Approval of Lease Assignment]

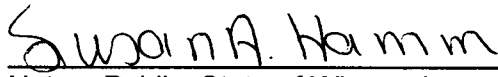
FOR MADISON COMMERCIAL INVESTMENTS, LLC:


David Griffin
Authorized Member

Date: 10/28/15

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Personally came before me this 28th day of October, the above-named **David Griffin**, the Authorized Member of Madison Commercial Investments, LLC, a Wisconsin limited liability company, to me known to be an authorized representative of Madison Commercial Investments, LLC, who executed the foregoing instrument and acknowledged the same on behalf of Madison Commercial Investments, LLC.


Notary Public, State of Wisconsin
My Commission expires: 01-01-17

[Signature page to Approval of Lease Assignment]

Exhibit A

Legal Description of Demised Premises

Lot 2 of Certified Survey Map No. 1275, recorded in the Office of the Dane County Register of Deeds in Volume 5 of Certified Survey Map, Page 205, as Document No. 1377842, in the City of Madison, Dane County, Wisconsin;

and

Lot 1 of Certified Survey Map No. 394, recorded in the Office of the Dane County Register of Deeds in Volume 2 of Certified Survey Maps, Page 169, as Document No. 1272969, in the City of Madison, Dane County, Wisconsin.

Property Addresses: 2439 a/k/a 2445 Darwin Road
2435 Darwin Road a/k/a 3030 International Lane