

**SECOND AMENDMENT TO
PUBLIC SIDEWALK EASEMENT**

This Second Amendment to Public Sidewalk Easement is made as of this _____ day of _____, 2018, by and between the **City of Madison**, a Wisconsin municipal corporation (the “City”) and **Dane County** (the “Owner”).

WITNESSETH:

WHEREAS, the Owner is the owner of the following legally described properties (together, the “Property”) located in the City of Madison, Dane County, Wisconsin:

Lot 46, Second Addition to Truax Air Park West
Property Address: 1702 Pankratz Street (“Lot 46”)

Lot 3, Certified Survey Map No. 13328
Property Address: 1650 Pankratz Street (“Lot 3”)

RETURN TO: City of Madison
Office of Real Estate Services
P.O. Box 2983
Madison, WI 53701-2983

Tax Parcel Nos.: 251-0810-311-0304-7 (Part of)
251-0810-311-0313-8 (Part of)

WHEREAS, the City and the Owner are parties to that certain Permanent Limited Easement for Public Sidewalk Purposes recorded on January 21, 2016 as Document No. 5210510, amended by that certain Amendment to Easement, recorded on July 26, 2016 as Document No. 5253707 (collectively the “Easement”), encumbering a portion of the Property; and

WHEREAS, Pankratz Building Land, LLC, a Wisconsin limited liability company (the “Lot 46 Lessee”) leases Lot 46 under a long term lease by and between the Lot 46 Lessee and the Owner; and

WHEREAS, Corben Lakeland, LLC, a Wisconsin limited liability company (the “Lot 3 Lessee”) leases Lot 3 under a long term lease by and between the Lot 3 Lessee and the Owner; and

WHEREAS, the Lot 46 Lessee submitted a site plan for approval by the City for the construction of an office building on the Property; and

WHEREAS, during the City’s site plan review, additional sidewalk was discovered that was constructed outside the limits of the defined Easement (“Easement Area”), and another portion of the existing sidewalk is not consistent with the sidewalk proposed in the site plan and will need to be reconfigured to facilitate the proposed development on the Property; and

WHEREAS, as a condition of site plan approval, the City’s Engineering Division requires that the Easement be amended to revise the description of the Easement Area to define and depict the proposed sidewalk location, as well as memorialize the additional existing sidewalk area, as legally described on attached Exhibit C and depicted on attached Exhibit D (“Amended Easement Area”); and

WHEREAS, as a condition of site plan approval, the City's Engineering Division also requires that the Easement be amended to release that portion of the Easement that is no longer necessary to serve the Property after the reconfiguration of the sidewalk, with said release area legally described on attached Exhibit A and depicted on attached Exhibit B ("Partial Release of Easement Area"); and

NOW, THEREFORE, the City and the Owner agree, and the Lessees consent, to amend the Easement as follows:

- A. The Easement is hereby amended to release a portion of the Easement Area legally described in attached Exhibit A and depicted in attached Exhibit B.
- B. The Easement is hereby amended to add the Amended Easement Area described on attached Exhibit C and depicted on attached Exhibit D.
- C. All other provisions of the Easement shall remain in full force and affect.

[Signatures on following page]

IN WITNESS WHEREOF, the City and the Owner have entered into this Second Amendment to Public Sidewalk Easement as of the date first set forth above.

DANE COUNTY, a quasi-municipal corporation

By: _____
Scott McDonell, County Clerk

State of Wisconsin)
)ss.
County of Dane)

Personally came before me this _____ day of _____, 2018, the above named Scott McDonell, Clerk of Dane County, known to me to be the person who executed the above and foregoing instrument and acknowledged that he executed the same, by his authority.

Notary Public, State of Wisconsin

(print or type name of notary)
My Commission expires: _____

Consent of Lessee:

Pankratz Building Land, LLC, as lessee under a long term lease by and between said Pankratz Building Land, LLC and the Owner, Dane County, relating to the Property, hereby acknowledges its consent to the terms and conditions of this Second Amendment to Public Sidewalk Easement.

PANKRATZ BUILDING LAND, LLC

By: PYRAMID PROPERTY MANAGEMENT, LLC, Manager

By: _____

Robert J. Lehmann, President

State of Wisconsin)

)ss.

County of Dane)

Personally came before me this _____ day of _____, 2018, the above-named Robert J. Lehmann, President of Pyramid Property Management, LLC, manager of Pankratz Building Land, LLC, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

(Print or type name)

My Commission expires: _____

Consent of Lessee:

Corben Lakeland, LLC, as lessee under a long term lease by and between said Corben Lakeland, LLC and the Owner, Dane County, relating to the Property, hereby acknowledges its consent to the terms and conditions of this Second Amendment to Public Sidewalk Easement.

CORBEN LAKELAND, LLC

By: R&L AIRPORT ASSOCIATES, LLC, Manager

By: _____

Martin F. Rifken, President

State of Wisconsin)

)ss.

County of Dane)

Personally came before me this _____ day of _____, 2018, the above-named Martin F. Rifken, President of R&L Airport Associates, LLC, manager of Corben Lakeland, LLC, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

(Print or type name)

My Commission expires: _____

CITY OF MADISON

By: _____
Paul R. Soglin, Mayor

By: _____
Maribeth L. Witzel-Behl, City Clerk

State of Wisconsin)
)ss.
County of Dane)

Personally came before me this _____ day of _____, 2018, the above-named Paul R. Soglin, Mayor of the City of Madison, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

(print or type name of notary)
My Commission expires: _____

State of Wisconsin)
)ss.
County of Dane)

Personally came before me this _____ day of _____ 2018, the above-named Maribeth L. Witzel-Behl, City Clerk of the City of Madison, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

(print or type name of notary)
My Commission expires: _____

Execution of this document by the City of Madison is authorized by Resolution Enactment No. RES-18-00637, File ID No. 52665, adopted September 9, 2018, by the Common Council of the City of Madison.

Drafted by the City of Madison Office of Real Estate Services

RE Project No. 11664