

Dane County Contract Addendum Cover Sheet

RES 064

Revised 06/2021

Contract # Admin will assign	9368A
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Dept./Division	AIRPORT	Vendor Name	One and Done 2401, LLC
Brief Addendum Title/Description	Assignment and amendment of land lease to One and Done, LLC for 2401 American Lane DCRA 88-21	Vendor MUNIS #	32981
		Addendum Term	Expires 09/30/2063
		Amount (\$)	

Department Contact Information		Vendor Contact Information	
Contact	Adam Ussher	Contact	John Brigham
Phone #	608-246-3388	Phone #	608-692-0821
Email	ussher.adam@msnairport.com	Email	john@emi-mgmt.com
Purchasing Officer			

Purchase Order - Maintenance or New PO					
<input type="checkbox"/>	PO Maintenance Needed	Org:	Obj:	Proj:	
	PO#	Org:	Obj:	Proj:	
<input type="checkbox"/>	No PO Maintenance Needed - <i>this addendum does not change the dollar amount of the contract.</i>				
<input type="checkbox"/>	New PO / Req. Submitted	Org:	Obj:	Proj:	
	Req#	Org:	Obj:	Proj:	

Budget Amendment	
<input type="checkbox"/>	A Budget Amendment has been requested via a Funds Transfer or Resolution. Upon addendum approval and budget amendment completion, the department shall update the requisition in MUNIS accordingly.

Total Contracted Amount - List the Original contract info, then subsequent addenda including this new addendum					
A resolution is required when the total contracted amount first exceeds \$100,000. Additional resolutions are then required whenever the sum(s) of any additional addenda exceed(s) \$100,000	Addendum #	Term	Amount	Resolution	
	Original			<input type="checkbox"/> None	Res# 2022-064
				<input type="checkbox"/> None	Res#
				<input type="checkbox"/> None	Res#
				<input type="checkbox"/> None	Res#
				<input type="checkbox"/> None	Res#
Total Contracted Amount			\$ 0.00		

Contract Language Pre-Approval - prior to internal routing, this contract has been reviewed/approved by:		
<input checked="" type="checkbox"/> Corporation Counsel: Adam Ussher	<input type="checkbox"/> Risk Management:	<input type="checkbox"/> No Pre-Approval

APPROVAL
Dept. Head / Authorized Designee


APPROVAL - Contracts Exceeding \$100,000	
Director of Administration	Corporation Counsel

APPROVAL - Internal Contract Review - Routed Electronically - Approvals Will Be Attached			
DOA:	Date In: 7/8/22	Date Out: _____	<input checked="" type="checkbox"/> Controller, Purchasing, Corp Counsel, Risk Management

Goldade, Michelle

From: Goldade, Michelle
Sent: Friday, July 8, 2022 1:48 PM
To: Hicklin, Charles; Gault, David; Lowndes, Daniel; Patten (Purchasing), Peter
Cc: Stavn, Stephanie; Oby, Joe
Subject: Contract #9368A
Attachments: 9368A.pdf

Tracking:	Recipient	Read	Response
	Hicklin, Charles	Read: 7/8/2022 2:05 PM	Approve: 7/8/2022 2:05 PM
	Gault, David	Read: 7/8/2022 2:24 PM	Approve: 7/8/2022 2:26 PM
	Lowndes, Daniel		Approve: 7/8/2022 2:03 PM
	Patten (Purchasing), Peter		Approve: 7/8/2022 2:35 PM
	Stavn, Stephanie	Read: 7/8/2022 1:59 PM	
	Oby, Joe		

Please review the contract and indicate using the vote button above if you approve or disapprove of this contract.

Contract #9368A
Department: Airport
Vendor: One and Done 2401 LLC
Contract Description: Assignment and amendment of land lease for 2401 American Lane DCRA 88-21 (Res 064)
Contract Term: Expires 9/30/2063
Contract Amount: \$0

Michelle Goldade

Administrative Manager
Dane County Department of Administration
Room 425, City-County Building
210 Martin Luther King, Jr. Boulevard
Madison, WI 53703
PH: 608/266-4941
Fax: 608/266-4425
TDD: Call WI Relay 711

Please Note: I currently have a modified work schedule...I am in the office Mondays and Wednesdays and working remotely Tuesdays, Thursdays and Fridays in accordance with COVID 19 response guidelines.

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2022 RES-064

**AUTHORIZING ASSIGNMENT AND AMENDMENT OF LEASE INVOLVING
LAND AT THE DANE COUNTY REGIONAL AIRPORT**

Lease No. DCRA 88-21

Under Lease No. DCRA 88-21 (“Lease”), Lions Eye Bank of Wisconsin, Inc. leases from Dane County approximately 2.25 acres of land located adjacent to the Dane County Regional Airport at 2401 American Lane, Madison, Wisconsin (“Leasehold Interest”). One and Done 2401, LLC seeks to purchase the Leasehold Interest, contingent upon Dane County’s approval to assign the Lease presently held by Lions Eye Bank of Wisconsin, Inc. Accordingly, Lions Eye Bank of Wisconsin, Inc. requests Dane County’s approval to assign the Lease to One and Done 2401, LLC. Upon assignment, the terms and conditions of the Lease remain unchanged. Airport staff has determined that approval of the requested Lease assignment and amendment is in Dane County’s best interest.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Executive and the Dane County Clerk are authorized to execute on behalf of Dane County an Approval of Lease Assignment of Ground Lease approving the assignment of Lease No. DCRA 88-21, as set forth above.

APPROVAL OF LEASE ASSIGNMENT

This instrument was drafted by
and should be returned to:

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

Parcel I.D. Nos:
0810-304-0198-9 (building)
0810-304-0104-6 (land)

THIS APPROVAL OF LEASE ASSIGNMENT is entered into by and among Dane County ("Lessor"), a Wisconsin quasi-municipal corporation whose address is c/o Airport Director, Dane County Regional Airport, 4000 International Lane, Madison, Wisconsin 53704; Lions Eye Bank of Wisconsin, Inc. ("Lessee"), a corporation organized under the laws of the State of Wisconsin, whose principal offices are located at 5003 Tradewinds Parkway, Madison, Wi. 53718; and One and Done 2401, LLC. ("Assignee"), a limited liability corporation organized under the laws of the State of Wisconsin, whose principal offices are located at 5315 Paulson Rd., McFarland, Wi. 53558; and shall be effective upon full execution by the authorized representatives of all parties hereto.

WITNESSETH:

WHEREAS Lessee is a party to a lease with Lessor, identified as Lease No. DCRA 88-21, as modified by an Amendment No. 1 to Ground Lease dated October 10, 1988, Amendment No. 2 to Ground Lease dated July 13, 2004 and Amendment No. 3 to Ground Lease dated October 10, 2005, (as modified, the "Lease"), under the terms of which Lessee leases from Lessor land located adjacent to the Dane County Regional Airport at 2401 American Lane, Madison, Wisconsin (the "Premises"), as described in Exhibit A attached hereto; and

WHEREAS the Lease is for a term of 75 years, commencing on October 1, 1988 and expiring on September 30, 2063; and

WHEREAS Lessee and Assignee have requested that Lessor approve Lessee's assignment of the Lease to Assignee; and

WHEREAS Dane County has determined that it is in its best interest to approve the assignment of Lease No. DCRA 88-21 as requested.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is acknowledged by each party, Lessor, Lessee, and Assignee agree as follows:

- A. Lessee assigns all of its rights and obligations under Lease No. DCRA 88-21 to Assignee.
- B. Assignee hereby accepts and assumes all of the rights and obligations accruing to the lessee under the Lease, including any and all debts and obligations existing and owing to Lessor thereunder on the effective date of this Approval of Lease Assignment.
- C. Lessor approves the assignment of Lease No. DCRA 88-21 to Assignee.
- D. The parties may evidence their agreement to be bound by the terms of this Approval of Lease Assignment upon one or more counterparts of this instrument, which together shall constitute a single instrument. A photocopy, facsimile, or electronic copy of this Approval of Lease Assignment shall have the same effect for all purposes as an original.
- E. Assignee shall have this Approval of Lease Assignment recorded in the office of the Dane County Register of Deeds.
- F. Any and all notices, payments or communications required or necessary to be provided to Lions Eye Bank of Wisconsin under the Lease shall instead be directed to the following address:

One and Done 2401, LLC
5315 Paulson Rd.
McFarland, WI 53558
- G. Lessor acknowledges that One Community Bank ("Lender") will be making a loan to Assignee to facilitate Assignee's execution of the Assignment of the Lease ("Loan") and that the Loan will be secured by a mortgage on Assignee's leasehold interest in the Lease and fee interest in the improvements located on the Property. So long as the Loan is outstanding, Lessor agrees to promptly provide to Lender any notices of default it delivers to Assignee under the Lease and agrees that Lender has the right to cure any such defaults within the same cure period afforded to Assignee under the Lease, provided that Lender shall not be under any obligation to cure any default by Assignee under the Lease. Assignee and Lender both acknowledge that any lending agreement will not encumber the Lessor's interest in the Premises.

H. If the lease is terminated for a non-monetary default which, by its nature, Lender cannot cure (for example, bankruptcy), Lender shall have the option to acquire the lease on identical terms for the remaining unexpired portion of the term of the Lease.

IN WITNESS WHEREOF Lessor, Lessee, and Assignee, 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, to me known to be the authorized representative 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: _____

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

Personally came before me this _____ day of _____, the above-named Scott McDonell, Dane County Clerk, to me known to be the authorized representative 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: _____

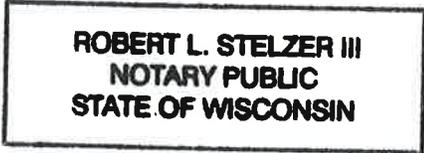
FOR LIONS EYE BANK OF WISCONSIN, INC.:

Ronald K. Blawusch
Ronald K. Blawusch Treasurer and Director

Date: 6/13/22

STATE OF WISCONSIN)
)ss.
COUNTY OF DANE)

Personally came before me this 13 day of June, 2022, the above-named Ronald K. Blawusch, to me known to be an authorized representative of Lions Eye Bank of Wisconsin, Inc., who executed the foregoing instrument and acknowledged the same on behalf of Lions Eye Bank of Wisconsin.



Robert L. Stelzer III
Notary Public, State of Wisconsin
My Commission expires: 12/20/25

FOR ONE AND DONE 2401, LLC:

John Brigham, Managing Member

Date: _____

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

Personally came before me this ___ day of _____, 2022, the above-named John Brigham, to me known to be an authorized representative of One and Done 2401 LLC, who executed the foregoing instrument and acknowledged the same on behalf of One and Done 2401, LLC.

Notary Public, State of Wisconsin
My Commission expires: _____

Exhibit A

Legal Description of Leased Premises

The following described premises situated in Truax Air Park, Madison, Wisconsin, to-wit:

Part of Lot 4 and Lot 5, Truax Air Park West, City of Madison, Dane County, Wisconsin, further described as follows:

Beginning at the southwest corner of said Lot 4; thence along said Lot 4, N 20°10'52" E, 372.77 feet; thence S 87°46'49" E, 247.15 feet to the A corner of said Lot 5 and the northwest corner of outlet 1 of said plat; thence along said outlet 1, S 02°15'00" W, 70.26 feet to the southwest corner thereof; thence continue along said outlet 1, S 87°45'00" E, 18.74 feet; thence continue along said outlet 1, N 02°15'00" E, 2.65 feet; thence continue along said outlet 1, S 48°48'32" E, 118.24 feet to a point of curvature on the right of way line of American Lane; thence along the arc of a 60.00 foot radius curve to the left, long chord bearing and distance of S 12°24'04" W, 57.79 feet; thence S 73°36'40" W, 488.03 feet to the point of beginning. Said parcel contains 98,115 square feet or 2.25 acres.

Property Address: 2401 American Lane, Madison, Wi. 53704