

3



DOC.# 09636906

DRAINAGE EASEMENT AGREEMENT

Document Number

Name and Return Address: Boulevard Commons, LLC c/o Teig Whaley-Smith, Esq. Community Development Advocates 2212 N. Dr. Martin Luther King Jr. Dr. Milwaukee, WI 53212

REGISTER'S OFFICE | SS Milwaukee County, WI

RECORDED 08/12/2008 10:14AM

JOHN LA FAVE REGISTER OF DEEDS AMOUNT: 15.00 FEE EXEMPT 77.25 #: 0

Recording Area

Pin: 3481541100 (Parcel 1)

Pin: 3481542100 (Parcel 2)

THIS AGREEMENT is dated as of August 12, 2008, by and between BOULEVARD COMMONS, LLC ("Boulevard Commons") and THE CITY OF MILWAUKEE ("The City").

RECITALS

Boulevard Commons and The City acknowledge the following:

- A. Boulevard Commons owns real property that is described as Parcel 2 on Exhibit A attached hereto and incorporated herein (the "Boulevard Commons Parking Lot").
B. The City owns property described as Parcel 1 on Exhibit A attached hereto and incorporated herein (the "City Parking Lot"). The Boulevard Commons Parking Lot and the City Parking Lot are adjacent and are collectively referred to herein as the "Parking Lots."
C. Prior to the conveyance of the Boulevard Commons Parking Lot to Boulevard Commons, one storm sewer system served the Parking Lots and storm water from the Boulevard Commons Parking Lot drained onto the City Parking Lot. The City has agreed to allow storm water to continue to drain from the Boulevard Commons Parking Lot onto the City Parking Lot.

AGREEMENTS

In consideration of the Recitals and the mutual agreements that follow, Boulevard Commons and The City agree as follows:

- 1. Storm Water Drainage Easement. The City hereby grants to Boulevard Commons and Boulevard Commons' successors and assigns a permanent, nonexclusive and perpetual easement to allow storm water to drain from the Boulevard Commons Parking Lot onto the City Parking Lot and into the catch basin (the "Catch Basin") located thereon (the "Storm Sewer Easement").
2. Severability. All provisions of this Agreement are deemed severable, and if any one or more provision is deemed unenforceable for any reason, the remaining provisions shall remain in full force and effect.
3. Binding Agreement. This Agreement and rights contained herein shall be covenants running with the land and be binding upon any successor owners of the parcels described in this Agreement.
4. Amendments. This Agreement may be amended only by a writing signed by all owners of the Boulevard Commons Parking Lot and the City Parking Lot.

5. Governing Law. This Agreement shall at all times be enforced in accordance with the laws of the State of Wisconsin.

BOULEVARD COMMONS, LLC

BY: Boulevard Commons MM, LLC

BY: New Covenant Housing Corporation, Inc.

BY: Johnny L. Moutry, Jr.  
Johnny Moutry, Executive Director

THE CITY OF MILWAUKEE

BY: Elaine M. Miller  
Elaine M. Miller, Special Deputy Commissioner  
Department of City Development

State of Wisconsin )  
                                  : SS  
County of Milwaukee )

This instrument was acknowledged before me on August 11<sup>th</sup>, 2008 by Johnny Moutry, in his capacity and as Executive Director of New Covenant Housing Corporation, the Managing Member of Boulevard Commons, LLC.



Matthew A. Melendes  
( Matthew A. Melendes )  
Notary Public, State of Wisconsin  
My Commission expires 10/25/2009

State of Wisconsin )  
County of Milwaukee )

This instrument was acknowledged before me on August 8, 2008 by Elaine M. Miller as Special Deputy Commissioner, Dept. of City Development of the City of Milwaukee pursuant to Common Council Resolution No. 070563 adopted on July 11, 2007.



Karen D. Underwood  
( Karen D. Underwood )  
Notary Public, State of Wisconsin  
My Commission expires July 26, 2009

This document was drafted by: Teig Whaley-Smith, Esq.  
Community Development Advocates, LLC  
2212 N. Dr. Martin Luther King Jr. Dr.  
Milwaukee, WI 53212

**EXHIBIT A**

Parcel 1: Lot 1 of Certified Survey Map No. 7888, recorded on March 1, 2007, as Document No. 9393078, a Division of part of Lots 1, 2, 3, 4 and 21, all of Lots 5, 6, 7, 22 and 23 and vacated alley adjoining Lots 7, 23 and part of Lot 6, in Block 4, Grant Park and Lands all in the Northwest ¼ of Section 24, Town 7 North, Range 21 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin,

except for land commencing at the Northwest Corner of the Northwest ¼ of Section 24, Township 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, State of Wisconsin; Thence South 01°20'34" East along the West Line of said ¼ section, 33.00 feet; Thence North 88°34'27" East, 60.54 feet to the East Line of North Sherman Boulevard; Thence South 01°19'16" East along the East line of North Sherman Boulevard, 214.56 feet; Thence North 88°34'27" East, 207.02 feet; Thence North 01°19'16" West, 79.56 feet to the point of beginning; Thence South 88°34'27" West, 30.00 feet; Thence North 01°19'16" West, 7.50 feet; Thence North 88°34'27" East, 30.00 feet; Thence South 01°19'16" East, 7.50 feet to the point of beginning,

except for part of Certified Survey Map No. 7888 commencing at the Northwest Corner of the Northwest ¼ of section 24, Township 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, State of Wisconsin; Thence South 01°20'34" East along the West line of said ¼ section, 33.00 feet; Thence North 88°34'27" East, 60.54 feet to the East line of North Sherman Boulevard; Thence South 01°19'16" East along the East line of North Sherman Boulevard, 214.56 feet; Thence North 88°34'27" East, 130.36 feet to the point of beginning; Thence North 01°19'16" West, 79.56 feet; Thence North 88°40'44" East, 76.50 feet; Thence South 01°19'16" East, 79.56 feet; Thence South 88°40'44" East, 76.50 feet to the point of beginning.

Parcel 2: Lot 2 of Certified Survey Map No. 7888, recorded on March 1, 2007, as Document No. 9393078, a Division of part of Lots 1, 2, 3, 4, and 21, all of Lots 5, 6, 7, 22 and 23 and vacated alley adjoining Lots 7, 23 and part of Lot 6, in Block 4, Grant Park and Lands all in the Northwest ¼ of the Northwest ¼ of Section 24, Town 7 North, Range 21 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

and land commencing at the Northwest Corner of the Northwest ¼ of Section 24, Township 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, State of Wisconsin; Thence South 01°20'34" East along the West Line of said ¼ section, 33.00 feet; Thence North 88°34'27" East, 60.54 feet to the East Line of North Sherman Boulevard; Thence South 01°19'16" East along the East line of North Sherman Boulevard, 214.56 feet; Thence North 88°34'27" East, 207.02 feet; Thence North 01°19'16" West, 79.56 feet to the point of beginning; Thence South 88°34'27" West, 30.00 feet; Thence North 01°19'16" West, 7.50 feet; Thence North 88°34'27" East, 30.00 feet; Thence South 01°19'16" East, 7.50 feet to the point of beginning,

and part of Certified Survey Map No. 7888 commencing at the Northwest Corner of the Northwest ¼ of section 24, Township 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, State of Wisconsin; Thence South 01°20'34" East along the West line of said ¼ section, 33.00 feet; Thence North 88°34'27" East, 60.54 feet to the East line of North Sherman Boulevard; Thence South 01°19'16" East along the East line of North Sherman Boulevard, 214.56 feet; Thence North 88°34'27" East, 130.36 feet to the point of beginning; Thence North 01°19'16" West, 79.56 feet; Thence North 88°40'44" East, 76.50 feet; Thence South 01°19'16" East, 79.56 feet; Thence South 88°40'44" East, 76.50 feet to the point of beginning.