

**AMENDMENT TO
TEMPORARY LIMITED EASEMENT**

This Amendment to Temporary Limited Easement is made as of _____, 2023, by and between The **Community Development Authority of the City of Madison** (the “CDA”), a Wisconsin redevelopment authority, and **Bayview Housing Partners, LLC** (the “Grantee”), a Wisconsin limited liability corporation (the “Grantee”).

WITNESSETH:

WHEREAS, the CDA and the Grantee are parties to that certain Temporary Limited Easement for Construction Purposes, dated May 13, 2021, and recorded June 3 2021, with the Dane County Register of Deeds as Document No. 5735685 (the “Easement”); and

WHEREAS, the Easement provides Grantee with a non-exclusive temporary limited easement for construction staging purposes over a portion of the CDA’s property located at **755 Braxton Place** (the “Existing Easement Area”), which is more particularly described on Exhibit A and depicted on Exhibit B, which are attached hereto and made a part hereof; and;

WHEREAS, CDA and Grantee wish to extend the effective date of Grantee’s use of the Existing Easement Area at their mutual option, as allowed by Paragraph 1(i.) of the Easement; and

WHEREAS, Grantee also requests use of a second area upon CDA’s parcel at 755 Braxton Place, most recently occupied by community gardens and a playground, for temporary use as a parking lot during Grantee’s redevelopment project (“Additional Easement Area”), said area being more particularly described in Exhibit A and depicted in Exhibits B and C; and

WHEREAS, the CDA consents to amend the Easement to extend Grantee’s use of the Existing Easement Area, and to allow for temporary occupation of the proposed Additional Easement Area, subject to certain terms and conditions.

NOW, THEREFORE, the CDA and Grantee agree to amend the Temporary Limited Easement as follows:

1. The Easement shall be amended to extend Grantee’s permitted use of the Existing Easement Area and further permit use of the Additional Easement Area for the purposes described herein though March 31, 2024, with the mutual option to further extend the expiration date(s) at least thirty (30) days written notice from Grantee. Any subsequent extensions to the Grantee’s use period for either Easement Area shall terminate on or before December 31, 2024.

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

Tax Parcel No: 251-0709-233-0106-7

2. Access to both the Existing and Additional Easement Areas shall be primarily from Braxton Place and/or La Mariposa Lane. Grantee shall not utilize the Brittingham Apartments parking lot for cross-access to either Area, except for current contractor staff parking within the Existing Easement Area.
3. Grantee shall continue to maintain the existing sidewalk between the Areas to allow for open and continuous between Braxton Place and the Brittingham Apartments parking lot, including removal of snow, dirt and construction debris as necessary.
4. Grantee shall regularly monitor the temporary parking lot to be constructed on the Additional Easement Area for unauthorized use, and shall install auxiliary safety lighting for the lot at its sole expense. Electricity for the parking lot lighting may be drawn from existing connection(s) upon CDA property, with this connection separately metered and any billed costs paid solely by Grantee.
5. As depicted in Exhibit C, CDA shall retain the right to occasional use of a southerly area of approximately 1,600 square feet in the Additional Easement Area for snow storage and/or parking overflow. Two areas of approximately 400 square feet each shall also remain open for snow storage in the Additional Easement Area as necessary.
6. During the effective period of this Amended Easement, CDA shall also retain the right to periodically access the Existing and Additional Easement Areas for purposes of soil testing and other pre-development analysis required by its plans to redevelop the larger Brittingham Apartments parcel (including both Easement Areas) beginning in early 2025. Any CDA access requiring temporary “no parking” restrictions shall be coordinated with at least 48 hours advance notice to Bayview Foundation and Horizon Development staff.
7. All other provisions of the Easement for the Existing Easement Area shall apply to this Amendment and shall remain in full force and effect.

[SIGNATURES FOLLOW]

IN WITNESS WHEREOF, the parties have entered into this Amendment to Easement as of the date first set forth above.

**COMMUNITY DEVELOPMENT
AUTHORITY OF THE CITY OF
MADISON**

By: _____
Claude Gilmore, Chair

By: _____
Matt Wachter, Executive Director

AUTHENTICATION

The signatures of Claude Gilmore and Matthew Wachter, Chair and Executive Director, Respectively, of the Community Development Authority, are hereby authenticated on this ___ day of _____, 2023.

By: _____
Matthew Robles
Member of the Wisconsin Bar

This document is authorized by Resolution Enactment No. _____, File ID No. _____, adopted by the Community Development Authority of the City of Madison on _____, 2023.

Drafted by the City of Madison Office of Real Estate Services
Real Estate Project No. 12271

EXHIBIT A

Description of the Existing Easement Area

A vacant site of approximately 20,000 square feet located within a larger parcel of land more particularly described as follows:

Lot 1 of CSM 1596, recorded as Doc. No. 1417473 at the Dane County Register of Deeds, on December 31, 1974, except for the western 33 feet thereof.

Tax Parcel No: 251-0709-233-0106-7 (755 Braxton Place)

Description of the Amended Easement Area (inclusive of Additional Easement Area)

A vacant site of approximately 35,000 square feet located within a larger parcel of land more particularly described as follows:

Lot 1 of CSM 1596, recorded as Doc. No. 1417473 at the Dane County Register of Deeds, on December 31, 1974, except for the western 33 feet thereof.

Tax Parcel No: 251-0709-233-0106-7 (755 Braxton Place)

EXHIBIT B

Depiction of the Existing Easement Area and Temporary Parking Areas (Not to scale)

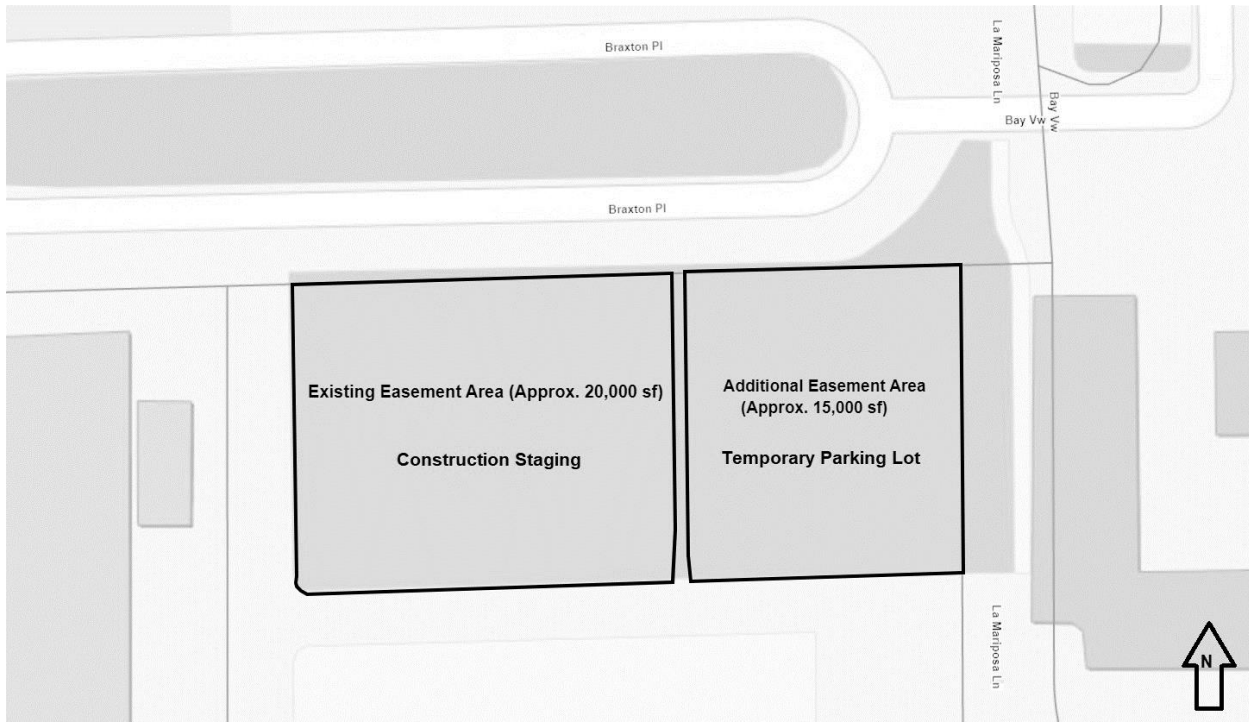


EXHIBIT C
Detailed Depiction of the Temporary Parking Area (Not to scale)

