

**EXHIBIT--
FIFTH AMENDMENT TO LEASE**

(This document pertains to a lease of less than 99 years and not a conveyance subject to Transfer Return and Fee per Sec. 77.21(1) Wis. Stats.)

This Fifth Amendment to Lease (“Fifth Amendment”) is made as of _____, 2021, by and between the **City of Madison**, a Wisconsin municipal corporation (“City”) and **Rooted WI, Inc.**, a Wisconsin non-stock corporation, f/k/a Community GroundWorks, Inc. (“Lessee”).

WITNESSETH:

WHEREAS, the City and the Lessee are parties to that certain Lease, dated July 9, 2015 and recorded on July 15, 2015 with the Dane County Register of Deeds as Document No. 5168439; as amended by First Amendment to Lease, dated April 22, 2016 and recorded with the Dane County Register of Deeds on April 27, 2016 as Document No. 5229959; as amended by Second Amendment to Lease, dated March 6, 2017 and recorded with the Dane County Register of Deeds on March 10, 2017 as Document No. 5311358; as amended by Third Amendment to Lease, dated May 30, 2018 and recorded with the Dane County Register of Deeds on May 31, 2018 as Document No. 5413064; as amended by Fourth Amendment to Lease, dated August 9, 2018 and recorded with the Dane County Register of Deeds on August 16, 2018 as Document No. 5434427; and as amended by First Notice of Lease Renewal, dated January 1, 2020 and recorded with the Dane County Register of Deeds on March 3, 2020 as Document No. 5567078 (collectively, “Lease”); and

WHEREAS, the Lease pertains to garden areas located on various parcels of City-owned land (garden areas are individually referred to as “Garden Area”; collectively referred to as “Leased Premises”); and

WHEREAS, in accordance with the Special Conditions for the Starkweather-Olbrich Greenway Garden Area, Lucy Lincoln Hiestand Park Garden Area, and Elvehjem Park Garden Area, all as detailed in Exhibit B of the Lease, the Lessee has requested to install underground water facilities outside of the current Leased Premises; and

WHEREAS, the City of Madison Parks Division and Engineering Division, as applicable, have approved the Lessee’s request as detailed in this Fifth Amendment; and

WHEREAS, the parties desire to amend the Lease to expand the Leased Premises.

NOW, THEREFORE, for good and valuable mutual consideration, the delivery and receipt of which is hereby acknowledged by and between the parties, the City and the Lessee agree as follows:

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

Tax Parcel Nos.: 251-0710-092-2019-7
251-0708-364-0338-0
251-0710-104-0528-3

1. The legal description for the Starkweather-Olbrich Greenway Garden Area, as shown in Exhibit A of the Lease, is hereby deleted and replaced with the “Site 5 – Starkweather-Olbrich Greenway Garden Area” legal description, found in attached Exhibit A (Revised 2021).
2. The legal description for the Lucy Lincoln Hiestand Park Garden Area, as shown in Exhibit A of the Lease, is hereby deleted and replaced with the “Site 6 – Lucy Lincoln Hiestand Park Garden Area” legal description, found in attached Exhibit A (Revised 2021).
3. The legal description for the Elvehjem Park Garden Area, as shown in Exhibit A of the Lease, is hereby deleted and replaced with the “Site 11 – Elvehjem Park Garden Garden Area” legal description, found in attached Exhibit A (Revised 2021).
4. Exhibit C to the Lease (depictions of the Garden Areas) is hereby amended to delete the depictions on pages 5, 6, and 11, and replace them with the respective depictions on the attached Exhibit C (Revised 2021).
5. All other provisions of the Lease remain in full force and effect.

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

ROOTED WI, INC.

By: _____
 Marcia Caton Campbell, Executive Director

State of Wisconsin)
)ss.
 County of Dane)

Personally came before me this _____ day of _____, 2021 the above named Marcia Caton Campbell, Executive Director of Rooted WI, Inc., a Wisconsin non-stock corporation, and known to me to be the person who executed the above and foregoing instrument and acknowledged that he/she executed the foregoing instrument in such capacity as the deed of Rooted WI, Inc., by its authority.

 Notary Public, State of Wisconsin

 Print or Type Name
 My Commission expires:_____

CITY OF MADISON

By: _____
Satya Rhodes-Conway, Mayor

By: _____
Maribeth Witzel-Behl, Clerk

AUTHENTICATION

The signatures of Satya Rhodes-Conway, Mayor, and Maribeth Witzel-Behl, Clerk, on behalf of the City of Madison, are authenticated on this ____ day of _____, 2021.

Kevin Ramakrishna, Assistant City Attorney
Member of the Wisconsin Bar

Execution of this Fifth Amendment to Lease is authorized by Resolution Enactment No. RES-21-00____, File ID No. _____, adopted by the Common Council of the City of Madison on _____, 2021.

Drafted by the City of Madison Office of Real Estate Services

Project No. 10746

EXHIBIT A (Revised 2021)
Legal Descriptions of the Garden Areas (per Fifth Amendment to Lease)

Site 5 – Starkweather-Olbrich Greenway Garden Area

A parcel of land located within the City-owned greenway, as depicted on Exhibit C of the Fifth Amendment to Lease, more particularly described as follows:

An approximately .295-acre parcel of land, located within a larger parcel of land more particularly described as follows:

Lots 101, 102, 103 and 104, Tilton Midlands, City of Madison, Dane County, Wisconsin.

Address: 3501 Hargrove Street, Madison, Wisconsin
Tax Parcel No: 251-0710-092-2019-7

Site 6 – Lucy Lincoln Hiestand Park Garden Area

An approximately .88-acre parcel of land, as depicted on Exhibit C of the Fifth Amendment to Lease, located within a larger parcel of land more particularly described as follows:

Lot 25, Plat of Westvale, City of Madison, Dane County, Wisconsin.

Address: 1653 Frisch Road, Madison, Wisconsin
Tax Parcel No: 251-0708-364-0338-0

Site 11 – Elvehjem Park Garden Area

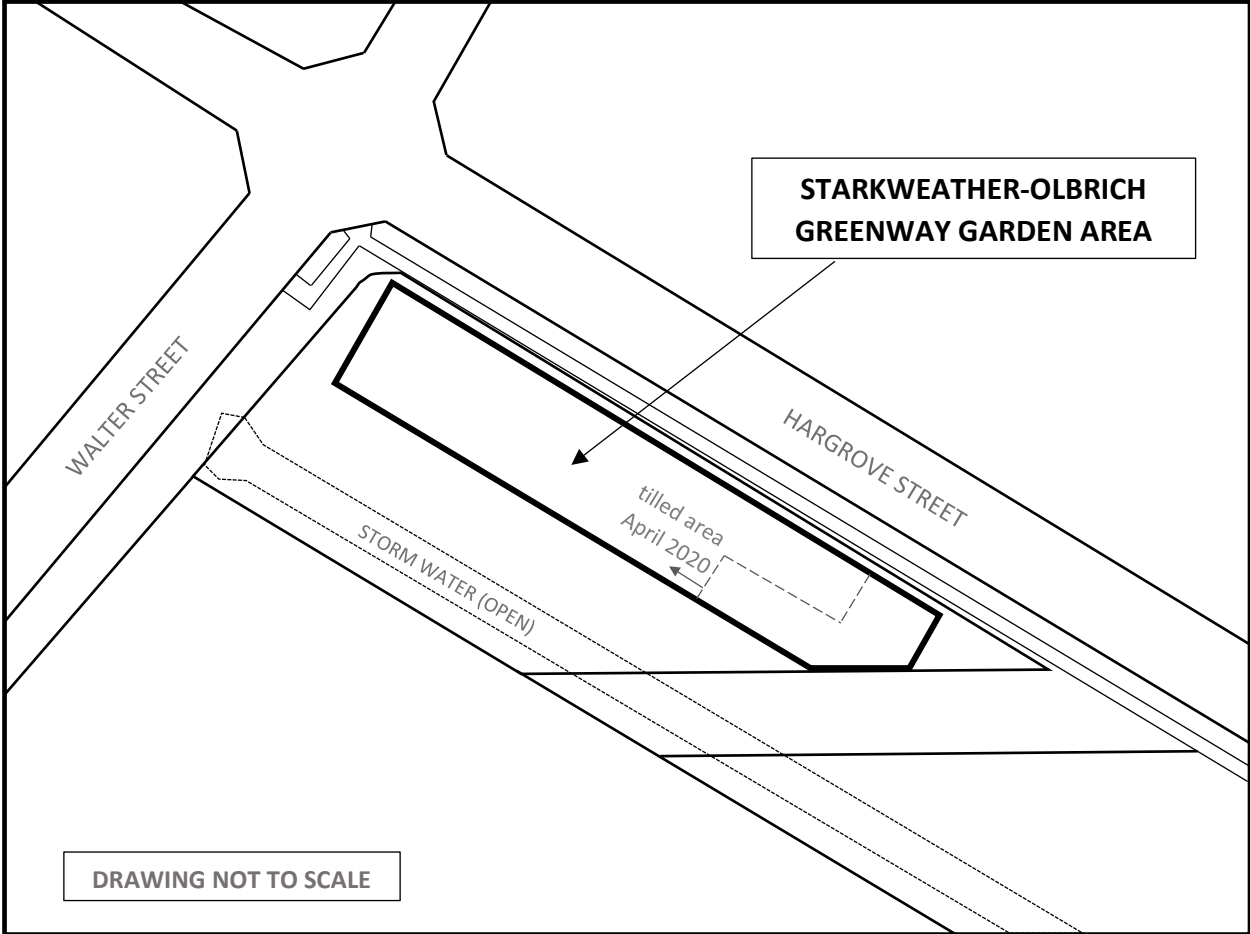
Part of Lot 11, Block 5, Black Addition to Painted Post Estates, in the City of Madison, Dane County, Wisconsin, as depicted on Exhibit C of the Fifth Amendment to Lease, and more particularly described as follows:

Commencing at the southeast corner of said Lot 11; thence N01°11'37"W, 83.00 feet along the east line of said Lot 11; thence S88°48'23"W, 15.00 feet to the **point of beginning**; thence S88°48'23"W, 100.00 feet; thence N01°11'37"W, 186.00 feet; thence N88°48'23"E, 100.00 feet; thence S01°11'37"E, 186.00 feet to the **point of beginning**; Containing 18,600 square feet or 0.4270 acres. Bearings referenced to the plat of Black Addition to Painted Post Estates.

Address: 1202 Painted Post Drive, Madison, Wisconsin
Tax Parcel No: 251-0710-104-0528-3

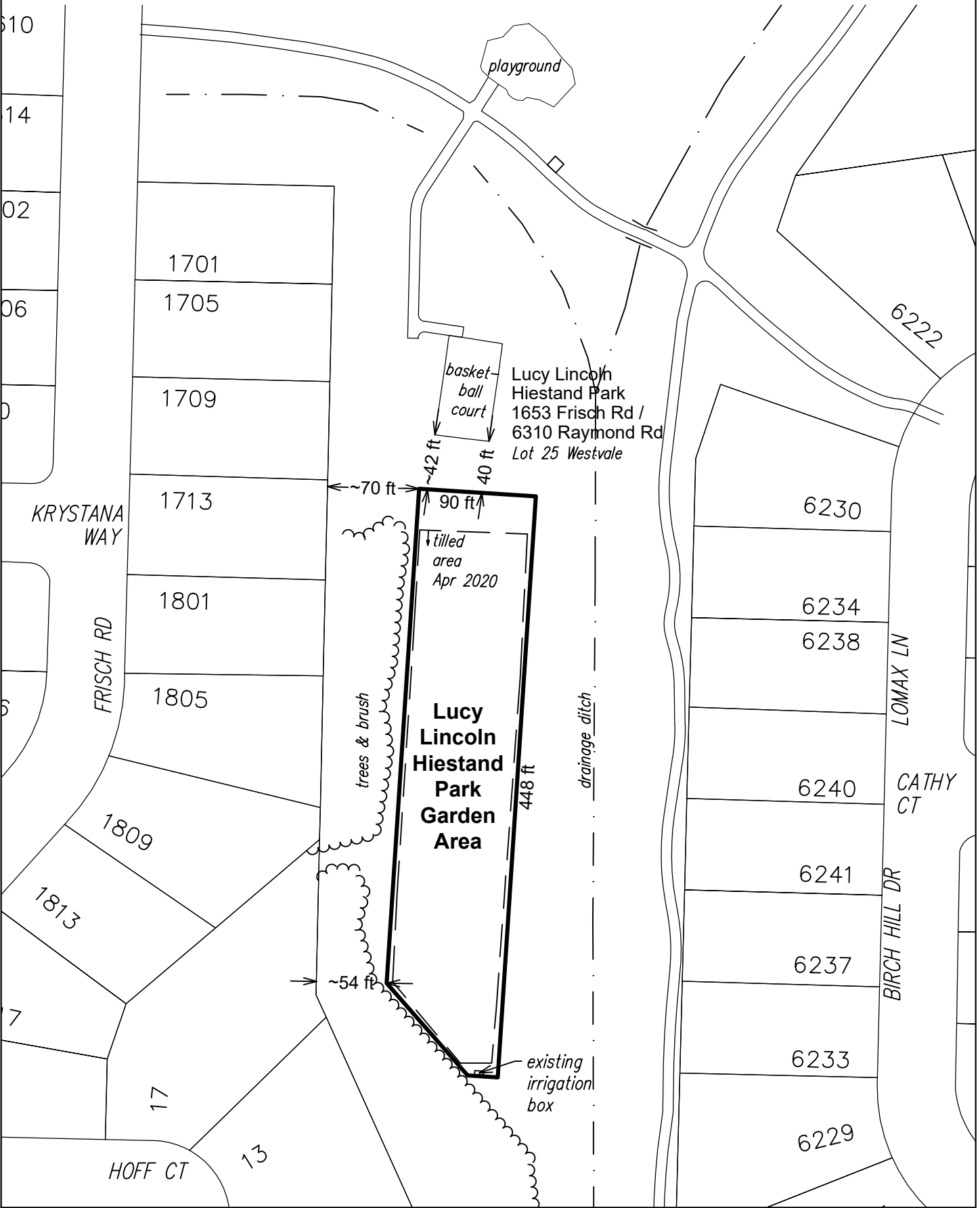
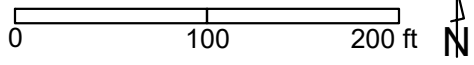
EXHIBIT C (Revised 2021)

Depiction of Garden Areas per Fifth Amendment to Lease



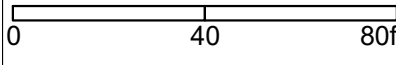
Community Gardens Lease - Lucy Lincoln Hiestand Park

Part of Lot 25 Westvale, City of Madison, Dane County, WI
Park Address 1653 Frisch Rd.
Prepared Mar 1, 2021 by City of Madison, WI Parks Div



Community Gardens Lease - Elvehjem Park

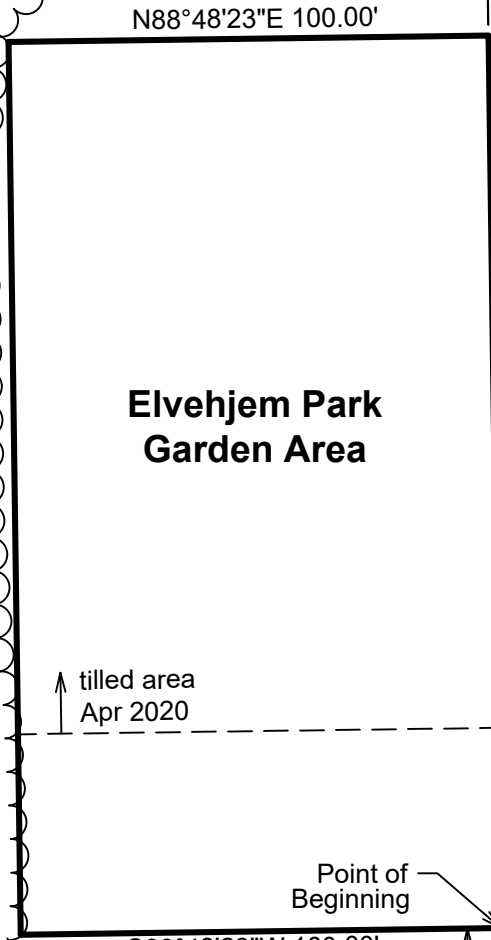
Part of Lot 11, Block 5, Black Addition to Painted Post Estates,
in the City of Madison, Dane County, WI
Park Address 1202 Painted Post Dr.
Bearings referenced to plat of Black Addition to Painted Post Estates
Prepared Feb 25, 2021 by City of Madison, WI Parks Div



Elvehjem Park
City of Madison Public Park

Lot 20, Block 4
Park Addition
to Acewood

Lot 11 Block 5
Black Addition to
Painted Post Estates



**Elvehjem Park
Garden Area**

↑ tilled area
Apr 2020

Point of
Beginning

approximate
tree dripline

asphalt drive

Utility easement to WI Tel Co. recorded Feb 14 1984 Doc 1820385

concrete sidewalk

PAINTED POST DR (60')

asphalt road

S88°48'23\"/>

~20'

N01°11'37\"/>

~20'

Lot 6 Block 1
Gray Addition to (1210 Painted Post Dr)
Painted Post Estates

SE corner
Lot 11