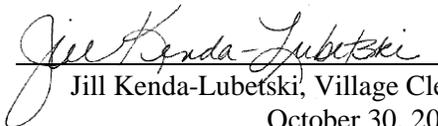


**VILLAGE BOARD MEETING**  
**Monday, November 3, 2014**  
**Earl McGovern Board Room, 6:30 P.M.**



**PLEASE TAKE NOTICE** that a meeting of the Brown Deer Village Board will be held at the Village Hall of the Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, Wisconsin at the above noted time and date, at which the following items of business will be discussed and possibly acted upon:

- I. Roll Call
- II. Pledge of Allegiance
- III. Persons Desiring to be Heard
- IV. Consideration of Minutes:           October 20, 2014 – Regular Meeting  
  October 14, 15, & 22, 2014 – Budget Workshops
- V. Recess into Closed Session pursuant to §19.85(1) (d) Wisconsin Statutes for the following reasons:
  - (d) Except as provided in 304.06 (1) (eg) and by rule promulgated under s. 304.06 (1) (em), considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention.
    1. Crime Prevention Strategy
- VI. Reconvene into Open Session for Possible Action on Closed Session Deliberations
- VII. New Business
  - A) Resolution No. 14-, “Assessing the Electric Energy and Maintenance Costs of the Arbon Drive-W. Green Brook Dr. Street Lighting System”
  - B) Resolution No. 14-, “Assessing the Electric Energy and Maintenance Costs of the Brown Deer Business Park Subdivision Street Lighting System”
  - C) Resolution No. 14-, “Assessing the Electric Energy and Maintenance Costs of Brown Deer Corporate Park Subdivision Street Lighting System”
  - D) Resolution No. 14-, “Assessing the Electric Energy and Maintenance Costs of the N. Kildeer Court – W. Brown Deer Road Street Lighting System”
  - E) Resolution No. 14-, “Assessing the Electric Energy and Maintenance Costs of the Opus North Subdivision Street Lighting System”
  - F) Resolution No. 14-, “Assessing the Electric Energy and Maintenance Costs of the Park Plaza & Addn. #1 Subdivision Street Lighting System”
  - G) Requests for Extended Holiday Hours from Various Retailers
  - H) Wisconsin Electric Power Company – Distribution Easement Underground
  - I) Resolution No. 14- Vacating and Abandoning Reservation for Public Road Purposes on 9305/9325 North Green Bay Road
  - J) Resolution No. 14 - Releasing Agreement 4326343 on 9305/9325 North Green Bay Road
  - K) Modification of water easement (partial release and new easement grant) 9305/9325 N. Green Bay Rd.
  - L) 2015 Budget
- VIII. Village President’s Report
- IX. Village Manager’s Report
- X. Adjournment

  
Jill Kenda-Lubetski, Village Clerk  
October 30, 2014

**PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE BUSINESS DAY PRIOR TO THE MEETING.**

**BROWN DEER VILLAGE BOARD  
OCTOBER 20, 2014 MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

President Krueger called the meeting to order at 6:30 P.M.

**I. Roll Call**

Present: Village President Krueger; Trustees: Awe, Boschert, Schilz, Springman

Excused: Trustee Baker and Oates

Also Present: Michael Hall, Village Manager; Matthew Janecke, Assistant Village Manager; John Fuchs, Village Attorney; Matthew Maederer, Director of Public Works; Susan Hudson, Treasurer/Comptroller; Nate Piotrowski, Community Development Director

**II. Pledge of Allegiance**

**III. Public Hearing**

**A) Consideration of an Amendment to TID #2 Redevelopment Plan Project Boundaries**

*President Krueger opened the Public Hearing at 6:21 p.m.*

The Attorney representing Mr. Francis Patrick, owner of 7926 N. Sherman Boulevard requested the property be released from the project boundary because it is his opinion that it is adversely affecting his ability to sell his single family home. Staff feels that the request has some merit given the short remaining life of TID #2 and the previous boundary change action.

*President Krueger closed the Public Hearing at 6:35 p.m.*

**IV. Persons Desiring to be Heard**

**V. Consideration of Minutes: October 6, 2014 - Regular Meeting**

*It was moved by Trustee Schilz and seconded by Trustee Springman to approve the minutes from the October 6, 2014 Regular Meeting. The motion carried unanimously.*

**VI. New Business**

**A) Resolution No. 14-, "In the Matter of Amending the Comprehensive Plan of Redevelopment and Project Area Boundaries for TID #2"**

*It was moved by Trustee Springman and seconded by Trustee Boschert to adopt Resolution No. 14-, "In the Matter of Amending the Comprehensive Plan of Redevelopment and Project Area Boundaries for TID #2". The motion carried unanimously.*

**B) Discussion on Possible action to rescind or modify the existing offer to purchase for American TV, 6700 West Brown Deer Road**

Attorney Fuchs reminded the Village Board of on the agreement the Village entered into to purchase the American TV property on January 5, 2015 from Mr. Schlueter if redevelopment has not taken place. He continued to state Mr. Schlueter's efforts to find tenants for the property and given that the Village has the right to purchase the property in January, Mr. Schlueter does not have the right to enter into a lease with a potential renter. If approved, the amendment to the offer to purchase would give him the right to enter into a lease agreement with a potential tenant through November 30, 2014. Staff is recommending the

Village Board approve the amendment. Also, direct Staff to work with Mr. Schlueter towards redevelopment of the property in order for the Village to not become the property owner on January 5, 2015.

President Krueger inquired into the length of time between now and November 30<sup>th</sup> for the owner to find tenants for the building. Attorney reported Mr. Schlueter has diligently worked on finding tenants and the intent is to come before the board with a potential proposal for redevelopment of the property by the end of the year. Attorney Fuchs stated the Village Board should expect Staff to before them with another proposal.

Trustee Schilz clarified the termination of this amendment come November 30<sup>th</sup>. Mr. Piotrowski stated Staffs' opinion of rather having someone else other than the Village own the property, and that the original offer to purchase was made because the owner of the property was unknown. That decision was based on a worst case scenario of the new tenant holding the property without any intentions to redevelop, which would have been detrimental to the Village being that the property is on the western most boundary. Many tenants have come forward with interest in only a portion of the property. TIF assistance may be possible for this property.

*It was moved by Trustee Boschert and seconded by Trustee Springman to enter into the amendment to a commercial offer to purchase and direct Staff work with the owner on potential redevelopment scenarios. The motion carried unanimously.*

#### **C) Establish Stormwater Utility Rate for 2015 (Rate/ERU)**

Mr. Maederer reported that the current annual ERU rate is \$106.08/ERU and the rate has not changed since 2011. Since the stormwater utility is scheduled for a rate increase in 2015 Staff is proposing a rate increase to cover the operations and capital costs, leaving a reserve fund of not less than three month (recommended as a reserve for emergency purposes by GFOA) of the next year's budget along with covering the subsequent year's debt service payments. The rate increase is part of a long range plan so that the fund can pay past debt and move into a position of funding future projects though user fees rather than debt.

A conversation was had between the Village Board and Mr. Maederer regarding the financial standing of the Stormwater Utility. Mr. Hall commented the intentions of the rate change are to pay off the debt, not borough money, and have the Stormwater Utility sustain itself. Projects should be completely sustainable through the utility. Three scenarios are being presented to the Village Board to choose from. The consensus of the Village Board was to continue with past practice of raising stormwater utility rates every other year.

*It was moved by Trustee Schilz and seconded by Trustee Awe to approve raising the Stormwater Utility Rate by \$13.00 to \$119.08 (Rate/ERU) for 2015. The motion carried unanimously.*

#### **D) Establish Sanitary Sewer Rate for 2015**

Mr. Maederer stated per budge policy Staff is requesting the sanitary sewer rates for both the volumetric charge and connection charge remain the same as the 2014 rates. The volumetric charge and connection charge increases every other year opposite the stormwater utility rate increases.

*It was moved by President Krueger and seconded by Trustee Schilz to approve the Sanitary Sewer Rate remain the same as 2014 for 2015 at \$1.60 per thousand gallons of water used and a connection charge of \$14.35 per quarter for each connection. The motion carried unanimously.*

**E) Establish Recycling and Yard Waste Charge for 2015**

Mr. Maederer stated Staff is requesting that the recycling and yard waste charge remain the same as 2014 at \$80.00 annually. The charge is levied and assessed upon each residential unit including single-family, duplex three-family and condominium residential dwellings.

*It was moved by President Krueger and seconded by Trustee Schilz to establish the Recycling and Yard Waste Charge remain the same as 2014 at \$80.00 annually. The motion carried unanimously.*

**F) August 2014 Financial Reports**

Ms. Hudson reported the county submitted their tax rate, to the municipalities, and the Village will collect personal property tax.

**G) Consideration of January 2014 Vouchers**

*It was moved by President Krueger and seconded by Trustee Boschert to approve the vouchers from October 8, 2014 to October 20, 2014 in the amount of \$329,091.63. The motion carried unanimously.*

**VII. Committee Reports**

*This is an opportunity for Board Members to Report on Respective Committees, Commissions, and Boards of which they serve as a member. Matters that require fall under old business or new business.*

**VIII. Village President's Report**

Village President Krueger reported on the following:  
MMSD meeting

**IX. Village Manager's Report**

Village Manager reported on the following:  
Budget Workshop on Wednesday  
Trick or Treat on Sunday, October 26<sup>th</sup> from 1-4 p.m.  
Meeting with Dave Roettgers

**X. Recess into Closed Session pursuant to §19.85(1) (c) Wisconsin Statutes for the following reasons:**

- (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction of exercises responsibility.

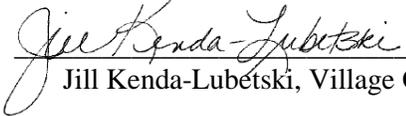
1. Employee Evaluation

*It was moved by Trustee Springman and seconded by Trustee Awe to recess into Closed Session at 7:53 p.m. The motion carried unanimously.*

*It was moved by President Krueger and seconded by Trustee Springman to reconvene into Open Session at 8:37 p.m. The motion carried unanimously.*

**XI. Adjournment**

*It was moved by Trustee Schilz and seconded by Trustee Springman to adjourn at 8:38p.m. The motion carried unanimously.*

  
Jill Kenda-Lubetski, Village Clerk

**BROWN DEER VILLAGE BOARD  
OCTOBER 14, 2014 BUDGET WORKSHOP MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 5:33 P.M.

**I. Roll Call**

Present: Village President Krueger; Trustees: Awe, Baker, Boschert, Oates, Schilz, and Springman

Also Present: Michael Hall, Village Manager; Susan Hudson, Treasurer/Comptroller; Matt Janecke, Assistant Village Manager, Brian Williams-Van Klooster, Library Director; Chad Hoier, Park & Recreation Director

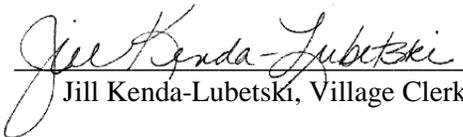
**II. Budget Workshop**

- A) Review of Governmental Accounting
- B) General Fund Revenue
- C) General Fund Expenditure Summary
- D) Debt Services
- E) Park & Recreation
- F) Special Revenue Funds
- G) Library

Discussion ensued regarding the 2015 Proposed Budget.

**III. Adjournment**

*It was moved by Trustee Springman and seconded by Trustee Oates to adjourn at 8:22 p.m. The motion carried unanimously.*

  
Jill Kenda-Lubetski, Village Clerk

**BROWN DEER VILLAGE BOARD  
OCTOBER 15, 2014 BUDGET WORKSHOP MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 5:33 P.M.

**I. Roll Call**

Present: Village President Krueger; Trustees: Awe, Boschert, Oates, Schilz, Springman

Excused: Trustee Baker

Also Present: Michael Hall, Village Manager; Susan Hudson, Treasurer/Comptroller; Matt Janecke, Assistant Village Manager, Chad Hoier, Park & Recreation Director, Jamie Berg, Health Officer; Nate Piotrowski, Community Development Director; Brian Williams-Van Klooster, Library Director, Mike Kass, Chief of Police; Robert Whitaker, Fire Chief

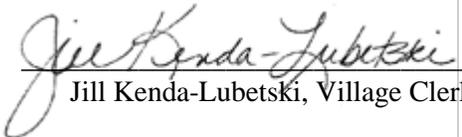
**II. Budget Workshop**

- A) North Shore Health Department
- B) Community Development
- C) Village Hall
- D) North Shore Fire Department
- E) Police Department
- F) Dispatch Center

Discussion ensued regarding the 2015 Proposed Budget.

**III. Adjournment**

*It was moved by Trustee Oates and seconded by Trustee Boschert to adjourn at 7:47 p.m. The motion carried unanimously.*

  
\_\_\_\_\_  
Jill Kenda-Lubetski, Village Clerk

**BROWN DEER VILLAGE BOARD  
OCTOBER 22, 2014 BUDGET WORKSHOP MEETING MINUTES  
HELD AT THE BROWN DEER VILLAGE HALL  
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 5:34 P.M.

**I. Roll Call**

Present: Village President Krueger; Trustees: Awe, Boschert, Oates, Springman, Schilz

Excused: Trustees Baker

Also Present: Michael Hall, Village Manager; Susan Hudson, Treasurer/Comptroller; Matt Janecke, Assistant Village Manager; Matthew Maederer, Director of Public Works; Mike Rau and Tom Nennig, City Water

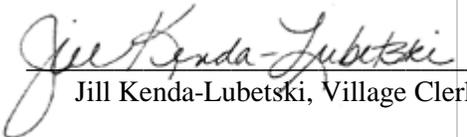
**II. Budget Workshop**

- A) Public Works
- B) Recycling
- C) Storm Water
- D) Sanitary Sewer
- E) Water
- F) Tax Incremental Financing (TIF)
- G) Capital Improvement Plan (CIP)

Discussion ensued regarding the 2015 Proposed Budget.

**III. Adjournment**

*It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to adjourn at 7:35 p.m. The motion carried unanimously.*

  
\_\_\_\_\_  
Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance  
Costs of the Arbon Drive - W. Green Brook Dr.  
Street Lighting System

Resolution No. 14-

WHEREAS, the Village of Brown Deer and James Tobin entered into a Development Agreement dated November 21, 1986, recorded in the Office of the Milwaukee County Register of Deeds on March 3, 1987, as Document No. 6027740 in Reel 2050, Image 596 to 609 inclusive; and,

WHEREAS, Paragraph 6 of said agreement provides as follows: "Owners agree to pay the cost of electric energy and maintenance annually for the operation of installed street lights. The cost of electric energy and maintenance shall annually be assessed against the benefited lots by the Village without notice or hearing. The Owner of each benefited lot hereby agrees to pay its equitable and proportionate share of said electric energy and maintenance costs. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected by a special tax"; and,

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 30, 2015.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer this \_\_\_\_ day of November, 2014.

\_\_\_\_\_  
Carl Krueger, Village President

\_\_\_\_\_  
Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance  
Costs of the Brown Deer Business Park Subdivision  
Street Lighting System

Resolution No. 14-

WHEREAS, the Village of Brown Deer, Norday Associates and Brown Deer Business Park, a limited partnership, entered into a Development Agreement dated November 2, 1977, recorded in the Office of the Milwaukee County Register of Deeds as Document No. 5157672 in Reel 1063, Image 1 to 56 inclusive; and

WHEREAS, Paragraph 21(d) of said agreement provides as follows: "Developer agrees to pay the cost of electric energy and maintenance annually for the operation of installed street lights. The cost of electric energy and maintenance shall annually be assessed against the benefited lots by the Village without notice or hearing. The determination by the Village Manager of the amount of such assessments shall be final, and such assessments shall be collected as a special tax"; and

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 30, 2015.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer this \_\_\_\_\_ day of November, 2014.

\_\_\_\_\_  
Carl Krueger, Village President

\_\_\_\_\_  
Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance  
Costs of Brown Deer Corporate Park Subdivision  
Street Lighting System

Resolution No. 14 -

WHEREAS, the Village of Brown Deer, and Michael H. Simpson, Trustee, entered into a Development Agreement dated June 19, 1989, recorded in the Office of the Milwaukee County Register of Deeds on September 28, 1989, as Document No. 6315770 in Reel 2373, Image 1135 to 1156 inclusive; and,

WHEREAS, Paragraph 12 of said agreement provides as follows: "Subdivider agrees to pay the cost of electric energy and maintenance annually for the operation of installed street lights. The cost of electric energy and maintenance shall annually be assessed against the benefited lots by the Village without notice or hearing. The Owner of each benefited lot hereby agrees to pay its equitable and proportionate share of said electric energy and maintenance costs. The assessments shall be allocated on an acreage basis. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected as a special tax"; and,

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer, that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 30, 2015.

PASSED and ADOPTED by the Village Board of the Village of Brown Deer this \_\_\_\_\_ day of November, 2014.

\_\_\_\_\_  
Carl Krueger, Village President

\_\_\_\_\_  
Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance  
Costs of the N. Kildeer Court - W. Brown Deer Road  
Street Lighting System

Resolution No. 14-

WHEREAS, the Village of Brown Deer, J.C. Penney Co., Inc. and Normandale Properties, Inc., entered into a Development Agreement dated July 19, 1979, said agreement having been recorded in the Office of the Milwaukee County Register of Deeds on October 19, 1979, as Document No. 5358205 in Reel 1252, Image 795 to 814 inclusive; and

WHEREAS, Paragraph 7 of said agreement provides as follows: "The Owners agree to pay the cost of electric energy and maintenance annually for the operation of installed street lights. The cost of electric energy and maintenance shall annually be assessed against the benefited lots by the Village without notice or hearing. The annual assessment assigned to each lot or parcel in this development shall be apportioned on the basis of acreage. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected as a special tax;" and

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 30, 2015.

PASSED and ADOPTED by the Village Board of the Village of Brown Deer this \_\_\_\_\_ day of November, 2014.

\_\_\_\_\_  
Carl Krueger, Village President

\_\_\_\_\_  
Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance  
Costs of the Opus North Subdivision  
Street Lighting System

Resolution No. 14-

WHEREAS, the Village of Brown Deer and the Opus Corporation entered into a Development Agreement dated October 18, 1982, said agreement having been recorded in the Office of the Milwaukee County Register of Deeds on November 2, 1982 as Document No. 5573736 in Reel 1480, Image 581 to 650 inclusive; and,

WHEREAS, Paragraph 14(b)(3) of said agreement provides as follows: "Developer agrees that the annual cost of electric energy and maintenance for the operation of street lights installed within and immediately adjacent to the Development shall annually be assessed against the benefited lots, not including Outlot 1, by the Village without notice or hearing. The annual assessment assigned to each lot or parcel in the Development shall be apportioned on the basis of acreage. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected as a special tax"; and,

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 30, 2015.

PASSED and ADOPTED by the Village Board of the Village of Brown Deer this \_\_\_\_\_ day of November, 2014.

\_\_\_\_\_  
Carl Krueger, Village President

\_\_\_\_\_  
Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance  
Costs of the Park Plaza & Addn. #1 Subdivisions  
Street Lighting System

Resolution No. 14 -

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WHEREAS, the Village of Brown Deer and Jack E. Meyers, Peter A. Kimmel, Joseph Lurie, and Milton Soref, doing business as MILJO Joint Venture, PEJAC Joint Venture and PARK PLAZA Joint Venture, entered into a Development Agreement dated February 15, 1973, said agreement having been recorded in the Office of the Milwaukee County Register of Deeds on March 15, 1973 as Document No. 4746294 in Reel 709, Image 642 to 677 inclusive; and,

WHEREAS, Paragraph 17 of said agreement provides as follows: "The subdivider agrees to install ornamental street lights throughout the subdivision and to pay the cost of electric energy and maintenance annually. The cost of electric energy and maintenance shall annually be assessed against the benefited lots by the Village without notice or hearing. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected by a special tax"; and,

WHEREAS, the Village of Brown Deer and Jack E. Meyers, subdivider of Park Plaza of Brown Deer Addition No. 1, entered into a Development Agreement dated May 18, 1976, said agreement having been recorded in the Office of the Milwaukee County Register of Deeds on May 20, 1976, as Document No. 5002850 in Reel 929, Image 356 to 364, inclusive; and,

WHEREAS, Paragraph 17 of said agreement provides as follows: "The subdivider agrees to install ornamental street lights throughout the subdivision and to pay the cost of electric energy and maintenance annually. The cost of electric energy and maintenance shall annually be assessed against the benefited lots by the Village without notice or hearing. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected by a special tax"; and,

WHEREAS, the owners of Parcels 1 and 2 of Certified Survey Map No. 2804 executed a covenant dated April 16, 1976, said covenant having been recorded in the office of the Milwaukee County Register of Deeds on April 28, 1976, as Document No. 4996800 in Reel 923, Image 1828 to 1830, inclusive; and the owners of all lands included in Certified Survey Map No. 1203 executed a covenant dated April 15, 1976, said covenant having been recorded in the Office of the Milwaukee Count Register of Deeds on April 28, 1976, as Document No. 4996801 in Reel 923, Image 1831 to 1833 inclusive; and,

WHEREAS, Paragraph 1 of each of these covenants provides as follows: "The cost of electric energy and maintenance of the street lighting system benefiting the property described ... shall annually be assessed against said property by the Village without notice or hearing. The determination by the Village Manager of the amount of such assessment shall be final and such assessment shall be collected as a special tax"; and,

WHEREAS, the owner of Parcel 2 of Certified Survey Map No. 2742 entered into an agreement dated January 30, 1976, said agreement having been recorded in the Office of the Milwaukee County Register of Deeds on February 4, 1976, as Document No. 4978014 in Reel 906, Image 1656 and 1662 inclusive; and,

WHEREAS, Paragraph 2(f) of said agreement provides as follows: "The Developer agrees to install ornamental street lights in North 60th Street and West Brown Deer Road adjacent to Parcel 2 of Exhibit "A" and to pay the cost of electric energy and maintenance annually. The cost of electric energy and maintenance shall annually be assessed against Parcel 2 by the Village without notice or hearing. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected as a special tax"; and,

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 30, 2015.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer this \_\_\_\_\_ day of November, 2014.

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Carl Krueger, Village President

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Jill Kenda-Lubetski, Village Clerk



# REQUEST FOR CONSIDERATION

<b>COMMITTEE:</b>	Village Board
<b>ITEM DESCRIPTION:</b>	Requests for Extended Holiday Hours from Various Retailers
<b>PREPARED BY:</b>	Matt Janecke, Assistant Village Manager
<b>REPORT DATE:</b>	October 31, 2013
<b>RECOMMENDATION:</b>	Consider the Requests for Extended Holiday Hours form Various Retailers
<b>EXPLANATION:</b>	<p>The Village has received five(5) written requests from Kohl's, Michael's, Old Navy, Walgreen's, and Walmart for a variance to the Ordinance in Village Code, Chapter 14, Section 14-2, "Business Hours Regulated". Village Ordinance does not allow businesses to operate between the hours of 11:00 p.m. to 6:00 a.m.</p> <p>Attached are the letters from the five retailers and all requests are similar to years past.</p> <p>All retailers making the request are aware of the charges that may apply if more law enforcement officers and equipment are needed because of the requests made by the retailers to be open outside of the hours listed in the Village's ordinances.</p> <p>Please contact me with any questions or comments at 371-3052.</p>

# KOHL'S

expect great things

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October 27, 2014

Mr. Michael Hall  
Village Manager  
Village of Brown Deer  
4800 West Green Brook Drive  
Brown Deer, WI 53223

RE: Request for Black Friday and Holiday Extended Hours  
Kohl's Store #044 - 9060 N. Green Bay Road, Brown Deer, WI 53209

Dear Mr. Hall:

Kohl's respectfully requests to be added to the agenda for the Village of Brown Deer's Village Board Meeting scheduled for November 3, the meeting at which extended holiday hours will be reviewed by the Village Board.

Kohl's requests the following times beyond the permitted hours:

Wednesday, November 26 – remain open to midnight  
Thursday, November 27 (Thanksgiving Day) – remain open to midnight  
Friday, November 28 (Black Friday) – open 24 hours  
Saturday, November 29 – remain open to midnight

Friday, December 19 – remain open to midnight  
Saturday, December 20 – remain open to midnight  
Sunday, December 21 – remain open to midnight  
Monday, December 22 – remain open to midnight  
Tuesday, December 23 – remain open to midnight

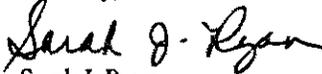
Our understanding is that this action requires a variance to existing ordinances of the Village of Brown Deer.

Like other major retailers, Kohl's needs some flexibility to meet its competition, including having the ability to extend its operating hours during the holiday season. Kohl's request is consistent with what the Board approved last year.

At the meeting, representatives from the store will be in attendance to address any questions or concerns you, the Village President or the Village Trustees may have.

Thank you for your consideration of this request. If you have any questions, please feel free to call me at (262) 703-2255.

Sincerely,



Sarah J. Ryan  
Director of Property Development Law

cc: Jill Kenda-Lubetski, Village Clerk  
Brad Holtzen (via email)  
Kevin Mantz (via email)  
Michael Kass, Chief of Police

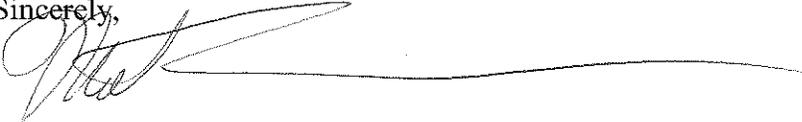
Matt Grace  
Michaels Arts and Crafts  
9090 North Green Bay Road  
Brown Deer WI, 53209  
phone:414.371.1958  
fax:414.371.2078

To whom it may concern,

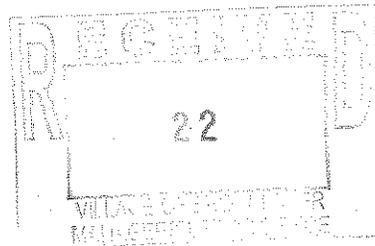
I would like to make the request for an extension of the allotted hours of 11 p.m. until 2 a.m. for November 27th of 2014, Thanksgiving Day, on behalf of Michael's Arts and Crafts retail store on 9090 N Green bay Rd. in Brown Deer. This one day deviation will enable to store to maximize its ability to take care of its guests in the busiest days of the holiday season.

These allowance of extended hours will be a great asset to the store and its capabilities to take care of its clialnt. Thank you for the time and consideration for the request for extended hours on November 27, 2014. Please send any additional questions to the store via Sonya Ortega or Barbra Salter (ph 972-831-4149).

Sincerely,



Matt Grace



## Matthew Janecke

---

**From:** Patricia Ozcan <Patricia\_Ozcan@stores.gap.com>  
**Sent:** Monday, October 20, 2014 2:12 PM  
**To:** mjanecke@browndeerwi.org  
**Subject:** Extended hours

Matt,

These are the extended hours I am requesting approval for:

- 11/27 opening at 4 pm and remaining open until midnight of the 28th.
- 11/29 7am-11pm
- 11/30 9am-10pm
- 12/5-12/6 8a-11pm
- 12/7 9am-10pm
- 12/12-12/18 8am-11pm
- 12/19 8am-12am
- 12/20-12/23 7am-12a
- 12/24 7am-7pm
- 12/26 7am-10pm

Thank you very much for your consideration. Here's looking forward to a great holiday season.

•

Patty Ozcan  
Store Manager  
Old Navy Brown Deer 5482  
414-365-3057

**Matthew Janecke**

---

**From:** MGR 12524 <MGR.12524@store.walgreens.com>  
**Sent:** Friday, October 24, 2014 11:02 AM  
**To:** mjanecke@browndeerwi.org  
**Subject:** Extended Christmas hours

Hi Mr. Janecke,

I am contacting you to get permission to stay open longer during the Christmas season.

We would like to stay open until midnight 12-14 - 12-24. Our normal closing time is 10pm.

Thanks so much for your consideration.

Tammy Kachelmeier

Store Manager

6020 W Browndeer Road

414-365-3608



6300 W. Brown Deer Rd  
Brown Deer, WI, 53223  
414-410-2548  
www.walmart.com

October 10th, 2014

Matt Janecke  
Village of Brown Deer  
4800 W. Green Brook Drive.  
Brown Deer, WI, 53223

I, Store Manager at the North Shore Wal-Mart, am writing to request that our store hours be extended for the holiday season as well as for the day after Thanksgiving (11/28/2014). From Nov. 1st through December 24th we would like to operate with the store hours of 6am - 12am. In addition to the extended hours for the holidays we would also like to request to be open 24 hours on the night of Nov 27th. Hours would then be as follows: Open 6am on Nov 27th and then closing again at 12am on 28th.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Radliff", written over a horizontal line.

Jason Radliff  
Store Manager  
Walmart Stores, Inc.

**DISTRIBUTION EASEMENT  
UNDERGROUND**

Document Number

WR NO. 3667302

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **VILLAGE OF BROWN DEER, a municipal corporation**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within and beneath a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as strips of land twelve (12) feet in width being a part of the West ½ of the **Southwest ¼ of Section 11, Township 8 North, Range 21 East**, in the Village of Brown Deer, Milwaukee County, Wisconsin, more particularly described as follows: Beginning at the Southeast corner of the West ½ of the Southwest ¼ of Section 11, Township 8 North, Range 21 East; thence North 0° 07' 40" West along the East line of said West ½ of Section 11, 529.92 feet to its intersection with the centerline of Southbranch Creek as now laid out; thence North 88° 38' 40" West along the centerline of Southbranch Creek a distance of 56.44 feet to a point; thence Southwesterly 386.86 feet along a curve with its center to the Southeast and a main chord of 381.42 feet bearing South 73° 49' 20" West to a point; thence South 56° 18' 20" West 244.76 feet to a point; thence Southwesterly 140.93 feet along a curve with its center to the Southeast and a main chord of 138.66 feet bearing South 40° 39' 20" West to a point; thence South 25° 00' 20" West 125.44 feet to a point; thence Southwesterly 29.46 feet along a curve with its center to the Southeast and a main chord of 29.20 feet bearing South 11° 45' 20" West to a point; thence South 1° 29' 40" East 60.00 feet to a point in the South line of the Southwest ¼ of Section 11; thence North 88° 39' 20" East along said South line a distance of 775.55 feet to the point of beginning;

Except the South 55 feet and the East 30 feet thereof dedicated for street purposes and further excepting those lands quit claimed to the Milwaukee Metropolitan Sewerage District and recorded at the Milwaukee County Register of Deeds as Document No. 7942242 on July 31<sup>st</sup>, 2000.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

Address: 5600 W. Bradley Rd.

1. **Purpose:** The purpose of this easement is to install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
2. **Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
3. **Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to the electric facilities as to create a violation of the Wisconsin State Electrical Code or any amendments to it.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.

RETURN TO:  
We Energies  
PROPERTY RIGHTS & INFORMATION GROUP  
231 W. MICHIGAN STREET, ROOM A252  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

067-9998-004  
(Parcel Identification Number)

- 5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
- 6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
- 7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

**Grantor: VILLAGE OF BROWN DEER**

By: \_\_\_\_\_

(Print name and title): \_\_\_\_\_

By: \_\_\_\_\_

(Print name and title): \_\_\_\_\_

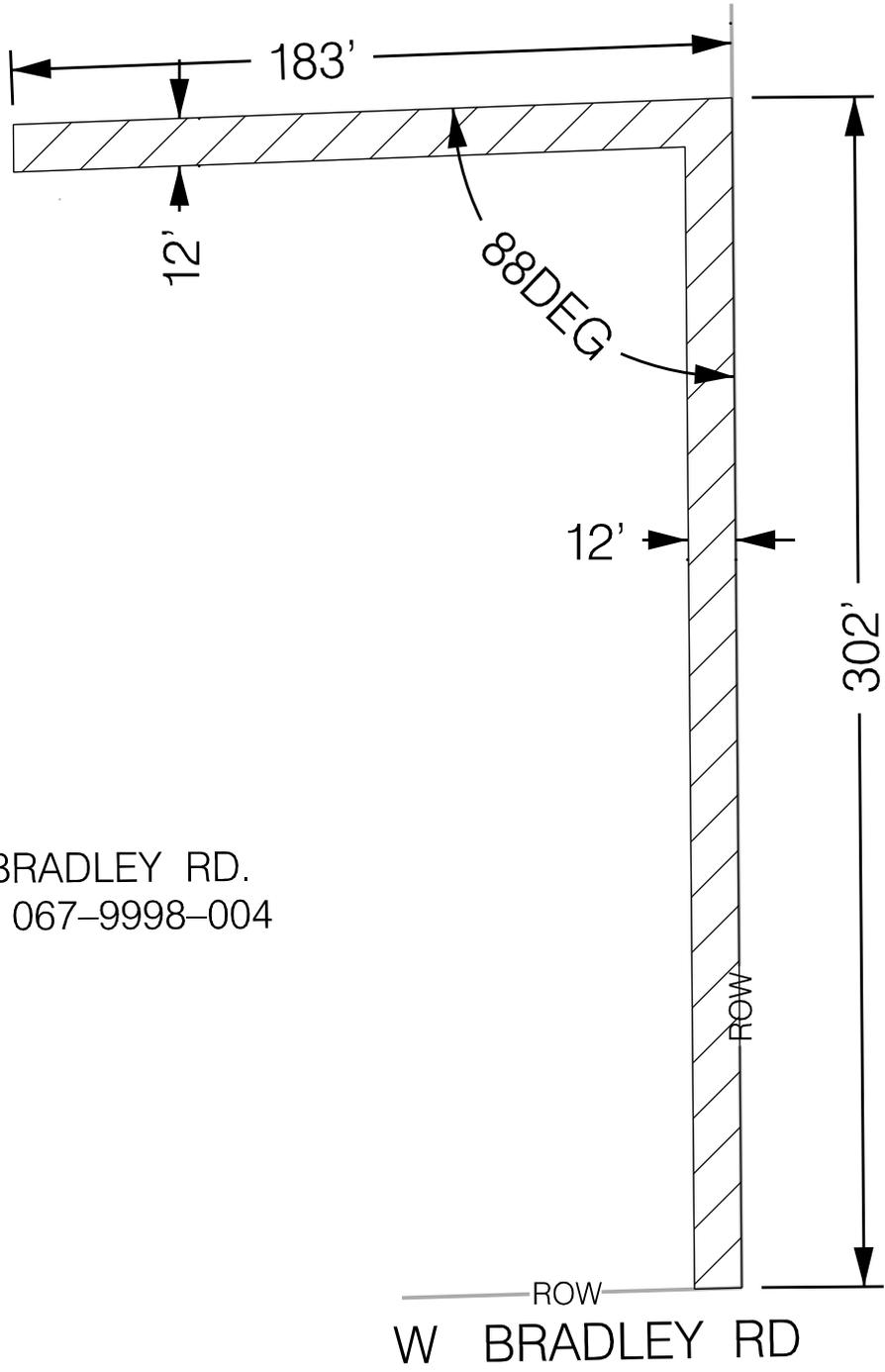
Personally came before me in \_\_\_\_\_ County, Wisconsin on \_\_\_\_\_, 2014,  
 the above named \_\_\_\_\_, the \_\_\_\_\_  
 and \_\_\_\_\_, the \_\_\_\_\_  
 of the Village of Brown Deer, a municipal corporation, for the municipal corporation, by its authority, and pursuant to  
 Resolution File No. \_\_\_\_\_ adopted by its \_\_\_\_\_  
 on \_\_\_\_\_, 2014.

\_\_\_\_\_  
 Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
 Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_



5600 W. BRADLEY RD.  
TAX KEY: 067-9998-004

KEY:  
 = EASEMENT AREA

EXHIBIT "A"



A part of the West 1/2 of the SW 1/4 of Sec. 11, T8N, R21E, Village of Brown Deer, Milw. Co., Wisconsin, more particularly described in that certain Quit Claim Deed recorded in the office of the Register of Deeds for Milw. Co. on January 27, 1977 as Doc. No. 5072263, excepting the South 55' and the East 30' thereof dedicated for street purposes and further excepting those lands quit claimed to the Milwaukee Metropolitan Sewerage District and recorded at the Milw. Co. Reg. of Deeds as Doc. No. 7942242 on July 31st, 2000

DRAWN BY: <b>Gerard Hejlik</b>
DATE: <b>10-28-2014</b>
WR NUMBER: <b>CA 3667302</b>
REVISIONS: _____
_____

**RELEASE  
OF  
AGREEMENT**

This instrument was drafted by  
and after recordation to be  
returned to:

*Bradley I. Dallet*  
*Whyte Hirschboeck Dudek S.C.*  
*555 E. Wells Street, Suite 1900*  
*Milwaukee, WI 53202*

Tax Parcel I.D.:  
(See Exhibits)

*[Above space reserved for recording information]*

THIS RELEASE OF AGREEMENT (“*Release*”) is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014 by and between **DEERBROOK COMMONS, LLC**, a Wisconsin limited liability company (“*Deerbrook*”), **GW DEERBROOK, LLC**, a Wisconsin limited liability company (“*GW*”) and the **VILLAGE OF BROWN DEER**, a Wisconsin municipal corporation (the “*Village*”).

**RECITALS**

A. GW is the successor in interest and present owner of Lot 1 of Certified Survey Map No. 8624, recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on September 9, 2014, as Document No. 10392451 (“*CSM 8624*”), as more particularly described on **Exhibit A** attached hereto (the “*GW Property*”),

B. Deerbrook is the successor in interest and present owner of Lots 2 and 3 of CSM 8624, as more particularly described on **Exhibit B** attached hereto (the “*Deerbrook Property*”). The GW Property and the Deerbrook Property are together the “*Property*”.

C. CSM 8624 is a redivision of Certified Survey Map No. 693, recorded in said Register’s Office on June 30, 1967, on Reel 367, Image 263, as Document No. 4327462 (“*CSM 693*”). A copy of CSM 693 is attached hereto as **Exhibit C**, and a copy of CSM 8624 is attached hereto as **Exhibit D**.

D. Pursuant to Agreement entered into by and between the Village and Deerbrook’s and GW’s predecessor in title, Hearthside Nursing Homes, Inc. (“*Hearthside*”), dated June 21, 1967, and recorded in said Register’s Office on June 27, 1967 as Document No. 4326343 (the “*Agreement*”), a copy of which is attached hereto as **Exhibit E**, the Village imposed certain restrictions on the Property and granted a conditional use permit to Hearthside for the construction and operation of a nursing home on the Property, which conditional use permit was

to become void if construction was not commenced by November 1, 1967 (collectively, the “Restrictions”). The Restrictions affect the successors and assigns of Hearthside for a period of 25 years from the date of execution of the Agreement, after which time the Agreement was to be automatically be extended for successive periods of 10 years. The Property is currently vacant land and GW and Deerbrook desire to develop said Property for other purposes in accordance with redevelopment plans of the area to be submitted to the Village.

E. The Village has determined that it is in the public interest to facilitate the redevelopment and value of the Property and to release the Agreement as obsolete.

NOW, THEREFORE, for and in consideration of the foregoing recitals, the terms, conditions and mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Village releases the Agreement on the Property.

**DEERBROOK COMMONS, LLC,**  
a Wisconsin limited liability company

By: \_\_\_\_\_  
Name: Douglas J. Weas, Manager

**GW DEERBROOK, LLC,**  
a Wisconsin limited liability company

Pursuant to Resolution passed and adopted by the Village of Brown Deer on \_\_\_\_\_, 2014 and attached hereto as **Exhibit F**, the Village of Brown Deer hereby consents to the release of the aforementioned Agreement.

**VILLAGE OF BROWN DEER**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above named Douglas J. Weas, the Manager of Deerbrook Commons, LLC, a Wisconsin limited liability company, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as the free and voluntary act of such party for the uses and purposes mentioned in the instrument in his duly authorized capacity.

\_\_\_\_\_  
*(Print or type name of Notary)* \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission (is permanent) (expires: \_\_\_\_\_)

Above space for Notary Seal

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above named \_\_\_\_\_, the \_\_\_\_\_ of GW Deerbrook, LLC, a Wisconsin limited liability company, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as the free and voluntary act of such party for the uses and purposes mentioned in the instrument in his duly authorized capacity.

\_\_\_\_\_  
*(Print or type name of Notary)* \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission (is permanent) (expires: \_\_\_\_\_)

Above space for Notary Seal

STATE OF WISCONSIN                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above named \_\_\_\_\_, the \_\_\_\_\_ and \_\_\_\_\_, the \_\_\_\_\_ of the Village of Brown Deer, who are personally known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that s/he executed the same as the free and voluntary act of such party for the uses and purposes mentioned in the instrument in his/her duly authorized capacities.

\_\_\_\_\_  
*(Print or type name of Notary)* \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission (is permanent) (expires: \_\_\_\_\_)

Above space for Notary Seal

**EXHIBIT A**

Legal Description of GW Property

LOT 1 OF CERTIFIED SURVEY MAP NO. 8624, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON SEPTEMBER 9, 2014, AS DOCUMENT NO. 10392451, BEING A REDIVISION OF CERTIFIED SURVEY MAP NO. 693 RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

Tax Key Nos.:           Part 010-9984-005  
                                  Part 010-9984-006

**EXHIBIT B**

Legal Description of Deerbrook Property

LOTS 2 AND 3 OF CERTIFIED SURVEY MAP NO. 8624, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON SEPTEMBER 9, 2014, AS DOCUMENT NO. 10392451, BEING A REDIVISION OF CERTIFIED SURVEY MAP NO. 693 RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

Tax Key Nos.:           Part 010-9984-005  
                                  Part 010-9984-006

**EXHIBIT C**

Certified Survey Map No. 693

**EXHIBIT D**

Certified Survey Map No. 8624

**EXHIBIT E**

Agreement No. 4326343

**EXHIBIT F**

STATE OF WISCONSIN      VILLAGE OF BROWN DEER      MILWAUKEE COUNTY

---

Resolution Releasing Agreement 4326343 on  
9305/9325 North Green Bay Road

Resolution No. 14-\_\_\_\_\_

---

**WHEREAS**, the Village Board of the Village of Brown Deer has determined that it is in the public interest to release the restrictions set forth in Agreement recorded as Document No. 4326343 (the “Restrictions”) only upon the premises described as Lots 1, 2 and 3 of Certified Survey Map No. 8624, and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on September 9, 2014, as Document No. 10392451, being a redivision of Certified Survey Map No. 693 recorded on June 30, 1967 as Document No. 4327462, being part of the Southeast 1/4 of the Northeast 1/4 of Section 2, Town 8 North, Range 21 East, in the Village of Brown Deer, County of Milwaukee, State of Wisconsin; and

**WHEREAS**, the Village Board finds that the Property is currently vacant land, that GW and Deerbrook desire to develop said Property for other purposes in accordance with redevelopment plans of the area to be submitted to the Village, and that the conditional use permit that was granted for the construction and operation of the then intended improvements referenced in the Agreement is no longer applicable; and

**WHEREAS**, the Village Board has determined that it is in the public interest to facilitate the redevelopment and value of the Property and to release the Agreement as obsolete.

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Brown Deer that the Agreement is released only upon the property described as Lots 1, 2 and 3 of Certified Survey Map No. 8624, and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on September 9, 2014, as Document No. 10392451, being a redivision of Certified Survey Map No. 693 recorded on June 30, 1967 as Document No. 4327462, being part of the Southeast 1/4 of the Northeast 1/4 of Section 2, Town 8 North, Range 21 East, in the Village of Brown Deer, County of Milwaukee, State of Wisconsin.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution and incorporated Exhibit is authorized to be recorded with the Register of Deeds for Milwaukee County.

**PASSED AND ADOPTED** by the Village Board of the Village of Brown Deer, this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
\_\_\_\_\_, Village President

Countersigned:

\_\_\_\_\_  
\_\_\_\_\_, Village Clerk

This instrument was drafted by  
and after recordation to be  
returned to:

*Bradley I. Dallet*  
*Whyte Hirschboeck Dudek S.C.*  
*555 E. Wells Street, Suite 1900*  
*Milwaukee, WI 53202*

Tax Parcel I.D.:  
(See Exhibits)

**RELEASE OF  
RESERVATION  
FOR PUBLIC  
ROAD  
PURPOSES**

*[Above space reserved for recording information]*

THIS RELEASE OF RESERVATION FOR PUBLIC ROAD PURPOSES (“*Release*”) is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014 by and between **DEERBROOK COMMONS, LLC**, a Wisconsin limited liability company (“*Deerbrook*”), **GW DEERBROOK, LLC**, a Wisconsin limited liability company (“*GW*”) and the **VILLAGE OF BROWN DEER**, a Wisconsin municipal corporation (the “*Village*”).

**RECITALS**

A. GW is the successor in interest and present owner of Lot 1 of Certified Survey Map No. 8624, recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on September 9, 2014, as Document No. 10392451 (“*CSM 8624*”), as more particularly described on **Exhibit A** attached hereto (the “*GW Property*”),

B. Deerbrook is the successor in interest and present owner of Lots 2 and 3 of CSM 8624, as more particularly described on **Exhibit B** attached hereto (the “*Deerbrook Property*”). The GW Property and the Deerbrook Property are together the “*Property*”.

C. CSM 8624 is a redivision of Certified Survey Map No. 693, recorded in said Register’s Office on June 30, 1967, on Reel 367, Image 263, as Document No. 4327462 (“*CSM 693*”). A copy of CSM 693 is attached hereto as **Exhibit C**, and a copy of CSM 8624 is attached hereto as **Exhibit D**.

D. Dedicated within and depicted upon said CSM 693 is a 60 foot public reservation for road purposes affecting the southerly 60 feet of said CSM 693 (the “*Road Reservation*”). The Road Reservation is also depicted on said CSM 8624 with the notation that same is to be released.

E. As noted on said CSM 8624, direct access from the Road Reservation to N. Green Bay Road a/k/a S.T.H. 57 is now prohibited and the parties hereto desire to release, vacate and abandon the Road Reservation from both CSM 693 and CSM 8624.

NOW, THEREFORE, for and in consideration of the foregoing recitals, the terms, conditions and mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby release, vacate and abandon the Road Reservation reserved on CSM 693 and noted on CSM 8624.

**DEERBROOK COMMONS, LLC,**  
a Wisconsin limited liability company

By: \_\_\_\_\_  
Name: Douglas J. Weas, Manager

**GW DEERBROOK, LLC,**  
a Wisconsin limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Pursuant to Resolution passed and adopted by the Village of Brown Deer on \_\_\_\_\_, 2014 and attached hereto as **Exhibit E**, the Village of Brown Deer hereby consents to the release, vacation and abandonment of the aforementioned Road Reservation on CSM 693 and on CSM 8624.

**VILLAGE OF BROWN DEER**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above named Douglas J. Weas, the Manager of Deerbrook Commons, LLC, a Wisconsin limited liability company, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as the free and voluntary act of such party for the uses and purposes mentioned in the instrument in his duly authorized capacity.

\_\_\_\_\_  
*(Print or type name of Notary)* \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission (is permanent) (expires: \_\_\_\_\_)

Above space for Notary Seal

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above named \_\_\_\_\_, the \_\_\_\_\_ of GW Deerbrook, LLC, a Wisconsin limited liability company, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as the free and voluntary act of such party for the uses and purposes mentioned in the instrument in his duly authorized capacity.

\_\_\_\_\_  
*(Print or type name of Notary)* \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission (is permanent) (expires: \_\_\_\_\_)

Above space for Notary Seal

STATE OF WISCONSIN                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above named \_\_\_\_\_, the \_\_\_\_\_ and \_\_\_\_\_, the \_\_\_\_\_ of the Village of Brown Deer, who are personally known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that s/he executed the same as the free and voluntary act of such party for the uses and purposes mentioned in the instrument in his/her duly authorized capacities.

\_\_\_\_\_  
*(Print or type name of Notary)* \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission (is permanent) (expires: \_\_\_\_\_)

Above space for Notary Seal

**EXHIBIT A**

Legal Description of GW Property

LOT 1 OF CERTIFIED SURVEY MAP NO. 8624, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON SEPTEMBER 9, 2014, AS DOCUMENT NO. 10392451, BEING A REDIVISION OF CERTIFIED SURVEY MAP NO. 693 RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

Tax Key Nos.:           Part 010-9984-005  
                                  Part 010-9984-006

**EXHIBIT B**

Legal Description of Deerbrook Property

LOTS 2 AND 3 OF CERTIFIED SURVEY MAP NO. 8624, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON SEPTEMBER 9, 2014, AS DOCUMENT NO. 10392451, BEING A REDIVISION OF CERTIFIED SURVEY MAP NO. 693 RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

Tax Key Nos.:           Part 010-9984-005  
                                  Part 010-9984-006

**EXHIBIT C**

Certified Survey Map No. 693

**EXHIBIT D**

Certified Survey Map No. 8624

**EXHIBIT E**

STATE OF WISCONSIN      VILLAGE OF BROWN DEER      MILWAUKEE COUNTY

---

Resolution Vacating and Abandoning  
Reservation for Public Road Purposes on  
9305/9325 North Green Bay Road

Resolution No. 14-\_\_\_\_\_

---

**WHEREAS**, the Village Board of the Village of Brown Deer has determined that it is in the public interest to vacate and abandon all of the 60 foot strip of land permanently reserved for public road purposes (the “Road Reservation”) only upon the premises described as:

(i) Certified Survey Map No. 693, recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on June 30, 1967, on Reel 367, Image 263, as Document No. 4327462, being a part of the Northeast ¼ of Section 2, Town 8 North, Range 21 East, in the Village of Brown Deer, County of Milwaukee, State of Wisconsin; and

(ii) Lots 1 and 2 of Certified Survey Map No. 8624, and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on September 9, 2014, as Document No. 10392451, being a redivision of Certified Survey Map No. 693 recorded on June 30, 1967 as Document No. 4327462, being part of the Southeast 1/4 of the Northeast 1/4 of Section 2, Town 8 North, Range 21 East, in the Village of Brown Deer, County of Milwaukee, State of Wisconsin; and

**WHEREAS**, the Village Board finds that direct access from the Road Reservation to North Green Bay Road a/k/a S.T.H. 57 has now been prohibited by the State of Wisconsin, Department of Transportation, and the parcels of land have alternative means of access which will be constructed in the course of the redevelopment of the area; and

**WHEREAS**, the Village Board has determined that it is in the public interest to vacate and abandon such Road Reservation as obsolete and to facilitate the redevelopment and value of the property upon which such Road Reservation is located;

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Brown Deer that the 60 foot strip of land permanently reserved for public road purposes only upon the property described as

(i) Certified Survey Map No. 693, recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on June 30, 1967, on Reel 367, Image 263, as Document No. 4327462, being a part of the Northeast ¼ of Section 2, Town 8 North, Range 21 East, in the Village of Brown Deer, County of Milwaukee, State of Wisconsin; and

(ii) Lots 1 and 2 of Certified Survey Map No. 8624, and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on September 9, 2014, as Document No. 10392451, being a redivision of Certified Survey Map No. 693 recorded on June 30, 1967 as

WHD/10777826.1

Document No. 4327462, being part of the Southeast 1/4 of the Northeast 1/4 of Section 2, Town 8 North, Range 21 East, in the Village of Brown Deer, County of Milwaukee, State of Wisconsin, is hereby vacated and abandoned.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution and incorporated Exhibit is authorized to be recorded with the Register of Deeds for Milwaukee County.

**PASSED AND ADOPTED** by the Village Board of the Village of Brown Deer, this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
\_\_\_\_\_, Village President

Countersigned:

\_\_\_\_\_  
\_\_\_\_\_, Village Clerk

K

CSM  
693



**CERTIFIED SURVEY MAP**  
PART OF THE NE 1/4 OF SEC. 2, T. 8 N., R. 21 E., IN THE  
VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WIS.  
SCALE 1" = 200'



**SURVEYOR'S CERTIFICATE**

I, Clarence H. Piepenburg, Registered Land Surveyor, hereby certify:

That I have surveyed, divided and mapped that part of the North East 1/4 of Section 2, Township 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of said 1/4 Section; thence N. 0° 52' 47" W. along the east line of said 1/4 Section 1138.50 feet to a point; thence S. 88° 42' 29" W. on a line parallel to the south line of said 1/4 Section 72.07 feet to a point in the westerly line of N. Green Bay Rd., said point being the point of beginning of the land to be described; thence continuing S. 88° 42' 29" W. on a line parallel to the south line of said 1/4 Section 542.52 feet to a point; thence S. 1° 17' 31" E. on a line at right angles to the south line of said 1/4 Section 478.49 feet to a point; thence N. 88° 42' 29" E. on a line parallel to the south line of said 1/4 Section 549.96 feet to a point in the westerly line of said N. Green Bay Rd.; thence N. 2° 10' 36" W. along the westerly line of said N. Green Bay Rd. 478.55 feet to the point of beginning, containing 6 acres of land, and reserving the south 60.00 feet for public road purposes.

That I have made such survey, land-division and map by the direction of Mary E. Knepel and Adeline Knepel Dymbe, owners of said land.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Village of Brown Deer in surveying, dividing and mapping the same.

Dated this 24<sup>TH</sup> day of MAY, 1967.

*Clarence H. Piepenburg*  
Clarence H. Piepenburg  
Registered Land Surveyor S-139

**OWNERS' CERTIFICATE**

We, Mary E. Knepel and Adeline Knepel Dymbe, as owners, hereby certify that we caused the land described in the foregoing certificate of Clarence H. Piepenburg, Surveyor, to be surveyed, divided and mapped as represented on this map.

WITNESS the hand and seal of said owners this 24<sup>TH</sup> day of MAY, 1967.

*Clarence H. Piepenburg* witness  
Clarence H. Piepenburg

*Mary E. Knepel* (seal)  
Mary E. Knepel

*Deolinda Groth* witness  
Deolinda Groth  
STATE OF WISCONSIN )  
MILWAUKEE COUNTY ) SS

*Adeline Knepel Dymbe*  
Adeline Knepel Dymbe

Personally came before me this 24<sup>TH</sup> day of MAY, 1967, the above named Mary E. Knepel and Adeline Knepel Dymbe, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

*Clarence H. Piepenburg* Notary Public, Wisconsin. My commission expires MARCH 14, 1971.

**VILLAGE BOARD RESOLUTION**

Resolved, that the Certified Survey Map in the Village of Brown Deer, Wisconsin, is hereby approved by the Village Board.

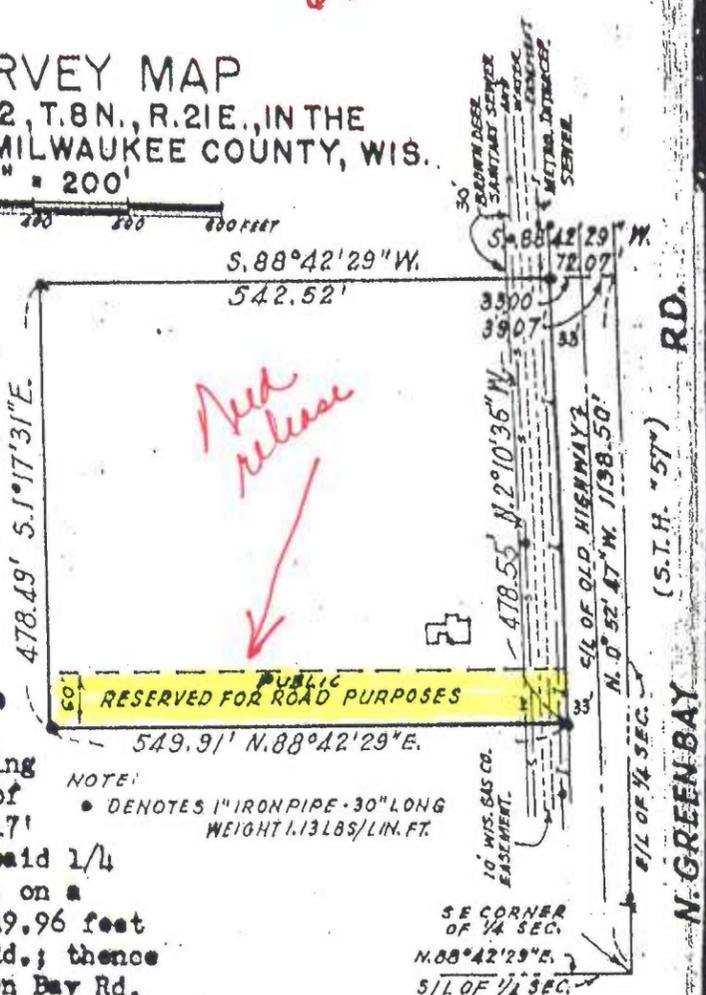
*Edgar H. Hennig*  
President of the Village Board

I hereby certify that the foregoing is a true copy of a resolution adopted by the Village Board of the Village of Brown Deer, Wisconsin, on the 5<sup>TH</sup> day of JUNE, 1967.

*Paul Schwan*  
Village Clerk

This instrument was drafted by Clarence H. Piepenburg.

150



REEL 367 IMAG 264

4327462  
4327462  
4327462

REGISTRY OFFICE  
Milwaukee County, Wis.  
RECORDED AT 11:45 A.M.

on JUN 30 1967 in  
Reel 367 Image 263-264

Mulan Potter  
Registrar of Deeds

1.50

B Rec

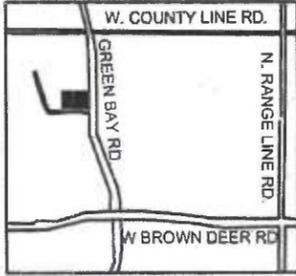
JUN-30-67 8 7 2 2 9 8

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

CERTIFIED SURVEY MAP NO. 693, RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN



VICINITY MAP



PARCEL 1  
C. S. M. #5326

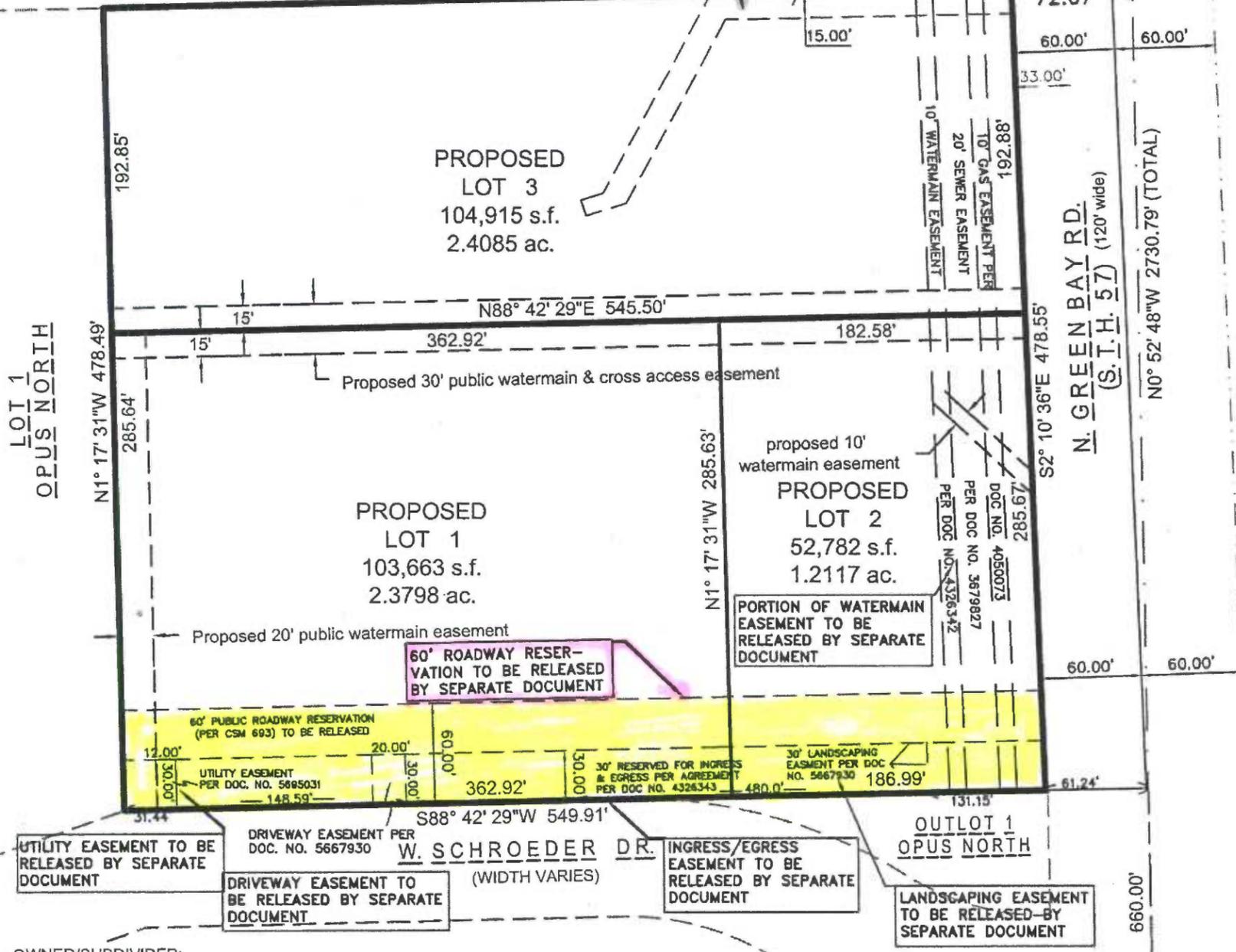
NE COR. NE 1/4  
SEC. 2-8-21  
CONC. MON.  
W/ BRASS CAP

WEPCO EASEMENT TO BE  
RELEASED BY SEPARATE  
DOCUMENT

WEPCO EASE. DOC. NO. 4356907

N88° 42' 29"E 542.52'

S88° 42' 29"W



LOT 1  
OPUS NORTH

N. GREEN BAY RD.  
(S.I.H. 57) (120' wide)

60' ROADWAY RESER-  
VATION TO BE RELEASED  
BY SEPARATE DOCUMENT

PORTION OF WATERMAIN  
EASEMENT TO BE  
RELEASED BY SEPARATE  
DOCUMENT

UTILITY EASEMENT TO BE  
RELEASED BY SEPARATE  
DOCUMENT

DRIVEWAY EASEMENT TO  
BE RELEASED BY SEPARATE  
DOCUMENT

INGRESS/EGRESS  
EASEMENT TO BE  
RELEASED BY SEPARATE  
DOCUMENT

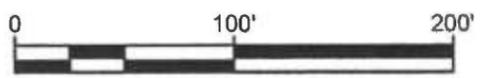
LANDSCAPING EASEMENT  
TO BE RELEASED BY  
SEPARATE DOCUMENT

OWNER/SUBDIVIDER:  
  
DEER BROOK COMMONS  
172 N BROADWAY  
MILWAUKEE, WI 53202

LEGEND & NOTES:  
● INDICATES FOUND MONUMENTATION, AS NOTED ON DRAWING.  
● INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.  
DISTANCES MEASURED TO THE NEAREST 0.01'.  
ANGLES MEASURED TO THE NEAREST 01".

SE COR. NE 1/4  
SEC. 2-8-21  
CONC. MON.  
W/ BRASS CAP

GRAPHIC SCALE



BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, WITH THE EAST LINE OF THE NE 1/4 OF SEC. 2-8-21, BEARING N0°52'48"W, ASPUBLISHED BY SEWRPC, NAD 1927.

PROJECT NUMBER 14590 DRAFTED BY BAIBA M. ROZITE



# MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE

**Legend**

- Taxparcel Boundary
- ParcelLine
- ExtParcelLine
- ROW
- Right of Way
- Railway
- Carto Line
- Extended Tie Line, Hook, or PT
- Dimension, Identification, or Note A
- TieLine
- Easement
- MeanderLine
- CivilDivision
- Subdivision
- Condo
- CSM
- Water
- County Boundary
- Highways, to 8k
- Street Centerlines, 0k to 8k
- Railroad 8k
- Water 8k
- Rivers 8k
- Landmarks 8k
- County Parks 8k
- Municipal Subdivisions 25k
- Tax Parcels

1:1,845

**Notes**  
Enter Map Description



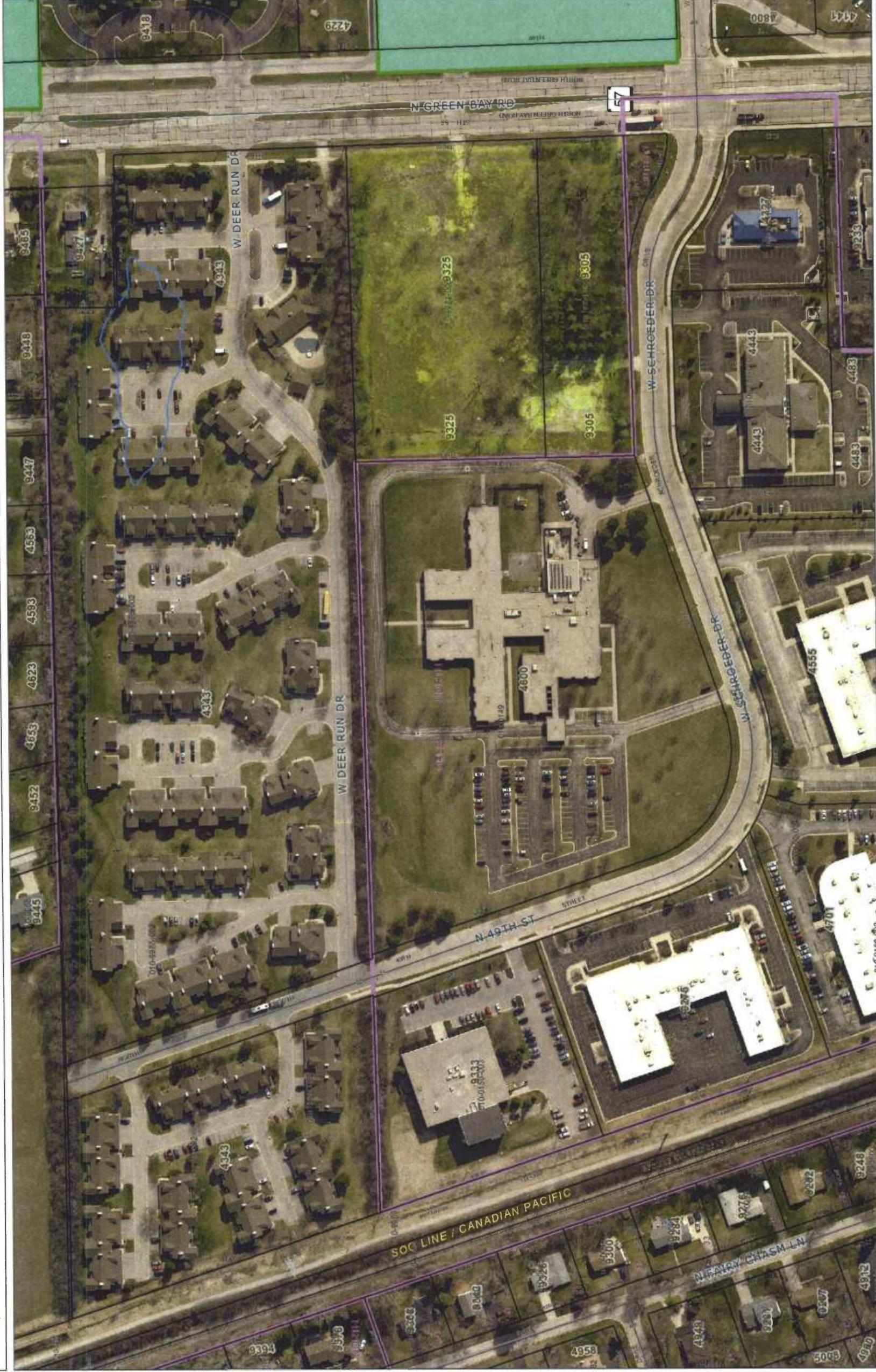
307 0 154 307 Feet

© MCAMILIS

**DISCLAIMER:** This map is a user generated static output from the Milwaukee County Land Information Office Interactive Mapping Service. The contents herein are for reference purposes only and may or may not be accurate, current or otherwise reliable. No liability is assumed for the data delineated herein either expressed or implied by Milwaukee County or its employees.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



## Legend

- Taxparcel Boundary
- ParcelLine
- ExtParcelLine
- ROW
- Right of Way
- Railway
- Carto Line
- Extended Tie Line, Hook, or PT
- Dimension, Identification, or Note A
- TieLine
- Easement
- MeanderLine
- CivilDivision
- Subdivision
- Condo
- Water
- County Boundary
- Highways, to 8k
- Street Centerlines, 0k to 8k
- Railroad 8k
- Water 8k
- Rivers 8k
- Landmarks 8k
- County Parks 8k
- Municipal Subdivisions 25k
- Tax Parcels
- AERIAL PHOTO 2013 HIGH R
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- AERIAL PHOTO 2010 HIGH R
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

1: 1,963



## Notes

Enter Map Description

DISCLAIMER: This map is a user generated static output from the Milwaukee County Land Information Office Interactive Mapping Service website. The contents herein are for reference purposes only and may or may not be accurate, current or otherwise reliable. No liability is assumed for the data delineated herein either expressed or implied by Milwaukee County or its employees.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

327 Feet

164

0

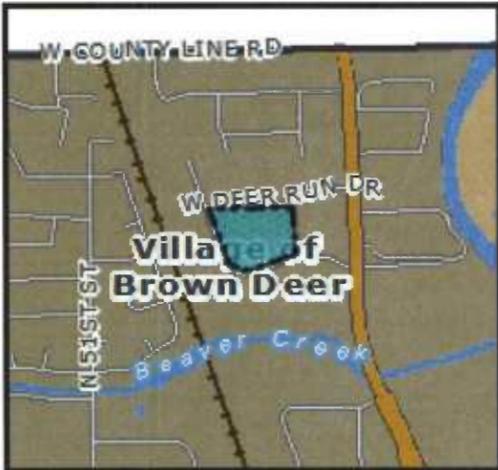
327

© MCAM LIS

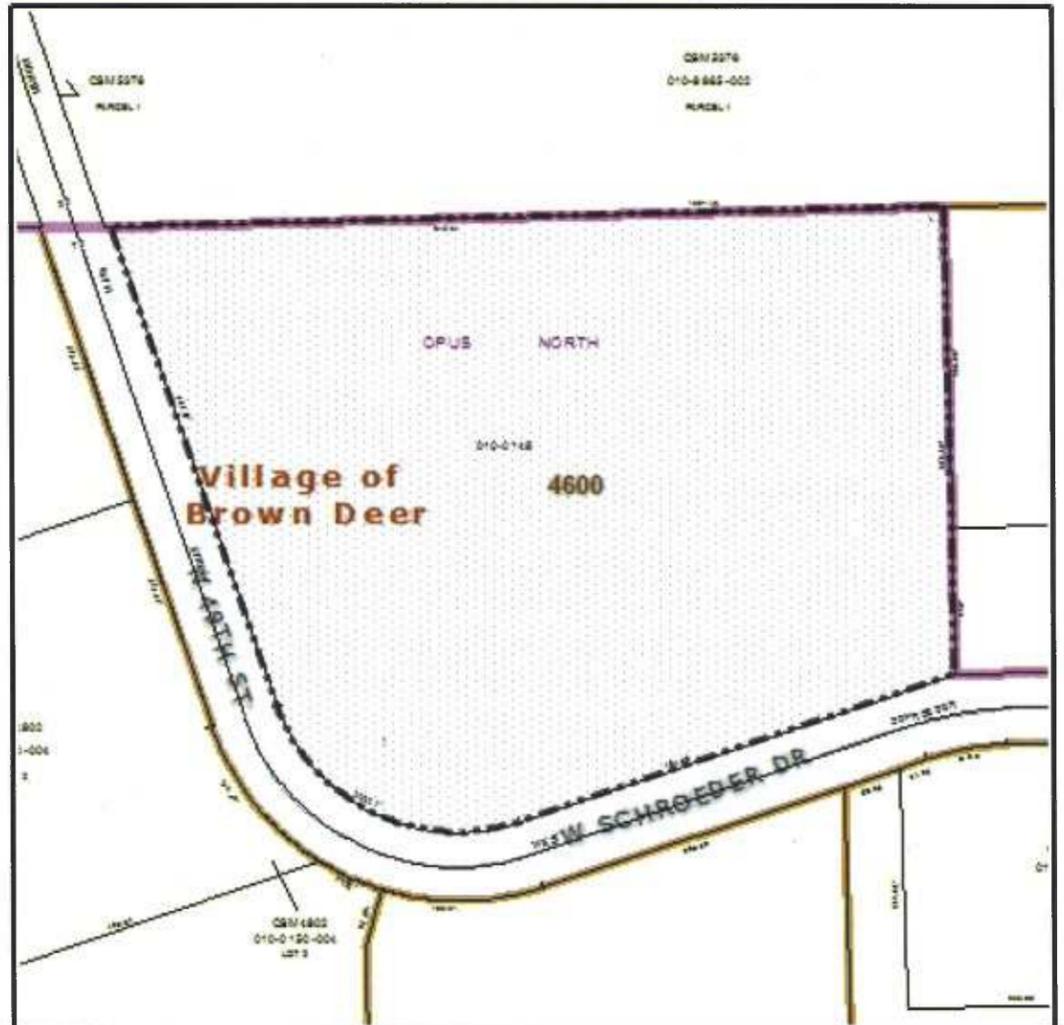
# Milwaukee County Land Information Parcel Report

TAXKEY: 0100149000

Report generated 10/8/2014 5:36:29 PM



Parcel location within Milwaukee County



Selected parcel highlighted

## Parcel Information

**TAXKEY:** 0100149000

**Record Date:** 12/31/2011

**Owner(s):** CASTLE SCHROEDER LLC

**Address:** 4600 W SCHROEDER DR

**Municipality:** Brown Deer

**Acres:** 0.00

**Assessed Value:** \$3,082,900

**Parcel Description:** COMMERCIAL

**Zoning Description:**

**Legal Description:** OPUS NORTH LOT 1

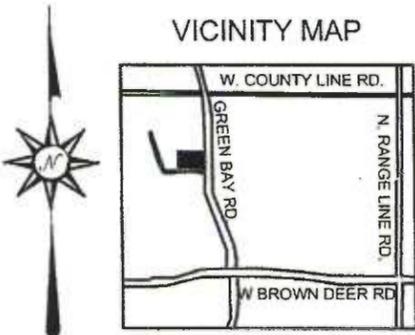


Parcel photo

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

# CERTIFIED SURVEY MAP NO. 8624

CERTIFIED SURVEY MAP NO. 693, RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN



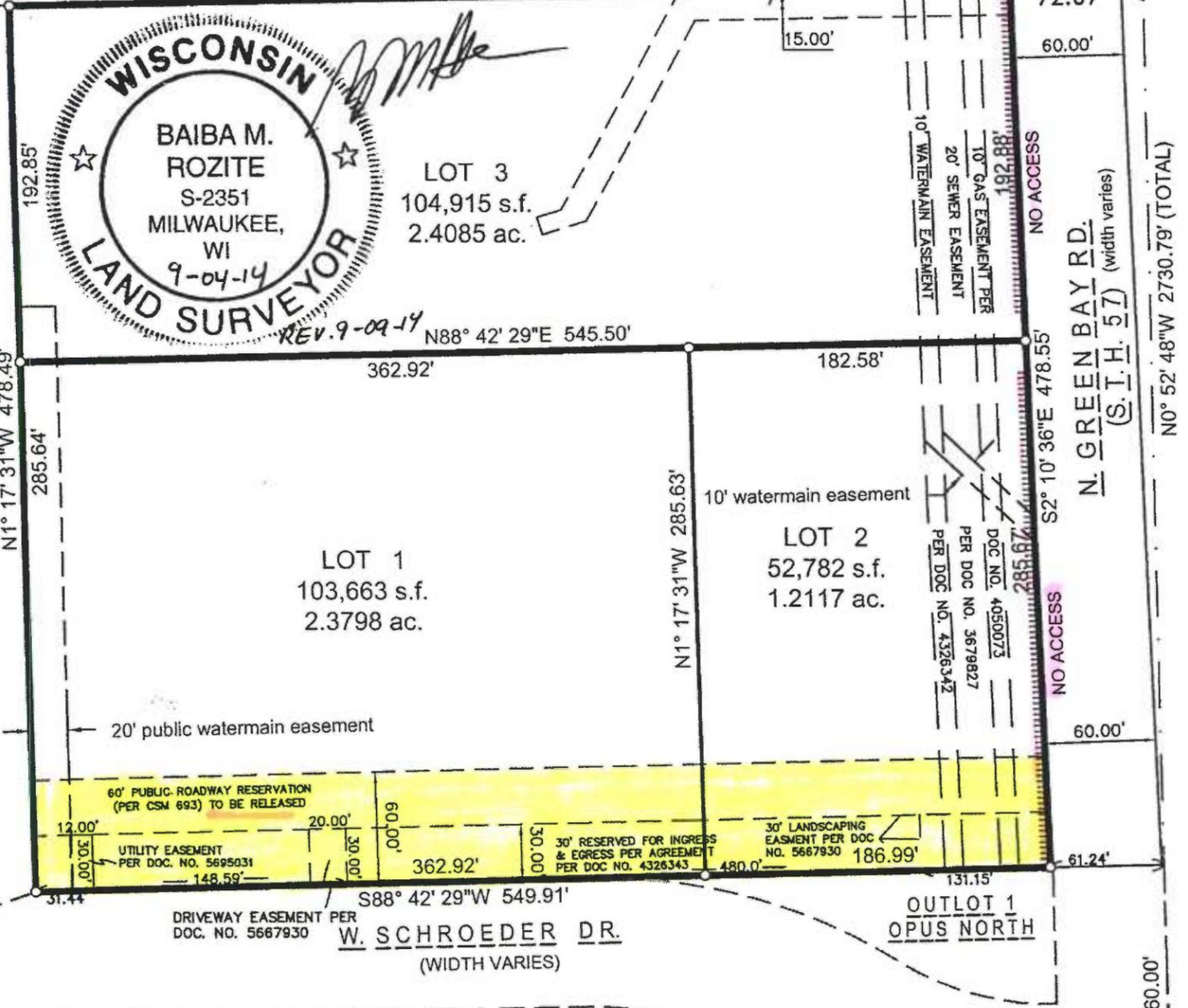
NE COR. NE 1/4  
SEC. 2-8-21  
CONC. MON.  
W/ BRASS CAP

PARCEL 1  
C. S. M. # 5376

N88° 42' 29"E 542.52'

WEPCo EASE. DOC. NO. 4356907

S88° 42' 29"W



WISCONSIN  
BAIBA M. ROZITE  
S-2351  
MILWAUKEE, WI  
9-04-14  
LAND SURVEYOR  
REV. 9-09-14

LOT 1  
OPUS NORTH

N1° 17' 31"W 478.49'

192.85'

285.64'

362.92'

182.58'

N1° 17' 31"W 285.63'

15.00'

60.00'

72.07'

192.88'

S2° 10' 36"E 478.55'

60.00'

61.24'

131.15'

480.0'

S88° 42' 29"W 549.91'

31.44'

12.00'

20.00'

30.00'

30.00'

30.00'

30.00'

30.00'

30.00'

30.00'

30.00'

30.00'

30.00'

30.00'

30.00'

30.00'

30.00'

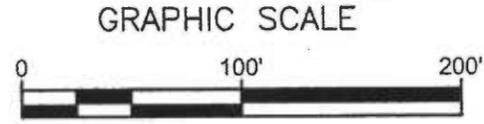
30.00'

30.00'

OWNER/SUBDIVIDER:  
DEER BROOK COMMONS  
172 N BROADWAY  
MILWAUKEE, WI 53202

LEGEND & NOTES:  
● INDICATES FOUND MONUMENTATION, AS NOTED ON DRAWING.  
○ INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.  
DISTANCES MEASURED TO THE NEAREST 0.01'.  
ANGLES MEASURED TO THE NEAREST 01'.

SE COR. NE 1/4  
SEC. 2-8-21  
CONC. MON.  
W/ BRASS CAP



BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, WITH THE EAST LINE OF THE NE 1/4 OF SEC. 2-8-21, BEARING N0°52'48"W, ASPUBLISHED BY SEWRPC, NAD 1927.

PROJECT NUMBER 14590 DRAFTED BY BAIBA M. ROZITE

Sheet 1 of 5

DOC.# 10392451

RECORDED 09/09/2014 04:13PM  
JOHN LA FAVE  
REGISTER OF DEEDS  
Milwaukee County, WI  
AMOUNT: 30.00  
FEE EXEMPT #:

# CERTIFIED SURVEY MAP NO. 8624

CERTIFIED SURVEY MAP NO. 693, RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE  
(STATE OF WISCONSIN)  
) :SS  
(MILWAUKEE COUNTY)

I, BAIBA M. ROZITE, a Registered Land Surveyor, hereby certify:

That I have surveyed, divided and mapped Certified Survey Map No. 693, recorded on June 30, 1967 as Document No. 4327462, being part of the Southeast 1/4 of the Northeast 1/4 of Section 2, Town 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, State of Wisconsin bounded and described as follows:

Commencing at the Southeast corner of said Northeast 1/4 section; Thence North 0°52'48" West, 660.00 feet along the East line of said Northeast 1/4 section; Thence South 88°42'29" West, 61.24 feet to the Point of Beginning of this description; Continuing thence South 88°42'29" West, 549.91 feet along the North line of Opus North, a recorded subdivision; Thence North 1°17'31" West, 478.49 feet along the East line of said Opus North to the South line of Parcel 1 of Certified Survey Map No. 5376; Thence North 88°42'29" East, 542.52 feet along said South line to the West line of North Green Bay Road (S.T.H. 57); Thence South 2°10'36" East, 478.55 feet along said West line to the Point of Beginning.

Said parcel contains a total of 261,360 square feet, or 6.000 acres of land, more or less.

THAT I have made the survey, land division, and map by the direction of the owner of said land.

THAT the map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Village of Brown Deer Land Division Ordinance in surveying, dividing and mapping the same.

  
Baiba M. Rozite, Registered Wisconsin  
Land Surveyor S-2351 (SEAL)



**THE SIGMA GROUP**  
Single Source. Sound Solutions.

www.thesigmagroup.com  
1300 West Canal Street  
Milwaukee, WI 53233  
Phone: 414-643-4200  
Fax: 414-643-4210

PROJECT NUMBER 14590 DRAFTED BY BAIBA M. ROZITE

Sheet 2 of 5

# CERTIFIED SURVEY MAP NO. 8624

CERTIFIED SURVEY MAP NO. 693, RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN

## OWNER'S CERTIFICATE OF DEDICATION

DEER BROOK COMMONS, LLC, as owner, does hereby certify that said owner caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map. DEER BROOK COMMONS, LLC, as owner, does further certify that this map is required by s. 236.10 or 236.12 to be submitted to the following for approval or objection: Village of Brown Deer

WITNESS the hand and seal of said owner this 8<sup>th</sup> day of September, 2014.

By: DEER BROOK COMMONS, LLC

[Signature]  
signature

Douglas J. Weas  
MANAGER

STATE OF WISCONSIN)  
:SS

Milwaukee COUNTY)  
PERSONALLY came before me this 8<sup>th</sup> day of September, 2014, Douglas J. Weas, MANAGER, to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Signature]  
Signature Notary Public, State of Wisconsin

Nichole M. Miezyn  
Notary, printed name

My Commission Expires March 13, 2016



# CERTIFIED SURVEY MAP NO. 8624

CERTIFIED SURVEY MAP NO. 693, RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN

## CONSENT OF CORPORATE MORTGAGEE

JOHNSON BANK, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the here-in described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and does hereby consent to the certificate of DEER BROOK COMMONS, LLC, owner.

IN WITNESS WHEREOF, the said JOHNSON BANK has caused these presents to be signed by ROBERT A. MACDONALD, its Vice President, at Milwaukee, Wisconsin, and its corporate seal to be hereunto affixed this 8<sup>th</sup> day of September, 2014.

In the presence of:

\_\_\_\_\_  
(Corporate Seal)  
JOHNSON BANK

Robert A. MacDonald  
ROBERT A. MACDONALD, Vice-President

9-8-14  
Date

STATE OF WISCONSIN)  
Milwaukee COUNTY) SS  
Personally came before me this 8<sup>th</sup> day of September, 2014, ROBERT A. MACDONALD, Vice President of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such Vice President of said corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

Nichole M. Miezin  
Signature Notary Public, State of Wisconsin (seal)

Nichole M. Miezin  
Notary, printed name

My Commission Expires March 13, 2016



CERTIFIED SURVEY MAP NO. 8624

CERTIFIED SURVEY MAP NO. 693, RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN

VILLAGE OF BROWN DEER PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the Village of Brown Deer on this 7<sup>th</sup> day of July, 2014

Carl Krueger  
Carl Krueger, Village President

Jill Kenda-Lubetski  
Jill Kenda-Lubetski, Village Clerk

VILLAGE OF BROWN DEER VILLAGE BOARD APPROVAL

Approved by the Village Board of the Village of Brown Deer on this 21<sup>st</sup> day of July, 2014

Carl Krueger  
Carl Krueger, Village President

Jill Kenda-Lubetski  
Jill Kenda-Lubetski, Village Clerk



STATE OF WISCONSIN  
MILWAUKEE COUNTY

I, the undersigned Register of Deeds of Milwaukee County, hereby certify that this document is a true and correct copy of the original on file or record in my office. Witness my hand and official seal this

SEP 9 2014

date

John La Fave

JOHN LA FAVE  
Register of Deeds

260

JUN-21-67 87069 4326343

260

bounded and described as follows:

That part of the North Four Hundred and Five Tenths (478.5) feet of the South One Thousand One Hundred Thirty-eight and Five Tenths (1,138.5) feet of the North East One-quarter (1/4) of Section Two (2), in Township Eight (8) North, Range Twenty-one (21) East, in the Village of Brown Deer, bounded and described as follows: Commencing at a point on the Westerly line of the Cedarburg Road (66 feet wide) 660 feet North of the South line of said 1/4 Section; thence North 2° 10' 36" West along said Westerly line 478.55 feet to a point; thence South 88° 42' 29" West and parallel to the South line of said 1/4 Section 542.52 feet to a point; thence South 1° 17' 21" East 478.49 feet to a point; thence North 88° 42' 29" East and parallel to the South line of said 1/4 Section 549.91 feet to the point of commencement, reserving an easement over the South 30 feet thereof for ingress and egress to grantors' remaining lands.

*Not Release*

*Agrees/Agrees by*

REEL 366 IMAG 100

THIS IS AN AGREEMENT between the VILLAGE OF BROWN DEER, a municipal corporation, (VILLAGE); and HEARTHSIDE NURSING HOME, INC. (HEARTHSIDE);

Hearthsides is the owner of the following described real estate located in the Village, in Milwaukee County, State of Wisconsin, bounded and described as follows, to-wit:

That part of the North Four Hundred Seventy-eight and Five Tenths (478.5) feet of the South One Thousand One Hundred Thirty-eight and Five Tenths (1,138.5) feet of the North East One-quarter (1/4) of Section Two (2), in Township Eight (8) North, Range Twenty-one (21) East, in the Village of Brown Deer, bounded and described as follows: Commencing at a point on the Westerly line of the Cedarburg Road (66 feet wide) 660 feet North of the South line of said 1/4 Section; thence North 2° 10' 36" West along said Westerly line 478.55 feet to a point; thence South 88° 42' 29" West and parallel to the South line of said 1/4 Section 542.52 feet to a point; thence South 1° 17' 21" East 478.49 feet to a point; thence North 88° 42' 29" East and parallel to the South line of said 1/4 Section 549.91 feet to the point of commencement, reserving an easement over the South 30 feet thereof for ingress and egress to grantors' remaining lands.

On May 15, 1967, at a duly convened meeting of the Brown Deer Village Board, the Board, by unanimous action, concurred in the recommendation of the Planning Commission to grant a conditional permitted use to Hearthsides for the construction and operation of a nursing home on the aforescribed premises provided that Hearthsides complies with certain conditions as set forth in the action adopted by the Village Board.

Accordingly, Hearthsides, for itself and its successors and assigns, makes the following promises to and agreements with the Village:

4326343  
 REGISTER'S OFFICE  
 Milwaukee County, Wis.  
 RECORDED AT 10 40AM M  
 on JUN 27 1967 in  
 Reel 366 Image 100 to 104  
 Milan Patten encl  
 Register of Deeds

...the above described premises...  
...tax...  
...such status being hereby expressly waived...

REEL 366 IMAG 101

1. Hearthside or the owner of the nursing home will provide private ambulance service for emergency patients or will reimburse the Village for that service.

2. In no event shall the above described premises be sold to a nonprofit organization or person exempt from property taxation.

3. In the event said premises are sold to a nonprofit organization or person exempt from property taxation, then the Village may tax the premises notwithstanding the tax-exempt status of the owner, such status being hereby expressly waived.

4. In the event that taxes, for any reason, become not chargeable against the property, then an annual service charge may be made by the Village, said charge to be determined in the same manner and amount as if taxes were levied.

5. The aforesaid conditional use permit shall be void if construction is not commenced by November 1, 1967.

6. Hearthside shall collect and dispose of its garbage and rubbish at its own expense.

7. Hearthside agrees to pay its pro rata share for the road development abutting said premises through special assessment by the Village, and to appear at all public hearings and proceedings.

8. Any conveyance made in violation of this agreement shall be void.

9. The restrictions and provisions herein contained shall be deemed to be covenants running with the land and shall be binding on all parties and their heirs, personal representatives, assigns

the above described premises from such restrictions and provisions, or any of them, before the expiration of twenty-five (25) years thereafter in the case of extreme hardship by the adoption of a resolution so doing. The covenants herein contained may be enforced by proceedings at law or in equity against any person or persons violating or attempting to violate the same, at the suit of the Village.

REEL 366 IMAG 102

9. The provisions of this agreement shall be deemed severable and it is expressly declared that the provisions of this agreement would have been agreed to by the parties hereto irrespective of whether or not one or more provisions may be declared invalid and if any provision of this agreement or the application thereof to any person or circumstances is held invalid, the remainder of the agreement and the application of such provisions to the other persons or circumstances shall not be affected thereby.

1967  
22  
1992

However, the Village Board of the Village of Brown Deer may relieve the above described premises from such restrictions and provisions, or any of them, before the expiration of twenty-five (25) years or thereafter in the case of extreme hardship by the adoption of a resolution so doing. The covenants herein contained may be enforced by proceedings at law or in equity against any person or persons violating or attempting to violate the same, at the suit of the Village.

10. The provisions of this agreement shall be deemed severable and it is expressly declared that the provisions of this agreement would have been agreed to by the parties hereto irrespective of whether or not one or more provisions may be declared invalid and if any provision of this agreement or the application thereof to any person or circumstances is held invalid, the remainder of the agreement and the application of such provisions to the other persons or circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the Village has caused these presents to be signed by Edgar H. Hennig, its President, and Gerald Schwerm, its Clerk, and its corporate seal to be hereunto affixed, and Hearthside has caused these presents to be signed by Robert E. Strzalczyk, its President, and John J. Ottusch, Assistant Secretary, having hereunto set their hands and seals this 22 day of June, 1967.

(CORPORATE SEAL)

*E. J. Duth*  
E. J. Duth

*Edgar H. Hennig*  
Edgar H. Hennig

REEL 366 IMAG 103

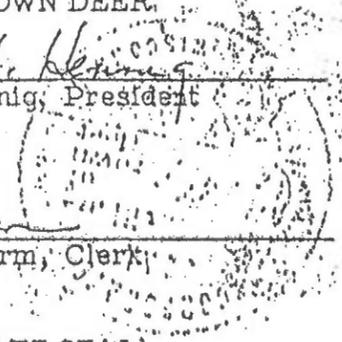
In presence of:

*Carrie L. Olsen*  
Carrie L. Olsen  
*John P. Curran*  
John P. Curran

VILLAGE OF BROWN DEER.

By *Edgar H. Hennig*  
Edgar H. Hennig, President

Countersigned:  
*Gerald Schwerm*  
Gerald Schwerm, Clerk



(CORPORATE SEAL)

*E. J. Duth*  
E. J. Duth

HEARTHSIDE NURSING HOME, INC.

*Catherine T. Kohl*  
Catherine T. Kohl

By *Robert E. Strzelczyk*  
Robert E. Strzelczyk, President

Countersigned:  
*John T. Otusch*  
John T. Otusch, Assistant Secretary

(NO CORPORATE SEAL)

REEL 358 IMAG 102

THIS INSTRUMENT WAS DRAFTED BY ATTORNEY HAROLD H. FUHRMAN.

... of Brown Deer, to me known to be the persons who executed  
the foregoing instrument, and to me known to be such President  
and Clerk of said corporation, and acknowledged that they executed  
the foregoing instrument as such officers, by its authority.

REEL 366 IMAG 104

Notary Public, State of Wisconsin  
My commission

STATE OF WISCONSIN )  
                          ) SS  
MILWAUKEE COUNTY )

Personally came before me this 27 day of June, 1967,  
Robert E. Strzelczyk, President, and John J. ~~Reusch~~ <sup>Ottusch</sup>, Secretary, of  
Hearthside Nursing Home, Inc., to me known to be the persons who executed  
the foregoing instrument, and to me known to be such President  
and Clerk of said corporation, and acknowledged that they executed  
the foregoing instrument as such officers, by its authority.

*Carrie L. Olsen*  
Carrie L. Olsen  
Notary Public, State of Wisconsin  
My commission 3/26/67

STATE OF WISCONSIN )  
                          ) SS  
MILWAUKEE COUNTY )

Personally came before me this 21<sup>st</sup> day of June, 1967,  
Robert E. Strzelczyk, President, and John J. ~~Reusch~~ <sup>Ottusch</sup>, Assistant Secretary, of  
Hearthside Nursing Home, Inc., to me known to be the persons who  
executed the foregoing instrument, and to me known to be such  
President and Secretary of said corporation, and acknowledged that  
they executed the foregoing instrument as such officers, by its  
authority.

*Catherine T. Kohl*  
Catherine T. Kohl  
Notary Public, State of Wisconsin  
My commission Aug. 4, 1968



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

CERTIFIED SURVEY MAP NO. 693, RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN



VICINITY MAP



**PARCEL 1**  
C. S. M. # 5326

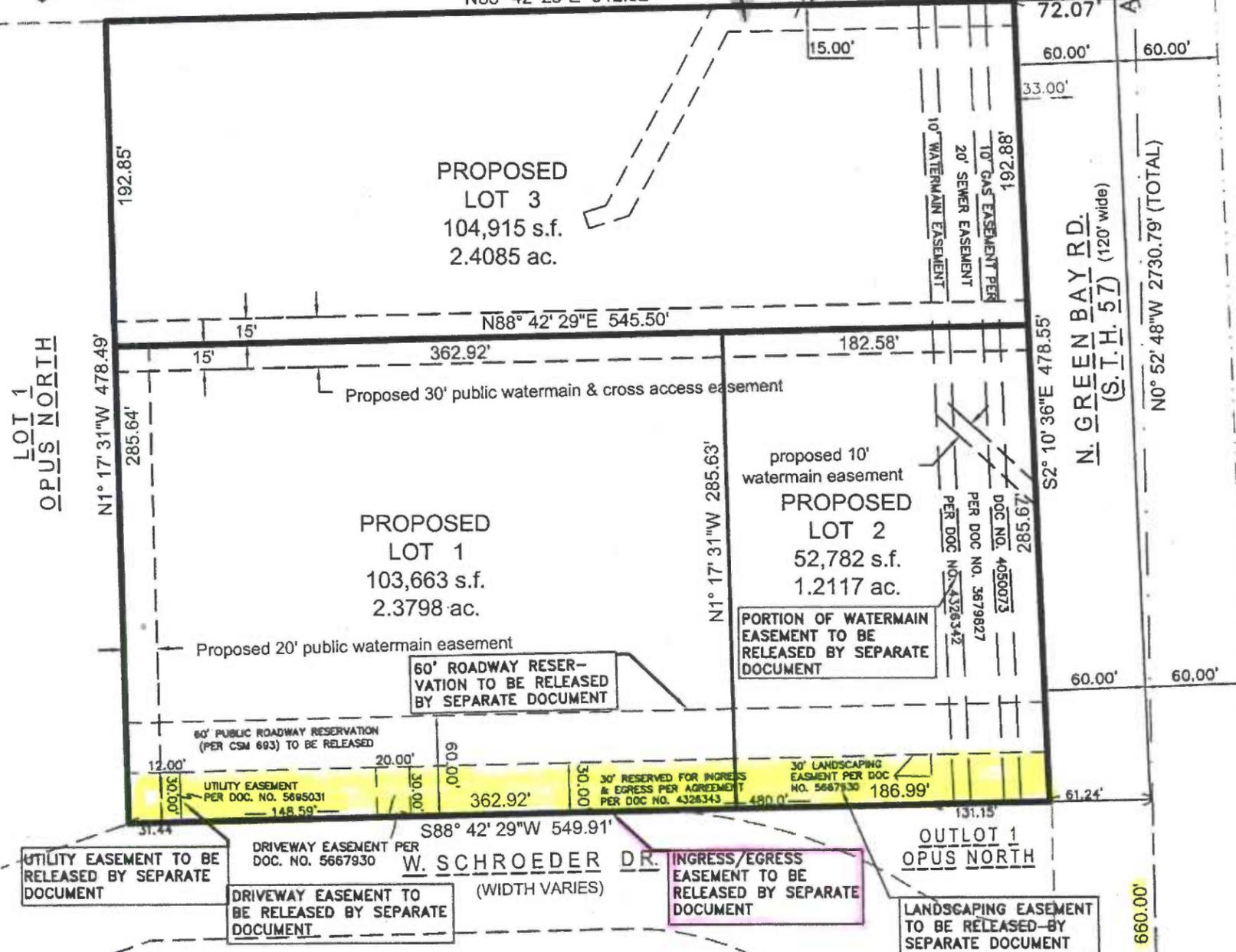
WEPCO EASEMENT TO BE RELEASED BY SEPARATE DOCUMENT

NE COR. NE 1/4  
SEC. 2-8-21  
CONC. MON.  
W/ BRASS CAP

N88° 42' 29"E 542.52'

WEPCO EASE. DOC. NO. 4356907

S88° 42' 29"W 72.07'



LOI 1  
OPUS NORTH

PROPOSED  
LOT 1  
103,663 s.f.  
2.3798 ac.

PROPOSED  
LOT 3  
104,915 s.f.  
2.4085 ac.

PROPOSED  
LOT 2  
52,782 s.f.  
1.2117 ac.

PORTION OF WATERMAIN  
EASEMENT TO BE  
RELEASED BY SEPARATE  
DOCUMENT

60' ROADWAY RESER-  
VATION TO BE RELEASED  
BY SEPARATE DOCUMENT

UTILITY EASEMENT TO BE  
RELEASED BY SEPARATE  
DOCUMENT

DRIVEWAY EASEMENT PER  
DOC. NO. 5667930  
DRIVEWAY EASEMENT TO  
BE RELEASED BY SEPARATE  
DOCUMENT

INGRESS/EGRESS  
EASEMENT TO BE  
RELEASED BY SEPARATE  
DOCUMENT

OUTLOT 1  
OPUS NORTH

LANDSCAPING EASEMENT  
TO BE RELEASED BY  
SEPARATE DOCUMENT

OWNER/SUBDIVIDER:  
  
DEER BROOK COMMONS  
172 N BROADWAY  
MILWAUKEE, WI 53202

LEGEND & NOTES:

- INDICATES FOUND MONUMENTATION, AS NOTED ON DRAWING.
- INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.

DISTANCES MEASURED TO THE NEAREST 0.01'.  
ANGLES MEASURED TO THE NEAREST 01".

BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, WITH THE EAST LINE OF THE NE 1/4 OF SEC. 2-8-21, BEARING N0°52'48"W, AS PUBLISHED BY SEWRPC, NAD 1927.

PROJECT NUMBER 14590 DRAFTED BY BAIBA M. ROZITE

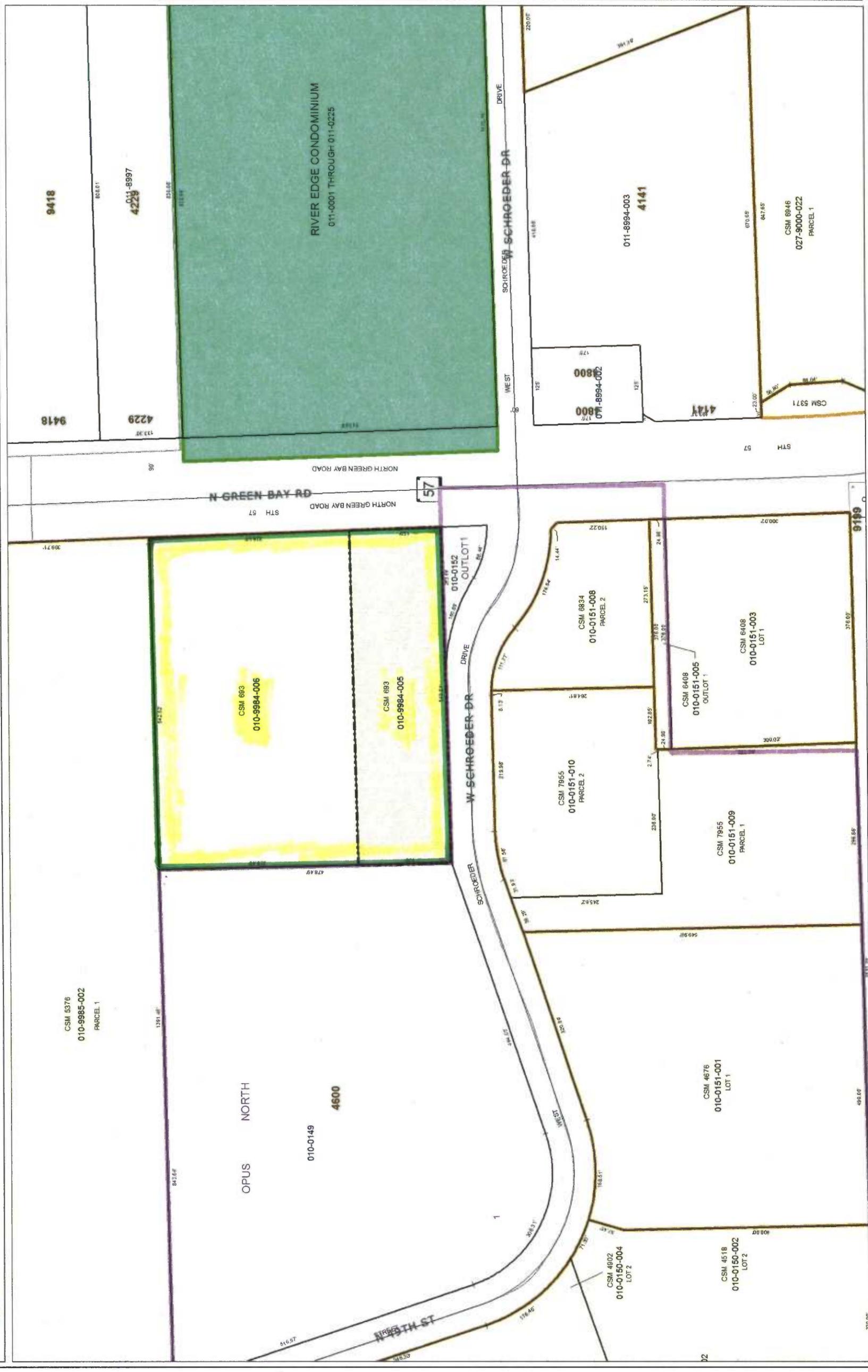
SE COR. NE 1/4  
SEC. 2-8-21  
CONC. MON.  
W/ BRASS CAP

GRAPHIC SCALE





# MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



**Legend**

- Taxparcel Boundary
- ParcelLine
- ExtParcelLine
- ROW
- Right of Way
- Railway
- Carto Line
- Extended Tie Line, Hook, or PT
- Dimension, Identification, or Note A
- TieLine
- Easement
- MeanderLine
- CivilDivision
- Subdivision
- Condo
- CSM
- Water
- County Boundary
- Highways, to 8k
- Street Centerlines, 0k to 8k
- Railroad 8k
- Water 8k
- Rivers 8k
- Landmarks 8k
- County Parks 8k
- Municipal Subdivisions 25k
- Tax Parcels

1:1,845



### Notes

Enter Map Description

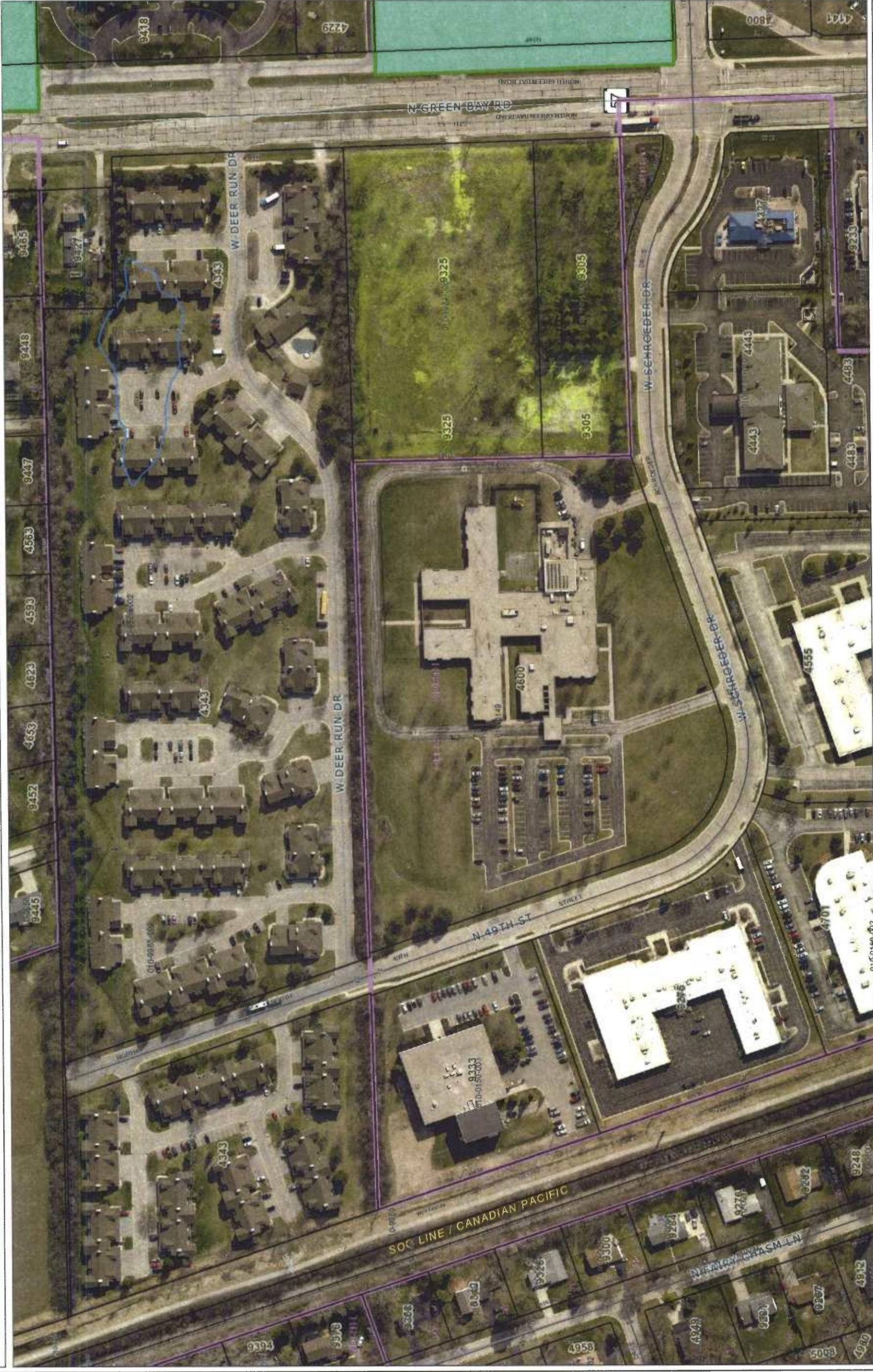
**DISCLAIMER:** This map is a user generated static output from the Milwaukee County Land Information Office Interactive Mapping Service website. The contents herein are for reference purposes only and may or may not be accurate, current or otherwise reliable. No liability is assumed for the data delineated herein either expressed or implied by Milwaukee County or its employees.

THIS MAP IS NOT TO BE USED FOR NAVIGATION





# MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



### Legend

- Taxparcel Boundary
- ParcelLine
- ExtParcelLine
- ROW
- Right of Way
- Railway
- Carto Line
- Extended Tie Line, Hook, or PT
- Dimension, Identification, or Note A
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- Water 8k
- Rivers 8k
- Landmarks 8k
- County Parks 8k
- Municipal Subdivisions 25k
- Tax Parcels
- AERIAL PHOTO 2013 HIGH R
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3
- AERIAL PHOTO 2010 HIGH R
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

1:1,963



### Notes

Enter Map Description

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327 Feet

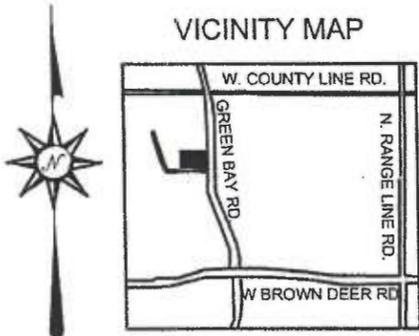
164

0

327

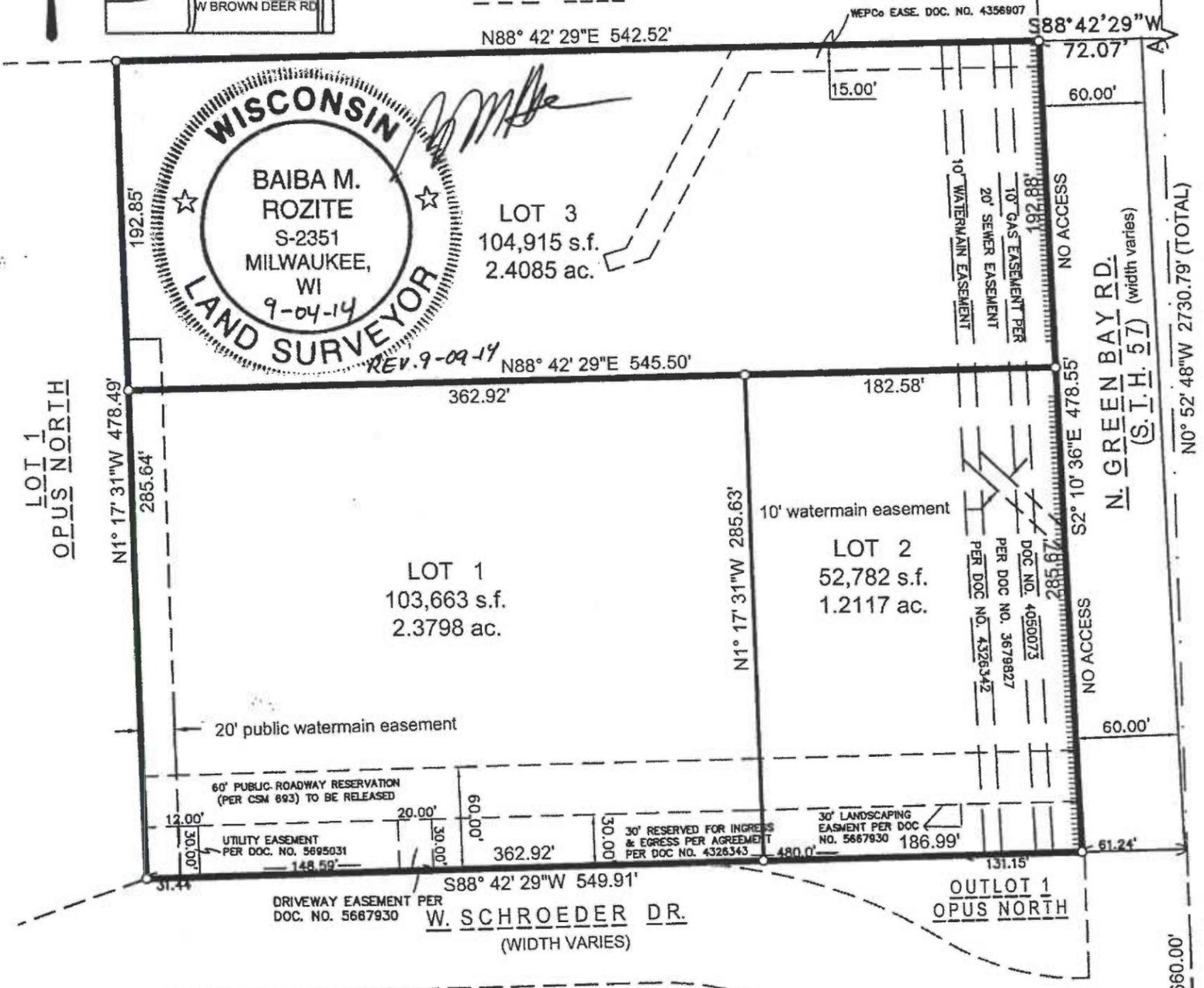
# CERTIFIED SURVEY MAP NO. 8624

CERTIFIED SURVEY MAP NO. 693, RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN



NE COR. NE 1/4  
SEC. 2-8-21  
CONC. MON.  
W/ BRASS CAP

PARCEL 1  
C.S.M. #5376



LOT 1  
OPUS NORTH

N. GREEN BAY RD.  
(S.I.H. 57) (width varies)

DRIVEWAY EASEMENT PER  
DOC. NO. 5667930  
W. SCHROEDER DR.  
(WIDTH VARIES)

OUTLOT 1  
OPUS NORTH

OWNER/SUBDIVIDER:

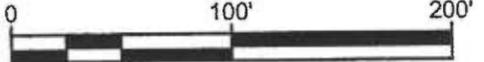
DEER BROOK COMMONS  
172 N BROADWAY  
MILWAUKEE, WI 53202

LEGEND & NOTES:

- INDICATES FOUND MONUMENTATION, AS NOTED ON DRAWING.
  - INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.
- DISTANCES MEASURED TO THE NEAREST 0.01'.  
ANGLES MEASURED TO THE NEAREST 01'.

SE COR. NE 1/4  
SEC. 2-8-21  
CONC. MON.  
W/ BRASS CAP

GRAPHIC SCALE



BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, WITH THE EAST LINE OF THE NE 1/4 OF SEC. 2-8-21, BEARING N0°52'48"W, ASPUBLISHED BY SEWRPC, NAD 1927.

PROJECT NUMBER 14590 DRAFTED BY BAIBA M. ROZITE

Sheet 1 of 5

DOC.# 10392451

RECORDED 09/09/2014 04:13PM  
JOHN LA FAVE  
REGISTER OF DEEDS  
Milwaukee County, WI  
AMOUNT: 30.00  
FEE EXEMPT #:

# CERTIFIED SURVEY MAP NO. 8624

CERTIFIED SURVEY MAP NO. 693, RECORDED ON JUNE 30, 1967 AS DOCUMENT NO. 4327462, BEING PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 2, TOWN 8 NORTH, RANGE 21 EAST, IN THE VILLAGE OF BROWN DEER, MILWAUKEE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE  
STATE OF WISCONSIN)  
):SS  
MILWAUKEE COUNTY)

I, BAIBA M. ROZITE, a Registered Land Surveyor, hereby certify:

That I have surveyed, divided and mapped Certified Survey Map No. 693, recorded on June 30, 1967 as Document No. 4327462, being part of the Southeast 1/4 of the Northeast 1/4 of Section 2, Town 8 North, Range 21 East, in the Village of Brown Deer, Milwaukee County, State of Wisconsin bounded and described as follows:

Commencing at the Southeast corner of said Northeast 1/4 section; Thence North 0°52'48" West, 660.00 feet along the East line of said Northeast 1/4 section; Thence South 88°42'29" West, 61.24 feet to the Point of Beginning of this description; Continuing thence South 88°42'29" West, 549.91 feet along the North line of Opus North, a recorded subdivision; Thence North 1°17'31" West, 478.49 feet along the East line of said Opus North to the South line of Parcel 1 of Certified Survey Map No. 5376; Thence North 88°42'29" East, 542.52 feet along said South line to the West line of North Green Bay Road (S.T.H. 57); Thence South 2°10'36" East, 478.55 feet along said West line to the Point of Beginning.

Said parcel contains a total of 261,360 square feet, or 6.000 acres of land, more or less.

THAT I have made the survey, land division, and map by the direction of the owner of said land.

THAT the map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Village of Brown Deer Land Division Ordinance in surveying, dividing and mapping the same.

  
\_\_\_\_\_  
Baiba M. Rozite, Registered Wisconsin  
Land Surveyor S-2351 (SEAL)



**THE SIGMA GROUP**  
Single Source. Sound Solutions.

www.thesigmagroup.com  
1300 West Canal Street  
Milwaukee, WI 53233  
Phone: 414-643-4200  
Fax: 414-643-4210

# CERTIFIED SURVEY MAP NO. 8624

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## OWNER'S CERTIFICATE OF DEDICATION

DEER BROOK COMMONS, LLC, as owner, does hereby certify that said owner caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map. DEER BROOK COMMONS, LLC, as owner, does further certify that this map is required by s. 236.10 or 236.12 to be submitted to the following for approval or objection: Village of Brown Deer

WITNESS the hand and seal of said owner this 8<sup>th</sup> day of September, 2014.

By: DEER BROOK COMMONS, LLC

[Signature]  
signature

Douglas J. Weas  
MANAGER

STATE OF WISCONSIN)

:SS

Milwaukee COUNTY)

PERSONALLY came before me this 8<sup>th</sup> day of September, 2014, Douglas J. Weas, MANAGER, to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Signature]  
Signature Notary Public, State of Wisconsin

Nichole M. Miezin  
Notary, printed name

My Commission Expires March 13, 2016



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## CONSENT OF CORPORATE MORTGAGEE

JOHNSON BANK, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the here-in described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and does hereby consent to the certificate of DEER BROOK COMMONS, LLC, owner.

IN WITNESS WHEREOF, the said JOHNSON BANK has caused these presents to be signed by ROBERT A. MACDONALD, its Vice President, at Milwaukee, Wisconsin, and its corporate seal to be hereunto affixed this 8th day of September, 2014.

In the presence of:

\_\_\_\_\_  
(Corporate Seal)  
JOHNSON BANK

Robert A. MacDonald  
ROBERT A. MACDONALD, Vice-President

9-8-14  
Date

STATE OF WISCONSIN)  
Milwaukee COUNTY) SS 8th day of September, 2014, ROBERT A. MACDONALD, Vice President of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such Vice President of said corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

Nichole M. Miezyn  
Signature Notary Public, State of Wisconsin (seal)

Nichole M. Miezyn  
Notary, printed name

My Commission Expires March 13, 2016

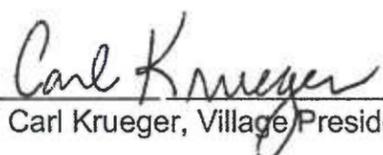


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## VILLAGE OF BROWN DEER PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the Village of Brown Deer on this 7<sup>th</sup> day of July, 2014

  
Carl Krueger, Village President

  
Jill Kenda-Lubetski, Village Clerk

## VILLAGE OF BROWN DEER VILLAGE BOARD APPROVAL

Approved by the Village Board of the Village of Brown Deer on this 21<sup>st</sup> day of July, 2014

  
Carl Krueger, Village President

  
Jill Kenda-Lubetski, Village Clerk



www.thesigmagroup.com  
1300 West Canal Street  
Milwaukee, WI 53233  
Phone: 414-643-4200  
Fax: 414-643-4210

STATE OF WISCONSIN  
MILWAUKEE COUNTY

I, the undersigned Register of Deeds of Milwaukee  
County, hereby certify that this document is a true  
and correct copy of the original on file or record in  
my office. Witness my hand and official seal this

SEP 9 2014

date

John La Fave

JOHN LA FAVE  
Register of Deeds