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(ITEM) From the Director of Economic Development, Department of Administrative Services, requesting authorization to enter into a Fourth Amendment to the Development Agreement with UWM Innovation Park, LLC, and The UWM Real Estate Foundation, Inc., to allow development of retail uses on the first floor of any parking structure at Innovation Park, by recommending adoption of the following:

A RESOLUTION

WHEREAS, Milwaukee County (County) and UWM Innovation Park, LLC, and The UWM Real Estate Foundation, Inc., (together “Developer”) are parties to a Development Agreement dated February 15, 2011 (the “Agreement”), wherein the parties set forth certain terms and conditions under which certain property purchased by the Developer from the County may be developed; and

WHEREAS, the Agreement was amended by that certain First Amendment to Development Agreement, dated December 21, 2011, further amended by that certain Second Amendment to Development Agreement, executed on August 14, 2013, and further amended by that certain Third Amendment to Development Agreement, executed on September 8, 2014; and

WHEREAS, Developer now requests that the Agreement be amended to provide for a narrow and limited expansion of the “Permitted Uses” thereunder to include retail; and

WHEREAS, retail is permitted under the Agreement as an “Ancillary Support Use,” but is geographically limited to the Eschweiler Area; and

WHEREAS, the Fourth Amendment to the Agreement seeks to modify the definition of “Permitted Use” to include the development of retail uses on the first floor of any parking structure located on the property, regardless of geographic location; and

WHEREAS, this will ensure that all employees and visitors of Innovation Park have convenient access to its retail amenities; now, therefore,

BE IT RESOLVED, that the Director of County Economic Development, Department of Administrative Services, is hereby authorized to enter into a Fourth Amendment to Development Agreement between Milwaukee County and UWM Innovation Park, LLC, and UWM Real Estate Foundation, Inc., to modify the definition of “Permitted Uses” to allow development of retail uses on the first floor of any parking structures located on the property, irrespective of geographic location, contingent upon the review of Risk Management and Corporation Counsel; and

BE IT FURTHER RESOLVED, that the County Executive and the County Clerk and/or other appropriate County officials be hereby authorized to execute, after

47 Corporation Counsel approval, any agreement, assignment and/or amendment required
48 to implement the intent of this resolution.

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