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(ITEM ) From the Project Manager, Economic Development Division, Department of Administrative Services, requesting authorization to enter into a consent and mutual waiver agreement with Milwaukee Regional Medical Center Thermal Service, Inc., and Wisconsin Electric Power Company for the former Milwaukee County Power Plant located at 9250 West Watertown Plank Road, Wauwatosa, Wisconsin, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, on December 2, 1996, Milwaukee County conveyed to the Wisconsin Electric Power Company (WEPCO) certain real property related to the Milwaukee County Power Plant, located at 9250 West Watertown Plank Road, Wauwatosa, Wisconsin, County of Milwaukee, State of Wisconsin, pursuant to a Quit Claim Deed, Option and Right of First Refusal, recorded with the Milwaukee County Register of Deeds on December 3, 1996, as Document No. 7298266, as corrected by the Correction Deed dated June 1, 1997, by and between Milwaukee County and WEPCO, which was recorded with the Milwaukee County Register of Deeds as Document No. 7390971; and

WHEREAS, WEPCO and WISVEST, LLC, a Wisconsin limited liability company (formerly known as WISVEST Corporation), have entered into discussions with the Milwaukee Regional Medical Center Thermal Services, Inc. ("Thermal"), whereby WISVEST and WEPCO may sell certain assets to Thermal, including the Milwaukee County Power Plant; and

WHEREAS, in connection with the closing of the proposed transaction, WEPCO, Milwaukee County, and Thermal each desire to irrevocably waive certain rights under the Deed; and

WHEREAS, WEPCO and Thermal desire to waive their Option and Right of First Refusal rights on adjacent County land; and

WHEREAS, Milwaukee County desires to waive its rights to reacquire 9250 West Watertown Plank Road, Wauwatosa, Wisconsin; now, therefore,

BE IT RESOLVED, the Director, Department of Administrative services, is authorized to enter into the attached Consent and Mutual Waiver, in a final form approved by Corporation Counsel; and

BE IT FURTHER RESOLVED, the County Executive and the County Clerk and/or other appropriate County officials are hereby authorized to execute, after Corporation Counsel approval, any and all instruments required to implement the intent of this resolution.

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