(ITEM NO. ) From the Department of Administrative Services And Economic Development, requesting authorization to enter into a Mutual Waiver agreement with the Milwaukee Regional Medical Center Thermal Service’s (“Thermal”) for the Property located at 9250 W Watertown Plank Rd in the City of Wauwatosa, by recommending adoption of the following:

A RESOLUTION

WHEREAS, on December 2, 1996, County conveyed to the Wisconsin Electric Power Company (“WEPCO”) certain real property related to the Milwaukee County power plant, located at 9250 W Watertown Plank Rd in the City of Wauwatosa, 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 as of June 1, 1997 by and Between the 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 (“WISVEST”), have entered into discussions with 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, The County, and Thermal each desire to irrevocably waive certain rights under the Deed;

WHEREAS, WEPCO and Thermal desire to waive its right Option and Right of First Refusal Rights on adjacent county land; and

WHEREAS, County desires to waive its rights to reacquire 9250 W Watertown Plank Rd, Wauwatosa, Wisconsin; now therefore,

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