

**DEDICATION OF IMPROVEMENTS
LOCATED ALONG WATERTOWN PLANK
ROAD BETWEEN 118TH STREET
IN THE CITY OF WAUWATOSA,
MILWAUKEE COUNTY, WISCONSIN
AND CHURCH STREET IN THE
VILLAGE OF ELM GROVE,
WAUKESHA COUNTY, WISCONSIN**

THIS DEDICATION OF IMPROVEMENTS (this “**Dedication**”) is executed as of February, ____, 2024 (the “**Effective Date**”) by **CAROLINE HEIGHTS APARTMENTS LLC**, a Wisconsin limited liability company (the “**Dedicator**”) and the **CITY OF WAUWATOSA**, a Wisconsin municipal corporation (the “**Municipality**”).

RECITALS

- A. The Dedicator is the fee holder of certain real property in the Village of Elm Grove, Waukesha County, State of Wisconsin, as more particularly described on the attached and incorporated Exhibit A (the “**Property**”).
- B. The Dedicator and the Municipality have entered into an Agreement Between City of Wauwatosa and Caroline Heights Apartments LLC to Provide for the Construction of a Water Extension for a Water System dated October 7, 2022 (the “**Water Agreement**”) pursuant to which Dedicator constructed those certain improvements within the public right-of-way known as Watertown Plank Road near and adjacent to the Property, as further described in the Water Agreement (the “**Improvements**”).
- C. The Municipality and the Village of Elm Grove entered into an Agreement between the City of Wauwatosa and the Village of Elm Grove to Allow a Water Extension for a Water System (the “**Municipality Agreement**”) pursuant to which the Village of Elm Grove has agreed to grant the Municipality the necessary interests in the land underlying the Improvements for the City’s access to, construction, and maintenance of the Improvements.
- D. Pursuant to the terms of the Water Agreement, Dedicator has constructed certain Improvements and Dedicator wishes to dedicate and convey the Improvements to the Municipality. Improvements completed and dedicated with approval of this agreement are shown on Exhibit B. Dedication and acceptance of the remaining water main and appurtenances contemplated in the Water Agreement shall be finalized upon written approval by the City of Wauwatosa Director of Public Works.

DEDICATION

In consideration of the mutual agreements contained herein and in the Water Agreement, the parties hereto agree as follows:

1. **Dedication of Improvements.** Dedicator hereby conveys and dedicates all of Dedicator’s interests in and to the Improvements to the Municipality. Dedicator represents and warrants that the Improvements are free and clear of all construction liens related to the work performed on behalf of Dedicator.

2. **Acceptance by Municipality.** The Municipality hereby accepts the dedication of the Improvements from Dedicator. The Municipality represents and warrants that all obligations of Dedicator for design and construction of the Improvements, as described in the Water Agreement, have been completed to the satisfaction of the City Engineer and the Improvements comply with City of Wauwatosa and Wisconsin Department of Transportation standards. As further set forth in the Water Agreement, Municipality hereby agrees to perform (i) all necessary operation, maintenance, repair and replacement activities on the Improvements so that the Improvements will be maintained in a neat and workmanlike manner and in accordance with the Water Agreement and the Municipality Agreement, (ii) all future capital improvements associated with the Improvements, and (iii) all other Municipality responsibilities set forth under the Water Agreement and the Municipality Agreement (collectively, the “**Municipality Responsibilities**”). From and after the Effective Date hereof, the Municipality shall be solely responsible for the operation, maintenance, repair and replacement of the Water Distribution Facilities as defined in the Water Agreement.
3. **Easement and Access Rights.** The Municipality and Dedicator hereby acknowledge and agree that Municipality shall have such rights of access and easements to the Improvements as may be set forth in the Municipality Agreement or as may be otherwise agreed by the Municipality and the Village of Elm Grove.
4. **Governing Law.** This Dedication shall be construed and enforced in accordance with the laws of the State of Wisconsin.
5. **Counterparts.** This Dedication may be executed in any number of counterparts, and each counterpart shall be deemed to be an original instrument, but all such counterparts together shall constitute one agreement.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto have caused this Dedication to be duly executed, under seal, and delivered as of the date set forth above.

DEDICATOR:

CAROLINE HEIGHTS APARTMENTS LLC

By: Mandel/Caroline Heights Apartments LLC
Its: Manager

By: BR Mandel LLC
Its: Manager

By: _____
Barry R. Mandel, Manager

(Signature Page for Dedicator)
CORPORATE ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

BEFORE ME, the undersigned authority, on this ____ day of _____, 2024, personally appeared Barry R. Mandel, known to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be Manager of BR Mandel LLC, the manager of Mandel/Caroline Heights Apartments LLC, the manager of CAROLINE HEIGHTS APARTMENTS LLC, and acknowledged to me that he executed said instrument for the purposes and considerations therein expressed, and as the act of said corporation.

Notary Public, State of Wisconsin
My commission _____

MUNICIPALITY:

CITY OF WAUWATOSA,
a Wisconsin municipal corporation

By: _____
Dennis McBride, Mayor

By: _____
Steven Braatz, City Clerk

Approved as to form and execution.

Alan R. Kesner, City Attorney

MUNICIPALITY ACKNOWLEDGEMENTS

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on _____, 2024 by Dennis McBride, Mayor
of the City of Wauwatosa.

Name: _____
Notary Public, State of Wisconsin
My commission expires: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

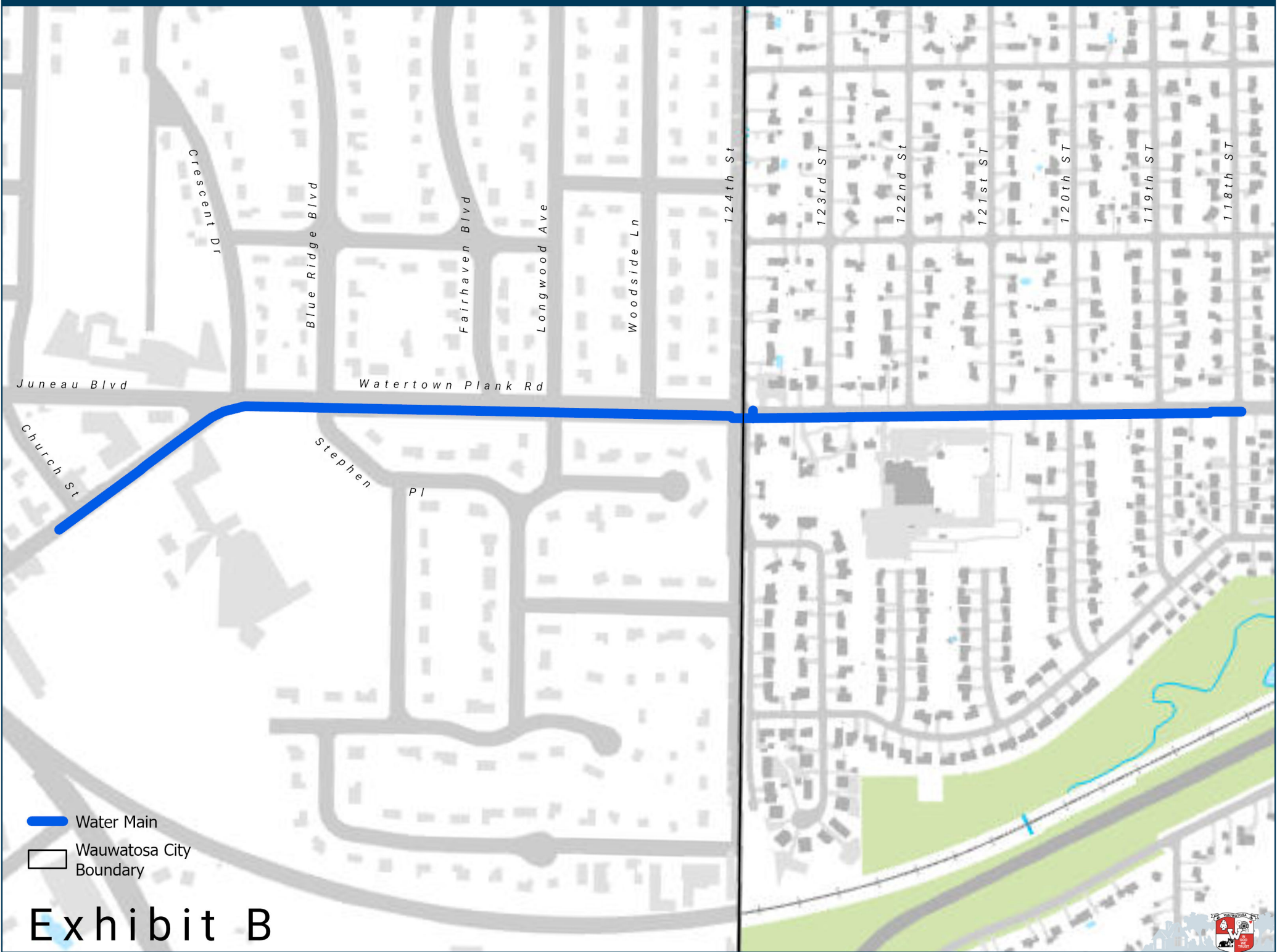
This instrument was acknowledged before me on _____, 2024 by Steven Braatz, City
Clerk for the City of Wauwatosa.

Name: _____
Notary Public, State of Wisconsin
My commission expires: _____

EXHIBIT A

LEGAL DESCRIPTION OF DEDICATOR'S PROPERTY

LOT 2 OF CERTIFIED SURVEY MAP NO. 12401, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WAUKESHA COUNTY, WISCONSIN ON DECEMBER 14, 2022, IN VOLUME 128 OF CERTIFIED SURVEY MAPS, PAGES 144-151, AS DOCUMENT NO. 4702106, SAID CERTIFIED SURVEY MAP BEING A REDIVISION OF PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWN 7 NORTH, RANGE 20 EAST, IN THE VILLAGE OF ELM GROVE, WAUKESHA COUNTY, WISCONSIN.



- Water Main
- Wauwatosa City Boundary

Exhibit B