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Milwaukee County, WI  
AMOUNT: \$30.00

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Document Number	DEED RESTRICTION
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**Recording Area**

**Name and Return Address:**

**Bradley D. Page, Esq.**  
**Davis & Kuelthau, s.c.**  
**111 E. Kilbourn Ave, Suite 1400**  
**Milwaukee, WI 53202**

**PIN:**

**Tax Key No. 3922187113 and**  
**3922187114**

## DEED RESTRICTION

This DEED RESTRICTION ("Deed Restriction") is entered into as of September 3, 2014, by Milwaukee World Festival, Inc. ("Festival").

WITNESSETH:

- A. The Festival owns the parcel legally described on the attached **Exhibit A** and known as 639 E. Polk Street, Milwaukee, Wisconsin 53202 ("Festival Property").
- B. The Festival leases property from the City of Milwaukee pursuant to a lease dated January 1, 2001, as amended by the First Amendment to Lease Agreement dated February 1, 2005, and Second Amendment to Lease Agreement dated January 6, 2010 (collectively "Lease").
- C. The Festival Property is contiguous to Festival's leasehold interest in Henry Maier Festival Park and the surrounding parking areas ("Leasehold Property") as more fully set forth in the Lease and which property is legally described on the attached **Exhibit B**.
- D. Festival wishes to improve, renovate and reuse an existing building ("Building") located on the Festival Property in order to continue the long-term use of the Festival Property as an accessory use related to the operations of the Leasehold Property as festival grounds.
- E. According to City of Milwaukee Ordinance Section no. 295-1015-3-a, the Festival Property is located within the Lakefront Overlay Zone ("LF"). Section 295-1015 provides that the LF Zone "is established to accommodate a wide variety of public and quasi-public facilities providing recreational and cultural opportunities and supporting services that require lakefront sites."
- F. In the accompanying Table 295-1015-3-a, one of the "Permitted Uses" in the LF Zone is "Festival Grounds."
- G. In order to implement an adaptive reuse of the Building which has and will support the management and operations of the Leasehold Property which operations include Summerfest and other Ethnic and Cultural events, Festival wishes to have the Building be deemed an accessory use permitted within the LF Zone.
- H. By recording this Deed Restriction, Festival acknowledges and affirms that the Festival Property and Building as the Accessory Use are contiguous to and under common ownership or control (through a ground lease and fee title ownership) as the Leasehold Property having a principal use as a festival grounds.

NOW THEREFORE, in consideration of the City of Milwaukee deeming the Building as an accessory use permitted within the LF Zone, Festival hereby agrees as follows:

1. The foregoing recitals are incorporated by reference herein and made a part hereof.
2. Until the termination date as set forth in the Lease, as may be extended via amendment to the Lease, Festival agrees that the Building shall be used solely as an accessory use to the festival grounds use of the Leasehold Property.

3. Upon termination of the Lease, as may be extended, this Deed Restriction shall terminate and be of no further force and effect.

4. Upon termination of the Lease, Festival shall be entitled to record an Affidavit confirming that the Lease has terminated and that this Deed Restriction is terminated and of no further force and effect.

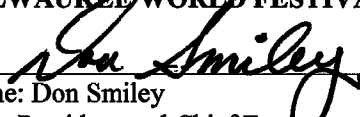
5. This Deed Restriction may only be amended by written agreement executed by Festival and the City of Milwaukee.

6. This Deed Restriction shall be binding upon Festival, its successors and assigns.

7. This Deed Restriction shall be governed by, construed and enforced in accordance with the laws of the State of Wisconsin with venue in Milwaukee County.

IN WITNESS WHEREOF, the Festival has caused this Deed Restriction to be duly executed and delivered by its duly authorized representatives as of the day and year set forth above.

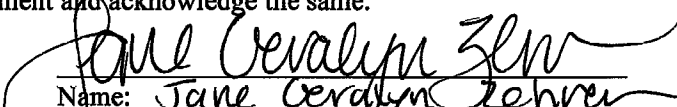
**GRANTOR:**  
**MILWAUKEE WORLD FESTIVAL, INC.**

By:   
Name: Don Smiley  
Title: President and Chief Executive Officer

**ACKNOWLEDGMENT**

STATE OF WISCONSIN, )  
) ss.  
MILWAUKEE COUNTY )

Personally came before me this 3rd day of September, 2014, the above named Don Smiley, President and Chief Executive Officer of Milwaukee World Festival, Inc., a Wisconsin not-for-profit corporation, to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

  
Name: Jane Ceraldyn Zehrer  
Notary Public, State of Wisconsin  
My commission: 8-21-2016

This Instrument was prepared by:  
Bradley D. Page, Esq.

Exhibit A

## Legal Description for Festival Property

Lots 1, 2, 3, 4, 5, 6 and 7, in Block 170, in Subdivision of Lots 1 and 2, of Section 33, Township 7 North, Range 22 East, also including, all that part of the accretions to and Easterly of the aforesaid Lots, which lies Westerly of a straight line running Southerly from a point which is 331.3 feet Easterly from the East line of N. Jackson Street, measured along the center line of E. Polk Street extended Easterly, to a point in the extended South line of Lot 3, Block 174 in said Subdivision, which is 271 feet Easterly from the Easterly line of East Erie Street, vacated, and also including, a triangular piece of land adjoining on the East, described as follows, to-wit: Commencing at a point on the intersection of the centerline of East Polk Street and the Easterly line of North Jackson Street; thence N. 85° 16' 47" E. 331.30 feet along the center line of E. Polk Street to a point, said point being on the Easterly property line of the Chicago and Northwestern Railway Company; thence S. 9° 40' 29" East, 40.15 feet to the point of beginning; thence N. 85° 16' 47" East, 35.84 feet to a point; thence S. 4° 47' 55" East, 420 feet to a point; thence N. 9° 40' 29" West. 421.58 feet to the point of beginning. Also the East ½, (33.00') of vacated N. Marshall Street and the North ½, (40.00') of vacated E. Harbor Place adjacent to said Lots. Said premises are located in the North West ¼ of Section 33, Township 7 North, Range 22 East. Containing 49,226 square feet, (1.130 Acres) of land.

For informational purposes only:

Tax Key ID: 3922187113

Address: 639 E. Polk Street, Milwaukee, Wisconsin

**EXHIBIT B**

**Legal Description for Leasehold Property**

SUMMERFEST LEGAL DESCRIPTIONS

NO.  
LEGAL DESCRIPTION –  
 EAST OF HARBOR DRIVE

COMBINED LEGAL OF ALL PROPERTY EAST OF NORTH HARBOR DRIVE:  
 A TRACT OF LAND IN THE SOUTH 1/2 OF SECTION 28 AND THE NORTH 1/2  
 OF SECTION 33, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF  
 MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED  
 AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF  
 NORTH HARBOR DRIVE AND THE CENTERLINE OF EAST POLK STREET;

THENCE N 85°16'47" E for a distance of 51.21 feet, TO A POINT;

THENCE N 07°45'22" E for a distance of 63.32 feet, TO A  
 POINT IN THE NORTH LINE OF EAST POLK STREET AND THE EAST LINE  
 OF NORTH HARBOR DRIVE AND THE POINT OF BEGINNING.

THENCE N 07°45'22" E for a distance of 827.92 feet, ALONG SAID EAST LINE,  
 TO A POINT;

THENCE N 16°03'08" E for a distance of 117.01 feet, ALONG SAID EAST LINE,  
 TO A POINT;

THENCE N 33°45'30" E for a distance of 116.92 feet, ALONG SAID EAST LINE,  
 TO A POINT;

THENCE N 42°26'28" E for a distance of 236.94 feet, ALONG SAID EAST LINE,  
 TO A POINT;

THENCE along a curve to the left having a radius of 286.11  
 feet and an arc length of 165.53 feet, being subtended by a chord  
 of N 25°40'51" E for a distance of 163.23 feet, ALONG SAID EAST LINE  
 TO A POINT;

THENCE N 08°55'07" E for a distance of 182.61 feet, ALONG  
 SAID EAST LINE, TO A POINT;

THENCE along a curve to the right having a radius of  
 2827.79 feet and an arc length of 149.83 feet, being subtended by a chord of N 10°26'11"  
 E for a distance of 149.81 feet, ALONG SAID EAST LINE, TO A POINT;

THENCE N 11°57'16" E for a distance of 598.07 feet, ALONG  
 SAID EAST LINE, TO A POINT;

THENCE along a curve to the right having a radius of  
 1407.36 feet and an arc length of 100.51 feet, being subtended by a chord of N 13°59'56"  
 E for a distance of 100.49 feet, ALONG SAID EAST LINE, TO A POINT;

THENCE S 81°18'23" E for a distance of 474.25 feet;

THENCE S 09°58'50" W 41.70 feet;

THENCE S 36°02'37" W 12.87 feet;

THENCE S 08°02'21" W 144.12 feet; THENCE S 06°53'55" E 17.01 feet;

THENCE S 17°15'25" W 25.79 feet; THENCE S 07°50'14" W 57.02 feet;

THENCE S 02°13'03" W 53.06 feet; THENCE S 04°54'18" W 93.32 feet;

THENCE S 30°00'38" W 17.11 feet; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 26.93 feet AND AN ARC LENGTH OF 49.44 feet BEING SUBTENDED BY A CHORD OF S 13°49'16" W 42.78 feet; THENCE S 03°38'23" W 28.82 feet; THENCE S 12°07'31" W 36.04 feet;

THENCE S 05°34'12" W 36.85 feet; THENCE S 17°52'34" W 33.12 feet;  
THENCE S 03°00'55" W 64.12 feet; THENCE S 05°58'20" W 106.61 feet;  
THENCE S 22°08'17" W 45.62 feet; THENCE S 00°27'54" E 40.89 feet;

THENCE S 12°28'57" W 60.00 feet; THENCE S 08°33'31" W 54.69 feet;  
THENCE S 12°32'03" W 60.63 feet; THENCE S 05°46'20" W 54.67 feet;  
THENCE S 09°07'49" W 122.97 feet; THENCE S 12°59'27" W 52.31 feet;  
THENCE S 02°50'33" W 54.39 feet; THENCE S 06°41'43" W 57.65 feet;  
THENCE S 11°15'35" W 74.06 feet; THENCE S 04°53'38" W 52.56 feet;  
THENCE S 10°59'31" W 214.76 feet; THENCE S 05°05'18" W 136.46 feet;  
THENCE S 04°43'23" E 70.23 feet; THENCE S 10°23'00" E 49.89 feet;  
THENCE S 13°30'52" E 40.12 feet; THENCE S 18°29'07" E 64.97 feet;  
THENCE S 28°49'02" E 111.94 feet; THENCE S 37°57'05" E 141.91 feet;  
THENCE S 46°14'22" E 75.62 feet; TO A POINT;  
THENCE N 87°16'39" E for a distance of 373.62 feet;  
THENCE S 00°45'03" E for a distance of 1165.24 feet;  
THENCE S 87°16'39" W for a distance of 1314.30 feet.

ALONG THE BASE LINE ESTABLISHED ALONG THE FEDERAL NORTH PIER OF THE INNER HARBOR ENTRANCE, TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF SUBMERGED LANDS GRANT AS DESCRIBED IN WISCONSIN LAWS OF 1929, CHAPTER 151/516, TO A POINT;

THENCE N 09°40'29" W for a distance of 6.04 feet, ALONG THE WESTERLY LINE OF AFOREMENTIONED SUBMERGED LANDS, TO A POINT;

THENCE S 87°16'39" W for a distance of 158.89 feet, TO A POINT;

THENCE N 31°52'47" W for a distance of 302.17 feet, TO A POINT;

THENCE S 78°47'15" W for a distance of 2.74 feet, TO A POINT;

THENCE N 12°10'56" W for a distance of 50.15 feet, TO A POINT;

THENCE N 31°55'13" W for a distance of 42.50 feet, TO A POINT;

THENCE N 77°49'47" E for a distance of 85.00 feet, TO A POINT;

THENCE S 25°20'21" E for a distance of 41.08 feet, TO A POINT;

THENCE N 77°49'47" E for a distance of 73.18 feet, TO A POINT;

THENCE N 04°47'55" W for a distance of 39.91 feet, TO A

POINT;

THENCE N 81°29'00" E for a distance of 46.52 feet, TO

A POINT;

THENCE N 85°12'05" E for a distance of 74.18 feet, TO A

POINT;

THENCE S 09°40'29" E for a distance of 3.96 feet, TO A

POINT;

THENCE N 85°16'47" E for a distance of 100.00 feet, TO

A POINT;

THENCE N 09°40'29" W for a distance of 361.35 feet, TO

A POINT;

THENCE N 85°16'39" E for a distance of 217.24 feet, TO

A POINT;

THENCE N 04°47'55" W for a distance of 477.05 feet, TO

A POINT;

THENCE N 85°59'10" W for a distance of 294.98 feet,  
ALONG SAID NORTH LINE, TO THE POINT OF BEGINNING, EXCEPTING  
THAT PORTION OF THE FEDERAL NORTH PIER OF THE INNER HARBOR  
ENTRANCE LYING WITHIN THE AREA HEREBIN DESCRIBED.

Together with and subject to covenants, easements, and  
restrictions of record;

Said property contains 71.6661 acres more or less.

**LEGAL DESCRIPTION - PARCEL NO. 2:**

A tract of land in the Southwest 1/4 of Section 28, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Beginning at the point of intersection of the West line of North Harbor Drive and the South line of East Chicago Street;

THENCE South 8 degrees 55 minutes 7 seconds West for a distance of 12.00 feet, along the west line of North Harbor Drive, to a point;

THENCE along a curve to the right having a radius of 236.11 feet and an arc length of 136.61 feet, being subtended by a chord of South 25 degrees 40 minutes 51 seconds West for a distance of 134.71 feet, along said West line, to a point;

THENCE South 42 degrees 26 minutes 28 seconds West for a distance of 372.14 feet, along said West line, to a point;

THENCE North 7 degrees 45 minutes 22 seconds East for a distance of 400.64 feet, along the Easterly line of the C. & N.W.R.R., by agreement April 9, 1913, to a point in the South line of East Chicago Street;

THENCE North 85 degrees 16 minutes 42 seconds East for a distance of 158.66 feet, along said South line, to a point;



THENCE along a curve to the right having a radius of 458.59 feet and an arc length of 99.39 feet, being subtended by a chord of South 88 degrees 45 minutes 31 seconds East for a distance of 99.20 feet, along said South line to the point of beginning;

Together with and subject to covenants, easements and restrictions of record.

Said property contains 1.4081 acres.

**LEGAL DESCRIPTION - PARCEL NO. 3: (REVISED FOR STREET IMPROVEMENT)**

A tract of land in the Southwest 1/4 of Section 28, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Beginning at the point of intersection of the West line of North Harbor Drive and the North line of East Chicago Street (after addition right-of-way acquired);

THENCE South 52 degrees 43 minutes 24 seconds West for a distance of 24.54 feet, along the North line of East Chicago Street, to a point;

THENCE along a curve to the left having a radius of 524.59 feet and an arc length of 98.38 feet, being subtended by a chord of North 89 degrees 33 minutes 49 seconds West for a distance of 98.24 feet, along the said North line, to a point;

THENCE South 85 degrees 16 minutes 43 seconds West for a distance of 143.77 feet, along said North line, to a point;

THENCE North 7 degrees 45 minutes 22 seconds East for a distance of 7.17 feet, along the Easterly line of the C. & N.W.R.R. by agreement April 9, 1913, to a point;

THENCE North 16 degrees 27 minutes 52 seconds East for a distance of 495.98 feet, along said Easterly line, to a point;

THENCE South 80 degrees 30 minutes 47 seconds East for a distance of 203.05 feet, to a point in the West line of North Harbor Drive;

THENCE South 11 degrees 57 minutes 16 seconds West for a distance of 191.17 feet, along said West line, to a point;

THENCE along a curve to the left having a radius of 2877.79 feet and an arc length of 152.48 feet, being subtended by a chord of South 10 degrees 26 minutes 11 seconds West for a distance of 152.46 feet, along said West line, to a point;

THENCE South 8 degrees 55 minutes 7 seconds West for a distance of 87.42 feet, along said West line, to the point of beginning.

Together with and subject to covenants, easements and restrictions of record.

Said property contains 2.4099 acres.

**LEGAL DESCRIPTION - PARCEL NO. 4:**

**A tract of land in the Northwest 1/4 of Section 33, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:**

**Commence at the intersection of the centerline of East Polk Street and the East line of North Jackson Street;**

**THENCE North 85 degrees 16 minutes 47 seconds East, along the centerline of East Polk Street, 331.30 feet to a point; THENCE South 9 degrees 40 minutes 29 seconds East, 40.15 feet to a point; THENCE North 85 degrees 16 minutes 47 seconds East, 35.84 feet to a point; THENCE South 4 degrees 47 minutes 55 seconds East, 8.00 feet to the point of beginning;**

**THENCE North 85 degrees 16 minutes 47 seconds East for a distance of 63.61 feet, along the South line of East Polk Street (extended), to a point;**

**THENCE South 85 degrees 16 minutes 8 seconds East for a distance of 257.18 feet, along said South line, to a point;**

**THENCE South 4 degrees 47 minutes 55 seconds East for a distance of 369.76 feet, to a point;**

**THENCE South 85 degrees 16 minutes 39 seconds West for a distance of 317.24, to a point;**

**THENCE North 4 degrees 47 minutes 55 seconds West for a distance of 412.00 feet, to the point of beginning.**

**Together with and subject to covenants, easements and restrictions of record.**

**Said property contains 2.8775 acres.**