

CITY OF CEDARBURG

RESOLUTION 2010-15

WHEREAS, pursuant to a Quit Claim Deed dated May 25, 1995 from Carlson Tool & Manufacturing Corporation (Carlson) to Ozaukee County (the County), the land donated by Carlson to the County for construction of the Ozaukee Ice Center was transferred subject to certain Covenants and Restrictions set forth in Exhibit C to the Original Deed; and

WHEREAS, in Paragraph 6 of such Exhibit C (the Subjection Restriction), Carlson reserved the right to grant to the City of Cedarburg an easement for construction, operation and maintenance of a waste receiving station (the Proposed Station); and

WHEREAS, in connection with the recent transfer of the Ozaukee Ice Center from Ozaukee County to the Ozaukee Youth Hockey Association, Inc. (OYHA), the Quit Claim Deed provided by the County to OYHA contained the same Covenants and Restrictions as those set forth in Exhibit C of the Original Deed, including Subject Restriction; and

WHEREAS, OYHA has been advised that the City of Cedarburg does not intend to construct the Proposed Station and that both Carlson and the City of Cedarburg have agreed that the Covenant and Restriction relating to the Proposed Station and the easement therefore should no longer encumber the Property;

NOW, THEREFORE, BE IT RESOLVED that the City of Cedarburg agrees to allow the Subject Restriction from the Property to be removed.

Passed and adopted this 28th day of June, 2010.

Gregory P. Myers, Mayor

Attest:

Constance K. McHugh, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney