

**AFFIDAVIT OF INTEREST  
NOTICE OF WAIVER**

Document Number

Document Title

The **CITY OF LA CROSSE, WISCONSIN**, a Wisconsin municipal corporation (the "City"), for the purpose of notification, hereby swears and avers to the following:

1. Pursuant to that certain Real Estate Conveyance Agreement for the Industrial Development of Lot 4 in the Airport Industrial Park dated as of April 10, 1997 (the "Conveyance Agreement"), by and between the City and Helgesen Family Limited Partnership, a Wisconsin partnership ("Helgesen"), and recorded in the Office of the Register of Deeds for La Crosse County, Wisconsin on November 23, 1997 in Volume 1179 of Records, page 453 as Document No. 1173578, the City sold to Helgesen and Helgesen purchased from the City, Lot 4 of the Airport Industrial Park, City of La Crosse, La Crosse County, State of Wisconsin (the "Property").

2. In accordance with Paragraphs 1 and 2 of the Conveyance Agreement, Helgesen agreed to construct two (2) individual buildings of certain specified size on the Property within certain specified time frames, which buildings were to be used for industrial and commercial purposes and not for warehousing (collectively, the Construction Requirements").

3. Notwithstanding Helgesen's failure to comply with or satisfaction of the Construction Requirements, the City hereby waives any requirements pursuant to Paragraph 2 of the Conveyance Agreement that the Property not be used for warehousing.

Recording Area

Name and Return Address

Attorney Sean O'Flaherty  
O'Flaherty Heim Birnbaum Kirchner & Curtis Ltd.  
201 Main Street, 10<sup>th</sup> Floor  
La Crosse, WI 54601

17-10530-50

Parcel Identification Number

This is not homestead property.

Dated as of this \_\_\_\_ day of July, 2017.

**CITY OF LA CROSSE**, a Wisconsin municipal corporation

|              |                        |              |
|--------------|------------------------|--------------|
| _____ (SEAL) | <u>Timothy Kabat</u>   | _____ (SEAL) |
| * _____      | * <u>TIMOTHY KABAT</u> | * _____      |
| _____ (SEAL) | <u>Teri Lehrke</u>     | _____ (SEAL) |
| * _____      | * <u>TERI LEHRKE</u>   | * _____      |

**AUTHENTICATION**

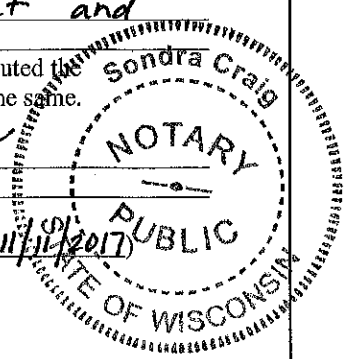
Signature(s) Tim Kabat, Mayor and Teri Lehrke, City Clerk  
authenticated on \_\_\_\_\_

\* \_\_\_\_\_  
TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not, \_\_\_\_\_  
authorized by Wis. Stat. § 706.06)  
THIS INSTRUMENT WAS DRAFTED BY:

Attorney Amanda Halderson Jackson  
201 Main Street, 10<sup>th</sup> Fl, La Crosse, WI 54601

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )  
 )ss  
COUNTY OF LA CROSSE )  
Personally came before me on November 10, 2017,  
the above-named Timothy Kabat and Teri Lehrke  
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.  
Sondra Craig  
\* Sondra Craig  
Notary Public, State of Wisconsin  
My Commission (is permanent)(expires: 11/11/2017)



Resolution approving request to have City release restriction on warehousing at 3089-3101 Airport Rd, previously known as Lot 4 in the Airport Industrial Park.

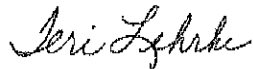
RESOLUTION

BE IT RESOLVED by the Common Council of the City of La Crosse that it hereby authorizes a release and a recordable document evidencing the City's agreement that it releases restriction warehousing at 3089-3101 Airport Rd as previously dictated in Conveyance Agreement dated April 10, 1997.

BE IT FURTHER RESOLVED that the Director of Planning & Development and City officials are hereby authorized to take any and all steps to effectuate this resolution.

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I, Teri Lehrke, certify that this resolution was duly and officially adopted by the Common Council of the City of La Crosse on September 14, 2017.



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Teri Lehrke, City Clerk  
City of La Crosse, Wisconsin