

Document Number

Document Title



1632433

LACROSSE COUNTY  
REGISTER OF DEEDS  
CHERYL A. MCBRIDE

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EXEMPT #:

Recording Area

PAGES: 112

**PARTIAL RELEASE OF COVENANTS AND RESTRICTIONS  
IN AMENDED AND RESTATED GUNDERSEN LUTHERAN  
DEVELOPMENT AGREEMENT AND  
AMENDMENT TO RESTRICTIVE COVENANT**

THIS PARTIAL RELEASE OF COVENANTS AND RESTRICTIONS IN AMENDED AND RESTATED GUNDERSEN LUTHERAN DEVELOPMENT AGREEMENT AND AMENDMENT TO RESTRICTIVE COVENANT ("Partial Release and Amendment"), IS EXECUTED AND DELIVERED BY THE CITY OF LA CROSSE (the "City"), a Wisconsin municipal corporation, and GUNDERSEN LUTHERAN ADMINISTRATIVE SERVICES, INC. individually and as agent for GUNDERSEN LUTHERAN MEDICAL CENTER, INC., this 18th day of November, 2013, in the City of La Crosse, La Crosse County, Wisconsin.

Name and Return Address

~~Darla A. Kizoska~~ Stephen F. Matly  
~~P.O. Box 986~~ 400 LaCrosse St  
~~LaCrosse, WI 54602-0966~~ LaCrosse WI  
54601  
Rm

Parcel Identification Number

**RECITALS**

**WHEREAS**, on May 24, 2012, the City entered into an Amended and Restated Gundersen Lutheran Development Agreement with Gundersen Lutheran Administrative Services, Inc., individually, and as agent for Gundersen Clinic, Ltd., and Gundersen Lutheran Medical Center, Inc., altogether hereinafter as "Gundersen", which agreement was recorded on May 25, 2012, as Document Number 1597552, in the La Crosse County Register of Deed's Office ("the Development Agreement");

**WHEREAS**, the Development Agreement includes certain covenants, conditions and restrictions relating to the development of certain real estate in Tax Incremental Financing District No. 14, as well as other ancillary conditions, as defined in the Development Agreement;

**WHEREAS**, Lutheran Hospital-LaCrosse, Inc. now known as Gundersen Lutheran Medical Center, Inc. and included in the definition of the parties known hereunder as "Gundersen," entered into a restrictive covenant relating to certain real estate as a condition of the City to rezone said real estate for Gundersen's uses relating to the provision of health care, which restrictive covenant was recorded on March 19, 1990, as Document Number 1034474, in the La Crosse County Register of Deed's Office (the "Restrictive Covenant");

↓ Vol. 864 Pg. 220 -Rm

**WHEREAS**, the Restrictive Covenant restricts the use of certain real estate on the Gundersen campus to a child care facility or hospital and/or medical clinic related uses and no other purposes;

**WHEREAS**, Gundersen wishes to enter into a land lease with Bethany Lutheran Homes, Inc., pursuant to which certain real estate that is currently subject to the Development Agreement and the Restrictive Covenant will be used upon which to build a senior housing facility. The senior housing facility would include, but not be limited to, independent living, assisted living, memory care, hospice care, skilled nursing care, home care services, therapy services, and other ancillary services related to the care and housing of persons over the age of 55;

**WHEREAS**, the legal description of the real estate on which the senior housing facility will be built is attached hereto as Exhibit A;

**WHEREAS**, the City desires to release the real estate described on the attached Exhibit A ("the Released Parcel") from the Development Agreement, in order to facilitate the development of the proposed senior housing facility for the good of the residents of the City;

**WHEREAS**, the City does further wish to amend the Restrictive Covenant to allow for the proposed use of this senior housing facility;

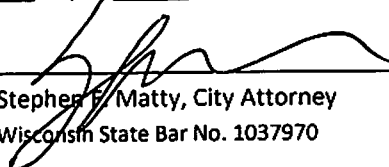
**WHEREAS**, Gundersen Lutheran Administrative Services, Inc. is duly authorized to act as agent for and on behalf of Gundersen Lutheran Medical Center, Inc., with regard to this Partial Release and Amendment;

**NOW THEREFORE**, FOR VALID CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the City and Gundersen hereby release the Released Parcel described on Exhibit A from all of the covenants, conditions and restrictions in the Development Agreement including without limitation, any and all rights that the City now or hereafter may have under the Development Agreement as it relates to Bethany Lutheran Homes, Inc., its successors and assigns, and to the Released Parcel described on Exhibit A.

The City and Gundersen do further amend the Restricted Covenant as it specifically relates to the Released Parcel described on Exhibit A, only, to include the following as a permitted use: a senior housing residential, rehabilitation, therapy, transitional care and recreational facility to provide skilled nursing and healthcare services, residential care, rehabilitation, assisted living, transitional care, therapy, housing and other programs for elderly persons and handicapped persons, a transitional care facility which may or may not be required to be subject to age restrictions, a Hospice residence, a memory care facility, an adult day care facility, a senior care facility and a senior recreational facility.

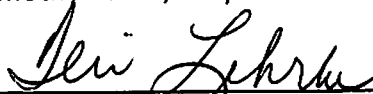
Dated Nov. 19, 2013.

Authentication: The signatures of Timothy Kabat, Mayor and Teri Lehrke, City Clerk are hereby authenticated by the undersigned this 19<sup>th</sup> day of Nov., 2013.

  
Stephen F. Matty, City Attorney  
Wisconsin State Bar No. 1037970

CITY OF LA CROSSE,  
a Wisconsin municipal corporation

By:   
Timothy Kabat, Mayor

Attest:   
Teri Lehrke, City Clerk

GUNDERSEN LUTHERAN ADMINISTRATIVE SERVICES, INC., individually and as agent for GUNDERSEN LUTHERAN MEDICAL CENTER, INC.

By: Gerald E Arndt  
 Gerald E. Arndt, Senior Vice President

State of Wisconsin )  
 ) ss.  
 County of La Crosse )

Personally came before me this 18th day of November, 2013, the above named Gerald Arndt on behalf of Gundersen Lutheran Administrative Services, Inc., to me known to be the person who executed the foregoing instrument and acknowledged the

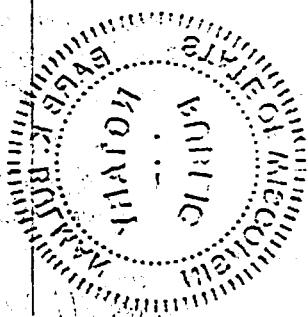
Notary Public, State of Wisconsin Barb K. Budman  
 My commission is permanent/  
 expires: 11/15/14

This document drafted by:  
 Darla A. Krzoska,  
 Bosshard Parke, Ltd.  
 750 N. 3<sup>rd</sup> Street  
 P.O. Box 966  
 La Crosse, WI 54601

STATE OF TEXAS  
COUNTY OF [illegible]  
[illegible text]

[illegible text]

[illegible signature]



[illegible text]

**EXHIBIT A**  
**Legal Description**

Lot 2 of Certified Survey Map recorded in Volume 15, Page 122 and 122A, as Document Number 1616523, City of La Crosse, La Crosse County, Wisconsin.

