

FIRST AMENDMENT TO BILATERAL
DECLARATION OF EASEMENTS, ETC.



Document Number

Document Title

1738339

LACROSSE COUNTY
REGISTER OF DEEDS
CHERYL A. MCBRIDE

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Name and Return Address

Michael J. Gavin
Gavin Law LLC
855 Hillsdale Road
West Chester, PA 19382

17-10316-10; 17-10315-90; 17-
10315-160; 18-3528-001; 18-3528-
Parcel Identification Number (PIN)
003; 18-3530-000

Drafted by Michael Gavin.

THIS PAGE IS PART OF THIS LEGAL DOCUMENT – DO NOT REMOVE.

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.

WRDA Rev. 12/22/2010

Return to:
Michael J. Gavin
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Parcel Identification Numbers:

17-10316-10; 17-10315-90; 17-10315-160; 18-3528-001; 18-3528-003; 18-3530-000

FIRST AMENDMENT TO BILATERAL DECLARATION OF EASEMENTS
COVENANTS, CONDITIONS AND RESTRICTIONS

THIS FIRST AMENDMENT TO BILATERAL DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS (hereinafter referred to as "First Amendment"), is dated the 16th day of December, 2019, by and between PR Valley View Limited Partnership, a Pennsylvania limited partnership ("Declarant") and PR Valley View OP-DSG/CEC, LLC, a Delaware limited liability company ("DSG-CEC Parcel Owner");

W I T N E S S E T H :

WHEREAS, Declarants created that certain Bilateral Declaration of Easements Covenants, Conditions and Restrictions dated as of December 20, 2018 filed in the Lacrosse County Register of Deeds Office as Document Number 1720659 52 (hereinafter the "Declaration") applicable to the "Property" as described in the Declaration and in the legal description attached hereto as Exhibit "A". Unless otherwise defined in this First Amendment, all capitalized terms used in this Amendment have the meanings set forth in the Declaration. The Parties desire to amend the Declaration as provided below.

WHEREAS, Declarants desire to clarify the easements, covenants, conditions and

restrictions encumbering the Property as set forth in the Declaration that are binding on and inuring to the benefit of Declarants, Declarants' Tenants and their respective successors and assigns;

NOW, THEREFORE, Declarants hereby declare, agree, covenant and consent that the Property and all parts thereof shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration, as amended below, which are for the purpose of protecting the value and desirability of, and which shall run with the Property and all parts thereof, and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each party having any right, title and interest therein which is hereby acknowledged as good and valuable consideration, the Parties agree as follows:

1. **Section 3.2 Grant of Easements.** Section 3.2 Grant of Easements of the Declaration is hereby amended to add subsection (e) set forth below.

(e) Parking Easement. The Parties hereby establish non-specific easements for parking within the designated parking areas across the Common Area Improvements for use for its intended purposes, together with the following rights and subject to the following restrictions and reservations:

(i) The use of the foregoing easements by any person entitled to use thereof shall be non-exclusive and in common with all other such persons;

(ii) Each party agrees not to obstruct or interfere in any way with the use of the Common Area for its intended purpose; provided, however, subject to the provisions of Section 7.2, a Party shall have the right to temporarily close Common Area located on its Parcel as may be necessary for reasonable repair and maintenance, traffic regulation and control, and to prevent a dedication thereof or the accrual of any prescriptive rights to any person therein; and

(iii) The parking areas located on Developer's Parcel as shown on the Site Plan may be modified, reconfigured or relocated so long as sufficient parking spaces as defined by municipal ordinances and applicable lease agreements are provided.

2. **No Other Changes.** Except as specifically amended by this First Amendment, the Declaration shall remain unchanged and in full force and effect, and is hereby ratified and confirmed.


SIGNATURES APPEAR ON FOLLOWING PAGES

IN WITNESS WHEREOF, the Parties have executed and delivered this Amendment as of the day and year first written above.

DECLARANT:

PR VALLEY VIEW LIMITED PARTNERSHIP,


By: PR Valley View LLC, its sole general partner

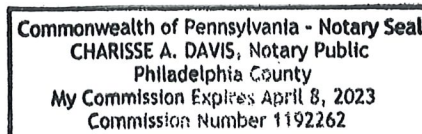
By: 
Name: Andrew Ioannou
Its: Treasurer

COMMONWEALTH OF PENNSYLVANIA :
:SS.
COUNTY OF PHILADELPHIA :

On this, the 16th day of December 2019, before me a notary public, the undersigned officer, personally appeared Andrew Ioannou, who acknowledged himself to be the Treasurer of PR Valley View LLC, a Delaware limited liability company, the sole general partner of PR Valley View Limited Partnership, a Pennsylvania limited partnership, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Company by himself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public

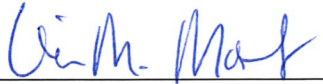


DSG-CEC PARCEL OWNER:

PR Valley View OP-DSG/CEC, LLC

By: PREIT Associates, L.P., its sole member

By: Pennsylvania Real Estate Investment Trust, its sole general partner

By: 

Name: Lisa M. Most

Its: Senior Vice President and General Counsel


COMMONWEALTH OF PENNSYLVANIA :

:ss.

COUNTY OF PHILADELPHIA :

On this, the 16th day of December 2019, before me a notary public, the undersigned officer, personally appeared Lisa M. Most, who acknowledged herself to be Senior Vice President and General Counsel of Pennsylvania Real Estate Investment Trust, a Pennsylvania Business Trust (the "Company"), the general partner or PREIT associates, L.P., a Delaware limited partnership, the sole member of PR Valley View OP-DSG/CEC, LLC, a Delaware limited liability company, and that she as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Company by herself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public

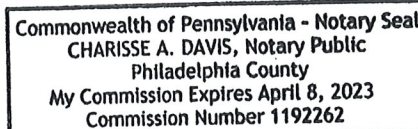


EXHIBIT A
Legal Description of the Property

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being partly in the City of La Crosse and partly in the City of Onalaska, all in the County of La Crosse, State of Wisconsin.

Parcel I

A parcel of land being part of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 10 and part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15 and parts of Government Lots 1 and 2 of Section 15, all being in Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin, also being part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ in Section 10 and a part of Government Lots 1 and 3 of Section 15, all in Township 16 North, Range 7 West, City of Onalaska, La Crosse County, Wisconsin.

Said parcels are described as follows:

Commencing at the North Quarter Corner of said Section 15; thence S 27 degrees 35' 46" W 1518.56 feet to the intersection of the Southeasterly right-of-way of State Trunk Highway 16 and the South line of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, also being the point of beginning of this description; Thence N 21 degrees 50' 25" E along said right-of-way 195.06 feet; thence S 36 degrees 39' 39" E 49.87 feet; thence S 87 degrees 16' 18" E 180.28 feet; thence N 53 degrees 20' 21" E 45.10 feet; thence N 12 degrees 34' 54" W 311.29 feet to a point on the Southeasterly right-of-way of said State Trunk Highway 16 and a point on a curve concave to the Southeast having a central angle of 5 degrees 30' 00" and a radius of 2745.00 feet; thence Northeasterly along the arc of said curve and said right-of-way 263.50 feet. The chord of said curve bears N 39 degrees 58' 10" E 263.40 feet; thence N 35 degrees 55' 26" E along said right-of-way 194.98 feet to a point on a curve concave to the Southeast having a central angle of 6 degrees 41' 10" and a radius of 2775.00 feet; thence Northeasterly along the arc of said curve and said right-of-way 323.82 feet. The chord of said curve bears N 50 degrees 03' 42" E 323.64 feet; thence S 36 degrees 39' 39" E 108.60 feet to a point on a curve concave to the Northwest having a central angle of 26 degrees 00' and a radius of 268.00 feet; thence Southwesterly along the arc of said curve 121.61 feet. The chord of said curve bears S 66 degrees 20' 21" W 120.57 feet; thence S 79 degrees 20' 21" W 21.19 feet to a point of curve concave to the Southeast having a central angle of 8 degrees 24' 13" and a radius of 268.00 feet; thence along the arc of said curve 39.31 feet. The chord of said curve bears S 75 degrees 08' 14.5" W 39.27 feet; thence S 36 degrees 39' 39" E 321.00 feet; thence N 53 degrees 20' 21" E 257.00 feet; thence S 36 degrees 39' 39" E 49.00 feet; thence N 53 degrees 20' 21" E 85.82 feet; thence S 81 degrees 39' 39" E 14.98 feet; thence S 36 degrees 39' 39" E 1.77 feet; thence S 81 degrees 39' 39" E 3.30 feet; thence S 36 degrees 39' 39" E 27.66 feet; thence S 81 degrees 39' 39" E 74.87 feet; thence S 36 degrees 39' 39" E 32.70 feet; thence N 53 degrees 20' 21" E 236.25 feet; thence N 36 degrees 39' 39" W 28.68 feet; thence N 53 degrees 20' 21" E 17.72 feet; thence N 8 degrees 20' 21" E 39.60 feet; thence N 53 degrees 20' 21" E 39.47 feet; thence N 8 degrees 20' 21" E 42.42 feet; thence N 44 degrees 22' 52" E 38.33 feet to a point of a curve concave to the Northwest having a central angle of 21 degrees 02' 31" and a radius of 38.00 feet; thence Northeasterly along the arc of said curve 13.96 feet. The chord of said curve bears N 33 degrees 51' 36.5" E 13.88 feet; thence N 23 degrees 20' 21" E 89.57 feet; thence N 8 degrees 20' 21" E 18.35 feet; thence S 81 degrees 39' 39" E 508.17 feet to a point of curve concave to the East

having a central angle of 29 degrees 26' 04" and a radius of 265.00 feet; thence along the arc of said curve 136.14 feet. The chord of said curve bears N 19 degrees 34' 46" E 132.79 feet; thence N 34 degrees 05' 20 " E 183.62 feet to a point of a curve concave to the West having a central angle of 25 degrees 26' and a radius of 265.00 feet; thence along the arc of said curve 117.63 feet. The chord of said curve bears N 21 degrees 22' 20 " E 116.67 feet; thence N 53 degrees 20' 21" E 184.19 feet; thence N 36 degrees 39' 39" W 220.00 feet; thence S 53 degrees 20' 21" W 107.43 feet to a point on a curve concave to the West having a central angle of 43 degrees 49' 15" and a radius of 265.00 feet and a chord that bears N 65 degrees 24' 52" W 197.77 feet; thence along the arc of said curve 202.68 feet to the point of a compound curve concave to the South having a central angle of 5 degrees 09' 30" and a radius of 515.00 feet; thence along the arc of said curve 46.37 feet; the chord of said curve bears N 88 degrees 36' 52.5" W 46.35 feet; thence N 02 degrees 29' W 51.32 feet to a point of a curve concave to the West having a central angle of 31 degrees 46' and a radius of 122.5 feet; thence along the arc of said curve 67.92 feet to a point on the Southeasterly right-of-way of State Trunk Highway 16. The chord of said curve bears N 18 degrees 22' W 67.05 feet; thence N 55 degrees 49' 58" E along said right-of-way 41.50 feet; thence S 1 degrees 17' 27" E along said right-of-way 11.92 feet; thence N 55 degrees 44' 41" E along said right-of-way 54.52 feet to the Southwesterly line of Certified Survey Map recorded on November 08, 2011, as Document Number 1584222, in Volume 15 of Certified Survey Maps on page 63, at the La Crosse County Register of Deeds Office; thence along the exterior of said Certified Survey Map the next 10 calls: S 35 degrees 10' 54" E 28.64 feet, S 53 degrees 20' 21" W 36.29 feet, S 36 degrees 39' 39" E 18.32 feet, S 53 degrees 20' 21" W 18.83 feet, S 36 degrees 48' 10" E 79.22 feet, S 77 degrees 23' 37" E 51.75 feet, N 53 degrees 19' 54" E 238.81 feet, N 36 degrees 39' 39" W 136.36 feet, S 53 degrees 25' 46" W 91.99 feet and N 34 degrees 47' 59" W 23.58 feet to said Southeasterly right-of-way of State Trunk Highway 16; thence N 55 degrees 44' 41" E along said right-of-way 246.49 feet; thence S 36 degrees 39' 39" E 598.05 feet; thence S 23 degrees 12' 18" W 21.82 feet; thence S 52 degrees 30' 45" W 145.24 feet; thence S 62 degrees 22' 46" W 241.89 feet; thence S 46 degrees 10' 40" W 177.17 feet; thence S 34 degrees 04' 08" W 147.51 feet; thence S 23 degrees 01' 40" W 108.36 feet; thence S 0 degrees 56' 47" E 120.88 feet; thence S 14 degrees 38' 17" E 114.76 feet; thence S 28 degrees 25' 23" E 140.69 feet; thence S 44 degrees 36' 54" E 209.92 feet; thence S 79 degrees 13' 20" W 339.10 feet; thence N 1 degrees 16' 27" W 31.45 feet to a point on a curve concave to the Northwest having a central angle of 55 degrees 36' 28" and a radius of 165.00 feet; thence Northeasterly along the arc of said curve 160.14 feet. The chord of said curve bears N 26 degrees 47' 47" E 153.93 feet; thence N 1 degrees 01' 35" W 140.58 feet; thence N 81 degrees 42' 18" W 146.47 feet; thence S 53 degrees 20' 21" W 181.51 feet; thence N 36 degrees 39' 39" W 74.58 feet; thence S 53 degrees 20' 21" W 166.67 feet; thence S 36 degrees 39' 39" E 55.83 feet; thence S 53 degrees 20' 21" W 56.72 feet; thence S 36 degrees 39' 39" E 57.28 feet; thence S 53 degrees 20' 21" W 240.61 feet; thence S 8 degrees 19' 11" W 89.98 feet; thence S 73 degrees 16' 33" W 30.29 feet; thence S 8 degrees 30' 03" W 97.35 feet; thence N 82 degrees 21' 12" E 64.73 feet; thence N 67 degrees 45' 32" E 204.41 feet; thence N 55 degrees 48' 52" E 199.90 feet; thence N 68 degrees 53' 47" E 226.46 feet; thence S 1 degrees 17' 27" E 83.42 feet; thence on a meander line along the La Crosse River, S 46 degrees 00' 00" W 242.22 feet; thence along said meander line S 03 degrees 00' 03" E 113.96 feet; thence along said meander line S 5 degrees 38' 29" W 366.11 feet; thence along said meander line S 34 degrees 16' 59" E 225.06 feet; thence along said meander line S 50 degrees 36' 30" W 95.24 feet; thence along said meander line S 85 degrees 13' 38" W 241.10 feet; thence along said meander line N 49 degrees 20' 48" W

302.91 feet; thence along said meander line S 88 degree 33' 37" W 170.75 feet; thence along said meander line S 48 degrees 35' 43" W 209.77 feet; thence along said meander line N 82 degrees 37' 46" W 136.71 feet; thence along said meander line S 87 degrees 32' 13" W 92.68 feet; thence N 56 degrees 00' 55" E 78.93 feet; thence N 49 degrees 32' 23" E 142.97 feet; thence N 51 degrees 34' 13" E 99.88 feet; thence N 29 degrees 50' 55" E 100.00 feet; thence N 23 degrees 06' 23" E 79.79 feet; thence N 20 degrees 14' 55" E 70.06 feet; thence S 89 degrees 26' 44" W 1227.71 feet to the point of beginning. Including herein the land lying between the hereinbefore described meander line and the centerline of the La Crosse River.

Parcel II

All of those easements, constituting rights in real property (including without limitations, rights of ingress, egress, parking, utility and other purposes) created, defined and limited by that certain Construction, Operating and Reciprocal Easement Agreement dated October 19, 1979 in Volume 636 of Records, Page 261 between Dayton Development Company, Dayton-Hudson Corporation, Sears Roebuck and Co., Ryan Construction Company of Minnesota, Inc. and C.R. Herberger's Inc., and as amended by a Road Maintenance Covenant and Agreement recorded January 22, 1980 in Volume 640 of Records, page 181, as Document No. 904266, and as amended by First Amendment, dated October 15, 1980 and recorded October 22, 1980 in Volume 652 of Records, Page 534, and as amended by Second Amendment dated February 4, 2010 and recorded on February 23, 2010 as Document No. 1544962.

Parcel III

A non-exclusive, perpetual easement for pedestrian and vehicular access, ingress, and egress as set forth in an Easement Agreement recorded in Volume 1058 of Records, page 956, as Document No. 1121186.

Parcel IV

Part of Government Lot 1, Section 15, Township 16 North of Range 7 West, City of Onalaska, La Crosse County, Wisconsin, described as follows: Commencing at the Southwest corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 15; thence N 89 degrees 32' 55" E along the South line thereof 1,873.34 feet to the Northeast corner of Holiday Heights Addition; thence continuing along said addition line S 20 degrees 14' 55" W 70.4 feet; thence S 23 degrees 02' 55" W 80.00 feet; thence S 29 degrees 50' 55" W 100.00 feet; thence S 52 degrees 33' 55" W 100.00 feet; thence S 48 degrees 35' 55" W 143.60 feet; thence S 56 degrees 00' 55" W 191.5 feet to a point 40 feet more or less Northwesterly of the centerline of the La Crosse River as located in 1993; thence on a meander line, as established in 1993, along said La Crosse River N 68 degrees 04' 42" E 195.34 feet; thence along said meander line, S 80 degrees 56' 33" E 142.70 feet; thence along said meander line, N 70 degrees 15' 57" E 314.85 feet; thence along said meander line, S 58 degrees 31' 06" E 306.64 feet; thence along said meander line, N 85 degrees 14' 44" E 240.82 feet; thence along said meander line, N 52 degrees 09' 08" E 131.21 feet; thence along said meander line N 36 degrees 43' 04" W 173.20 feet; thence along said meander line, N 7 degrees 56' 14" W 129.41 feet; thence along said meander line N 6 degrees 05' 43" E 264.33 feet; thence along said meander line, N 21 degrees 30' 58" E 161.85 feet; thence along said meander line, N 38 degrees 31' 17" E 131.35 feet to the East line of Government Lot 2 of said Section 15 at a point 35 feet more or less Northwesterly of the centerline of said La Crosse River and the point of beginning of this description: Thence N

1 degrees 17' 27" W along said East line 112.39 feet; thence N 79 degrees 13' 20" E 339.10 feet (recorded as N 79 degrees 07' 04" E 339.31 feet); thence South 80.00 feet more or less to the centerline of the La Crosse River; thence Southwesterly along said centerline to a point S 51 degrees 28' 43" E 35 feet, more or less from the point of beginning; thence N 51 degrees 28' 43" W 35 feet more or less to the point of beginning.

Parcel V

Terms and conditions of a Declaration of Easement, Covenants and Restrictions dated August 10, 1994 and recorded on August 10, 1994 in Volume 1059 of Records, page 147 as Document No. 1121269.

Parcel VI

All that parcel of land being part of Government Lot Two (2) of Section 15, Township 16 North, Range 7 West, La Crosse County, Wisconsin, described as follows:

Commencing at the north quarter corner of said Section 15; thence South 27°35'46" West 1,518.56 feet to the intersection of the south line of the Northeast Quarter of the Northwest Quarter (NE 1/4 - NW 1/4) of said Section 15 and the southeasterly right-of-way line of State Road 16 (formerly US Highway 16). Said intersection recorded as North 89°32'55" East 647.50 feet from the southwest corner of said Northeast Quarter of the Northwest Quarter (NE 1/4 - NW 1/4); thence along said right-of-way line, North 21°50'25" East (recorded as North 21°48'58" East) 215.16 feet; thence continuing along said right-of-way line, North 28°43'49" East 95.84 feet; thence continuing along said right-of-way line, along the arc of a curve having a chord bearing of North 37°43' 10" East 478.44 feet; thence continuing along said right-of-way line, North 35°55'26" East 194.98 feet (recorded as North 35°52'20" East 194.95 feet); thence continuing along said right-of-way line, along the arc of a curve having a chord bearing of North 50°03'42" East (recorded as North 50°13'42" East) 323.64 feet; thence South 36°39'39" East 108.60 feet to a point on a curve concave to the Northwest, having a central angle of 26°00'00" and a radius of 268.00 feet; thence Southwesterly along the arc of said curve 121.61 feet. The chord of said curve bears South 66°20'21" West 120.57 feet; thence South 79°20'21" West 21.20 feet to a point on a curve concave to the Southeast, having a central angle of 08°24'13" and a radius of 268.00 feet; thence Southwesterly along the arc of said curve 39.31 feet. The chord of said curve bears South 75°08'14.5" West 39.27 feet; thence South 36°39'39" East 321.00 feet; thence North 53°20'21" East 257.00 feet to the Point of Beginning of this description; thence South 36°39'39" East 49.00 feet; thence North 53°20'21" East 83.51 feet; thence North 78°48'33" West 66.09 feet; thence South 53°20'21" West 39.16 feet to the Point of Beginning.

NOTE: Being Parcels No. 17-10315-090; 17-10315-160; 18-3528-001; 18-3528-003; 18-3530-000 of the City of La Crosse/Onalaska, County of La Crosse.

Subject to any easements, covenants and restrictions of record.

NOTE: Parcel Nos. shown for informational purposes only.

Tax Parcel Number 17-10316-10 (Dick's Sporting Goods, Chuck E. Cheese and Play It Again Sports)

Located in part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin, described as follows:

Commencing at the South Quarter Corner of said Section 10;
thence N 67 degrees 23' 32" E 1382.37 feet to the Southeasterly right-of-way of State Trunk Highway 16;
thence N 55 degrees 49' 58" E along said right-of-way 41.50 feet;
thence S 01 degrees 17' 27" E along said right-of-way 11.92 feet;
thence N 55 degrees 44' 41" E along said right-of-way 426.81 feet to the Point of Beginning of this description;
thence continuing N 55 degrees 44' 41" E along said right-of-way 462.00 feet;
thence S 2 degrees 07' 54" E 211.06 feet;
thence S 47 degrees 05' 49" E 42.50 feet;
thence S 2 degrees 04' 40" E 324.05 feet;
thence S 23 degrees 12' 18" W 191.63 feet;
thence N 36 degrees 39' 39" W 598.05 feet to the Point of Beginning.

Parcel contains approximately 165,545 Square Feet or 3.80 Acres, more or less.

Together with and also subject to Easements, Covenants, Conditions and Restrictions as described in Document Number 1720659, recorded on 12/28/2018, at the La Crosse County Register of Deeds Office, and also together with and also subject to easements, covenants, conditions and restrictions as described in Document Number 1121186, recorded on 10/10/1994, at the La Crosse County Register of Deeds office.

Subject to any other Easements, Covenants and Restrictions of record.