

**Common Council
of the
City of Waukesha, Wisconsin**

Resolution No. _____ – 18

**Resolution Clarifying Intent of the February 15, 1991
Land Use Agreement for Hillcrest Business Center**

Whereas on February 15, 1991 the City of Waukesha entered into a Land Use Agreement for Hillcrest Business Center with Jerald L. Wuhrman, which was recorded by the Register of Deeds for Waukesha County on January 25, 1994 at Reel 1870, Images 278-323, as Document No. 1932082, which contained, among other provisions, a provision which approved certain uses on a certain parcel within the Hillcrest Business Center; and

Whereas that provision might be interpreted to mean that only the listed uses are permissible on that certain parcel; and

Whereas the current owner of the certain parcel has requested that the City clarify its intent as to the uses that are permissible on the certain parcel; and

Whereas the City has determined that the correct interpretation of the agreement is that it does not limit uses to only those stated in the provision;

Now, therefore, the Common Council of the City of Waukesha resolve as follows:

1. Section 6.a. of the Land Use Agreement for Hillcrest Business Center, dated February 15, 1991, reads as follows:

Parcel No. 1 – 10.32 acres of M-3 Zoning, which has been approved in concept by the Plan Commission and Common Council for a 165-unit suite-type extended-stay hotel, complete with restaurant, lounge, meeting/conference/banquet rooms, and 20,000 square feet of ancillary retail space subject to specific uses and plans being acceptable to the Plan Commission.

2. Said section 6.a. serves only to recite that the listed uses had been approved by the Plan Commission as of the date of the Land Use Agreement, and does not limit the use of Parcel No. 1 to only those uses.
3. Any uses that are permitted in the M-3 zoning district are permitted on Parcel No. 1 and its subsequent re-divisions.

This Resolution is passed and adopted by the Common Council of the City of Waukesha the 7th day of August, 2018.

Shawn N. Reilly, Mayor

Gina L. Kozlik, City Clerk