

The State of Wisconsin

Office of the Secretary of State

C144

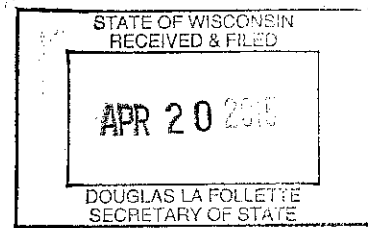
CITY OF KENOSHA

KENOSHA COUNTY

ANNEXATION ORDINANCE 19-14

FILED APRIL 20, 2015

C144



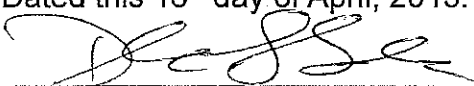
RE: Attachment of Land and Zoning District Classification in the Town of Somers, Parcel #s 80-4-222-301-0300; 80-4-222-302-0110; 80-4-222-302-0120; 80-4-222-302-0130 (11222 38th Street; 11310 38th Street; 11400 38th Street; 11410 38th Street) (KTR WIS III LLC)

**CERTIFICATE OF ATTACHMENT, SECTION 66.0307
WISCONSIN STATUTES**

I, Debra L. Salas, City Clerk of the City of Kenosha, Wisconsin do hereby certify that on the 7th day of April, 2014, the Kenosha Common Council by Ordinance duly adopted, and did attach to the City of Kenosha, territory in the Town of Somers, KENOSHA COUNTY, WISCONSIN.

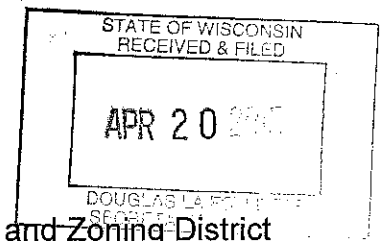
I further certify that attached thereto and made a part hereof is a true and correct copy of the legal description and plat of the territory so attached.

Dated this 16th day of April, 2015.



 Debra L. Salas
 City Clerk

SEAL



RE: Attachment of Land and Zoning District
Classification in the Town of Somers, Parcel
#s 80-4-222-301-0300; 80-4-222-302-0110;
80-4-222-302-0120; 80-4-222-302-0130
(11222 38th Street; 11310 38th Street; 11400
38th Street; 11410 38th Street) (KTR WIS III
LLC)

CERTIFICATE OF POPULATION

I, Debra L. Salas, City Clerk of the City of Kenosha, County of Kenosha, State of Wisconsin, do hereby certify that the population of the area so attached to the City of Kenosha with the passage of Kenosha Ordinance 45-14 is Two (2).

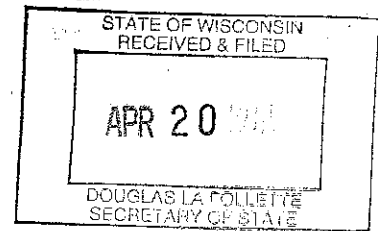
A handwritten signature in black ink, appearing to read "Debra L. Salas".

Debra L. Salas
City Clerk

SEAL

ATTACHMENT AND ZONING DISTRICT CLASSIFICATION ORDINANCE
Under Section 66.0307, Wisconsin Statutes,
City of Kenosha/Town of Somers
State Approved Cooperative Plan

Parcel No(s): 80-4-222-301-0300
80-4-222-302-0110
80-4-222-302-0120
80-4-222-302-0130



Located at: 11222 38th Street
11310 38th Street
11400 38th Street
11410 38th Street

Town of Somers
[KTR WIS III LLC, Property Owner]

ORDINANCE NO. 19-14

BY: THE MAYOR

Attaching to the City of Kenosha, Wisconsin, territory in the Town of Somers, Kenosha County, Wisconsin, and providing zoning district classifications under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan:

The Common Council of the City of Kenosha, Wisconsin, does ordain as follows:

Section One: **Territory Attached.** In accordance with City of ~~Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes,~~ approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005, the territory in the Town of Somers, Kenosha County, Wisconsin, with an associated population of two (2), described on the attached legal description, Exhibit "A", and map, Exhibit "B", is hereby attached to the City of Kenosha, Wisconsin, as hereinafter provided.

Section Two: Effect of Attachment. From and after March 7, 2014, the date of attachment, the territory described in Section One shall be a part of the City of Kenosha for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all Ordinances, rules and regulations governing the City of Kenosha.

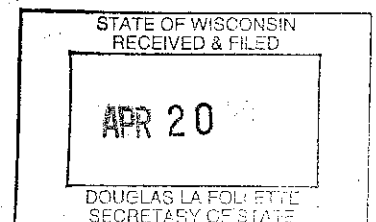
Section Three: Zoning District Classifications. The territory described in Section One, upon attachment, shall have the zoning district classifications shown on Attachment "C". This zoning district classification shall be and remain in effect for the parcel of land described therein until this Zoning District Classification Ordinance is amended as prescribed in Section 62.23(7)(d), Wisconsin Statutes.

Section Four: District and Ward Designation. The territory described in Section One is hereby made a part of the 90th Ward of the 16th District of the City of Kenosha, subject to the Ordinances, rules and regulations of the City governing Wards and Districts.

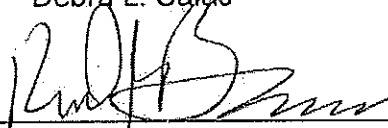
Section Five: Connection To City Utilities. The territory described in Section One shall, by submission of the Attachment Petition, require connection of existing and any future habitable buildings to municipal water and sewer, within the time limits established by Chapter 32 of the Code of General Ordinances for the City of Kenosha, Wisconsin.

Section Six: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section Seven: Effective Date. This Ordinance, the Attachment, and the Zoning District Classifications shall take effect on April 11, 2014, after passage and publication, as provided by law.

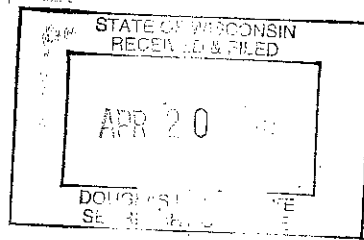


ATTEST:  City Clerk
Debra L. Salas

APPROVED:  Mayor Date: April 8, 2014
Keith G. Bosman

Passed: April 7, 2014

Published: April 11, 2014

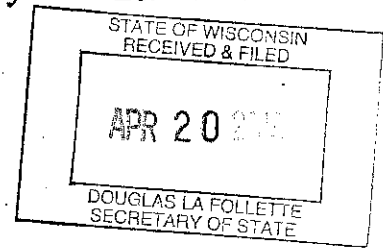


Drafted By:

EDWARD R. ANTARAMIAN
City Attorney

Attachment of Properties from Town of Somers to City of Kenosha

11410 38th Street (Parcel No. 80-4-222-302-0130)
 11400 38th Street (Parcel No. 80-4-222-302-0120)
 11310 38th Street (Parcel No. 80-4-222-302-0110)
 11222 38th Street (Parcel No. 80-4-222-301-0300)



Part of the Northeast and Northwest Quarters of Section 30, Township 2 North, Range 22 East, of the Fourth Principal Median lying and being in the Town of Somers, Kenosha County, Wisconsin and more particularly described as follows:

Commencing at the Southeast corner of said Northwest Quarter; thence North 1°43'46" West along the East line of said Quarter Section, 34.4 feet to the a point on the center line of 38th Street and the Point of Beginning; thence North 87°28'34" East along said center line 21.335 feet; thence North 87°36'38" East along said center line 149.13 feet to a point on the south line of Certified Survey Map 2738, a CSM of record and on file as document #1714971 in the Kenosha County Register of Deeds office; thence North 2°23'22" West along said CSM 290.4 feet; thence S87°36'38" West along said CSM 150.0 feet; thence South 87°28'34" West along said CSM 435.0 feet; thence South 2°31'26" East along said CSM 289.02 feet to the center line of 38th Street; thence North 87°49'39" East along said center line 225.19 feet; thence North 87°28'34" East along said center line 188.665 feet to the Point of the Beginning; said lands containing 3.894 Acres more or less.

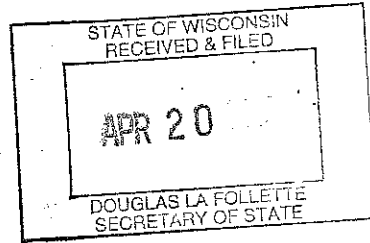
City of Kenosha
District Map
 Attachment Ordinance
KTR Capital Partners

EXHIBIT B

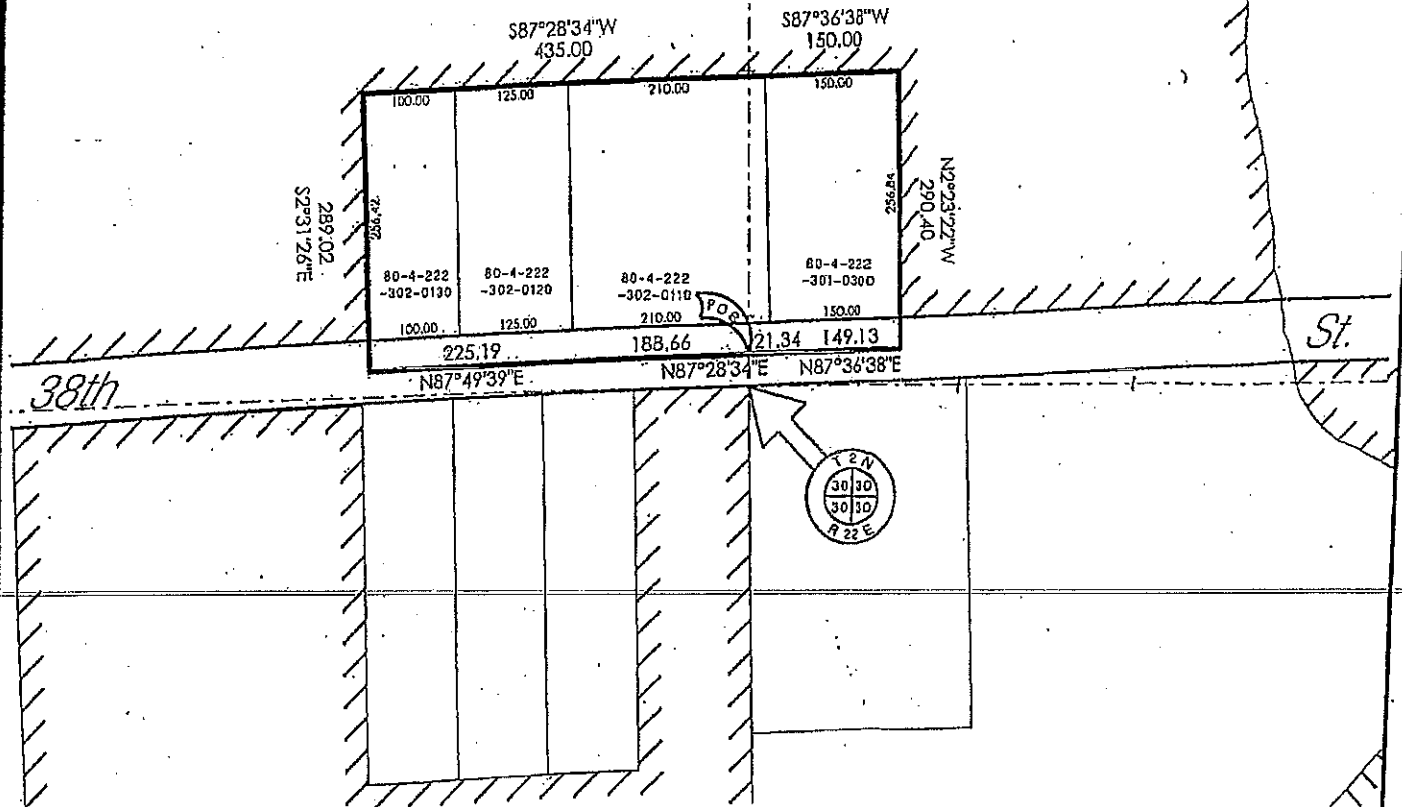
Supplement No. AT1-14

Accompanying Ord. No. _____

Bearings & Distances are based, in part,
 on CSM #2738



08-222-30-202-001



Denotes Present Corporate limits,
 City of Kenosha



Denotes area to be Attached
 to the City of Kenosha

NORTH



0 200'



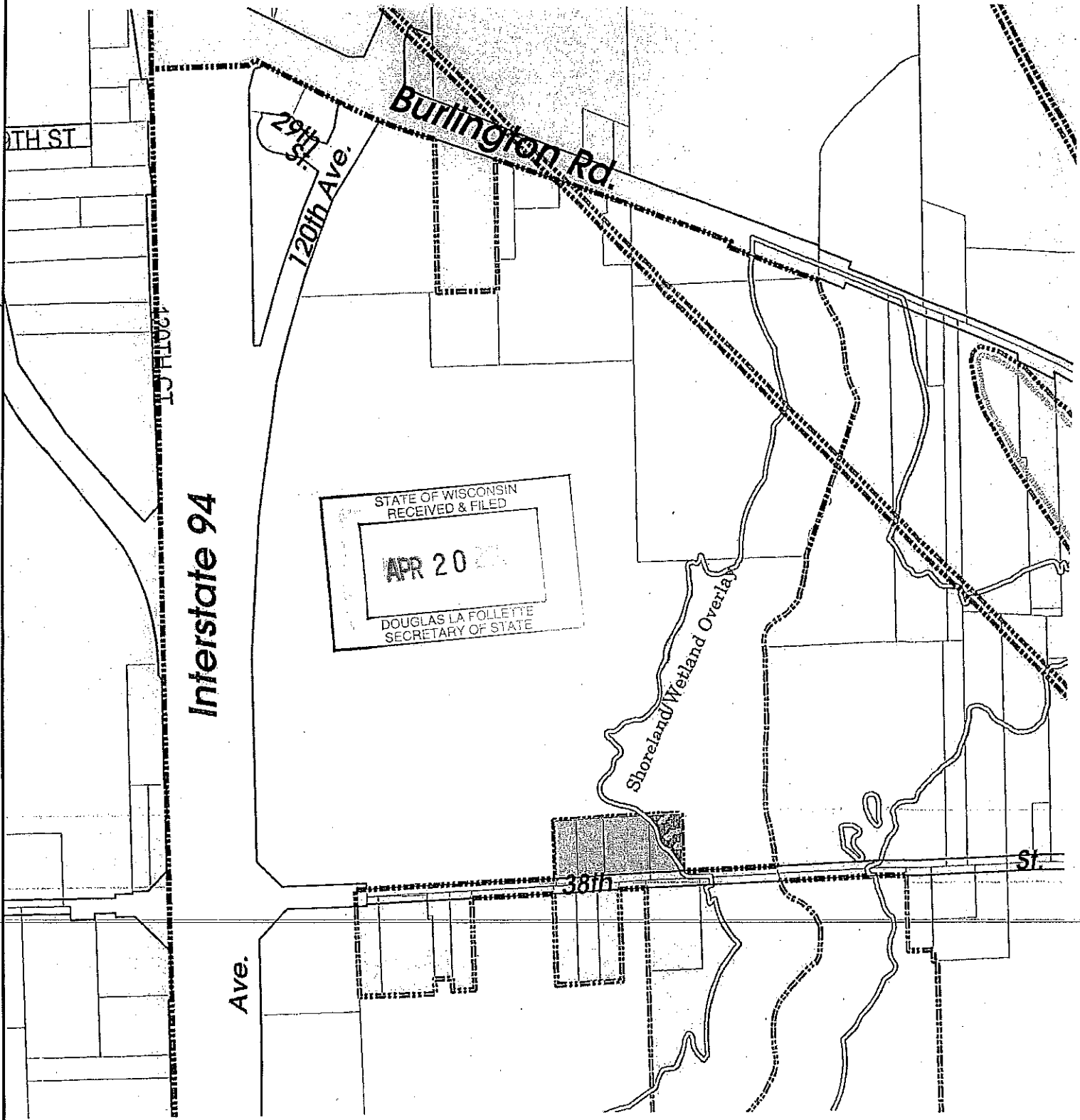
City of Kenosha

Zoning District Classification Map Attachment "C"



Supplement No. AT1-14

Ordinance No. _____

KTR WIS III LLC petition

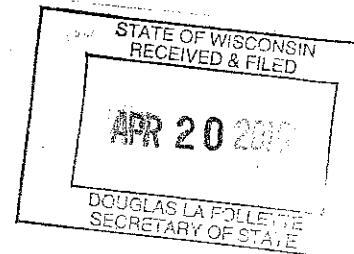


Property to be zoned:

-  A-2 Agricultural Land Holding
-  FW Floodway



0 120 240 360 480 600 Feet



PETITION OF PROPERTY OWNERS FOR ATTACHMENT TO THE CITY OF KENOSHA FROM THE TOWN OF SOMERS PURSUANT TO SECTION 66.0307; WISCONSIN STATUTES, STATE APPROVED COOPERATIVE PLAN

The undersigned, constituting all of the owners of certain real property within the Town of Somers, Kenosha County, Wisconsin, petition the Mayor and Common Council of the City of Kenosha, Wisconsin, to attach the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha County, Wisconsin, pursuant to the Section 66.0307 Wisconsin Statutes, State Approved Cooperative Plan.

The current population of the territory to be attached as defined by Section 66.0217(5)(a) of the Wisconsin Statutes is 2.

11410 38th Street (80-4-222-302-0130)
11310 38th Street (80-4-222-302-0110)

11400 38th Street (80-4-222-302-0120)
11222 38th Street (80-4-222-301-0300)

Legal Description:

Part of the Northeast and Northwest Quarters of Section 30, Township 2 North, Range 22 East, of the Fourth Principal Meridian lying and being in the Town of Somers, Kenosha County, Wisconsin and more particularly described as follows:

Commencing at the Southeast corner of said Northwest Quarter; thence North 1°43'46" West along the East line of said Quarter Section, 34.4 feet to a point on the center line of 38th Street and the Point of beginning; thence North 87°28'34" East along said center line 21.335 feet; thence North 87°36'38" East along said center line 149.13 feet to a point on the South line of Certified Survey Map 2738, a CSM of record and on file as document #1714971 in the Kenosha County Register of Deeds office; thence North 2°23'22" West along said CSM 290.4 feet; thence South 87°36'38" West along said CSM 150.0 feet; thence South 87°28'34" West along said CSM 435.0 feet; thence South 2°31'26" East along said CSM 289.02 feet to the center line of 38th Street; thence North 87°49'39" East along said center line 225.19 feet; thence North 87°28'34" East along said center line 188.665 feet to the Point of the Beginning; said lands containing 3.894 acres more or less.

Date

Signature of Petition/Owner

Mailing Address/Phone Number

1/14/14

KTR WIS III LLC

By: KTR Property Trust III, Sole member

300 Barr Harbor Drive, Suite 150

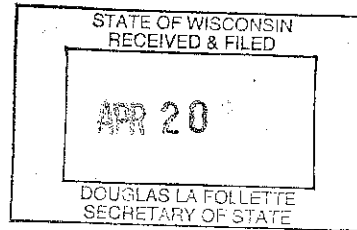
By: John P. DiCola, SLP

Coateshockton, PA 19428

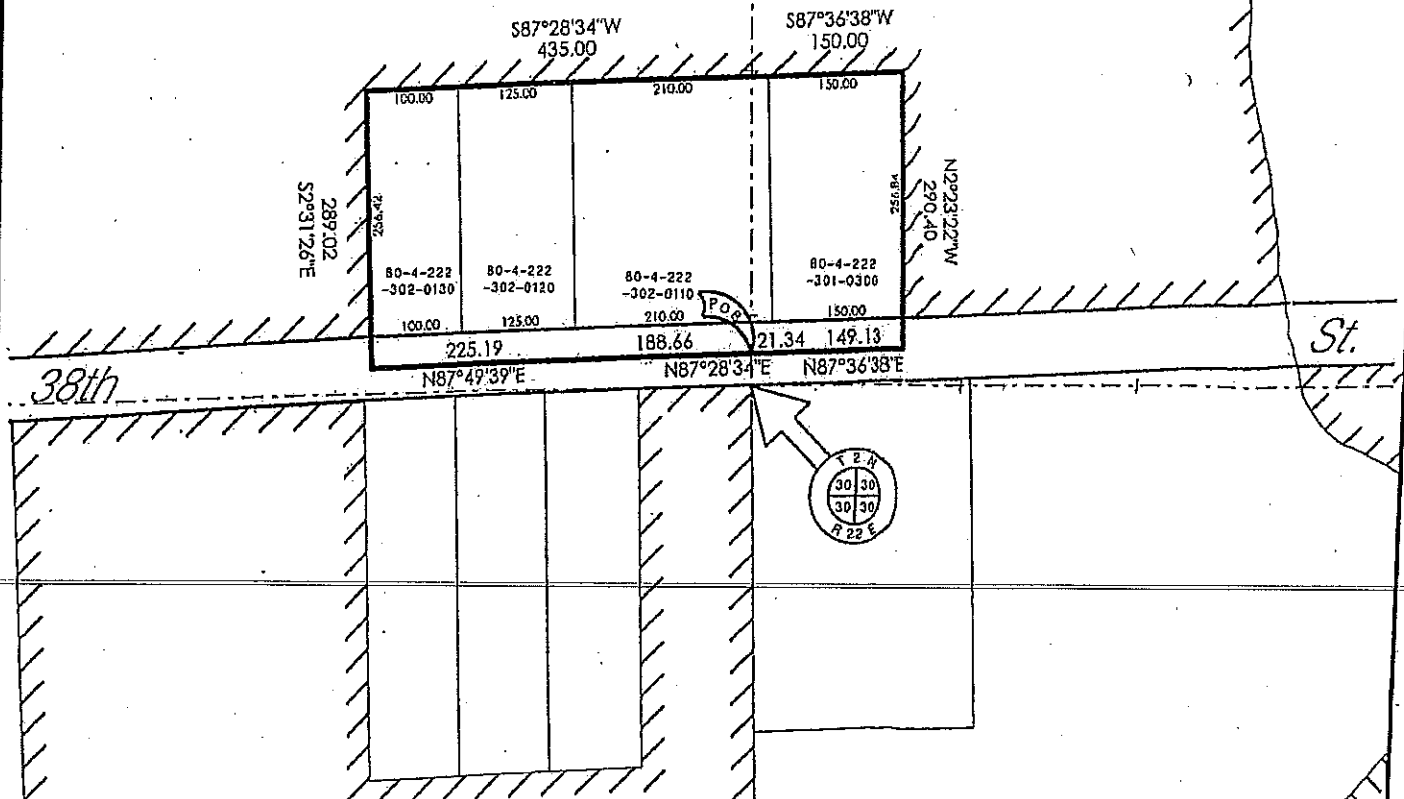
City of Kenosha
District Map
 Attachment Ordinance
KTR Capital Partners



Supplement No. AT1-14 Accompanying Ord. No. _____

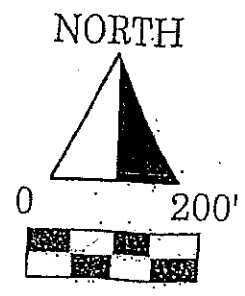
Bearings & Distances are based, in part,
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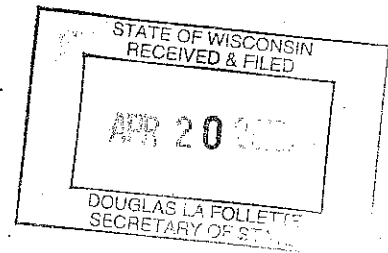


08-222-30-202-001



 Denotes Present Corporate limits, City of Kenosha
 Denotes area to be Attached to the City of Kenosha





KTR PROPERTY TRUST III

**INFORMAL ACTION OF BOARD OF TRUSTEES
IN LIEU OF MEETING**

December 9, 2013

The undersigned, being all of the trustees of KTR PROPERTY TRUST III, a Maryland real estate investment trust (the "Trust"), do hereby adopt the following resolutions in lieu of holding a meeting of the board of trustees of the Trust (the "Board of Trustees"):

WHEREAS, the Trust desires for KTR WIS III LLC, a Delaware limited liability company (the "Company") and a wholly owned subsidiary of the Trust, to (a) acquire certain parcels of real property to be commonly known as 11410 38th Street (80-4-222-302-0130), 11400 38th Street (80-4-222-302-0120), 11310 38th Street (80-4-222-302-0110), and 11222 38th Street (80-4-222-301-0300) in the Town of Somers, Kenosha County, Wisconsin from the current owners (the "Acquisition") and (b) execute a certain Petition of Property Owners for Attachment ("Attachment Petition") with the City of Kenosha, and other documents incident thereto, (collectively, the "Transaction Documents").

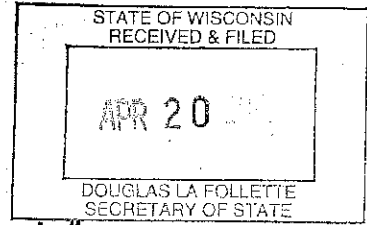
WHEREAS, the Board of Trustees deems it advisable and in the interests of the Trust to cause the Company to (i) consummate the Acquisition and (ii) enter into the Transaction Documents.

NOW THEREFORE, BE IT RESOLVED, that the Trust is hereby authorized to enter into the Attachment Petition, and any other instruments as are necessary to effect the closing of the transaction contemplated by the Transaction Documents, and to take all other actions as are necessary in the opinion of the officers of the Trust to effect such closing.

FURTHER RESOLVED, that the John P. DiCola, the senior vice president of the Trust, is hereby authorized to execute and enter into the Attachment Petition and any other instruments as are necessary or advisable for purposes of effecting the closing of the transaction contemplated by the Acquisition and the Transaction Documents, and to take all other actions as are deemed necessary or desirable by the officers of the Trust for purposes of effecting such closing.

[signature page to follow]

Executed as of the day and year first above written.



TRUSTEES:

Jeffrey B. Keltner

Robert F. Savage, Jr.

J. Peter Lloyd