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Document Number	Condominium Declaration
Document Title	

**WISCONSIN TOWER  
CONDOMINIUM**

**DECLARANT:**

City Real Estate Development LLC  
606 W. Wisconsin Avenue  
Milwaukee, WI 53203

Agent:

Lawdock, Inc.  
411 East Wisconsin Avenue  
Suite 2040  
Milwaukee, WI 53202-4497

**Recording Area**

**Name and Return Address**

Scott L. Langlois  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Milwaukee, WI 53202

**361-1723-000-1**

Parcel Identification Number (PIN)

**CONDOMINIUM DECLARATION**

**WISCONSIN TOWER CONDOMINIUM**

THIS DECLARATION is made pursuant to the Condominium Ownership Act of the State of Wisconsin, Chapter 703 of the Wisconsin Statutes (hereinafter sometimes referred to as the "Act") this 1st day of August, 2006, by City Real Estate Development LLC, a Wisconsin limited liability company (hereinafter referred to as "Declarant").

**1. STATEMENT OF DECLARATION.**

The purpose of this Declaration is to submit the lands hereinafter described and the improvements constructed or to be constructed thereon to the condominium form of ownership in the matter provided by the Act and this Declaration.

Declarant hereby declares that it is the sole owner of the real property described in Section 4 hereof, together with all buildings and improvements thereon or to be constructed thereon (hereinafter collectively referred to as "the Property") which is hereby submitted to the condominium form of ownership as provided in the Act and this Declaration. All provisions hereof shall be deemed to run with the land and shall constitute benefits and burdens to the Declarant, its successors and assigns, and to all parties hereafter having any interest in the Property.

**2. NAME AND ADDRESS.**

The real estate described in Section 4 and all buildings and improvements thereon and thereto shall be known as **WISCONSIN TOWER CONDOMINIUM**. The address of the Condominium is 606 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203.

**3. LEGAL DESCRIPTION.**

The following described owned real property, also described in the condominium plat attached hereto as Exhibit A (the "Condominium Plat"), is hereby subjected to the provisions of this Declaration:

Lot Fifteen (15) and the West Twenty (20) feet of Lot Sixteen (16) in Block One Hundred Seventy-two (172) in Subdivision of the East 1/2 of the Northwest 1/4 of Section Twenty-nine (29), in Township Seven (7) North, Range Twenty-two (22) East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

Together with rights granted by the City of Milwaukee for subterranean space within West Wisconsin Avenue and North 6<sup>th</sup> Street.

**4. DEFINITION AND DESCRIPTION OF UNITS.**

**4.1 Number.** Seventy-four (74) residential condominium units (the "Residential Units") and four (4) commercial units (the "Commercial Units") for a total of seventy-eight (78) units are hereby declared in **WISCONSIN TOWER CONDOMINIUM** (individually a "Unit" and collectively the "Units").

**4.2 Definition.** A Unit is that separate area within a building intended for independent, private use, comprised of one or more cubicles of air at one or more levels of space, having outer boundaries formed by the interior unfinished surfaces of the perimeter walls, floors, and ceilings, including the windows, window frames, doors and door frames of the Units, as said boundaries are shown in the Condominium Plat attached hereto, together with all fixtures and improvements therein contained. All utility services, lines, pipes, wires, vents, flues, chimneys, ducts, cables, conduits, antennae, utility lines, fire prevention installations, stairwells, elevators,

escalators and service equipment (collectively, the "Service Elements") serving only one Unit and located within the boundaries of such Unit shall be a part of the Unit served. Except as may be otherwise set forth on the Condominium Plat, all Service Elements not located within the Unit served, or serving more than one Unit shall be Limited Common Elements appurtenant to the Unit(s) served, or Common Elements in the event serving all Units. All structural columns, beams, caissons and bearing walls (including all components of the underground foundation) (collectively, the "Structural Components") supporting more than one Unit within the Building shall be Common Elements regardless of where such Structural Components are located.

**4.3 Identification.** The Commercial Units are designated as Units 101, 202, 203 and 204, as set forth on the Condominium Plat and are located on the first (1<sup>st</sup>) and second (2<sup>nd</sup>) above ground levels of the Building. There is no Unit 201. The Residential Units are designated by the numbers as set forth on the Condominium Plat as Units 301 through 311 on the third (3<sup>rd</sup>) above ground level of the Building, Units 401 through 411 on the fourth (4<sup>th</sup>) above ground level of the Building, Units 501 through 511 on the fifth (5<sup>th</sup>) above ground level of the Building, Units 601 through 603 on the sixth (6<sup>th</sup>) above ground level of the Building, Units 701 and 702 on the seventh (7<sup>th</sup>) above ground level of the Building, Units 801 through 803 on the eighth (8<sup>th</sup>) above ground level of the Building, Units 901 and 902 on the ninth (9<sup>th</sup>) above ground level of the Building, Units 1001 through 1004 on the tenth (10<sup>th</sup>) above ground level of the Building, Units 1101 through 1104 on the eleventh (11<sup>th</sup>) above ground level of the Building, Units 1201 through 1203 on the twelfth (12<sup>th</sup>) above ground level of the Building, Units 1301 and 1302 on the thirteenth (13<sup>th</sup>) above ground level of the Building, Units 1401 through 1403 on the fourteenth (14<sup>th</sup>) above ground level of the Building, Units 1501 through 1504 on the fifteenth (15<sup>th</sup>) above ground level of the Building, Units 1601 and 1602 on the sixteenth (16<sup>th</sup>) above ground level of the Building, Units 1701 and 1702 on the seventeenth (17<sup>th</sup>) above ground level of the Building, Units 1801 and 1802 on the eighteenth (18<sup>th</sup>) above ground level of the Building, Units 1901 and 1902 on the nineteenth (19<sup>th</sup>) above ground level of the Building, Units 2001 and 2002 on the twentieth (20<sup>th</sup>) above ground level of the Building and Unit 2100 on the twenty-first (21<sup>st</sup>) above ground level of the Building. The Unit designations and locations and plans for the Units are as set forth in the Condominium Plat attached hereto. The approximate dimensions and square footage of each Unit, immediate Common Elements (as hereinafter defined) to which the Units have access, and further details identifying and describing the Units are as set forth in the Condominium Plat.

## **5. DESCRIPTION AND LOCATION OF BUILDING.**

There is one (1) building (the "Building") on the real estate described in Section 3 above. The Building is or will be located on the real estate as indicated upon the Condominium Plat. The Building will be twenty-two (22) levels above ground, designated as Levels 1-22 on the Condominium Plat, with two (2) levels all or partially below ground, designated as the Sub-Basement and Basement Parking Levels on the Condominium Plat. The Commercial Units are located on the first (1<sup>st</sup>) and second (2<sup>nd</sup>) above ground levels of the Building and the Residential Units are located on the third (3<sup>rd</sup>) through twenty-first (21<sup>st</sup>) above ground levels of the Building. The Building is constructed with a steel frame with a limestone exterior. Plans of the Units are attached hereto as a part of the Condominium Plat.

## 6. COMMON ELEMENTS AND FACILITIES.

6.1 **Description.** The common elements ("Common Elements") shall consist of all of **WISCONSIN TOWER CONDOMINIUM**, except the individual Units and fixtures therein, as defined hereunder, and shall include, without limitation, the land on which the building is located; the Building structure and exteriors (except as may be defined as Limited Common Elements), perimeter and bearing walls; common sidewalks, driveways and walkways; roofs (except as may be defined as Limited Common Elements); foundations; pipes; ducts; electrical wiring and conduits; utility services; heating, ventilation and air conditioning equipment serving more than one Unit; service elements serving more than one Unit (except to the extent defined as Limited Common Elements); Structural Components; public utility lines; master television cable or antenna and lines; water mains and lines, sewer laterals; outside walls; girders, beams and supports; elevators and stairways; the landscaping comprising or which may comprise the Property; and all other improvements and appurtenances.

6.2 **Unit Owner Easements.** Each Unit owner shall have an easement to the space between the interior and exterior walls or common walls of his or her or its Unit for purposes of adding additional utility outlets, wall hangings, erection of non-bearing partition walls, and the like, where space between the walls may be necessary for such uses, provided that the Unit owner shall do nothing to impair the structural integrity of the building, and provided further that the Common Elements be restored to their former condition by the Unit owner at his, her or its sole expense upon completion or termination of the use requiring the easement. Easements are hereby granted and declared for the benefit of the Unit owners and the Association (hereinafter described) for the installation, maintenance and repair of common utility services in and on any part of the Common Elements or Units.

## 7. LIMITED COMMON ELEMENTS.

7.1 **Description.** A portion of the Common Elements are designated as "Limited Common Elements," as shown in the Condominium Plat. Such Limited Common Elements shall be reserved for the exclusive and permanent use of the owner or occupant of the Unit to which they are appurtenant, to the exclusion of all other Units in **WISCONSIN TOWER CONDOMINIUM**. Such Limited Common Elements consist of (i) the parking areas in the two below ground levels of the Building designated as Limited Common Elements on the Condominium Plat, which shall be appurtenant to the Units to which such Limited Common Elements are assigned by the initial deed of the Units by the Declarant or by assignment by Declarant, (ii) the areas on the second floor above ground level of the Building designated as Limited Common Elements on the Condominium Plat, which shall be appurtenant to Unit 202 and shall be used for commercial purposes including, but not limited to, the location of storage lockers which may be rented to Unit owners for the storage of items, (iii) the balconies which shall be appurtenant to the Residential Units to which they adjoin on the 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> above ground levels, (iv) the area on the 22<sup>nd</sup> floor above ground level of the Building designated as Limited Common Elements on the Condominium Plat, which shall be appurtenant to Unit 202 and shall be initially used for commercial purposes, including, but not limited to, housing transmission and receiving equipment connected to the antennas located on the roof of the Building, (v) the roof access mezzanine level and the roof of the Building designated as Limited Common Elements on the Condominium Plat which shall be appurtenant to Unit 202, and shall

be used for commercial purposes, including, but not limited to, the location of antennas for receiving and transmitting radio, microwave and other signals in the electromagnetic spectrum, which may be rented to various parties for commercial purposes; provided, however, that authorized representatives of the Association and management agents of the Association shall be provided access to the cooling and ventilation equipment located on the roof for replacement, repair and servicing of such equipment, (vi) the areas on the exterior walls of the Building, which shall be appurtenant to Unit 202 and shall be used for commercial purposes, including, but not limited to, the location of signage which may be rented to various parties for commercial advertising purposes, (vii) the area designated on the Condominium Plat located on the second through the sixth above ground levels of the Building, which shall be appurtenant to Unit 101 and shall be used for commercial purposes, including, but not limited to, use as a ventilation or exhaust duct for the kitchen located in Unit 101, and (viii) such other Limited Common Elements as may be identified in the Condominium Plat.

**7.2 Manner of Use.** The manner of use of the Limited Common Elements appurtenant to a Residential Unit shall be governed by the Bylaws of, and such rules and regulations as may be established by, the Association, and no Residential Unit owner shall alter, remove, repair, paint, decorate, landscape or adorn any Limited Common Element, or permit such, in any manner contrary to such Bylaws and rules and regulations. No major or structural changes or alterations shall be made by any Residential Unit owner to any of the Limited Common Elements without the prior written approval of the Association, which approval may be given upon such terms and conditions as the Association deems appropriate.

**7.3 Transfer of Limited Common Elements.** Any Limited Common Element, including a parking space, storage space, roof or interior or exterior Building area may be assigned by a Unit owner to another Unit by an instrument of assignment recorded in the Milwaukee County real property records by describing such Limited Common Element in such assignment with reference to the Condominium Plat. Upon any such assignment, such Limited Common Element shall be appurtenant to and reserved for the exclusive use of the Unit referenced in such assignment, and such Unit owner shall have all of the rights and obligations regarding such Limited Common Element as provided in the Declaration. Thereafter, any such Unit owner may likewise assign any such Limited Common Element to any other Unit by a similar assignment recorded in the Milwaukee County real property records, whereupon such Limited Common Element shall be appurtenant to and reserved for the exclusive use of the Unit referenced in such assignment, and such Unit owner shall have all of the rights and obligations regarding such Limited Common Element as provided in the Declaration.

## **8. OWNERSHIP OF UNIT AND PERCENTAGE OF OWNERSHIP IN COMMON ELEMENTS AND LIMITED COMMON ELEMENTS.**

Each Unit owner shall own a fee simple interest in his, her or its Unit. Each Unit owner shall also own an undivided interest in the Common Elements and Limited Common Elements as a tenant in common with all other Unit owners and, except as otherwise limited in this Declaration, shall have the right to use and occupy the Common Elements and Limited Common Elements for all purposes incident to the use and occupancy of a Residential Unit for residential purposes and the use and occupancy of a Commercial Unit for commercial purposes and such

other uses permitted by this Declaration and the Bylaws of the Association, which rights shall be appurtenant to and run with each Unit.

The percentage of such undivided ownership interest in the Common Elements and Limited Common Elements relating to each Unit and its owner shall be as follows:

<u>Unit No.</u>	<u>Percentage Interest</u>
101	5.000
202	.4895
203	.7124
204	1.1482
301	.8760
302	1.1706
303	.8065
304	.8894
305	.8424
306	.7505
307	.7617
308	.8917
309	.7998
310	.6049
311	.6721
401	.8760
402	1.1706
403	.8065
404	.8894
405	.8424
406	.7505
407	.7617
408	.8917
409	.7998
410	.6049
411	.6721
501	.8760
502	1.1706
503	.8065
504	.8894
505	.8424
506	.7505
507	.7617
508	.8917
509	.7998
510	.6049
511	.6721
601	1.8348