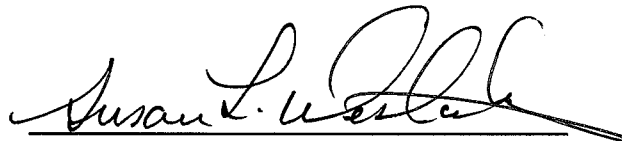
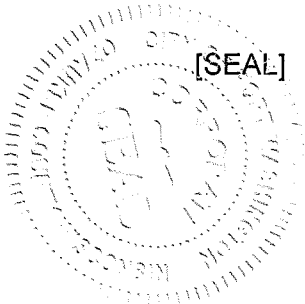


CLERK'S CERTIFICATION

I do hereby certify that I am the City Clerk of the City of Port Washington, Wisconsin, and that the attached document is a true copy of Ordinance No. 2021-2, which was approved by a majority vote of the Common Council of the City of Port Washington, Wisconsin, at a duly convened meeting held on March 16, 2021, and that said Ordinance has not been amended or rescinded and remains in full force and effect as of the date of this Certification, in evidence whereof I have affixed the City's seal this 16th day of March, 2021.


Susan Westerbeke, City Clerk



**CITY OF PORT WASHINGTON, WISCONSIN
ORDINANCE NO. 2021 - 2**

**An Ordinance Rezoning Lands within the City of Port Washington
and Amending the Official Zoning Map**

WHEREAS, Bank Street Capital Corporation, a Wisconsin corporation (hereinafter referred to as "Bank Street Capital"), the owner of those certain lands described in Exhibit B attached hereto and incorporated herein (the "Property"), has submitted a petition and general development plan to the City of Port Washington Plan Commission relating to the pending sale of the Property to Ascend Real Estate Group LLC, an Illinois limited liability company ("Ascend"), and further relating to the proposed development by Ascend and future use of the Property, to be known as "Cedar Vineyard," a subdivision within the City of Port Washington, for residential and business purposes by and through an OPD Planned Development overlay zoning district; and

WHEREAS, in accordance with said petition and general development plan Bank Street Capital has requested rezoning of certain portions of the Property as depicted in Exhibit A attached hereto and incorporated herein, and as more particularly described in Exhibit B attached hereto, from base zoning of RS-1 Single Family Detached Residence, B-2 Local Service Center Business, and PUL Public & Utility Lands districts, with an OPD Overlay Planned Development overlay district, to RS-1 Single Family Detached Residence and B-2 Local Service Center Business zoning districts, respectively, with OPD Planned Development overlay zoning; and

WHEREAS, the City of Port Washington Plan Commission, after reviewing all standards required to be considered by the Zoning Ordinance of the City of Port Washing-

ton and due deliberation, has recommended that the Property be rezoned as requested by Bank Street Capital; and

WHEREAS, all notices of said rezoning request and public hearing thereon have been given as required by the Zoning Ordinance of the City of Port Washington and sec. 62.23(7)(d), Wis. Stat., and said public hearing was held before the Common Council of the City of Port Washington on March 16th, 2021,

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Common Council of the City of Port Washington, Wisconsin, that the property depicted in Exhibit A attached hereto and incorporated herein, and as more particularly described in Exhibit B attached hereto and incorporated herein (the "Property"), be and is hereby *conditionally rezoned* from base zoning of RS-1 Single Family Detached Residence, B-2 Local Service Center Business, and PUL Public & Utility Lands districts, with an OPD Overlay Planned Development overlay district, to RS-1 Single Family Detached Residence, and B-2 Local Service Center Business zoning districts, respectively, with OPD Planned Development overlay zoning, on the following conditions:

1. Recording of the certified survey map of Cedar Vineyard Subdivision, previously approved by the City of Port Washington Plan Commission; and
2. That the closing on the sale of the Property by Bank Street Capital Corporation to Ascend Real Estate Group LLC ("Ascend"), or an assignee or entity in which Ascend is a member or managing member *provided that* Ascend first provides to the City of Port Washington written evidence of such membership in a form and substance reasonably acceptable to the City, occurs no later than May 31, 2021; and

3. That the Property be developed by Ascend Real Estate Group LLC (“Ascend”), or an assignee or entity in which Ascend is a member or managing member *provided that* Ascend first provides to the City of Port Washington written evidence of such membership in a form and substance reasonably acceptable to the City, and used as Cedar Vineyard subdivision, a 74.2-acre planned unit development consisting of 45 single-family residential lots served by municipal sewer and water utilities, with adjacent bicycle path and multi-use trail, vineyards, a winery, and related parking and landscaping, constructed in accordance with the approved Conceptual Site Plans; and
4. That the Property is rezoned only for the present buyer, Ascend Real Estate Group LLC (“Ascend”), or an assignee or entity in which Ascend is a member or managing member *provided that* Ascend first provides to the City of Port Washington written evidence of such membership in a form and substance reasonably acceptable to the City.

IT IS FURTHER ORDAINED by the Common Council of the City of Port Washington, Wisconsin, that the above-described rezoning shall not take effect until and unless all the aforementioned conditions have been satisfied, and if any of said conditions is not satisfied, then the above-described rezoning shall not take effect.

IT IS FURTHER ORDAINED, that the Official Zoning Map of the City of Port Washington be changed in accordance with Section 20.05.020 of the Zoning Ordinance of the City of Port Washington to reflect the above-described zoning changes.

This Ordinance shall become effective upon passage and publication.

Passed and approved this 16th day of March, 2021.



Martin T Becker, Mayor

ATTEST:



Susan Westerbeke, City Clerk

**EXHIBIT A
MAP OF REZONED LANDS**

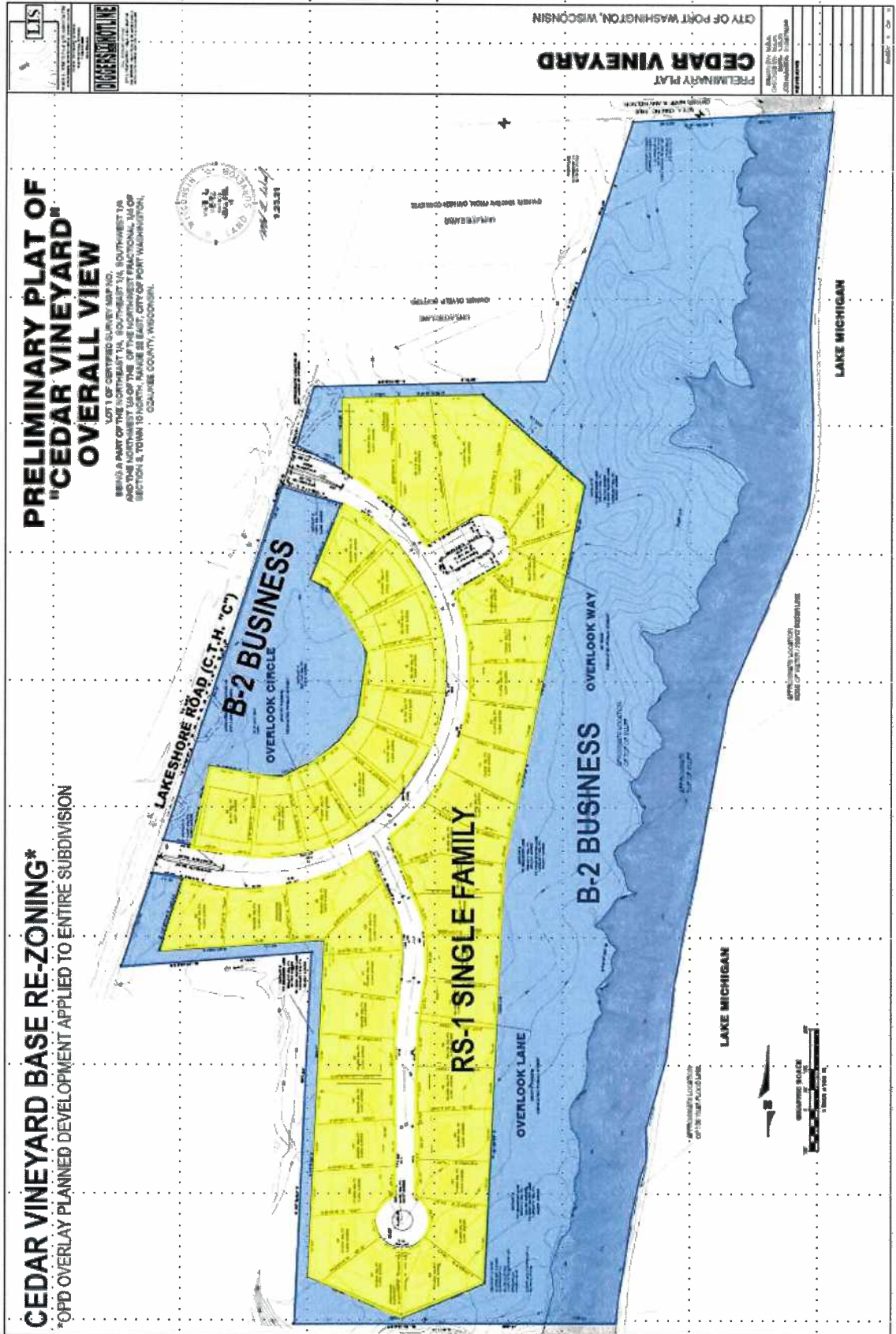


EXHIBIT B
LEGAL DESCRIPTIONS OF REZONED LANDS

B-2 BUSINESS ZONING PROPERTY

Outlot E of Cedar Vineyard Preliminary Plat:

That part of Lot 1, Certified Survey Map No. _____, being a revision of the plat of Cedar Shores and Lands all in that part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Southeast Fractional $\frac{1}{4}$ of Section 4, that part of the Northwest $\frac{1}{4}$, Government Lot 1 and 2 of the Northwest Fractional $\frac{1}{4}$ and the Southwest Fractional $\frac{1}{4}$ of Section 3 and that part of the Northwest $\frac{1}{4}$ of the Northwest Fractional $\frac{1}{4}$ of Section 10, all in Town 10 North Range 22 East, City of Port Washington, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Southeast Fractional $\frac{1}{4}$ of Section 4; thence S $88^{\circ}06'53''$ W along the South line of said Fractional $\frac{1}{4}$ Section 621.74 feet to the East line of Lakeshore Road (C.T.H. "C"); thence N $14^{\circ}49'08''$ E along the East line of said Road 1319.25 feet; thence N $88^{\circ}05'56''$ E 87.65 feet; thence N $02^{\circ}08'49''$ W 126.00 feet; thence S $88^{\circ}05'56''$ W 49.26 feet to a point on the East line of said Road; thence N $14^{\circ}49'08''$ W along the East line of said Road 1331.65 feet; thence N $18^{\circ}38'20''$ E along the East line of said Road 874.57 feet to the point of beginning; thence continuing N $18^{\circ}38'20''$ E along said road 234.82 feet; thence S $79^{\circ}04'54''$ E 79.11 feet; thence S $18^{\circ}53'06''$ W 180.33 feet; thence N $85^{\circ}52'04''$ E 411.59 feet; thence S $02^{\circ}43'53''$ W 838.71 feet; thence S $67^{\circ}59'08''$ E 250.56 feet; thence N $68^{\circ}41'48''$ E 220.29 feet; thence N $02^{\circ}35'59''$ E 1033.16 feet; thence N $11^{\circ}27'08''$ E 673.23 feet; thence N $13^{\circ}04'35''$ E 282.24 feet; thence N $47^{\circ}30'43''$ W 339.64 feet; thence S $88^{\circ}24'48''$ W 348.01 feet; thence South 180.25 feet to a point on a curve; thence Westerly along an arc of a curve, whose center lies to the South, whose radius is 524.00 feet, whose chord bears N $68^{\circ}13'21.5''$ W 90.27 feet, a distance of 90.39 feet to a point of tangency; thence N $73^{\circ}09'51''$ W 41.69 feet to a point on the Easterly line of N. Lakeshore Road; thence N $18^{\circ}02'16''$ E along the Easterly line of said road 171.14 feet; thence N $88^{\circ}24'48''$ E 575.68 feet; thence N $18^{\circ}18'59''$ E 678.29 feet; thence N $87^{\circ}22'26''$ E 293.52 feet to the start of a meander line; thence S $09^{\circ}37'03''$ W along said meander line 3030.04 feet to its terminus; thence S $89^{\circ}37'18''$ W 624.10 feet; thence N $02^{\circ}43'53''$ E 923.92 feet; thence S $85^{\circ}52'04''$ W 474.53 feet to the point of beginning.

Containing 22.154 acres to the meander line and 36.82 +/- acres to the ordinary highwater line.

Outlot C of Cedar Vineyard Preliminary Plat

That part of Lot 1, Certified Survey Map No. _____, being a revision of the plat of Cedar Shores and Lands all in that part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Southeast Fractional $\frac{1}{4}$ of Section 4, that part of the Northwest $\frac{1}{4}$, Government Lot 1 and 2 of the Northwest Fractional $\frac{1}{4}$ and the Southwest Fractional $\frac{1}{4}$ of Section 3 and that part of the Northwest $\frac{1}{4}$ of the Northwest Fractional $\frac{1}{4}$ of Section 10, all in Town 10 North Range 22

East, City of Port Washington, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Southeast Fractional 1/4 of Section 4; thence S 88°06'53" W along the South line of said Fractional 1/4 Section 621.74 feet to the East line of Lakeshore Road (C.T.H. "C"); thence N 14°49'08" E along the East line of said Road 1319.25 feet; thence N 88°05'56" E 87.65 feet; thence N 02°08'49" W 126.00 feet; thence S 88°05'56" W 49.26 feet to a point on the East line of said Road; thence N 14°49'08" W along the East line of said Road 1331.65 feet; thence N 18°38'20" E along the East line of said Road 1197.19 feet to the point of beginning; thence continuing N 18°38'20" E along the East line of said Road 784.54 feet; thence N 18°02'16" E along the East line of said Road 145.48 feet; thence S 73°09'51" E 111.08 feet to a point of curvature; thence Easterly along an arc of a curve, whose center lies to the Southwest, whose radius is 400.00 feet, whose chord bears S 69°51'40.5" E 46.09 feet, a distance of 46.12 feet; thence S 23°26'30" W 200.00 feet; thence Easterly along an arc of a curve, whose center lies to the Southwest, whose radius is 200.00 feet, whose chord bears S 54°21'35" E 84.52 feet, a distance of 85.16 feet; thence Southerly along an arc of a curve, whose center lies to the West, whose radius is 270.00 feet, whose chord bears S 05°07'26" W 396.76 feet a distance of 445.65 feet; thence Westerly along an arc of a curve, whose center lies to the Northwest, whose radius is 230.00 feet, whose chord bears S 76°39'49.5" W 188.96 feet, a distance of 194.73 feet to a point of tangency; thence N 79°04'564" W 101.09 feet; thence S 10°55'06" W 200.00 feet; thence N 79°04'54" W 79.49 feet to the point of beginning.

Containing 4.618 acres of land.

RS-1 SINGLE FAMILY ZONING

Lots 1-35 of Cedar Vineyard Preliminary Plat:

That part of Lot 1, Certified Survey Map No. _____, being a revision of the plat of Cedar Shores and Lands all in that part of the Northeast ¼ and Southeast ¼ of the Southeast Fractional ¼ of Section 4, that part of the Northwest ¼, Government Lot 1 and 2 of the Northwest Fractional ¼ and the Southwest Fractional ¼ of Section 3 and that part of the Northwest ¼ of the Northwest Fractional ¼ of Section 10, all in Town 10 North Range 22 East, City of Port Washington, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Southeast Fractional 1/4 of Section 4; thence S 88°06'53" W along the South line of said Fractional 1/4 Section 621.74 feet to the East line of Lakeshore Road (C.T.H. "C"); thence N 14°49'08" E along the East line of said Road 1319.25 feet; thence N 88°05'56" E 87.65 feet; thence N 02°08'49" W 126.00 feet; thence S 88°05'56" W 49.26 feet to a point on the East line of said Road; thence N 14°49'08" W along the East line of said Road 1331.65 feet; thence N 18°38'20" E along the East line of said Road 1109.39 feet; thence S 79°04'54" E 79.11 feet to the point of beginning; thence S 18°53'06" W 180.33 feet; thence N 85°52'04" E 411.59 feet; thence S 02°43'53" W 838.71 feet; thence S 67°59'08" E 250.56 feet; thence N 68°41'48" E 220.29 feet; thence N 02°35'59" E 1033.16 feet; thence N 11°27'08" E 673.23 feet; thence N 13°04'35" E 282.24

feet; thence N 47°30'43" W 339.64 feet; thence S 88°24'48" W 348.01 feet; thence South 180.25 feet to a point on a curve; thence Southeasterly along an arc of a curve, whose center lies to the Southwest, whose radius is 524.00 feet, whose chord bears S 57°01'41.5" E 114.15 feet, a distance of 114.37 feet to a point of tangency; thence S 50°46'31" E 36.63 feet to a point of curvature; thence Southeasterly along an arc of a curve, whose radius is 530.00 feet, whose chord bears S 45°02'06.5" E 106.02 feet, a distance of 106.20 feet; thence Easterly along an arc of a curve, whose center lies to the Northeast, whose radius is 25.00 feet, whose chord bears S 79°22'01.5" E 32.19 feet, a distance of 34.97 feet to a point of tangency; thence N 60°33'40" E 99.46 feet to a point of curvature; thence Southerly along an arc of a curve, whose center lies to the Southwest, whose radius is 70.00 feet, whose chord bears S 29°26'20" E 140.00 feet, a distance of 219.91 feet to a point of tangency; thence S 60°33'40" W 99.46 feet to a point of curve; thence Southerly along an arc of a curve, whose center lies to the Southeast, whose radius is 25.00 feet, whose chord bears S 20°29'20.5" W 32.19 feet, a distance of 34.97 feet; thence Southerly along an arc of a curve, whose radius is 530.00 feet, whose chord bears S 16°03'50.5" W 617.76 feet, a distance of 659.49 feet; thence Southeasterly along an arc of a curve, whose center lies to the Southwest, whose radius is 330.00 feet, whose chord bears S 27°12'23.5" E 39.72 feet, a distance of 39.74 feet to a point of tangency; thence S 23°45'23" E 110.18 feet to a point of curvature; thence Southerly along an arc of a curve, whose center lies to the West, whose radius is 380.00 feet, whose radius is S 07°05'17" E 217.99 feet, a distance of 221.10 feet to a point of reverse curvature; thence Southerly along an arc of a curve, whose center lies to the East, whose radius is S 02°34'26" W 348.86 feet, a distance of 349.74 feet to a point of reverse curvature; thence Southerly along an arc of a curve, whose center lies to the West, whose radius is 780.00 feet, whose chord bears S 01°58'56.5" W 174.29 feet, a distance of 174.66 feet to a point of reverse curvature; thence Easterly along an arc of a curve, whose center lies to the East, whose radius is 6.50 feet, whose chord bears S 24°27'00.5" E 7.05 feet, a distance of 7.45 feet to a point of reverse curvature; thence Westerly along an arc of a curve, whose center lies to the Southwest, whose radius is 68.08 feet, whose chord bears S 86°44'31.5" E 66.93 feet, a distance of 357.80 feet to a point of reverse curvature distance of 6.23 feet to a point of reverse curvature; thence Northerly along an arc of a curve, whose center lies to the West, whose radius is 720.00 feet, whose chord bears N 02°14'45" E 167.47 feet, a distance of 167.85 feet to a point of reverse curvature; thence Northerly along an arc of a curve, whose center lies to the East, whose radius is 1490.00 feet, whose chord bears N 02°34'26" E 363.50 feet, a distanced of 364.41 feet to a point of reverse curvature; thence Northerly along an arc of a curve, whose center lies to the West, whose radius is 320.00 feet, whose chord bears N 07°05'17" W 183.57 feet, a distance of 186.19 feet to a point of tangency; thence N 23°45'23" W 110.18 feet to a point of curvature; thence Northerly along an arc of a curve, whose center lies to the Southwest, whose radius is 270.00 feet, whose chord bears N 26°44'24" W 28.11 feet, a distance of 28.12 feet; thence Westerly along an arc of a curve, whose center lies to the Northwest, whose radius is 530.00 feet, whose chord bears S 78°30'16" W 404.17 feet, a distance of 414.67 feet a point of tangency; thence N 79°04'54" W 68.93 feet to the point of beginning.

Containing 17.833 acres.

Lots 36-45 of Cedar Vineyard Preliminary Plat:

That part of Lot 1, Certified Survey Map No. _____, being a revision of the plat of Cedar Shores and Lands all in that part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Southeast Fractional $\frac{1}{4}$ of Section 4, that part of the Northwest $\frac{1}{4}$, Government Lot 1 and 2 of the Northwest Fractional $\frac{1}{4}$ and the Southwest Fractional $\frac{1}{4}$ of Section 3 and that part of the Northwest $\frac{1}{4}$ of the Northwest Fractional $\frac{1}{4}$ of Section 10, all in Town 10 North Range 22 East, City of Port Washington, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Southeast Fractional $\frac{1}{4}$ of Section 4; thence S $88^{\circ}06'53''$ W along the South line of said Fractional $\frac{1}{4}$ Section 621.74 feet to the East line of Lakeshore Road (C.T.H. "C"); thence N $14^{\circ}49'08''$ E along the East line of said Road 1319.25 feet; thence N $88^{\circ}05'56''$ E 87.65 feet; thence N $02^{\circ}08'49''$ W 126.00 feet; thence S $88^{\circ}05'56''$ W 49.26 feet to a point on the East line of said Road; thence N $14^{\circ}49'08''$ W along the East line of said Road 1331.65 feet; thence N $18^{\circ}38'20''$ E along said road 1197.19 feet; thence S $79^{\circ}04'54''$ E 79.49 feet to the point of beginning; thence N $10^{\circ}55'06''$ E 200.00 feet; thence S $79^{\circ}04'54''$ E 101.09 feet to the point of curvature; thence Easterly along an arc of a curve, whose center lies to the Northwest, whose radius is 230.00 feet; whose chord bears N $76^{\circ}39'49''$ E 188.96 feet, a distance of 194.73 feet; thence Easterly along an arc of a curve, whose center lies to the West, whose radius is 270.00 feet, whose chord bears N $05^{\circ}07'26''$ E 396.76 feet a distance of 445.65 feet; thence Northwesterly along an arc of a curve, whose center lies to the Southwest, whose radius is 200.00 feet, whose chord bears N $54^{\circ}21'35''$ W 84.52 feet, a distance of 85.16 feet; thence N $23^{\circ}26'30''$ E 200.00 feet; to a point on a curve; thence Southeasterly along an arc of a curve, whose center lies to the Southwest, whose radius is 400.00 feet, whose chord bears S $54^{\circ}21'35''$ E 169.04 feet, a distance of 170.32 feet; thence Southerly along an arc of a curve, whose center lies to the West, whose radius is 470.00 feet, whose chord bears S $05^{\circ}07'26''$ W 690.66 feet, a distance of 775.77 feet; thence Westerly on an arc of a curve, whose center lies to the Northwest, whose radius is 430.00 feet, whose chord bears S $76^{\circ}39'49.5''$ W 353.28 feet, a distance of 365.06 to a point of tangency; thence N $79^{\circ}04'54''$ W 101.09 feet to the point of beginning.

Containing 9.729 acres.

Affidavit of Publication

STATE OF WISCONSIN }
Ozaukee County } SS

(Mar. 25, 2021)

**CITY OF PORT WASHINGTON, WISCONSIN
ORDINANCE NO. 2021-2**

PLEASE TAKE NOTICE that Ordinance No. 2021-2, "An Ordinance Rezoning Lands within the City of Port Washington and Amending the Official Zoning Map" was enacted by the Common Council of the City of Port Washington, Wisconsin, on March 16, 2021.

The rezoned lands are part of a parcel of land known as Cedar Vineyard subdivision, said rezoned lands lying east of and adjacent to Lakeshore Road (also known as County Trunk Highway C) and south of Dynna Drive in the City of Port Washington, Wisconsin. The rezoned lands consist of approximately 69 acres of vacant land to be developed and used as 45 single-family residential lots with a bicycle path, multi-use trail, and vineyards. The rezoned lands are owned by Bank Street Capital Corporation, a Wisconsin corporation, and will be developed by Ascend Real Estate Group LLC, an Illinois limited liability company, the developer of Cedar Vineyard subdivision.

The rezoned lands were conditionally rezoned from base zoning of RS-1 Single Family Detached Residence, B-2 Local Service Center Business, and PUL Public & Utility Lands districts, with an OPD Overlay Planned Development overlay district, to RS-1 Single Family Detached Residence, and B-2 Local Service Center Business zoning districts, respectively, with OPD Planned Development overlay zoning to facilitate the Developer's proposed development, subject to the satisfaction of certain conditions which are summarized as follows: (1) the recording of the certified survey map of Cedar Vineyard subdivision previously approved by the City Plan Commission; (2) the closing on the sale of the parcel of land by Bank Street Capital Corporation to Ascend Real Estate Group LLC (or specified assignee or entity) no later than May 31, 2021; (3) that the rezoned lands be developed by Ascend Real Estate Group LLC (or specified assignee or entity) and constructed and used in accordance with the Conceptual Site Plans approved by the City; and (4) that the rezoned lands are rezoned only for the present buyer, Ascend Real Estate Group LLC (or specified assignee or entity).

The full text of the Ordinance and exhibits, including a full legal description and map of the rezoned lands, may be viewed at the office of the City Clerk at City Hall, 100 W. Grand Avenue, Port Washington, WI, 53074, tele. (262) 284-5585, Monday through Friday, from 7:30 a.m. to 4:30 p.m., or may be accessed at the City's website found at the following link: <http://www.cityofportwashington.com>.

Dated this 22nd day of March, 2021.

/s/ Susan L. Westerbeke
Susan L. Westerbeke, City Clerk

WNAXLP

William F. Schanen IV, being duly sworn, says that he is the president of Port Publications, Inc., publishers of the Ozaukee Press, a public newspaper of general circulation, printed and published in the city of Port Washington and county of Ozaukee, Wisconsin; that a notice, of which the printed one hereto attached is a true copy, was published in the Ozaukee Press once each week for 1 weeks successively; that the first publication thereof was on the 15th day of MARCH A.D. 20 21, and that the last publication thereof was on the 15th day of MARCH A.D. 20 21.



Subscribed and sworn to before me this 25th day of

Mar A.D. 20 21

Notary Public, Ozaukee County, Wisconsin.

My commission expires 8/18/23