



Department of Planning & Community & Economic Development

Economic Development Division

Matthew B. Mikolajewski, Director

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Office of Real Estate Services

July 18, 2016

Vita Plus Corporation
Attention: Mark Miley
PO Box 259126
Madison, WI 53725-9126

RE: **Temporary Land Use Permit**
2514 Fish Hatchery Road
Real Estate Project No. 11110

Dear Mr. Miley:

VP Properties LLC dba Vita Plus (the "Owner") hereby agrees to allow City of Madison (the "City") and/or their, agents or subcontractors to temporarily utilize a portion of Owner's property located at 2514 Fish Hatchery Road, (the "Property"), for ingress and egress, during the reconstruction of the City's parking lot at 1301 West Badger Road (see attached Exhibit A).

The Owner therefore agrees to permit the temporary use of the aforementioned Property based on the following terms and conditions:

1. The City shall promptly restore the Property to its original condition following the occupation of the Property (or as soon thereafter as weather reasonably permits) in a manner satisfactory to the Owner.
2. The City agrees to be responsible for all costs for any or all restoration work, which may be necessary due to default by the City agents or subcontractors.
3. The Owner reserves the right to use and occupy the Property in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb the construction activities and/or use of the City.
4. The City shall comply with all applicable laws, ordinances and regulations related to environmental pollution or contamination, or to occupational health and safety.
5. The City shall be responsible for the consequences of its own acts, errors or omissions and for the acts, errors or omissions of its employees, officers, officials, agents, boards, committees and commissions, and shall be responsible for any losses, claims, and liabilities that are attributable to such acts, errors, or omissions including providing its own defense, arising out of this Temporary Land Use Permit.

6. This Temporary Land Use Permit shall terminate upon completion of the City's project or by December 31, 2017, whichever is sooner; unless mutually extended by both parties.

If you accept the terms and conditions as stated herein, please indicate so by signing this letter in the space provided below.

Sincerely,



Jerome Lund
Real Estate Agent 4

The undersigned, on behalf of VP Properties LLC, the Owner, agree to and accept the terms and conditions contained in this permit.

VP Properties LLC

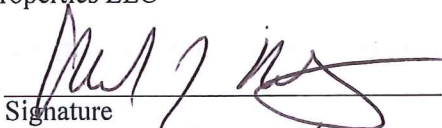
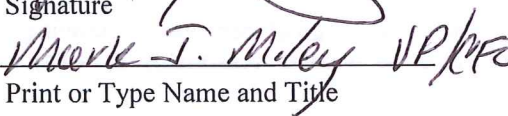
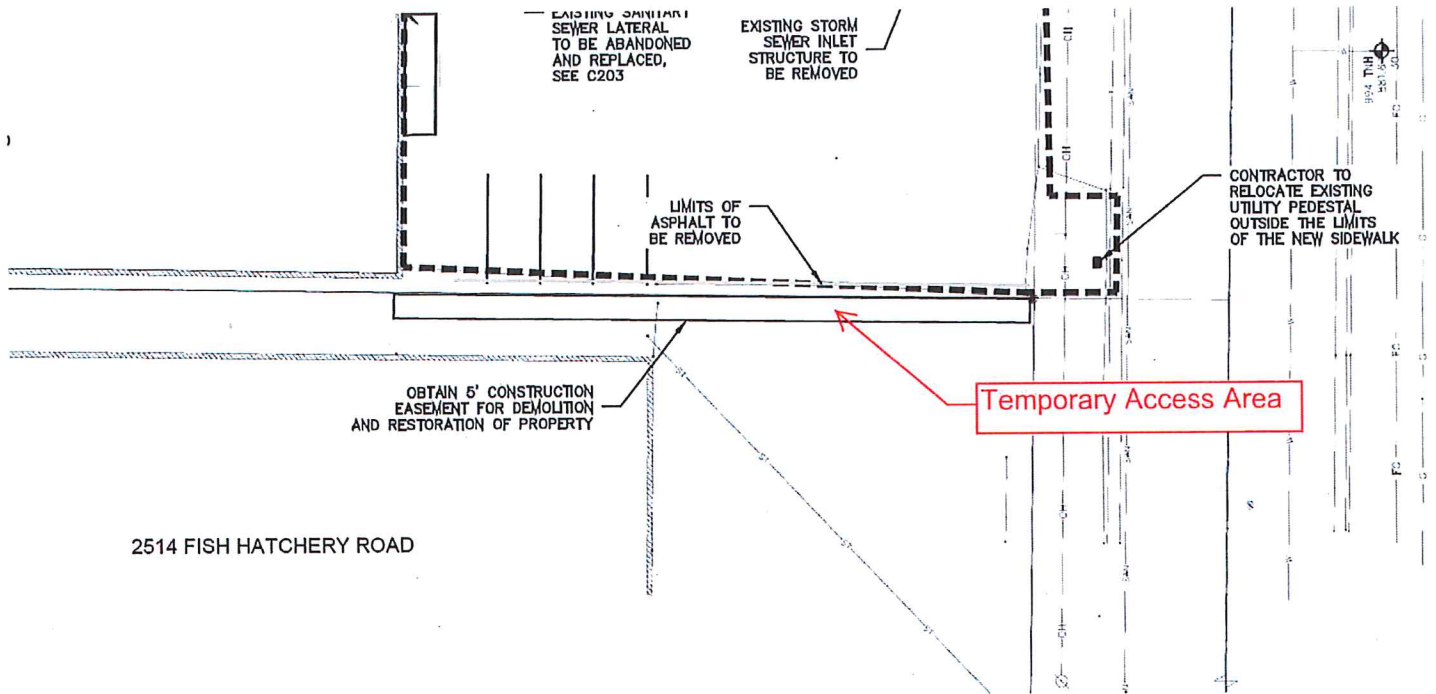
BY:  7/19/16
Signature Date

Print or Type Name and Title

EXHIBIT A

City of Madison

1301 West Badger Road

W Badger Rd



2514 FISH HATCHERY ROAD

VP Properties LLC

