



# MEMORANDUM

---

TO: Community and Economic Development Committee (CEDC)

FROM: Kara Homan, AICP Director of Community & Economic Development

DATE: June 5, 2023

RE: Request to Release Historic Development Agreement Contingent on Approval of New Development Agreement with Fox Commons Properties, LLC

---

As part of due diligence related to the pending real estate transaction, the title company and legal counsel for Fox Commons Properties, LLC (Developer) identified several historic items needing to be resolved prior to closing. After review with the City Attorney's office, two items are being advanced for legislative approval - one requiring action by both the Appleton Common Council and Appleton Redevelopment Authority (ARA); the other just by the Redevelopment Authority. These include the following:

1. Releasing an existing Development Agreement, dated June 1, 1985 (attached) – *This will also be considered by the ARA at their 6/14/2023 meeting.*
2. Releasing a Plan for Appleton Redevelopment Project No. 11, dated May 4, 1983 – *This will be considered by the ARA at their 6/14/2023 meeting. No action required by the Appleton Common Council on this item.*

## **Staff Recommendation:**

**APPROVE** authorizing the execution of the release of the historic Development Agreement dated June 1, 1985, conditioned on Common Council approval of the proposed new Development Agreement with Fox Commons Properties, LLC (File # [23-0561](#)).

Cc: Chris Behrens, City Attorney  
Marissa Downs, Chair, Appleton Redevelopment Authority

Att: Release of Development Agreement  
Historic Development Agreement, Dated June 1, 1985