

From: Matthew Dregne [mailto:MDREGNE@staffordlaw.com]
Sent: Monday, January 10, 2011 03:53 PM
To: Laurie Sullivan
Subject: RE: Lease

Hi Laurie,

This change appears intended to narrow the scope of the tenant's indemnification, and appears most likely to apply in circumstances where a person or property is damaged, and there is an argument that the damage resulted from some potentially dangerous condition on the property. I don't know what obligations the City has under the lease relating to possibly unsafe conditions on the property (anything from a crack in a front step to snow and ice on the front walk). This proposed language seems to open the door to argue that the City is responsible to maintain the property in a safe condition, and is liable for injuries arising from a negligent failure to maintain the property. I think the issue to consider here the extent to which the City will or will not have responsibility for unsafe conditions on the property during the term of the lease. If the property will have no responsibility or only certain specified responsibility for maintenance during the lease, then the tenants indemnification obligation should not be limited based on City negligence except where the City has a duty to maintain.

Please let me know if you'd like to discuss. Thanks.

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From: LSullivan@ci.stoughton.wi.us [mailto:LSullivan@ci.stoughton.wi.us]
Sent: Monday, January 10, 2011 11:43 AM
To: Matthew Dregne
Subject: FW: Lease

Matt,

Attached is a lease agreement that we are entering into with Community Living Connections for shared use of space in the new Youth Center.

I have just one question for you. On page 2 at the bottom there is a line added in red. This revision was requested by CLC's attorney. Can you take a look and let me know if you have any problem with this change.

I thought we had this lease all worked out, it is going to Council tomorrow night. This change just came in this morning.

Thanks for your help.

Laurie J Sullivan, City of Stoughton
Director of Finance and Economic Dev.
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