

UTILITY EASEMENT AGREEMENT

THIS UTILITY EASEMENT AGREEMENT (“Agreement”) is made this _____ day of _____, 2020, by and between the School District of Milton, a Wisconsin public school district (hereinafter referred to as the “Grantor”) and the City of Milton, a Wisconsin political subdivision (hereinafter referred to as the “Grantee”).

RECITALS

A. Grantor owns adjoining parcels of real estate situated in the City of Milton, Rock County, Wisconsin, and wishes to combine such parcels into one single parcel (referred to herein as “Lot 1”) as shown in the preliminary certified survey map attached hereto as Exhibit A.

B. Grantee wishes an easement over, under and across a portion of Lot 1 more particularly described on Exhibit B attached hereto (the “Easement Area”). The location of the Easement Area is shown, and the easement granted herewith is referenced, on the maps attached hereto as Exhibit A and Exhibit C.

C. Grantor wishes to grant such easement to Grantee in the manner and form following.

THEREFORE, for valuable consideration, the parties hereto agree as follows:

1. Sanitary Sewer and Water Main Easement. Grantor hereby grants, conveys, transfers and assigns unto Grantee a permanent non-exclusive easement over, under and across the Easement Area for the following purposes: (i) to construct, maintain, inspect, operate, repair, move, remove, replace and reconstruct an underground sanitary sewer main, an underground water main, and related underground facilities and appurtenances; (ii) to cut, trim or remove trees, bushes and roots as may be reasonably required incident to the rights herein given, and (iii) for ingress and egress to exercise the rights and privileges granted herein. Grantee shall have the right to come upon the Easement Area at any time and for all purposes relating to the exercise of its rights hereunder.

2. Property Restoration. Following any construction-related activity by Grantee in the Easement Area, Grantee shall restore, as best as practicable, such Easement Area to the condition it was in before such construction and activities.

3. Consistent Uses by Grantor Allowed. This easement is non-exclusive, and Grantor reserves the right for itself and its employees, invitees, licensees, guests, permittees and assignees to

Return to:

Atty William L. Fahey
Boardman & Clark LLP
PO Box 927
Madison, WI 53701

use the Easement Area for any purpose or purposes which shall not impair Grantee's right hereunder.

4. Miscellaneous.

(a) The easement granted herein shall run with the land described herein, is binding upon the heirs, successors and assigns of Grantor, and shall benefit Grantee, its successors and assigns.

(b) This Agreement shall be construed in accordance with the laws of the State of Wisconsin.

(c) This Agreement may not be amended, modified, terminated, or released without the written consent of both Grantor and Grantee, or their respective successors-in-interest.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the day and year first above-written.

SCHOOL DISTRICT OF MILTON

By: _____
*
Its: _____

STATE OF WISCONSIN)
)
COUNTY OF ROCK) ss.

Subscribed and sworn to before me this _____ day of _____, 2020, the above-named _____, to me known to be the person who executed the foregoing instrument on behalf of the School District of Milton and acknowledged the same.

*

Notary Public, State of Wisconsin
My commission expires: _____

CITY OF MILTON

By: _____

*

Its: _____

STATE OF WISCONSIN)
)
COUNTY OF ROCK) ss.

Subscribed and sworn to before me this _____ day of _____, 2020, the above-named _____, to me known to be the person who executed the foregoing instrument on behalf of the City of Milton and acknowledged the same.

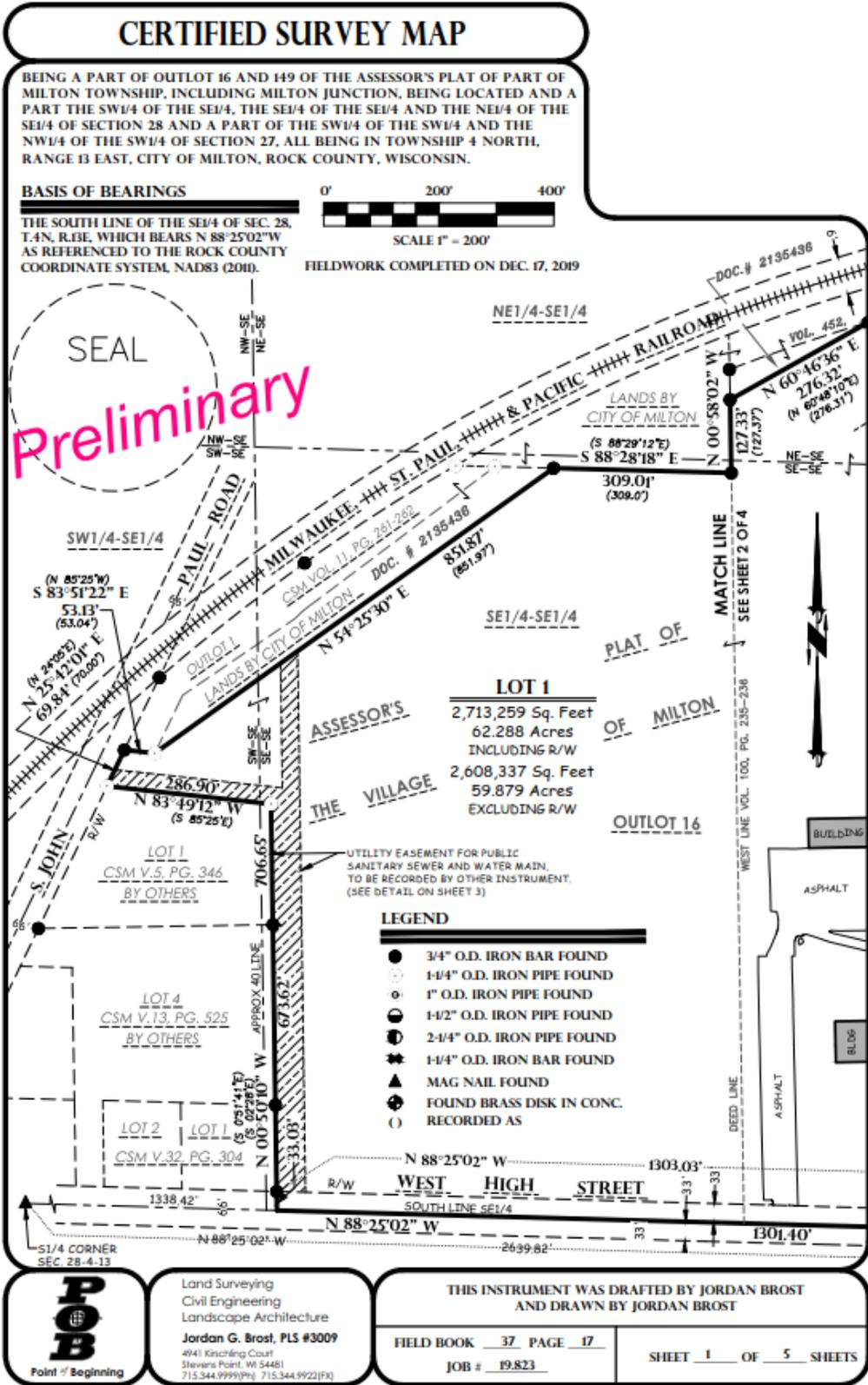
*

Notary Public, State of Wisconsin

My commission expires: _____

This instrument drafted by:
Attorney Daniel T. Fahey
Boardman & Clark LLP
PO Box 927
Madison, WI 53701
608.257.9521

**Exhibit A
Preliminary Certified Survey Map**



Land Surveying
Civil Engineering
Landscape Architecture

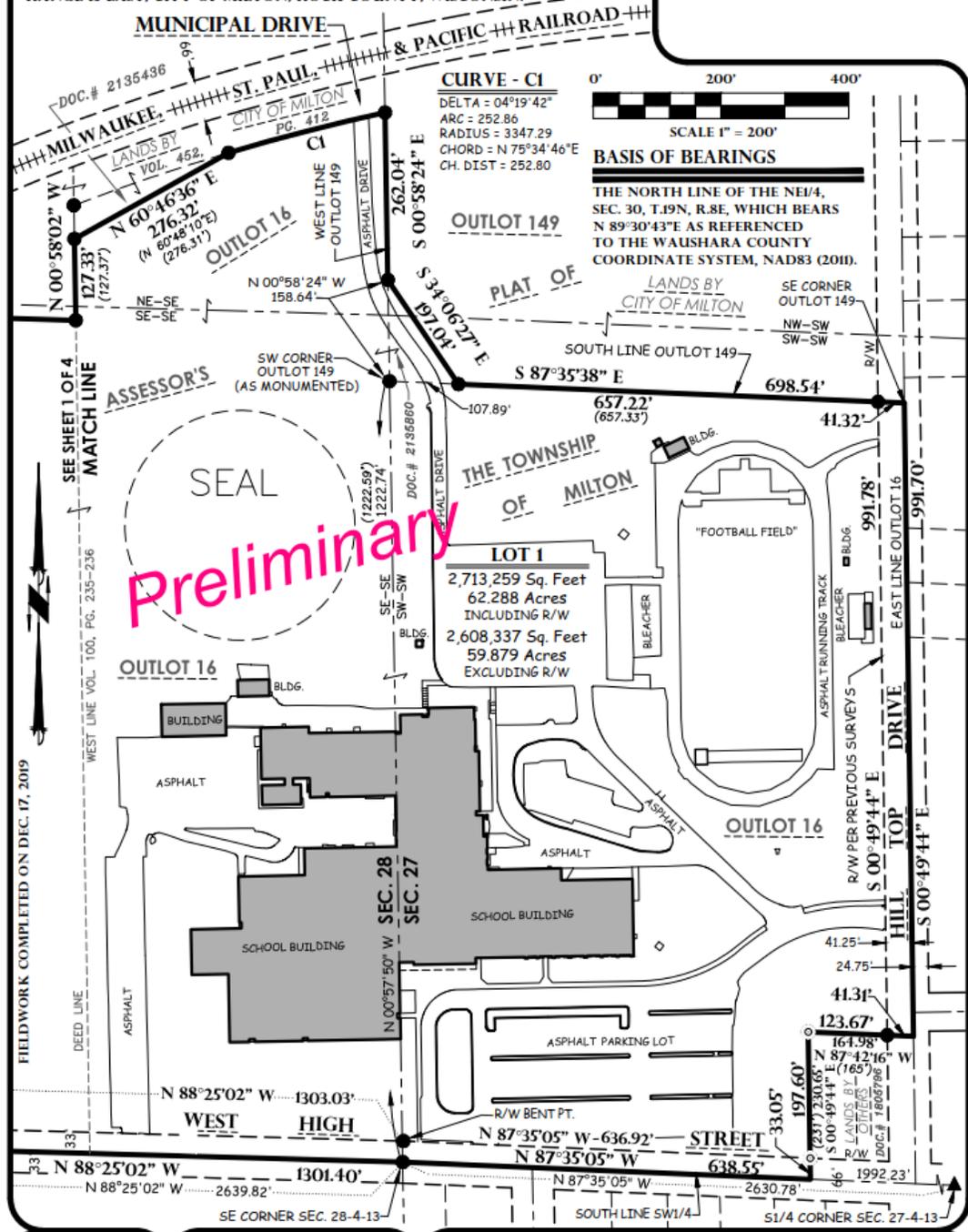
Jordan G. Brost, PLS #3009
4941 Kinchling Court
Stevens Point, WI 54481
715.344.9999(PH) 715.344.9922(FX)

THIS INSTRUMENT WAS DRAFTED BY JORDAN BROST
AND DRAWN BY JORDAN BROST

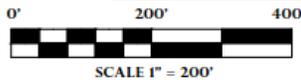
FIELD BOOK <u>37</u> PAGE <u>17</u>	SHEET <u>1</u> OF <u>5</u> SHEETS
JOB # <u>19.823</u>	

CERTIFIED SURVEY MAP

BEING A PART OF OUTLOT 16 AND 149 OF THE ASSESSOR'S PLAT OF PART OF MILTON TOWNSHIP, INCLUDING MILTON JUNCTION, BEING LOCATED AND A PART THE SW1/4 OF THE SE1/4, THE SE1/4 OF THE SE1/4 AND THE NE1/4 OF THE SE1/4 OF SECTION 28 AND A PART OF THE SW1/4 OF THE SW1/4 AND THE NW1/4 OF THE SW1/4 OF SECTION 27, ALL BEING IN TOWNSHIP 4 NORTH, RANGE B EAST, CITY OF MILTON, ROCK COUNTY, WISCONSIN.



CURVE - CI
 DELTA = 04°19'42"
 ARC = 252.86
 RADIUS = 3347.29
 CHORD = N 75°34'46"E
 CH. DIST = 252.80



BASIS OF BEARINGS
 THE NORTH LINE OF THE NE1/4, SEC. 30, T.19N, R.8E, WHICH BEARS N 89°30'43"E AS REFERENCED TO THE WAUSHARA COUNTY COORDINATE SYSTEM, NAD83 (2011).

Preliminary

LOT 1
 2,713,259 Sq. Feet
 62,288 Acres INCLUDING R/W
 2,608,337 Sq. Feet
 59,879 Acres EXCLUDING R/W

FIELDWORK COMPLETED ON DEC. 17, 2019



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 Civil Engineering
 Landscape Architecture
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Exhibit B
Easement Area Legal Description

Being a part of Outlot 16 of the Assessor's Plat of part of Milton Township including Milton Junction, being located and a part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 28, Township 4 North, Range 13 East, City of Milton, Rock County, Wisconsin, the following easement parcel described as follows:

Commencing at the Southeast corner of Section 28, Township 4 North, Range 13 East;
Thence N $88^{\circ}25'02''$ W along the South line of the Southeast $\frac{1}{4}$ of said Section 28, 1301.40 feet;
Thence N $00^{\circ}50'10''$ W, 33.03 feet to a point on the North right-of-way line of West High Street, said point also being the Southeast corner of Lot 1 of Certified Survey Map as recorded in Volume 32, Page 304-307 and also being the Point of Beginning (POB) of the easement parcel to be described;

Thence continuing N $00^{\circ}50'10''$ W along the East line of said Lot 1, Certified Survey Map Volume 32, Page 304-307, the East line of Lot 4, Certified Survey Map as recorded in Volume 13, Page 525-528 and the East line of Lot 1 of Certified Survey Map as recorded in Volume 5, Page 346, 673.62 feet to the Northeast corner of said Lot 1, Certified Survey Map Volume 5, Page 346;

Thence N $83^{\circ}49'12''$ W along the North line of said Lot 1, 286.90 feet to the Northwest corner thereof, said point being on the easterly right-of-way line of South John Paul Road;

Thence N $25^{\circ}42'01''$ E along said easterly right-of-way line of South John Paul Road, 31.83 feet;
Thence S $83^{\circ}49'12''$ E, 292.72 feet;

Thence N $00^{\circ}50'10''$ W, 216.42 feet to a point on the southeasterly line of Parcel "A" as described, recorded and conveyed to the City of Milton in Document No. 2135436;

Thence N $54^{\circ}25'30''$ E along said southeasterly line of lands described and recorded, 36.51 feet;
Thence S $00^{\circ}50'10''$ E, 940.73 feet to a point on the North right-of-way line of West High Street;
Thence N $88^{\circ}25'02''$ W along said North right-of-way line, 50.04 feet to the point of beginning.

Easement Area containing 50,344 Square Feet - 1.156 Acres.

Parcel No. V-23-1263B (partial)

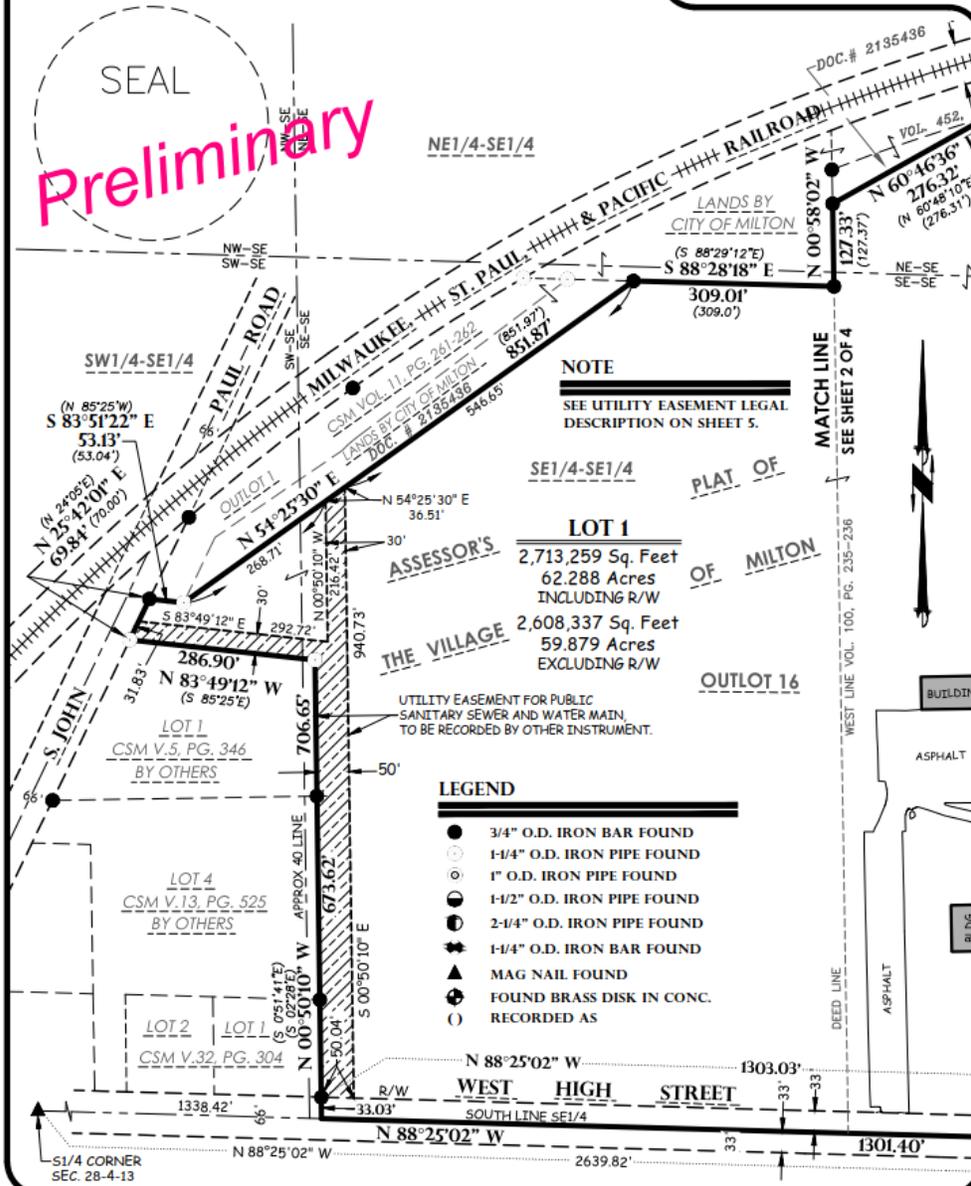
Tax ID # 257 139002 (partial)

Exhibit C Easement Area Map

CERTIFIED SURVEY MAP

BEING A PART OF OUTLOT 16 AND 149 OF THE ASSESSOR'S PLAT OF PART OF MILTON TOWNSHIP, INCLUDING MILTON JUNCTION, BEING LOCATED AND A PART THE SW1/4 OF THE SE1/4, THE SE1/4 OF THE SE1/4 AND THE NE1/4 OF THE SE1/4 OF SECTION 28 AND A PART OF THE SW1/4 OF THE SW1/4 AND THE NW1/4 OF THE SW1/4 OF SECTION 27, ALL BEING IN TOWNSHIP 4 NORTH, RANGE B EAST, CITY OF MILTON, ROCK COUNTY, WISCONSIN.

PROPOSED UTILITY EASEMENT DETAIL



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