

### THIRD AMENDMENT TO EASEMENT

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This Third Amendment to Easement is made as of \_\_\_\_\_, 2024, by and between the **County of Dane** (the “County”), a Wisconsin municipal corporation, and the **City of Madison** (the “City”), a Wisconsin municipal corporation.

#### WITNESSETH:

WHEREAS, the County is the owner of certain property located at 1202 Northport Drive, Madison, Wisconsin, as legally described in attached Exhibit A; and

WHEREAS, the County and the City are parties to that certain Easement, dated November 18, 1997, and recorded November 21, 1997, with the Dane County Register of Deeds as Document No. 2909070; as amended by Amendment to Easement between the parties dated June 18, 2001, and recorded June 26, 2001 with the Dane County Register of Deeds as Document No. 3339293; as further amended by Second Amendment to Easement between the parties dated September 3, 2014, and recorded September 4, 2014 with the Dane County Register of Deeds as Document No. 5095946 (collectively, the “Easement”); and

WHEREAS, the Easement provides the City with a permanent, exclusive easement over a portion of the County-owned property defined as the “Tower Easement Area” for the operation of the City-owned water tower (“Tower”), pump station, water main facilities and telecommunications shelter located thereon; and

WHEREAS, the Easement also provides the City with a permanent non-exclusive easement over a portion of the County-owned property defined as the “Ingress/Egress Easement Area” for purposes of pedestrian and vehicular ingress and egress to and from the Tower Easement Area; and

WHEREAS, the Tower Easement Area and the Ingress/Egress Easement Area are more particularly described in attached Exhibit B; and

WHEREAS, the Amendment to Easement modified the first sentence of Paragraph 3 of the Easement to provide that “The City shall be permitted to grant licenses to a maximum of four (4) telecommunication companies for the for the construction, operation, maintenance, repair, replacement and removal of telecommunications equipment and improvements on the Tower and Tower Easement Area...”; and

WHEREAS, the City has granted four (4) licenses and desires to grant an additional fifth license; and

WHEREAS, the City and the County desire to amend the Easement to allow the City to grant such additional fifth license.

RETURN TO: City of Madison  
Economic Development Division  
Office of Real Estate Services  
P.O. Box 2983  
Madison, WI 53701-2983

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Tax Parcel No.: 251-0809-253-0099-1

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NOW, THEREFORE, the County and the City agree to amend the Easement as follows:

1. The first sentence of Paragraph 3 of the Easement is deleted in its entirety and replaced with the following:

*“The City shall be permitted to grant licenses to a maximum of five (5) telecommunication companies, non-City government agencies, or electric public utilities for the construction, operation, maintenance, repair, replacement and removal of telecommunications equipment and improvements on the Tower and Tower Easement Area, together with the right of pedestrian and vehicular access thereto upon, over and across the Ingress/Egress Easement Area, subject to the following terms and conditions:”*

2. All other provisions of the Easement remain in full force and effect.

IN WITNESS WHEREOF, the parties have entered into this Third Amendment to Easement as of the date first set forth above.

*[Signatures on following two (2) pages]*

COUNTY OF DANE

By: \_\_\_\_\_  
County Executive

\_\_\_\_\_  
(Print Name)

By: \_\_\_\_\_  
Scott McDonell, County Clerk

State of Wisconsin )  
)ss.  
County of Dane )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the above named \_\_\_\_\_, County Executive of the County of Dane, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin

\_\_\_\_\_  
(print or type name of notary)  
My Commission expires: \_\_\_\_\_

State of Wisconsin )  
)ss.  
County of Dane )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the above named Scott McDonell, County Clerk of the County of Dane, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin

\_\_\_\_\_  
(print or type name of notary)  
My Commission expires: \_\_\_\_\_

**CITY OF MADISON,**  
a Wisconsin municipal corporation

By: \_\_\_\_\_  
Satya Rhodes-Conway, Mayor

By: \_\_\_\_\_  
Maribeth L. Witzel-Behl, City Clerk

**AUTHENTICATION**

The signatures of Satya Rhodes-Conway, as the Mayor, and Maribeth Witzel-Behl, as the City Clerk, on behalf of the City of Madison, are authenticated on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Doran Viste, Assistant City Attorney  
Member, State Bar of Wisconsin

Execution of this Second Amendment to Easement by the City of Madison is authorized by City of Madison Common Council Resolution Enactment No. RES-24-00313, File ID No. 82849, adopted May 7, 2024.

Drafted by the City of Madison Office of Real Estate Services

Project No. 4011

## **EXHIBIT A**

### **The County's Property**

Lot 1, Certified Survey Map No. 12189, as recorded in the Dane County Register of Deeds in Volume 75, Page 171 of Certified Survey Maps, City of Madison, Dane County, Wisconsin.

## EXHIBIT B

### Tower Easement Area

A part of Lot 9 of Hanover Plat, a plat of record; being a part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Twenty-five (25), Township Eight (8) North, Range Nine (9) East, City of Madison, Dane County, Wisconsin, containing 23,256 square feet (0.534 acres) of land and being described by:

Commencing at the South Quarter (S 1/4) Corner of said Section 25; thence N01E05'16"E, 1,858.21 feet along the East line of the Southwest Quarter (SW 1/4) of said Section 25; thence N88E54'44"W, 42.33 feet to the **point of beginning**; thence S05E14'12"W, 230.82 feet; thence N88E09'26"W, 85.65 feet; thence N03E40'41"W, 221.27 feet; thence N87E01'11"E, 121.03 feet to the **point of beginning**; being subject to any and all easements and restrictions of record.

### Ingress/Egress Easement Area

A 12 foot wide Ingress/Egress Easement being a part of Lot Nine (9) of Hanover Plat; a part of Lots Fifteen (15) and Sixteen (16), Block Two (2), and a part of vacated Esch Lane (recorded as Drewry Lane) lying North of Lake View Avenue, Lake View Heights, a plat of record; all being a part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) and the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Twenty-five (25), Township Eight (8) North, Range Nine (9) East, City of Madison, Dane County, Wisconsin, containing 6,171 square feet (0.142 acres) of land and being 6 feet either side of and parallel to a line described by:

Commencing at the South Quarter (S 1/4) Corner of said Section 25; thence N01E05'16"E, 1,380.93 feet along the East line of the Southwest Quarter (SW 1/4) of said Section 25 to the Southwest Corner of Lot 15, Block 2, of said Lake View Heights; thence S89E44'03"E, 215.67 feet (recorded as N89E09"E, 216.04 feet) along the South line of said Lot 15 and the East extension thereof to the Centerline of vacated Esch Lane; thence S01E11'57"W (recorded as S00E07"W), 20.63 feet along said Centerline to a point in the North line of Lake View Avenue extended West; thence S89E18'04"E (recorded as N89E37"E), 10.00 feet along said North line to the **point of beginning**; thence N01E11'57"E, 30.71 feet; thence N89E44'03"W, 16.15 feet; thence N34E04'04"W, 91.22 feet; thence N51E43'15"W, 89.38 feet; thence N72E55'51"W, 95.12 feet; thence N36E48'06"W, 114.81 feet; thence N00E18'58"E, 55.32 feet; thence N89E41'02"W, 15.51 feet; thence N00E18'58"E, 6.00 feet to the **point of termination**.