

PUBLIC STORM SEWER & STORM WATER DRAINAGE EASEMENT

County of Dane, a Wisconsin quasi-municipal corporation (the "Owner"), being the owner of property hereinafter described, in consideration of the sum of One Dollar (\$1.00), the receipt whereof is hereby acknowledged, and the benefits that will inure to the Owner by reason of the existing storm sewer and storm water drainage facility, does grant, set over and convey to the **City of Madison**, a municipal corporation, located in Dane County, Wisconsin (the "City"), its successors and assigns, a perpetual easement (the "Easement") for public storm sewer and storm water drainage purposes, including, but not limited to, the right of ingress and egress; the right to excavate, install, operate, maintain, repair, replace and modify certain existing public storm drainage and storm sewer, facilities and improvements (collectively, the "Facilities"); and the right to perform all work incidental thereto; in, on, under and through the parcel ("Easement Area") legally described on attached Exhibit A and depicted on Exhibit B.

The public Easement is subject to the following conditions:

- 1) The City shall be responsible for the repair and maintenance of the Facilities. Such work shall be completed in a good and professional manner at the City's sole expense.
- 2) In all cases, the Owner and the City shall comply with all applicable laws, including, but not limited to standards, regulations, ordinances, codes, and statutes, as well as obtain all permits, required for any construction, repair, or maintenance activity, or any other activity related to environmental pollution, contamination, or occupational health and safety.
- 3) All future work shall be performed in such a manner as in no way to permanently interfere with or endanger the use of the Easement Area.
- 4) All areas shall be promptly restored to the original grade and surface condition, including the repair or replacement of pavement, concrete and turf, by and at the expense of the party performing any work, after completion of said work (or as soon thereafter as weather reasonably permits) and in a manner satisfactory to all parties. The City shall repair any damage caused to any pavement, concrete or turf located within the Easement Area and/or the adjacent properties as a result of the use of the Easement Area by or on behalf of the City as provided herein.

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

Tax Parcel No: 251-0709-351-1215-5
032-0709-253-9000-5

- 5) Plantings and landscaping within the Easement Area shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the Owners.
- 6) No above-ground improvements will be allowed in the Easement Area by either party, with the exception that grates, sewer access structure (SAS) covers, and other access points to the Facilities shall be permitted at grade level. No buildings, structures or fences of any kind unrelated to the Facilities shall be constructed in or over the Easement Area without the written permission of the City of Madison Engineering Division.
- 7) The Owners reserve the right to use and occupy the Easement Area for any purpose, in a manner consistent with the Easement rights of the City herein conveyed, provided that such use and occupancy shall not interfere with or disturb the operation, maintenance, repair, replacement and/or modification of any Facilities herein. No grade change shall be made to the Easement Area without the written consent of the City of Madison's Engineering Division City Engineer.
- 8) The City shall have the further right of ingress and egress to and from the Easement Area in order to exercise its rights and privileges hereunder, and to cut and remove trees, vegetation and other impediments in the Easement Area which may obstruct or interfere with the actual or potential use of the Easement Area for the foregoing purposes.
- 9) All provisions of this Easement, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.
- 10) The City shall record this Easement with the Dane County Register of Deeds. By the recording of this Easement, the City acknowledges that it accepts this Easement and that it agrees to the terms and conditions contained herein.

SEE NEXT PAGE FOR SIGNATURE

Dated this _____ day of _____, 201__

COUNTY OF DANE,
a quasi-municipal corporation

By: _____
Scott McDonell, County Clerk

State of Wisconsin)
) ss.
County of Dane)

Personally came before me this _____ day of _____, 201__, the above-named Scott McDonell, Clerk of Dane County, 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
Commission Expires: _____

This document is authorized by Resolution Number RES-15-919, ID Number 40630, adopted December 1, 2015.

Drafted by the City of Madison Office of Real Estate Services
Real Estate Project No. 10259

Engineering Division Project No. 53W1689

EXHIBIT A

Public Storm Sewer and Storm Drainage Easement
Engineering Project No. 53W1689 Real Estate Project No. 10259

Dane County
032/0709-253-9000-5
251/0709-351-1215-5

Area: 64,507 square feet (1.4809 acres)

Part of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section 26, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin, and also part of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 35, T7N, R9E, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Northeast Corner of said Section 35; thence N88°41'44"W, 260.09 feet along the north line of the said NE ¼ of the NE ¼ to the point of beginning; thence S 07°10'28" W, 203.79 feet; thence S89°09'07" E, 283.95 feet; thence S00°26'40"W, 237.93 feet along the east line of the said NE ¼ of the NE 1/4; thence N67°40'02"W, 235.30 feet; thence S82°06'32"W, 32.07 feet; thence S51°53'07"W, 70.94 feet; thence N90°00'00"W, 17.36 feet; thence N03°37'35"E, 158.85 feet; thence N13°37'45"E, 43.91 feet; thence N07°10'28"E, 248.42 feet; thence S82°49'32" E, 20.00 feet; thence S07°10'28"W, 42.42 feet to the point of beginning.

Subject to the right-of-way of Bram Street.

Bearing Basis: WCCS Dane Zone

EXHIBIT "B" PUBLIC STORM SEWER & STORM WATER DRAINAGE EASEMENT

DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION
MADISON, WISCONSIN

PROPERTY OWNER:
DANE COUNTY PARKS
251/0709-351-1215-5
032/0709-253-9000-5

