

**PERMANENT LIMITED EASEMENT FOR
PUBLIC SIDEWALK PURPOSES**

Dane County, a Wisconsin municipal corporation (the “Owner”), being the owner of the property hereinafter described, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does grant, set over and convey to the **City of Madison**, a Wisconsin municipal corporation, located in Dane County, Wisconsin (the “City”) its successors and assigns, a permanent limited easement for public sidewalk purposes, including, but not limited to, the right of ingress and egress; the right to operate, maintain, repair, replace and modify existing public sidewalk improvements; and the right to perform all work incidental thereto; in, on, over, under and through a portion of the following property:

Part of Lot 46, Second Addition to Truax Air Park West, also being a part of Lot 3 Certified Survey Map No. 13328, as recorded in Volume 86 of Certified Survey Maps of Dane County, on pages 141-147, as Document No. 4893393, all located in part of the Southwest Quarter of the Northeast Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 08 North, Range 10 East, City of Madison, Dane County, Wisconsin.

Return to: City of Madison
EDD – Office of Real Estate Services
P.O. Box 2983
Madison, WI 53701-2983

Tax Parcel No: 251-0810-311-0304-7 (part of)
251-0810-311-0313-8 (part of)

WHEREAS, in association with City of Madison Engineering project 53B2316, a public sidewalk was constructed within a portion of the Owner’s property described above (the “Property”); and

WHEREAS, the Owner desires to grant, at no cost to the City, and the City desires to accept, an easement for public sidewalk purposes (the “Easement”) in the area of the existing public sidewalk improvements, with said Easement being legally described in attached Exhibit A and depicted on attached Exhibit B (the “Easement Area”).

NOW, THEREFORE, the Owner hereby grants to and for the benefit of the City a non-exclusive Permanent Limited Easement for Public Sidewalk Purposes in the Easement Area, subject to the following conditions:

1. Maintenance. The Owner has the delegable responsibility for snow and ice removal in conformance with City of Madison Ordinances. City Engineering shall inspect the sidewalk for necessary repairs and/or replacement. Repair and/or replacement costs shall be shared equally between the City and the Owner.
2. Property Restoration: The City shall repair any damage caused to any pavement, concrete or turf located within the Easement Area and/or the Property as a result of the work performed within the Easement Area by or on behalf of the City. Following completion of any excavation work, the City shall promptly restore the area affected by the work to the original

grade and surface condition including the repair or replacement of pavement, concrete and turf.

3. Limitations on Use of Easement Area. The Owner reserves the right to use and occupy the Easement Area in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the City's maintenance, repair, replacement and/or modification of the public sidewalk improvements located therein. No above-ground improvements will be allowed in the Easement Area by the Owner and no grade change shall be made to the Easement Area without the written consent of the City of Madison Engineer.
4. Landscaping by Owner. 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 Owner.
5. Compliance. The Owner and the City shall comply with all applicable laws with respect to this Easement, including, but not limited to, any laws, standards, regulations, or permit requirements relating to environmental pollution or contamination or to occupational health and safety.
6. Amendment. This Easement may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
7. Binding Effect. The rights and Easement granted herein shall be deemed to be covenants running with the land and shall inure to the benefit of the City, its successors and assigns, and shall be binding upon the Owner, its successors and assigns.
8. Applicable Law. This Easement shall be construed in accordance with the laws of the State of Wisconsin.
9. Severability. If any term or provision of this Easement is held to be invalid or unenforceable by a court of competent jurisdiction, then such holding shall not affect any of the remaining terms and provisions of this Easement and the same shall continue to be effective to the fullest extent permitted by law.
10. Public Record. This Easement will be recorded by the City at the office of the Dane County Register of Deeds.
11. Airport Use. The Owner retains for the use and benefit of the public the right to pursue all operations of the Dane County Regional Airport (the "Airport") in the vicinity of the Easement Area, including the right of aircraft to fly in the airspace overlying and in the vicinity of the Easement Area, and the right of said aircraft to cause such noise and vibration as may be inherent in the operation of aircraft.
12. Tall Objects. At all times while exercising the rights granted under this Easement the City shall keep the airspace above the Easement Area free and clear of any and all objects extending 25 feet above existing ground level.
13. Hazards to Aviation. The City shall not use or permit the use of the Easement Area in any manner that creates or results in interference with communications between the Airport and aircraft, that makes it difficult for pilots to observe or distinguish Airport lights and markings,

that causes glare or otherwise obstructs or interferes with the vision of pilots using the Airport, or otherwise in any manner that may create or result in a hazard to aviation or Airport operations.

14. Consent by Conduct. Exercise by the City of any of the rights granted under this Easement shall be deemed to be consent by the City to be bound by the conditions and covenants set forth herein.

Dated this _____ day of _____, 2015.

DANE COUNTY

By: _____
Scott McDonell, Dane County Clerk

State of Wisconsin)
)ss.
County of Dane)

Personally came before me this _____ day of _____, 2015, the above-named Scott McDonnell, Dane County Clerk, 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)

My Commission: _____

Consent of Lessee:

Corben Land Development, LLC, as lessee under a long term lease by and between said Corben Land Development, LLC and the Owner, Dane County, relating to the Property, hereby acknowledges its consent to the terms and conditions of this Permanent Limited Easement for Public Sidewalk Purposes.

CORBEN LAND DEVELOPMENT, LLC

By: RIFKEN AIRPORT ASSOCIATES, INC., MEMBER

By: _____
Martin F. Rifken, President

State of Wisconsin)
)ss.
County of Dane)

Personally came before me this _____ day of _____, 2015, the above-named Martin F. Rifken, President of Rifken Airport Associates, Inc., managing member for Corben Land Development, LLC, 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)
My Commission: _____

Acceptance of this Easement is authorized by Resolution Enactment No. RES-12-00373, File ID No. 26287, adopted May 15, 2012 by the Common Council of the City of Madison.

Drafted by the City of Madison Office of Real Estate Services
City Engineering Project Nos. 53B2316

Real Estate Project No. 9989

EXHIBIT A
EASEMENT AREA

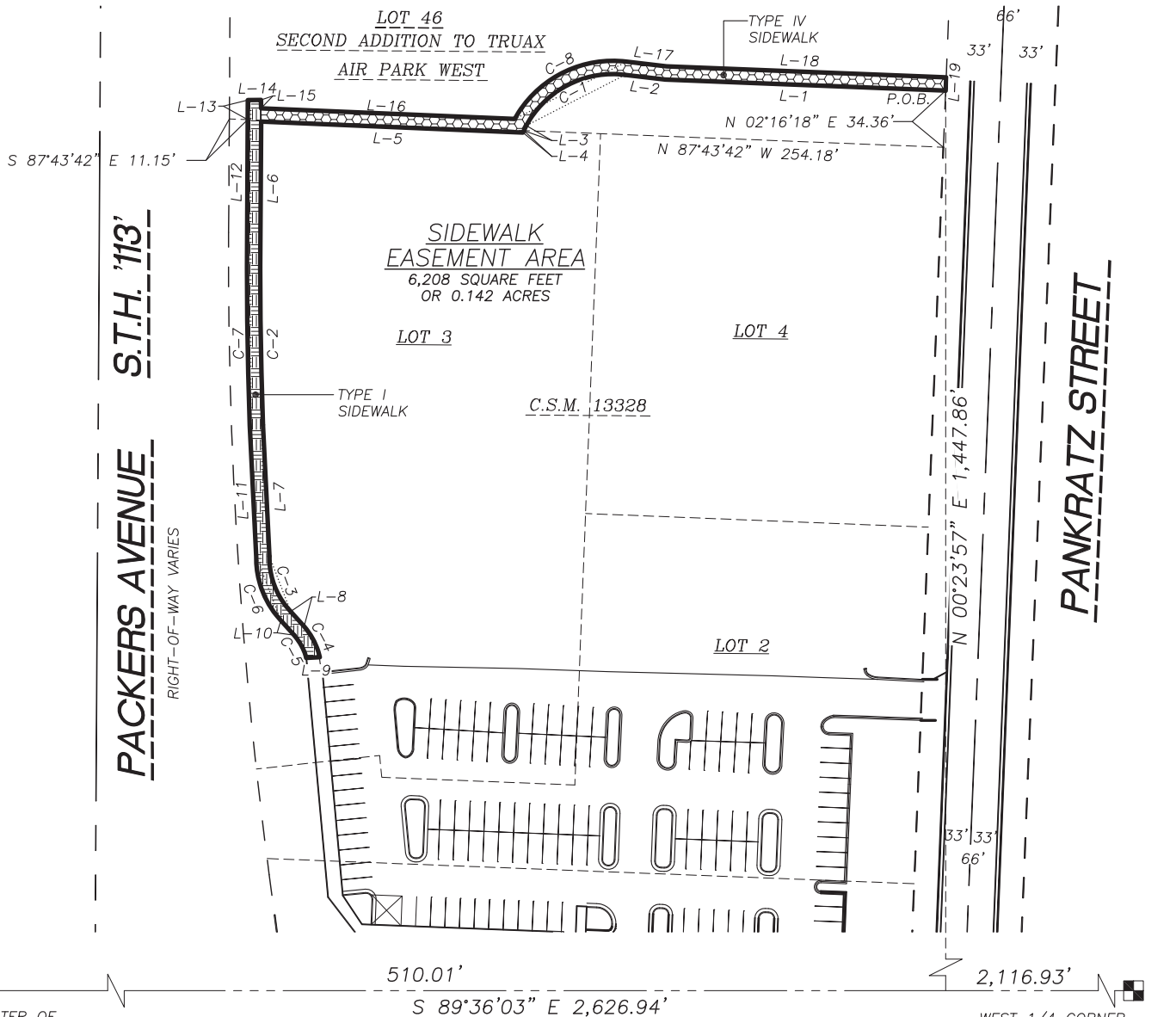
A Public Sidewalk Easement being a part of Lot 46, Second Addition to Truax Air Park West, also being a part of Lot 3 of Certified Survey Map No. 13328, as recorded in Volume 86 of Certified Survey Maps of Dane County, on pages 141-147, as Document No. 4893393, all located in part of the Southwest Quarter of the Northeast Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 08 North, Range 10 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Center of Section of said Section 31; thence South 89 degrees 36 minutes 03 seconds East along the south line of said Northeast quarter, 510.01 feet; thence North 00 degrees 23 minutes 57 seconds East, 1,447.86 feet to a point on the West right-of-way line of Pankratz Street, being North 02 degrees 16 minutes 18 seconds East, 34.36 feet from the Northeast corner of Lot 4, Certified Survey Map No. 13328 also being the Point of Beginning; thence North 87 degrees 45 minutes 06 seconds West, 169.75 feet; thence North 83 degrees 24 minutes 25 seconds West, 24.66 feet to a point of a non-tangent curve; thence Southwesterly 71.38 feet along an arc of a curve to the left, having a radius of 59.68 feet, the chord bears South 62 degrees 49 minutes 52 seconds West, 67.19 feet; thence South 25 degrees 17 minutes 31 seconds West, 3.40 feet to a point on the North line of Lot 3, Certified Survey Map No. 13328; thence continuing South 25 degrees 17 minutes 31 seconds West, 1.32 feet; thence North 87 degrees 35 minutes 34 seconds West, 158.64 feet; thence South 00 degrees 22 minutes 22 seconds West, 88.32 feet to the point of a non-tangent curve; thence Southeasterly 95.31 feet along an arc of a curve to the left, having a radius of 2,891.74 feet, the chord bears South 01 degrees 01 minutes 35 seconds East, 95.30 feet; thence South 02 degrees 47 minutes 51 seconds East, 79.63 feet to a point of a non-tangent curve; thence Southeasterly 36.66 feet along an arc of a curve to the left, having a radius of 47.37 feet, the chord bears South 21 degrees 00 minutes 46 seconds East, 35.75 feet; thence South 42 degrees 11 minutes 45 seconds East, 12.22 feet to a point of a non-tangent curve; thence Southeasterly 21.07 feet along an arc of a curve to the right, having a radius of 43.87 feet, the chord bears South 27 degrees 03 minutes 48 seconds East, 20.87 feet; thence South 87 degrees 00 minutes 21 seconds West, 8.16 feet to point of a non-tangent curve; thence Northwesterly 15.67 feet along an arc of a curve to the left, having a radius of 35.87 feet, the chord bears North 28 degrees 09 minutes 27 seconds West, 15.55 feet; thence North 42 degrees 11 minutes 45 seconds West, 12.05 feet to the point of a non-tangent curve; thence Northwesterly 42.49 feet along an arc of a curve to the right, having a radius of 55.37 feet, the chord bears North 21 degrees 07 minutes 27 seconds West, 41.45 feet; thence North 02 degrees 47 minutes 51 seconds West, 79.42 feet to the point of a non-tangent curve; thence Northwesterly 95.66 feet along an arc of a curve to the right, having a radius of 2,899.74 feet, the chord bears North 01 degrees 01 minutes 36 seconds West, 95.66 feet; thence North 00 degrees 17 minutes 47 seconds East, 89.46 feet to the North line of Lot 3, Certified Survey Map No. 13328; thence continuing North 00 degrees 17 minutes 47 seconds East, 11.87 feet; thence North 89 degrees 43 minutes 47 seconds East, 8.00 feet; thence South 00 degrees 16 minutes 13 seconds East, 5.06 feet; thence South 87 degrees 35 minutes 45 seconds East, 153.72 feet to a point of a non-tangent curve; thence Northeasterly 80.75 feet along an arc of a curve to the right, having a radius of 67.68 feet, the chord bears North 62 degrees 52 minutes 54 seconds East, 76.04 feet; thence South 83 degrees 24 minutes 25 seconds East, 24.32 feet; thence South 87 degrees 45 minutes 06 seconds East, 169.45 feet to the West right-of-way line of Pankratz Street; thence South 02 degrees 16 minutes 18 seconds West along said right-of-way line, 8.00 feet to the point of beginning

Said easement contains 6,208 square feet or 0.142 acres.

EXHIBIT B

2 pages



CENTER OF
SECTION 31, T8N, R10E
BRASS CAP
MONUMENT FOUND.
WCCS COORDINATES:
N: 497222.55
E: 828906.54

WEST 1/4 CORNER
SECTION 32, T8N, R10E
ALUM CAP
MONUMENT FOUND.
WCCS COORDINATES:
N: 497204.25
E: 831533.45

LEGEND

- GOVERNMENT CORNER
- EASEMENT BOUNDARY
- SECTION LINE
- RIGHT-OF-WAY LINE
- PLATTED LOT LINE

NOTES

1. FIELD WORK PERFORMED BY JSD PROFESSIONAL SERVICES, INC. ON JANUARY 08, 2015.
2. BEARINGS FOR THIS SURVEY AND MAP ARE BASED ON THE WISCONSIN COUNTY COORDINATE SYSTEM, (WCCS), DANE COUNTY. THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 31-8-10, BEARS S 89°36'03" E.
3. SEE SHEET 2 FOR LINE AND CURVE TABLES.

EXHIBIT

PART OF LOT 46, SECOND ADDITION TO TRUAX AIR PARK WEST, PART OF LOT 3, CERTIFIED SURVEY MAP No. 13328, BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 10 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN

PREPARED BY:

JSD Professional Services, Inc.
• Engineers • Surveyors • Planners

161 HORIZON DRIVE, SUITE 101
VERONA, WISCONSIN 53593
PHONE: (608)848-5060

PREPARED FOR:

CITY OF MADISON
CITY ENGINEERING
DIVISION
210 MARTIN LUTHER
KING JUNIOR BLVD.
MADISON WI 53703

PROJECT NO: 11-4871

FILE NO: A-307

FIELDBOOK/PG: -

SHEET NO: 1 OF 2

SURVEYED BY: AWW

DRAWN BY: AWW

CHECKED BY: TJB

APPROVED BY: HPJ



0 50' 100'
SCALE: 1" = 100'

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L-1	N 87°45'06" W	169.75'	L-10	N 42°11'45" W	12.05'
L-2	N 83°24'25" W	24.66'	L-11	N 02°47'51" W	79.42'
L-3	S 25°17'31" W	3.40'	L-12	N 00°17'47" E	89.46'
L-4	S 25°17'31" W	1.32'	L-13	N 00°17'47" E	11.87'
L-5	N 87°35'34" W	158.64'	L-14	N 89°43'47" E	8.00'
L-6	S 00°22'22" W	88.32'	L-15	S 00°16'13" E	5.06'
L-7	S 02°47'51" E	79.63'	L-16	S 87°35'45" E	153.72'
L-8	S 42°11'45" E	12.22'	L-17	S 83°24'25" E	24.32'
L-9	S 87°00'21" W	8.16'	L-18	S 87°45'06" E	169.45'
			L-19	S 02°16'18" W	8.00'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C-1	71.38'	59.68'	68°31'34"	67.19'	S 62°49'52" W
C-2	95.31'	2,891.74'	01°53'18"	95.30'	S 01°01'35" E
C-3	36.66'	47.37'	44°20'28"	35.75'	S 21°00'46" E
C-4	21.07'	43.87'	27°31'00"	20.87'	S 27°03'48" E
C-5	15.67'	35.87'	25°02'13"	15.55'	N 28°09'27" W
C-6	42.49'	55.37'	43°58'12"	41.45'	N 21°07'27" W
C-7	95.66'	2,899.74'	01°53'24"	95.66'	N 01°01'36" W
C-8	80.75'	67.68'	68°21'49"	76.04'	N 62°52'54" E

EXHIBIT

PART OF LOT 46, SECOND ADDITION TO TRUAX AIR PARK WEST, PART OF LOT 3, CERTIFIED SURVEY MAP No. 13328, BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 10 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN

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