

SEWER EASEMENT IN
VACATED RIGHT-OF-WAY

Document Number

Document Title

SEWER EASEMENT
IN VACATED RIGHT-OF-WAY
SE-2880A & SE-2880B

Drafted by:

City of Milwaukee
Department of Public Works

Recording Area

Name and Return Address

City of Milwaukee
Department of Public Works
Infrastructure Services Division
Environmental Engineering Section
841 North Broadway – Room 820
Milwaukee, WI 53202

428-0506-121
428-0551-100
428-06602-100
428-06602-100

Parcel Identification Number (PIN)

THIS SEWER EASEMENT, made as of December 28, 2018 by the CITY OF MILWAUKEE (“City”), a municipal corporation, is an assertion of City’s easement rights pursuant to Wis. Stat. 66.1005 (2) (and predecessor statutes) for sewer facilities located within former public right-of-way.

1. Right-of-Way Vacation; Easement Areas; City Rights. Public right-of-way known as the public alley in the block between S. Barclay Street, S. Water Street, E. Oregon Street and E. Florida Street and public right-of-way known as E. Oregon Street between S. Barclay Street and S. Water Street (collectively, the “**Vacated ROW**”) was vacated by the City in 1930 pursuant to Wis. Stat. 62.73 and pursuant to City Common Council Resolution File Numbers 43094 and 44318. City owns 12-inch, 15-inch, 18-inch, 21-inch, 24-inch and 27-inch combined sewer facilities and related appurtenances (collectively, the “**Facilities**”) within the Vacated ROW that City has continually operated since installation, which installation date *predated* the date of the right-of-way vacation, and which Facilities the City continues to operate.

City hereby records this Sewer Easement to document its preexisting rights in and to the **Easement Areas** that are legally described on **EXHIBIT A** attached and that are depicted on **EXHIBIT B** attached (Plan File No. 198-7-78) (which Easement Areas were part of the Vacated ROW) and to assert all of the City’s rights under Wisconsin law, including under Wis. Stat. 66.1005 (2) (and predecessor statutes), including under Wis. Stat. 66.1005 (2)(a), including the

right to continue to hold an easement and rights incidental thereto in and to the Easement Areas, and all rights of entrance, maintenance, construction, repair, and replacement.

2. Easement Areas Encumbered. At the time of vacation of the Vacated ROW, no building or structure or other improvement (other than typical right-of-way pavement) existed on the Easement Areas. Those owning or improving the Vacated ROW and Easement Areas after the date of vacation take, and took, subject to City's pre-existing rights.

THE CITY caused this Sewer Easement to be executed as of the date first written above.

<p>CITY ATTORNEY APPROVAL/AUTHENTICATION</p> <p>Gregg Hagopian, a member in good standing of the State Bar of Wisconsin, hereby approves the signatures of the City representatives above per M.C.O. 304-21, and also authenticates the signatures of those City representatives/signatories per Wis. Stat. 706.06 so this document may be recorded per Wis. Stat. 706.05 (2)(b).</p> <p>By: _____ Gregg Hagopian, Asst. City Attorney State Bar No. 1007373 Date: _____</p>	<p>CITY: CITY OF MILWAUKEE</p> <p>By: _____ Jeffery S. Polenske, Commissioner Dept. of Public Works</p> <p>And By: _____ Jim Owczarski, City Clerk</p> <p>Countersigned:</p> <p>By: _____ Martin Matson, Comptroller</p> <p>City Common Council Resolution File Numbers 43094 and 44318</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

EXHIBIT A

All of the lands described in this EXHIBIT A are in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

LEGAL DESCRIPTION OF “EASEMENT AREA FOR SE-2880A”

Commencing at the southwest corner of Lot 7, Block 36 of Walker’s Point, a recorded subdivision in the Northeast one-quarter (N.E. ¼) of Section thirty-two (32), Township seven (7) North, Range twenty-two (22) East, said corner to be the point of beginning of this description:

Thence, Easterly 332.00-feet along the easterly extension of the southerly line of said Lot 7 to a point on the East line of the Northeast ¼ of Section 32, Township 7, Range 22 East;

Thence, Southerly 20.00-feet along said East line;

Thence, Westerly along a line parallel to the easterly extension of the southerly line of said Lot 7, 332.00-feet to the northwest corner of Lot 8.

Thence, Northerly 20.00-feet to the point of beginning.

LEGAL DESCRIPTION OF “EASEMENT AREA FOR SE-2880B”

Commencing at the southwest corner of Lot 1 of Certified Survey Map Number 8011, said point of beginning of this description:

Thence, Northerly 8.00-feet to a point along the easterly Right-of-Way line of South Barclay Street.

Thence, South 89° 46’ 49” East, 248.11-feet to a point on the westerly line of Lot 3;

Thence South 0° 33’ 32” East, 8.00-feet along the westerly Right-of-Way line of Lot 3;

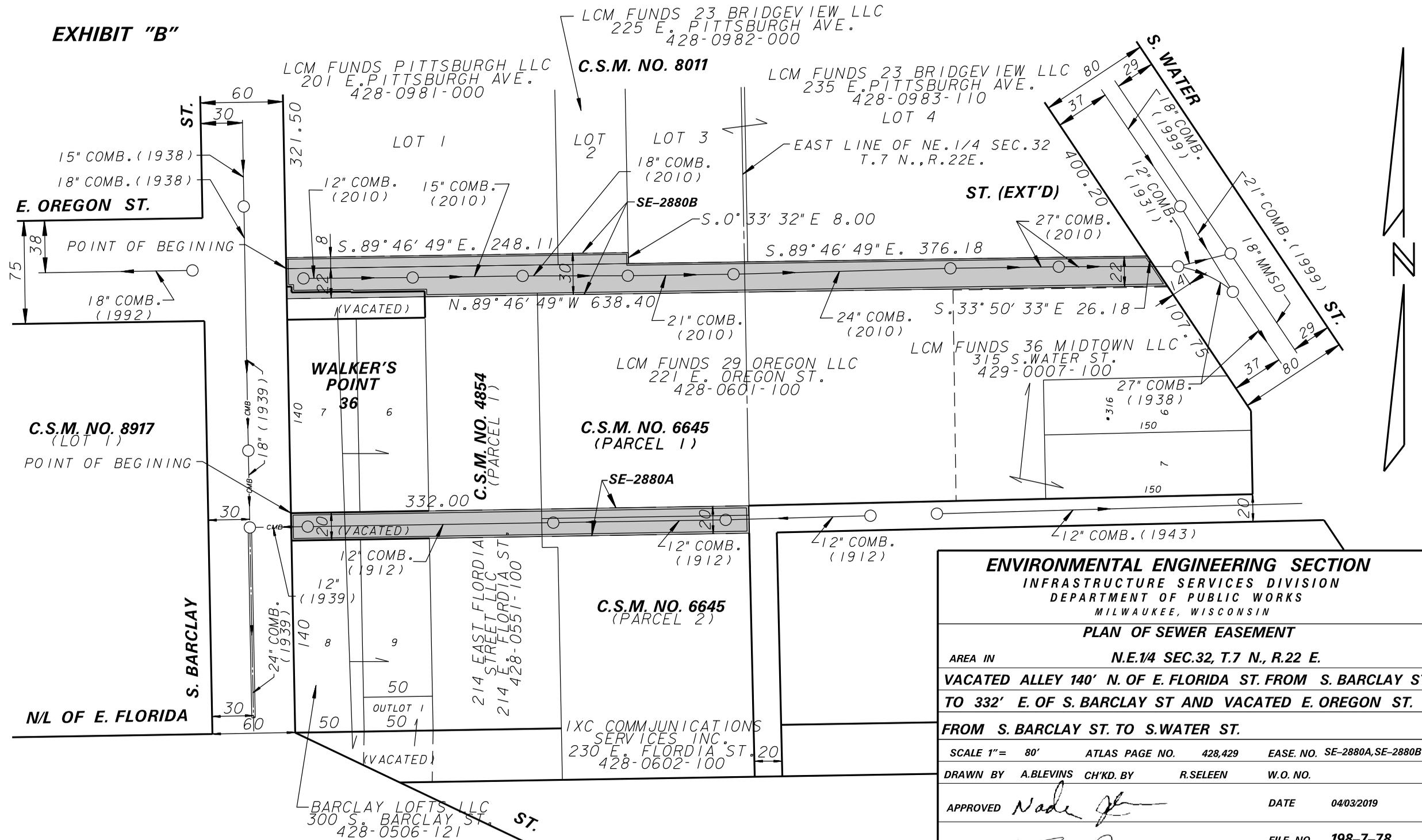
Thence, South 89° 46’ 49” East, 376.18-feet to a point on the westerly Right-of-Way line of South Water Street;

Thence, South 33° 50’ 33” East, 26.18-feet along the westerly Right-of-Way line of South Water Street;

Thence, North $89^{\circ} 46' 49''$ West, 638.42-feet to a point on the easterly Right-of-Way line of South Barclay Street.

Thence, Northerly 22.00-feet to the point of beginning.

EXHIBIT "B"



ENVIRONMENTAL ENGINEERING SECTION			
INFRASTRUCTURE SERVICES DIVISION DEPARTMENT OF PUBLIC WORKS MILWAUKEE, WISCONSIN			
PLAN OF SEWER EASEMENT			
AREA IN	N.E.1/4 SEC.32, T.7 N., R.22 E.		
VACATED ALLEY 140' N. OF E. FLORIDA ST. FROM S. BARCLAY ST. TO 332' E. OF S. BARCLAY ST AND VACATED E. OREGON ST. FROM S. BARCLAY ST. TO S.WATER ST.			
SCALE 1"=	80'	ATLAS PAGE NO.	428,429
EASE. NO.	SE-2880A, SE-2880B		
DRAWN BY	A.BLEVINS	CH'KD. BY	R.SELEEN
W.O. NO.			
APPROVED	<i>Nade</i>		DATE
			04/03/2019
APPROVED	<i>Brian</i>		FILE NO.
			198-7-78