

PERMANENT WATER LINE EASEMENT WE-974

THIS EASEMENT, made by and between **MILWAUKEE COUNTY**, a municipal body corporate duly organized and existing under and by virtue of the laws of the state of Wisconsin (hereinafter referred to as **COUNTY**), GRANTOR, hereby conveys to the following GRANTEE, **CITY OF MILWAUKEE**, a municipal corporation, (hereinafter referred to as **CITY**), for the sum of One and no/100 Dollar (**\$1.00**) and other good and valuable consideration, the following described PERMANENT WATER LINE EASEMENT (Easement) in, upon, under, across, over, through and along certain lands as described on the attached Exhibit A and shown on the attached Exhibit B for the purpose of installing, repairing, maintaining and reconstructing water supply lines and their appurtenances (hereinafter referred to as "facilities"). This easement supersedes any easements granted to CITY along Cleveland Avenue crossing the Kinnickinnic River in Pulaski Park.

This space is reserved for recording data

Return to:

Milwaukee Water Works
841 N Broadway
Milwaukee, Wisconsin, 53202

Parcel Identification Number/Tax Key Number

Tax Key Number: 4969973110

Legal Description of Easement Parcels:

Said area is more particularly described and shown on Exhibits A and B attached hereto and made a part hereof.

This Easement Grant is Subject to the Following Terms and "Special Conditions":

1. COUNTY reserves to itself, its successors and assigns all mineral rights and the right to make use of the land included in the above-mentioned legal description and to erect buildings or other structures thereon, as will not injure or disturb the facilities or related appurtenances, provided, however, that plans of said improvements shall be reviewed and approved by CITY. Said approval shall not be unreasonably withheld and the review will be made in a timely fashion at no charge to COUNTY.
2. It is further understood and agreed that the COUNTY may construct in, upon or along said Easement such improvements (the "Improvements") relating to vehicular traffic or public usage (including but not limited to driveways, roadways, parking areas, walkways, trails, signage and lighting) as COUNTY may deem appropriate provided such improvements do not damage the facilities and appurtenances thereto owned by CITY.
3. CITY shall provide written notice to the Director of Milwaukee County Department of Parks, Recreation and Culture prior to the commencement of any work within the Easement Area by CITY. Said notice shall indicate the anticipated start date and duration of the proposed work and include; plans showing the location, depth, type of installation, trees and shrubs within line of Easement, drawings and specifications detailing construction methodology, the erosion and sedimentation control plan and the preservation and restoration methods to be employed. These shall be reviewed and approved by COUNTY prior to the commencing any construction activities. Said approval shall not be unreasonably withheld and the review will be made in a timely fashion at no charge to CITY.
4. CITY shall secure all permits required by any governing body or agency, including but not limited to Milwaukee County Department of Parks, Recreation and Culture, before any substantial construction, repair or maintenance work commences. All construction, operation and repairs of the

facilities installed within this Easement shall be completed at no expense to the COUNTY. The COUNTY will waive all permit and application FEES for the City or its Agent.

5. No trees, shrubs or vegetation within or adjacent to the Easement Area shall be removed, trimmed or damaged without the written permission of the Department of Parks, Recreation and Culture.

6. It is an express condition of the granting of this Easement that as much of the surface and subsurface of the soil and as much of the Improvements as may be disturbed or damaged in the construction, operation, use, maintenance and repair of the purpose for which this Easement is granted will, at the expense of CITY, be replaced or repaired to essentially the same condition, or better, as existed immediately prior to the occurrence of such damage, to the satisfaction of the Milwaukee County Department of Parks, Recreation and Culture.


7. The COUNTY and CITY hereby expressly agree to defend, hold harmless and indemnify each other from and against any and all claims, actions, liabilities, damages, expenses and judgements, including but not limited to, reasonable attorney fees, reasonable investigative and discovery costs, court costs, and all other sums on account of injury to any persons, loss of life or damage to property occurring on the Easement Areas and on the ways immediately adjoining the Easement Areas caused by the active or passive negligence or willful misconduct of such Party, its employees, agents or servants; provided that no Party shall be required to indemnify any other Party against any injury to persons, to the extent it is caused by active or passive negligence or willful misconduct of that Party, its agents, servants or employees.

8. This Easement shall terminate upon the abandonment or non-use of the facilities herein authorized to be constructed in, under, over, and along said Easement. Prior to abandonment or upon non-use, the facilities and related structures shall be abandoned in accordance with "Wisconsin State Standards for Facilities and Water Construction" and other applicable standards.

9. The Milwaukee County Department of Public Works utilizing available data has reviewed this Easement, but in no way can the COUNTY assure complete accuracy. CITY shall comply with all state and local laws regarding location and protection of existing utilities. CITY shall contact Diggers Hotline and the Park Maintenance Division of the Milwaukee County of Parks, Recreation and Culture prior to commencing any construction to verify all pertinent Easements and existing utility locations within the Easement boundaries.

IN WITNESS WHEREOF, the authorized representatives of the above-named parties have caused their hands and seals to be hereunto affixed.

MILWAUKEE COUNTY



(Signature)

10/7/21

(Date)

DAVID CROWLEY, COUNTY EXECUTIVE
(Print Name – Title)

GEORGE CHRISTENSON, MILWAUKEE COUNTY CLERK



(Signature)

10/5/21

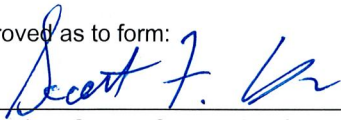
(Date)

**County Corporation Counsel
Approval and Authentication**

Scott F. Brown, as a member in good standing of the State Bar of Wisconsin, hereby approves the signatures of the Milwaukee County representatives above, and also authenticates the signatures of those County representatives/signatories per Wis. Stat. § 706.06 so this document may be recorded per Wis. Stat. § 706.05(2)(b).

By: Scott F. Brown
Title: Deputy Corporation Counsel
State Bar No.: 1089753
Date: 10/7/21

Approved as to form:



Milwaukee County Corporation Counsel

CITY OF MILWAUKEE

**CITY ATTORNEY AUTHENTICATION
AND APPROVAL**

Gregg Hagopian, a member in good standing of the State Bar of Wisconsin, hereby authenticates the signatures of the City representatives/signatories per Wis. Stat. 706.06 so this document may be recorded per Wis. Stat. 706.05 (2)(b), and approves those signatures per MCO 304-21.

By: _____
Gregg Hagopian
Assistant City Attorney
State Bar No. 1007373
Date: _____

CITY OF MILWAUKEE

By: _____
Jeff Polenske, DPW Commissioner

James R. Owczarski, City Clerk

COUNTERSIGNED

Aycha Sawa, Comptroller

City Common Council Res. File # _____

EXHIBIT "A"

Grantor: Milwaukee County
Grantee: City of Milwaukee
Tax Key: 4969973110

Legal Description

Permanent Water Line Easement:

WE-974 Permanent Water Line Easement in and to the following tract of land;

A 20-foot wide easement located in the Southwest 1/4 of the Northeast 1/4 of Section 7, Township 6 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of said Northeast 1/4 of Section 7; thence North 89°58'02" East along the South line of the Northeast 1/4, 600.20 feet; thence North, 30.00 feet to the North line of West Cleveland Avenue and the point of beginning; thence North, 63.93 feet; thence East, 186.91 feet; thence South 00°18'18" East, 63.82 feet to the North line of West Cleveland Avenue; thence South 89°58'02" West along said North line, 20.00 feet; thence North 00°18'18" West, 43.84 feet; thence West, 147.02 feet; thence South, 43.92 feet to the North line of West Cleveland Avenue; thence South 89°58'02" West along said North line, 20.00 feet to the point of beginning: containing 5,494 square feet (0.13 acres).

EASEMENT EXHIBIT

OF LANDS IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 6 NORTH, RANGE 22 EAST, CITY OF MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN

EASEMENT WE-974:

A 20-foot wide easement located in the Southwest 1/4 of the Northeast 1/4 of Section 7, Township 6 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:
 Commencing at the Southwest corner of said Northeast 1/4 of Section 7; thence North 89°58'02" East along the South line of the Northeast 1/4, 600.20 feet; thence North, 30.00 feet to the North line of West Cleveland Avenue and the point of beginning; thence North, 63.93 feet; thence East, 186.91 feet; thence South 00°18'18" East, 63.82 feet to the North line of West Cleveland Avenue; thence South 89°58'02" West along said North line, 20.00 feet; thence North 00°18'18" West, 43.84 feet; thence West, 147.02 feet; thence South, 43.92 feet to the North line of West Cleveland Avenue; thence South 89°58'02" West along said North line, 20.00 feet to the point of beginning; containing 5,494 square feet (0.13 acres).

I hereby certify that I have surveyed and mapped the lands described hereon, and that this map is a correct representation thereof in accordance with the information provided

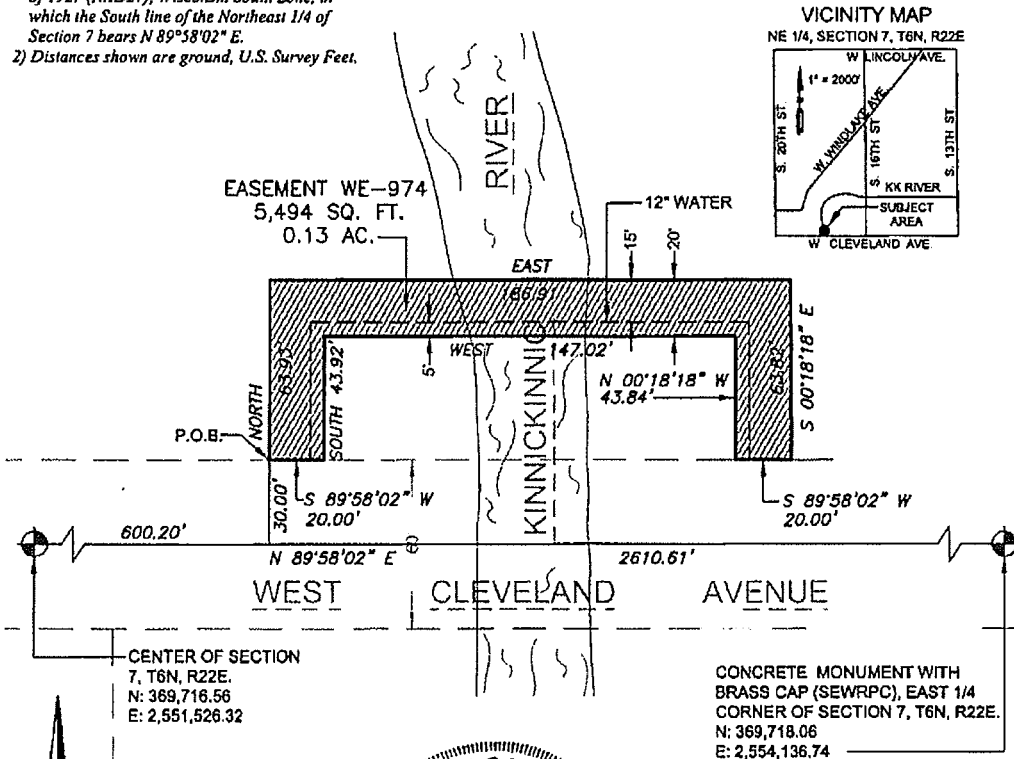
September 11, 2021

Daniel R. Talarczyk
 Daniel R. Talarczyk, P.L.S.

APPROVED FOR DESCRIPTION
 KS 9/14/21
 COUNTY OTPW

Notes:

- 1) Bearings are referenced to the Wisconsin State Plane Coordinate System, North American Datum of 1927 (NAD27), Wisconsin South Zone, in which the South line of the Northeast 1/4 of Section 7 bears N 89°58'02" E.
- 2) Distances shown are ground, U.S. Survey Feet.



SURVEYED BY:
 MILWAUKEE METROPOLITAN
 SEWERAGE DISTRICT
 260 WEST SEEBOTH STREET
 MILWAUKEE, WI 53204-1446
 (414) 272-5100

DRAWN BY: *BGB*
 REVIEWED BY: *DRT*

