

Document Number

**ENCROACHMENT EASEMENT  
AGREEMENT**  
Document Title

Recording Area

Name and Return Address

Kristin Langhoff, Esq.  
Reinhart Boerner Van Deuren s.c.  
1000 North Water Street, Suite 1700  
Milwaukee, Wisconsin 53202

314-0801-100

Parcel Identification Number (PIN)

THIS ENCROACHMENT EASEMENT AGREEMENT (the "Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between Holton Terrace LLC, a Wisconsin limited liability company ("Owner") and the City of Milwaukee, a Wisconsin municipality ("City").

## RECITALS

A. Owner is the owner of certain real property in the City of Milwaukee, Milwaukee County, Wisconsin more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

B. City is the holder of an easement for underground communication purposes as shown on Certified Survey Map number 9126 recorded in the Office of the Register of Deeds for Milwaukee County as document number 10860236 (the "Communications Easement"), a portion of which affects the property.

C. There is located on the Property a building measuring approximately 23 feet long by 18 feet (the "Building") and a chain link fence (the "Fence"), which Building and Fence encroach upon the Communications Easement to the extent and in the manner depicted on the attached Exhibit B (the "Encroachments").

D. Owner and City desire to set forth their respective rights and obligations respecting the Encroachments pursuant to the terms of this Agreement.

## AGREEMENTS

For good and valuable consideration, the receipt and sufficiency of which Owner and City acknowledge, Owner and City agree as follows:

1. Creation of Encroachment Easement. City hereby grants to Owner an encroachment easement (the "Encroachment Easement") for the benefit of the Encroachments. The Building and Fence shall be permitted to continue to encroach into the Communications Easement so long as each stands.

2. Benefits and Burdens. The easements granted hereunder shall run with the land and shall be appurtenant to, benefit and be binding upon the Property and the Communications Easement.

3. Severability. Invalidation of any one of the terms hereof by judgment or court order shall in no way affect any other provisions, which other provisions shall remain in full force and effect.

[Signatures on following pages]

[Signature Page for Encroachment Easement]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

CITY OF MILWAUKEE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF MILWAUKEE )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2019, \_\_\_\_\_, the \_\_\_\_\_ of City of Milwaukee, who executed the above instrument and acknowledged the same.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission: \_\_\_\_\_

**HOLTON TERRACE LLC,**  
a Wisconsin limited liability company

By: Holton Terrace Development LLC,  
a Wisconsin limited liability company,  
its Managing Member

By: Housing Authority of the City of Milwaukee,  
a Wisconsin public body corporate and politic,  
its Managing Member

By: \_\_\_\_\_  
Antonio M. Pérez  
Secretary and Executive Director

**ACKNOWLEDGMENT**

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF MILWAUKEE        )

On this \_\_\_\_ day of \_\_\_\_\_, 2019 before me, the undersigned Notary Public in and for the aforesaid County and State, personally appeared Antonio M. Pérez in his capacity as Secretary and Executive Director of the Housing Authority of the City of Milwaukee, a Wisconsin public body corporate and politic, as Managing Member of Holton Terrace Development LLC, a Wisconsin limited liability company, as Managing Member of Holton Terrace LLC, a Wisconsin limited liability company, and being duly sworn, acknowledged the execution of the foregoing instrument.

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
Commission expires \_\_\_\_\_

[SEAL]

This instrument was drafted by Kristin Langhoff of Reinhart Boerner Van Deuren s.c., 1000 North Water Street, Milwaukee, Wisconsin 53202.

## **EXHIBIT A**

### Legal Description of the Property

Lot 1 of Certified Survey Map No. 9126 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on April 5, 2019 as Document No. 10860236 being a redivision of part Lots 1 through 10 and all of Lots 11 through 20, Block 58, resubdivision of Blocks from 53 to 60, inclusive, in Otis B. Hopkins Subdivision, and part of Lots 1 through 10, all of Lots 11 through 18, part of Lots 19 through 26, and part of vacated alleys in Block 3, in Mack and Neymann's Subdivision of Lot 60 in the Southwest 1/4 of the Northwest 1/4 of Section 16, Township 7 North, Range 22 East. Said land being in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

*For informational purposes only:*

*Property Address: 2825 North Holton Street, Milwaukee, WI 53211*

*Tax Key Number: 314-0801-100*

**EXHIBIT B**

**Depiction of the Encroachments**

