

Document Number
SEWER EASEMENT

Exempt from fee: s.77.25(12) Wis. Stats.

THIS EASEMENT, made by **THE CITY OF MILWAUKEE**, a municipal corporation ("CITY"), as GRANTOR, hereby conveys the below described sewer easement (the "EASEMENT") to **MILWAUKEE METROPOLITAN SEWERAGE DISTRICT**, a state chartered municipal entity ("MMSD"), as GRANTEE, for the sum of ONE DOLLAR and other good and valuable consideration (\$1.00), for the purposes of accessing, operating, maintaining, repairing and reconstructing a sewer and its appurtenances, known as the South Shore Force Main (SSFM), through and along a certain area as described and shown on the attached Exhibits A and B.

WHEREAS, The SSFM was constructed in 1989 and has been in continuous operation since then. At that time, it was believed to be within the E Bay Street Right-of-Way, and so no formal easement was needed.

WHEREAS, It now appears unclear if the SSFM is within the Right-of-Way boundary, and in order to clarify existing rights and prevent any future issues, the parties above wish to record this EASEMENT setting forth their respective rights.

This Easement document is "Subject To" the following Special Conditions:

1. MMSD in consideration of this EASEMENT so granted to it through all the land previously described, hereby covenants and agrees with the CITY that MMSD will maintain said sewer in good order and condition. MMSD will indemnify and save harmless the CITY, its successors and assigns, from all loss or injury to property and persons arising out of MMSD's exercise of any of its rights under this easement, including, without limitation, the operation, maintenance, repair, reconstruction, demolition, and removal of the sewer and sewer tunnel and restoration of the easement premises, and that no special charge will be made against said lands for the cost of such operation, maintenance, repair, reconstruction, demolition, and removal of the sewer and sewer tunnel or the restoration of the easement premises.
2. The CITY reserves unto itself, its successors or assigns all mineral rights and the right to make such use of the land above the easement premises as which will not conflict with the purpose and use of this EASEMENT. Plans for use of the property that will involve entry into the easement premises must be reviewed and approved by MMSD prior to the commencement of any such activity.
3. If the use of said sewer is discontinued for a continuous period of one year, or if the use of said sewer is otherwise abandoned, the easement granted herein shall be terminated and MMSD shall at its sole cost restore the easement premises to a condition satisfactory to the CITY.

This space is reserved for recording data

Return to:
Milwaukee Metropolitan Sewerage District
Attn: Real Estate Department
260 West Seeboth Street
Milwaukee, Wisconsin, 53204-1446

**Parcel Identification Number/Tax Key
Number/Address**
Tax Key Number: 4661202110, 4661301110,
4660402200, 4660005110
Address: 415, 515, 615 and 715 E Bay Street

4. MMSD shall secure, at its sole expense, any permits or licenses required by state or local laws or ordinances and shall comply with all applicable laws, including but not limited to any laws, regulations, standards, and permit requirements relating to environmental pollution or contamination or to occupational health and safety. MMSD shall, subject to the provisions of Wis. Stats. Sec. 893.80, indemnify and hold harmless the CITY from any and all claims, judgments, fines, civil penalties, costs, and expenses (including reasonable attorneys and witness fees) arising out of or connected with MMSD's violation of or non-compliance with any such law, ordinance, standard, regulation, or permit requirement.

5. The CITY makes no warranty of title to said land, nor does it warrant that it has the right to grant the said easement. MMSD shall not have any recourse whatsoever against the CITY in the event that MMSD shall be required through action of any third party to remove the sewer from said land.

6. MMSD or its agents shall have the right to enter and use CITY's land with full right of ingress or egress over and across the easement area and adjacent lands of CITY for the purpose of exercising its rights in the easement area. MMSD shall coordinate its access to the easement area and CITY'S adjacent lands with CITY such that CITY'S use of its property is not unduly impacted by MMSD's access. MMSD shall contact the Commissioner of the Department of City Development, or their designee, to coordinate access to the easement area. In the event of an emergency, MMSD may immediately access the easement area and adjacent lands in order to address the emergency; provided, however, that MMSD shall notify the Commissioner of the Department of City Development of any such emergency access as soon as reasonably practicable.

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

CITY OF MILWAUKEE

By: _____

(Print Name): _____

Title: _____

Department of City Development

STATE OF WISCONSIN)
)ss
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2022, _____, the _____ of the Department of City Development of the City of Milwaukee, who, with the City's authority and on its behalf, executed the foregoing instrument and acknowledged the same.

Notary Public, Milwaukee County, Wisconsin

My commission expires _____

MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

Kevin L. Shafer
(Signature)

8/18/22
(Date)

KEVIN L. SHAFER, EXECUTIVE DIRECTOR
(Print Name and Title)

State of Wisconsin)
) ss.
milwaukee County)

On the above date, this instrument was acknowledged before me by the above named Executive Director of the Milwaukee Metropolitan Sewerage District, known to me to be such officer, and who acknowledged that he executed the forgoing instrument on its behalf for the purpose aforesaid and by its authority as such officer.

Joseph T. Ganzer
Approved - MMSD Legal Dept
Joseph T. Ganzer



Mary A. McGivern
(Signature, Notary Public, State of Wisconsin)

Mary A. McGivern
(Print or Type Name, Notary Public, State of Wisconsin)

09-19-2022
(Date Commission Expires)

This instrument was drafted by Michael Hirsch on behalf of the MMSD

Legal Description

A permanent easement located in Lots 3 through 10 of Block 1 in the Subdivision of Block One in Butler's Addition and in Lots 1 through 7 of Block 2 in the Subdivision of Lots 1, 2, 3, 4, 5, & 6 in Block 2, Butler's Addition and in Lots 1 through 5 of Block 3 in Butler's Addition and in Lots 1 through 8 of Block 1 in Aldrich's Subdivision, all being part of the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 6 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Southwest 1/4 of said Section 4; thence North 00°53'48" West along the east line of said Southwest 1/4, 863.16 feet; thence North 85°14'32" West, 30.15 feet to the west line of South Aldrich Street and the point of beginning; thence North 85°14'32" West, 100.59 feet; thence North 83°53'19" West, 173.10 feet to the east line of South Woodward Street; thence North 83°53'19" West, 23.27 feet; thence North 87°08'31" West, 36.99 feet to the west line of South Woodward Street; thence North 87°08'31" West, 241.66 feet to the east line of South Winchester Street; thence North 87°08'31" West, 60.13 feet to the west line of South Winchester Street; thence North 87°08'31" West, 155.18 feet; thence North 86°16'22" West, 117.75 feet to the east line of South Mound Street; thence North 86°16'22" West, 60.20 feet to the west line of South Mound Street; thence North 86°16'22" West, 233.22 feet to the easterly line of East Ward Street; thence North 44°02'52" East along said easterly line, 26.23 feet; thence South 86°16'22" East, 214.61 feet to the west line of South Mound Street; thence South 00°56'56" East along said west line, 20.07 feet; thence South 86°16'22" East, 60.20 feet to the east line of South Mound Street; thence North 00°56'56" West along said east line, 20.07 feet; thence South 86°16'22" East, 119.23 feet; thence South 87°08'31" East, 153.71 feet to the west line of South Winchester Street; thence South 00°54'48" East along said west line, 20.04 feet; thence South 87°08'31" East, 60.13 feet to the east line of South Winchester Street; thence North 00°54'48" West along said east line, 20.04 feet; thence South 87°08'31" East, 241.66 feet to the west line of South Woodward Street; thence South 00°55'24" East along said west line, 20.04 feet; thence South 87°08'31" East, 36.99 feet; thence South 83°53'19" East, 23.27 feet to the east line of South Woodward Street; thence North 00°55'24" West along said east line, 20.15 feet; thence South 83°53'19" East, 175.33 feet; thence South 85°14'32" East, 98.37 feet to the west line of South Aldrich Street; thence South 00°53'48" East along said west line, 20.10 feet to the point of beginning; containing 20,244 square feet (0.46 acres).

EASEMENT EXHIBIT

OF LANDS LOCATED IN LOTS 3 THROUGH 10 OF BLOCK 1 IN THE SUBDIVISION OF BLOCK ONE IN BUTLER'S ADDITION AND IN LOTS 1 THROUGH 7 OF BLOCK 2 IN THE SUBDIVISION OF LOTS 1, 2, 3, 4, 5, & 6 IN BLOCK 2, BUTLER'S ADDITION AND IN LOTS 1 THROUGH 8 OF BLOCK 1 IN ALDRICH'S SUBDIVISION, ALL BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 22 EAST, CITY OF MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN.

DESCRIPTION:

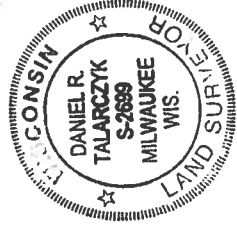
A permanent easement located in Lots 3 through 10 of Block 1 in the Subdivision of Block One in Butler's Addition and in Lots 1 through 7 of Block 2 in the Subdivision of Lots 1, 2, 3, 4, 5, & 6 in Block 2, Butler's Addition and in Lots 1 through 8 of Block 1 in Aldrich's Subdivision, all being part of the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 6 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Southwest 1/4 of said Section 4; thence North 00°53'48" West along the east line of said Southwest 1/4, 863.16 feet; thence North 85°14'32" West, 30.15 feet to the west line of South Aldrich Street and the point of beginning; thence North 85°14'32" West, 100.59 feet; thence North 83°53'19" West, 173.10 feet to the east line of South Woodward Street; thence North 83°53'19" West, 23.27 feet; thence North 87°08'31" West, 36.99 feet to the west line of South Woodward Street; thence North 87°08'31" West, 117.75 feet to the east line of South Mound Street; thence North 86°16'22" West, 60.13 feet to the west line of South Winchester Street; thence North 87°08'31" West, 155.18 feet; thence North 86°16'22" West, 117.75 feet to the east line of South Mound Street; thence North 86°16'22" West, 60.20 feet to the west line of South Mound Street; thence North 44°02'52" East along said easterly line, 26.23 feet; thence South 86°16'22" East, 214.61 feet to the west line of South Mound Street; thence South 00°56'56" East along said west line, 20.07 feet; thence South 86°16'22" West, 233.22 feet to the easterly line of East Ward Street; thence North 00°56'56" West along said east line, 20.07 feet; thence South 86°16'22" West, 60.20 feet to the east line of South Mound Street; thence North 00°56'56" East along said east line, 20.04 feet; thence South 87°08'31" East, 60.13 feet to the east line of South Winchester Street; thence South 86°16'22" West, 214.61 feet to the west line of South Winchester Street; thence South 00°54'48" East along said west line, 20.04 feet; thence South 87°08'31" East, 36.99 feet; thence South 83°53'19" East, 23.27 feet to the east line of South Woodward Street; thence North 00°53'24" East, 153.71 feet to the west line of South Woodward Street; thence South 87°08'31" East, 241.66 feet; thence North 00°54'48" East along said east line, 20.04 feet; thence South 85°14'32" East, 98.37 feet to the west line of South Aldrich Street; thence South 00°53'48" East along said west line, 20.10 feet to the point of beginning; containing 20.244 square feet (0.46 acres).

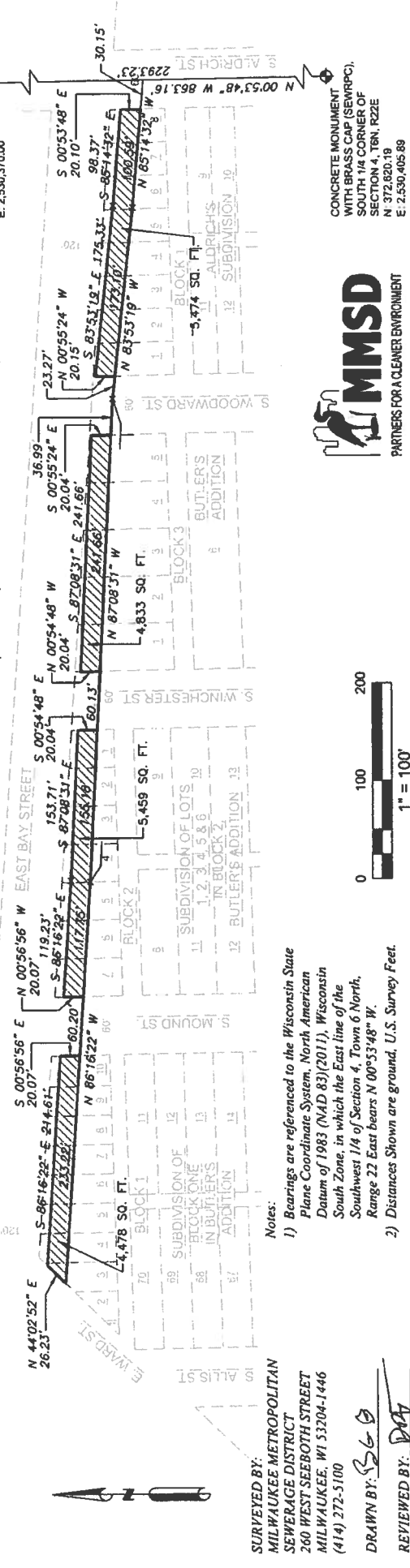
I hereby certify that I have surveyed and mapped the lands described hereon, and that this map is a correct representation thereof in accordance with the information provided.

June 22, 2022

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



TOTAL AREA SUMMARY
20,244 SQ. FT.
(0.46 AC.)



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

DRAWN BY: *SSG*
REVIEWED BY: *DAT*

- Notes:**
- Bearings are referenced to the Wisconsin State Plane Coordinate System, North American Datum of 1983 (NAD 83)(2011), Wisconsin South Zone, in which the East line of the Southwest 1/4 of Section 4, Town 6 North, Range 22 East bears N 00°53'48" W.
 - Distances Shown are ground, U.S. Survey Feet.



CONCRETE MONUMENT
WITH BRASS CAP (SEWRPC),
SOUTH WITNESS, CENTER
OF SECTION 4, T6N, R22E
N: 374,912.87
E: 2,530,370.00

CONCRETE MONUMENT
WITH BRASS CAP (SEWRPC),
SOUTH 1/4 CORNER OF
SECTION 4, T6N, R22E
N: 372,820.19
E: 2,530,405.89