

Document Number

Document Title

CONVEYANCE OF RIGHTS IN LAND

CITY OF MILWAUKEE TO DOT

Recording Area

Name and Return Address

Barb Kleifgen
WI DOT – North Central Region
1681 Second Ave. South
Wisconsin Rapids, WI 54495

Parcel Identification Number (PIN)

PART OF: _____

CONVEYANCE OF RIGHTS IN LAND

CITY OF MILWAUKEE-SEWER

CITY OF MILWAUKEE, as GRANTOR ("CITY"), and STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION, as GRANTEE ("DOT"), for and in consideration of the sum of one dollar (\$1) and other good and valuable consideration, hereby agree as follows.

1. **City Easements.** CITY states that it acquired certain easement rights by virtue of the following documents recorded in the Milwaukee County Register of Deeds Office:

A. **Sewer Easement 1971 ("SE 1971").** Recorded June 24, 1971 as Document No. 4601345.

B. **Sewer Easement 1970 ("SE 1970").** Recorded August 13, 1971 as Document No. 4614191.

2. **DOT Project and Plat.** The DOT, for purposes of improvement to STH 181 (North 76th Street, West Calumet Road to North County Line Road) (Project No. 2140-08-22), wishes to construct, operate, and maintain a public highway and appurtenant facilities on, over, under, or across a portion of the real estate affected by SE 1971 and SE 1970. The legal description of said portion of real estate is shown as PARCEL 301 and PARCEL 302 on TRANSPORTATION PROJECT PLAT NO. 2140-08-22, Page 4.13, which DOT filed with the Milwaukee County Clerk and Milwaukee County Highway Committee as required by Wis. Stat. § 84.09 (1), and recorded in the Milwaukee County Register of Deeds Office as Document No. 09442421. The PLAT is also available for viewing at the DOT Office, North Central Region, located at 1681 South Second Avenue South, Wisconsin Rapids, WI 54495. A Map of such portion (i.e. PARCELS 301 and 302), and a legal description describing those parcels are attached hereto as **EXHIBIT A.**

3. **Conveyance.** DOT has the authority under Wis. Stat. §§ 84.02, 84.09 and Ch. 32 to acquire PARCELS 301 and 302, including CITY's interest therein.

CITY hereby conveys to DOT CITY's right, title and interest in and to PARCELS 301 and 302, providing however, that CITY reserves to itself the right to keep in place its underground storm sewer pipes and facilities currently located subsurface in PARCELS 301 and 302, and the right to enter upon said parcels and to repair, replace, and maintain said pipes and facilities in a manner consistent with the purposes of this conveyance and in a manner that will not unreasonably interfere with normal highway maintenance and operation. DOT shall use care regarding its operations so as not to damage City's facilities.

CITY retains and does not convey any and all other right, title and interest under SE 1971 and SE 1970 (and the real estate subject to those easements) not affected hereby, including its rights under Water Easements WE-295E and WE-295-H (which water easements are, respectively, part of, and described in, the afore-referenced documents recorded at Document Numbers 4601345 and 4614191).

4. **Future.** DOT agrees that the costs of any relocation or alteration, now or in the future, of the CITY's pipes and facilities in PARCELS 301 and 302, when required by the DOT for any reason, including accommodating future expanded or additional highway facilities on, over, under or across said land, will be paid by DOT; provided, however, that the costs of such relocation or alteration, or of the installation of new or additional facilities when done at CITY's instance for CITY purposes will be defrayed by CITY.

5. **Appealing Award.** Any person named in this conveyance may make an appeal from the amount of compensation within six months after the date of recording of this conveyance as set forth in Wis. Stat. § 32.05(2a). For the purpose of any such appeal, the amount of compensation stated on the conveyance shall be treated as the award, and the date the conveyance is recorded shall be treated as the date of taking and the date of evaluation.

Per DOT, other persons having an interest in record in the property are:
_____.

This conveyance is binding on the CITY and the DOT, and their respective successors and assigns.

IN WITNESS WHEREOF, DOT and the CITY have caused this document to be executed by their authorized signatories as of this _____ day of _____, 2007.

DOT: STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION

By: _____

Name Printed: _____

Title: _____

DOT Signature Authentication

_____, as a member of the State Bar of the State of Wisconsin, hereby authenticates the signature of _____ in accordance with Wis. Stat. § 706.06 in order that this instrument may be recorded per Wis. Stat. § 706.05 (2)(b).

By: _____

Name Printed: _____

State Bar No. _____

Date: _____

CITY: CITY OF MILWAUKEE

By: _____
Jeffrey Mantes, Commissioner, City of Milwaukee, Department of Public Works, signing per
Common Council Resolution No. _____

And By: _____
Ron Leonhardt, City Clerk

City Attorney Approval and City Signature Authentication

Gregg Hagopian, hereby approves the above City signatures per Milwaukee Code of Ordinances § _____, and as a member of the State Bar of the State of Wisconsin, also hereby authenticates the signatures of each of Jeffrey Mantes and Ronald Leonhardt in accordance with Wis. Stat. § 706.06 in order that this instrument may be recorded per Wis. Stat. § 706.05 (2)(b).

By: _____
GREGG C. HAGOPIAN, Assistant City Attorney, State Bar No. 1007373.

Date: _____

1029-2007-1429:120859

EXHIBIT A

LEGAL DESCRIPTION AND MAP