

**Document Number**

**PERMANENT SEWER EASEMENT**

THIS EASEMENT, made as of \_\_\_\_\_, 2016, is by and between **THE CITY OF MILWAUKEE**, a municipal corporation, (herein after referred to as "**CITY**") GRANTOR, and the GRANTEE, **MILWAUKEE METROPOLITAN SEWERAGE DISTRICT**, a special purpose entity under Subch. II of Wis. Stat. Ch.200 (herein after referred to as "**MMSD**"), and is for good and valuable consideration.

**1. City Parcel; Easement Area.** City owns the property described in **EXHIBIT A** (the "**Property**"). The portion of the Property subject to this Easement is legally described in **EXHIBIT B** (the "**Easement Area**") and contains an underground sewer owned and maintained by MMSD (the "**Sewer**"). This Easement in the Easement Area allows MMSD's Sewer to further extend to MMSD's sewer that is subject to the tunnel easement recorded in the Milwaukee County Register of Deeds Office on April 9, 1991, as Document No. 6471060 (the "**Tunnel Easement**").

**2. Easement Grant.** City hereby grants to MMSD a permanent easement in and to the Easement Area, together with the right of ingress and egress to the Easement Area. Within the Easement Area, MMSD may allow its Sewer to exist underground. MMSD has the duty to maintain and repair the Sewer. This Easement also allows MMSD to operate, repair, replace, and reconstruct its Sewer as necessary.

**3. Easement Area Restriction.** No structures or improvements (except the Sewer) may be constructed within the Easement Area by MMSD without City's prior written consent. If, in exercising MMSD's rights hereunder, MMSD causes damage to City's Property, MMSD shall repair same, at MMSD expense, to substantially the same condition as existed previously.

**4. Access.** The Easement Area shall be accessible to City at all times.

**5. Prior Approval of Certain Work.** Prior to undertaking any work below surface within the Easement Area, and prior to any underground installation within the Easement Area, and prior to any surface-grade alteration within the Easement Area that would raise or lower the surface elevation by 1 foot or more, then, in any such event, MMSD shall first submit plans therefore to the City for approval by the City's Commissioner of Public Works ("**DPW Commissioner**"), and any such work, installation or alteration, requires prior approval of the DPW Commissioner or the DPW Commissioner's designee, not to be unreasonably withheld, conditioned, or delayed.

**6. Recording; Miscellaneous.** This Easement (a) shall be recorded with the Milwaukee County Register of Deeds by MMSD at its expense, (b) is governed by Wisconsin law, (c) may only be amended by written instrument signed by all parties, and (d) is binding on successors, assigns, and heirs.

This space is reserved for recording data

**Return to:**

Milwaukee Metropolitan Sewerage District  
Attn: Michael Hirsch, Real Estate  
260 West Seeboth Street  
Milwaukee, Wisconsin, 53204

**Parcel Identification Number/Tax Key Number**

Tax Key Number: Part of 315-9982-100

[SIGNATURES ON NEXT PAGE]



## EXHIBIT A

### LEGAL DESCRIPTION OF THE "PROPERTY"

That part of Lot 32 (School Lands) in the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 16, Town 7 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at a concrete monument with brass cap found at the Northwest corner of the Northeast  $\frac{1}{4}$  of said Section 16; thence North  $89^{\circ}03'40''$  East (recorded as North  $89^{\circ}59'$  East) along the North line of said Section 16, 1104.95 feet to a 1" iron pipe found; thence North  $89^{\circ}03'40''$  East, 155.68 feet to a 1.17" copper survey mark meander corner located 42 feet west of the westerly ordinary high water mark of the Milwaukee River; thence South  $40^{\circ}09'26''$  East along a meander line, 65.61 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South  $00^{\circ}29'19''$  East along said meander line, 65.38 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South  $11^{\circ}28'52''$  West along said meander line, 109.42 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South  $07^{\circ}45'12''$  West along said meander line, 78.70 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river and the point of beginning; thence South  $01^{\circ}33'30''$  West along said meander line, 30.03 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South  $89^{\circ}00'30''$  West, 92.13 feet to a 1" iron pipe set; thence North, 30.00 feet to a 1" iron pipe set; thence North  $89^{\circ}00'30''$  East, 92.95 feet to the point of beginning.

## **EXHIBIT B**

### LEGAL DESCRIPTION OF THE "EASEMENT AREA"

A permanent sewer easement located in lot 32 (School Lands) in the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 16, Town 7 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at a concrete monument with brass cap found at the Northwest corner of the Northeast  $\frac{1}{4}$  of said Section 16; thence North  $89^{\circ}03'40''$  East (recorded as North  $89^{\circ}59'$  East) along the North line of said Section 16, 1104.95 feet to a 1" iron pipe found; thence North  $89^{\circ}03'40''$  East, 155.68 feet to a 1.17" copper survey mark meander corner located 42 feet west of the westerly ordinary high water mark of the Milwaukee River; thence South  $40^{\circ}09'26''$  East along a meander line, 65.61 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South  $00^{\circ}29'19''$  East along said meander line, 65.38 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South  $11^{\circ}28'52''$  West along said meander line, 109.42 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South  $07^{\circ}45'12''$  West along said meander line, 78.70 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river and the point of beginning; thence South  $01^{\circ}33'30''$  West along said meander line, 30.03 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South  $89^{\circ}00'30''$  West, 44.85 feet; thence North  $03^{\circ}04'51''$  East, 30.07 feet; thence North  $89^{\circ}00'30''$  East, 44.05 feet to the point of beginning.