

Sewer Easement
SE-2733

Document Number

Please return Document to:

City of Milwaukee
Infrastructure Services Division
Environmental Engineering Section
841 North Broadway – Room 820
Milwaukee, WI 53202

Recording Area

356-0801-100-3

Two easements
(One permanent and one temporary)
of various widths
located north of North Lincoln Memorial Drive and
east of North Terrace Ave (ext'd)

EASEMENTS

BY THESE EASEMENTS, Milwaukee County, owner, including heirs, personal representatives, successors or assigns, as may be or may become applicable, hereinafter referred to as "COUNTY", a Municipal Body Corporate, GRANTS to the City of Milwaukee, a Municipal Corporation, hereinafter referred to as "CITY", for a valuable consideration of \$1.00, the right to construct, maintain, operate, inspect, repair, enlarge, reconstruct and relocate FACILITIES, namely sewers, in and across the following described real estate in Milwaukee County, Wisconsin, as shown on the attached plan, File Number 198-1-29.

That portion of the Northwest ¼ (NW ¼) of Section 22, Township 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows, to-wit:

Permanent Sewer Easement

Commencing at the southeast corner of Lot Two of Certified Survey Map Number 6442 (C.S.M. 6442), a recorded Certified Survey Map in said NW ¼ section, document number 7458372, said point being the point of beginning of the land to be described;

Thence N 19°59'15" W, along the east line of Lot Two of C.S.M. 6442, 26.7 feet to a point;

Thence N 0°51'59" W, 265.88 feet to a point;

Thence N 13°53'26" E, 184.66 feet to a point;

Thence N 33°52'45" E, along the east line of N Terrace Ave, 58.52 feet to a point;

Thence S 13°53'26" W, 237.05 feet to a point;

Thence S 0°51'59" E, 244.68 feet to a point;

Thence S 19°59'15" E, 40.08 feet to a point;

Thence Southwest, along the north line of North Lincoln Memorial Drive, 25.10 feet along the arc of a curve whose center lies to the northwest, whose radius is 897 feet and whose chord bears S 75°22'17" W, 25.10 feet to the point of beginning.

Temporary Sewer Easement

Commencing at the southeast corner of Lot Two of Certified Survey Map Number 6442 (C.S.M. 6442), a recorded Certified Survey Map in said NW ¼ section, document number 7458372;

Thence Northeast, along the north line of North Lincoln Memorial Drive, 25.10 feet along the arc of a curve whose center lies to the northwest, whose radius is 897 feet and whose chord bears N 75°22'17" E, 25.10 feet to the point of beginning of the land to be described;

Thence N 19°59'15" W, along the east line of the permanent sewer easement, 40.08 feet to a point;

Thence N 0°51'59" W, along the east line of the permanent sewer easement, 244.68 feet to a point;

Thence N 13°53'26" E, along the east line of the permanent sewer easement, 11.64 feet to a point;

Thence N 89°51'56" E, 17.03 feet to a point;

Thence S 0°51'59" E, 252.34 feet to a point;

Thence S 19°59'15" E, 38.08 feet to a point;

Thence Southwest, along the north line of North Lincoln Memorial Drive, 20.06 feet along the arc of a curve whose center lies to the northwest, whose radius is 897 feet and whose chord bears S 73°54'20" W, 20.06 feet to the point of beginning.

The above described permanent and temporary EASEMENTS are part of Tax Key Number 356-0801-100-3.

UPON CONDITION

1. That after entry for construction and maintenance, the land and surface improvements will be replaced in substantially the same prior condition at the expense of the City.
2. That the City will indemnify and save the County harmless, from all loss or injury to its property due to construction and maintenance.
3. That before construction commences, plans showing location, depth, type of installation, trees and shrubs within line or EASEMENTS, drawings and specifications detailing the erosion and sedimentation control plan to be used, and method of restoration shall be approved by the Director of Parks, Recreation and Culture of Milwaukee County.
4. That the City shall secure a permit from said Director before construction commences.
5. That all construction activities, including future expansion or maintenance shall meet the requirements set forth in City of Milwaukee Code of Ordinances Chapter 290, "Erosion Control".
6. That upon non-compliance with the provisions herein, these EASEMENTS shall become null and void.
7. That violation of the above conditions during periods of emergency shall not result in cancellation or penalty. The Director of Parks, Recreation and Culture of Milwaukee County shall determine what constitutes an emergency.
8. That no charges will be made against said lands at this time for the cost of construction, operation, maintenance, inspection, repair, enlargement, reconstruction or relocation of said FACILITIES in the aforescribed property.
9. The FACILITIES shall be accessible for maintenance at all times. The County shall submit plans for approval to the City for any underground installation within the EASEMENTS.
10. That the County shall be responsible for adjusting the elevations of all sewer appurtenances necessitated by County alteration of surface elevations within the aforescribed property. Said adjustments shall be required to provide free access to all sewer appurtenances and shall be made only with the approval of the Commissioner of Public Works of the City.
11. That no structures may be placed within the limits of the EASEMENTS by the County without prior City approval excepting that improvements such as lawns, trees, shrubs, concrete walks, roadways, driveways, and parking lot surfacing may be constructed, and that the City will replace such damaged or removed lawns, concrete walks, roadways, driveways and parking lot surfacing, at its own cost, after making any necessary repairs, reconstruction, or enlargement of the FACILITIES in the EASEMENTS.
12. That in and during whatever construction, operation, maintenance, inspection, repair, enlargement, reconstruction or relocation is or becomes necessary with respect to said FACILITIES, so much of the surface or subsurface of the property as may be disturbed will, at the expense of the City, be replaced in substantially the same condition as it was prior to such disturbance; except that the City will in no case be responsible for replacing or paying for replacing any improvements other than lawns, trees, shrubs, concrete walks, roadways, driveways, or parking lot resurfacing which were required to be removed or damaged in the course of doing the above work. However, the City shall save the County harmless from any loss, damage, injury or liability resulting from negligence on the part of the City in connection with said work with respect to said FACILITIES; provided, however, that if above loss, damage, injury or liability results from the joint negligence of the parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; provided further, however, that these provisions are subject to the legal defenses which, under law, the City and County are entitled to raise.
13. Upon termination of the use for which these EASEMENTS are granted, these EASEMENTS shall terminate.
14. That the temporary EASEMENT shall terminate upon the completion of the construction of the FACILITIES in the permanent EASEMENT.

Authorization to grant these EASEMENTS can be found in Resolution File No. _____
adopted by the Milwaukee County Board at its regular meeting of _____, 2003.

Executed at Milwaukee, Wisconsin this _____ day of _____, 2003.

SEAL
Scott Walker, County Executive

SEAL
Mark Ryan, County Clerk

STATE OF WISCONSIN)
MILWAUKEE COUNTY) ss


Personally came before me, this _____ day of _____, 20____, the
above named Scott Walker, County Executive and Mark Ryan, County Clerk, to me known to be
the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

My Commission Expires _____

This instrument was drafted by the City of Milwaukee.

Approved as to contents



CITY ENGINEER, Jeffrey S. Polenske, P.E. *JSP*

Date: 7/29/03

Approved as to form

Reviewed By

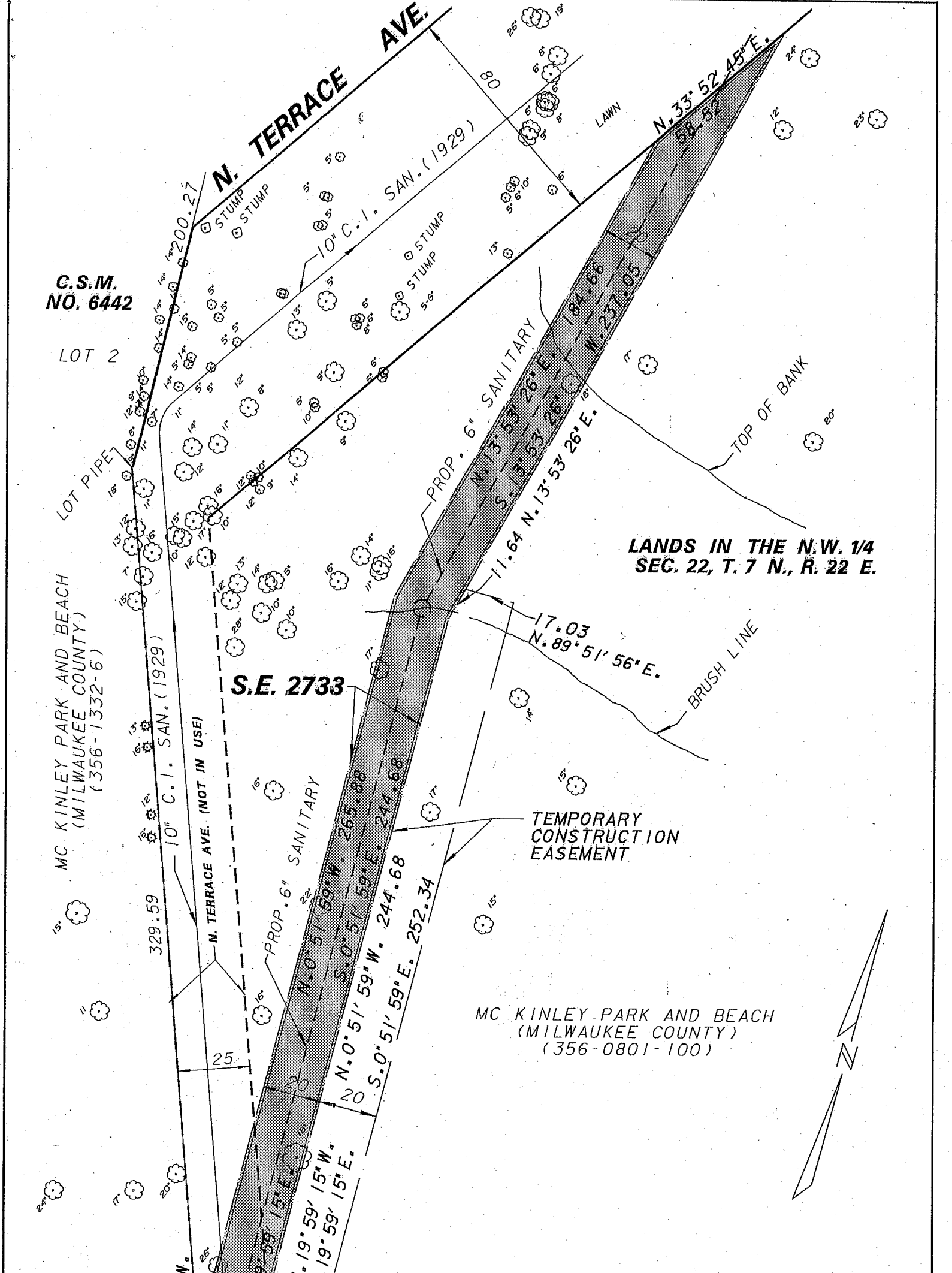
Milwaukee County Corporation Counsel

Risk Management

Approved as to form and execution

ASSISTANT CITY ATTORNEY, Harry A. Stein

Date: _____



N. LINCOLN MEMORIAL
147.09

CURVE DATA
 R. = 897.00'
 I. = 1°36'12"
 A. = 25.10'
 C. = 25.10'
 C.B. = S. 75°22'17"W.

CURVE DATA
 R. = 897.00'
 I. = 1°16'53"
 A. = 20.06'
 C. = 20.06'
 C.B. = S. 73°54'20"W.

ENVIRONMENTAL ENGINEERING SECTION		
INFRASTRUCTURE SERVICES DIVISION		
DEPARTMENT OF PUBLIC WORKS		
MILWAUKEE, WISCONSIN		
PLAN OF SEWER EASEMENT		
AREA IN N.W. 1/4 SEC. 22, T. 7 N., R. 22 E.		
730' ± E. OF E. LAYFAYETTE HILL ROAD		
FROM N. TERRACE AVENUE TO N. LINCOLN MEMORIAL DRIVE		
SCALE 1" = 40'	ATLAS PAGE NO. 356	S.E. 2733
DRAWN BY N. VALENTE	CH'KD. BY [Signature]	
APPROVED [Signature]	DATE 7/29/03	
APPROVED [Signature]	FILE NO. 198-1-29	