

Sewer Easement
SA-2105E
WA-387E

Document Number

Please return Document to:

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

Easement Agreement located in vacated
West Vine Street between North 11th
Street and North 12th Street.

Recording Area

EASEMENT

352-2611-113-x

Tax Key Number

THIS INDENTURE, Made this _____ day of _____, AD 20__ by and between the CITY OF MILWAUKEE, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City", and New WAICO Development Corporation (including heirs, personal representatives, successors or assigns, of above owners, as may be or may become applicable) hereinafter called "Owner".

WITNESSETH

That, WHEREAS, On October 21, 1974, the City was granted an EASEMENT SE-2105E and WE-387E for sewer and water purposes in Vacated West Vine Street and North 12th Street, and;

WHEREAS, The EASEMENT is located in the following described parcel of land having Tax Key Number 352-2611-113-x, in that part of the Northwest ¼ (NW ¼) of Section 20, Township 7 North, Range 22 East in the City of Milwaukee, County of Milwaukee, State of Wisconsin, to-wit:

Commencing at the Northeast Corner of Vacated West Vine Street and North 12th Street in said Northwest ¼ Section, said point being the point of beginning of the land to be described;

Thence East, along the north line of Vacated West Vine Street, sixty-six (66.0) feet to a point;

Thence South, along a line which is parallel to and sixty-six (66.0) feet east of the east line of North 12th Street, thirty-five (35.0) feet to a point;

Thence West, along a line which is parallel to and thirty-five (35.0) feet south of the north line of Vacated West Vine Street, sixty-six (66.0) feet to a point;

Thence North, along the east line of North 12th Street, thirty-five (35.0) feet to the point of beginning.

The above described permanent EASEMENT is a part of Tax Key Number 352-2611-113-x.

And, WHEREAS, The Owner has requested the City's permission to construct portions of buildings in and over a portion of the EASEMENT area; and

WHEREAS, The City will allow the construction of said portions of buildings in and over a portion of the EASEMENT area as shown on the attached plan, File Number 198-1-19, subject to the following conditions which the City believes to be necessary:

UPON CONDITION

1. The Owner is hereby permitted to construct portions of proposed buildings, hereinafter referred to as "IMPROVEMENTS" in and over the above-described EASEMENT in accordance with said plan.

2. That the Owner hereby assumes all liability for any damage to the existing combined and sanitary sewers, water mains and their appurtenances, hereafter referred to as "FACILITIES", and said IMPROVEMENTS or personal injuries to a person or persons resulting from construction, maintenance and use of said IMPROVEMENTS on, over and abutting said FACILITIES and said EASEMENT, and will save and keep the City clear and harmless at all times from any and all claims from any negligence on the part of the Owner, or of persons other than the City; and in case the City shall suffer or become liable for any loss or damage whatsoever resulting from negligence on the part of the Owner arising from or growing of operating, inspecting, maintaining, repairing, reconstructing, enlarging or using said IMPROVEMENTS, then the Owner shall reimburse the City for the full amount of the loss or damage which the City may have sustained, or for which it may become liable; provided, however, that if any loss, cost or damage 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 is entitled to raise.

3. That any parts of the IMPROVEMENTS excluding the permanent structure therein interfering with the right of full, ready and free access to said FACILITIES for the purpose of operating, inspecting, maintaining, repairing, reconstructing or enlarging said FACILITIES, shall be removed by the Owner, at the request of the City at no cost to the City, provided that in the event the Owner fails within thirty (30) days after being requested in writing by the City to so remove any part of said IMPROVEMENTS, the City will do so at the cost of the Owner. However, in case of emergency, where in the judgment of the Commissioner of Public Works the potential for damage exists, the notice may be verbal and the 30-day period shall be waived.

4. That any subsequent costs for the replacement of any part of said IMPROVEMENTS or their contents will be borne by the Owner, its successors or assigns, at no cost to the City.

5. That all provisions of the said easement which are not inconsistent with this agreement shall remain in full force and effect.

6. That this agreement shall extend to and apply to both parties, City and Owner, including heirs, personal representatives, successors or assigns, as may be or may become applicable.

IN WITNESS WHEREOF _____, hereunto set his hands and seals the day and year first above written.

IN THE PRESENCE OF

Signature

Title

Date

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me, this _____ day of _____, AD 20_____, the above named _____, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission Expires _____

IN WITNESS WHEREOF, the said City of Milwaukee, has caused these presents to be signed by John O. Norquist, its Mayor and Ronald D. Leonhardt, its City Clerk and countersigned by W. Martin Morics, Comptroller, at Milwaukee, Wisconsin, and its coporate seal to be affixed this _____ day of _____ AD, 20_____.

Signed and sealed in presence of:

CITY OF MILWAUKEE

By: _____
John O. Norquist, Mayor

By: _____
Ronald D. Leonhardt, City Clerk

COUNTERSIGNED

By: _____
W. Martin Morics, Comptroller

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____ A.D., 20_____, John O. Norquist, Mayor of the City of Milwaukee, to me known to be the person who executed the foregoing instrument and to me known to be such Mayor of the City of Milwaukee and acknowledged that he executed the foregoing instrument as such officer as the deed of the City of Milwaukee, by its authority, and pursuant to Resolution File Number 020780 adopted by its Common Council on _____.

Notary Public, State of Wisconsin
My Commission Expires _____

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____ A.D., 20____, the above-named Ronald D. Leonhardt, to me known to be the City Clerk of the City of Milwaukee, who by its authority and on its behalf executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission Expires _____

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____ A.D., 20____, the above-named W. Martin Morics, to me known to be the Comptroller of the City of Milwaukee, who by its authority and on its behalf executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission Expires _____

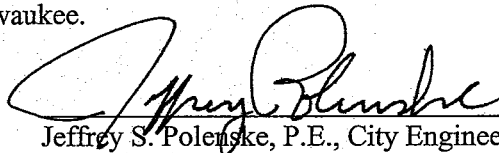
This instrument was drafted by the City of Milwaukee.

Approved as to contents

Date: 9/5/02

Approved as to form and execution

Date: _____



Jeffrey S. Polenske, P.E., City Engineer

Harry A. Stein, Assistant City Attorney

N. 11TH

ST.

ST.

240.19

70

34.5

25

22

14.5

31.02

N/L OF (VACATED)
W. VINE ST.

S.A.-2105 E
W.A.-387 E

48" COME

30" COME

S/L OF (VACATED)
W. VINE ST.

283.4

LYNDE & VLIET'S ADDN.

22

352-2611-113-X

NEW WAICO Development Company

W. VINE

13

66

66

PROPOSED BUILDING
STRIP FOOTINGS
800 LB/LINEAR FOOT
MAXIMUM LOAD

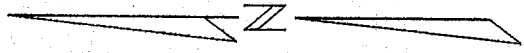
12" SAN

6" W.M.

66

N. 12TH

ST.



ENVIRONMENTAL ENGINEERING SECTION
INFRASTRUCTURE SERVICES DIVISION
DEPARTMENT OF PUBLIC WORKS
MILWAUKEE, WISCONSIN

PLAN OF SEWER EASEMENT

AREA IN W. VINE ST. (VACATED)
FROM N. 11TH ST. TO N. 12TH ST.

SCALE 1"= 10' ATLAS PAGE NO. 352 EASE. NO. S.A. 2105

DRAWN BY T. GAITHER CH'KD. BY EO W.O. NO.

APPROVED *Martin Aquino* DATE 8/22/02

APPROVED *Jeffrey Blumstein* FILE NO. 198-1-19