

PRIVATE WATER FACILITIES EASEMENT

Document Number

Document Title

PRIVATE WATER FACILITIES EASEMENT

CAO DOC 253422, GH 2-04-2019

Drafted by:

Gregg Hagopian, Asst. City Attorney, City of Milwaukee

Recording Area

Name and Return Address

Fred Usinger, Inc.
1030 N. Old World Third Street
Milwaukee, WI 53203

428-0571-000

428-0561-100

Parcel Identification Number (PIN)

THIS DOCUMENT, made as of _____, 2019, is between the REDEVELOPMENT AUTHORITY OF THE CITY OF MILWAUKEE (“**RACM**”) and FRED USINGER, INC. (“**Usinger**”).

1. Parcels.

A. RACM owns the following property (“**RACM Parcel**”):

Address: 207 E. Florida Street, Milwaukee, WI

TIN: 428-0571-000

Legal Description:

Parcel 1 of Certified Survey Map No. 5975, in the NE ¼ and in the SE ¼ of Section 32, T 7 N, R 22 E, in the City of Milwaukee, Milwaukee County, Wisconsin, which CSM was recorded in the Register of Deeds Office on 5-2-1994 as Document No. 6942771.

B. Usinger owns the following property (“**Usinger Parcel**”):

Address: 303 E. Florida Street, Milwaukee, WI

TIN: 428-0561-100

Legal Description:

Parcel 1 and Parcel 2 of Certified Survey Map No. 5804, in the NE ¼ of Section 32 and in the NW ¼ of Section 33, T 7 N, R 22 E, in the City of Milwaukee, Milwaukee County, Wisconsin, which CSM was recorded in the Register of Deeds Office on 2-17-1993 as Document No. 6731068.

2. Easement. RACM hereby grants to Usinger an easement in and to those portions of the RACM Parcel described and depicted on **EXHIBIT A and A1** attached as **Private Easement A** and **Private Easement B** (herein those areas are individually and collectively called the “**Easement Area**”), together with the right of ingress and egress to the Easement Area for the purpose of allowing Usinger, at its cost and expense, to locate, construct, maintain, inspect, repair, replace, reconstruct, and operate within the Easement Area the following underground water facilities (“**Facilities**”) which traverse the RACM Parcel and which serve the Usinger Parcel:

- Underground unmetered fire line B-8593
- Underground main service feed B-9302.

3. Maintenance. Usinger is responsible for maintaining the Facilities and for keeping same in good condition and repair.

4. Hold Harmless, Minimize Interference. In exercising its rights hereunder, Usinger shall conduct itself so as to minimize interference with RACM and with use, operation and activities at the RACM Parcel.

The Easement Area currently is landscaped with lawn, and improved with railroad tracks, ties and ballast. RACM may, in its discretion, keep the Easement Area improved with lawn or other landscaped vegetation, and with the railroad tracks, ties and ballast. RACM may, in its discretion, remove the railroad tracks, ties and ballast. RACM may, in its discretion, pave a portion or all of the Easement Area for use of same for such things as pedestrian or vehicular use (including sidewalks, bike paths, driveways, parking lots). RACM may, in its discretion, also fence the RACM Parcel so long as Usinger is provided access for ingress and egress to the Easement Area.

If, in exercising Usinger’s rights hereunder, Usinger causes damage to, or disrupts, the RACM Parcel (or improvements thereto, such as landscaping or pavement or fencing), Usinger shall promptly replace or repair same, at Usinger expense, to substantially the same condition as existed previously.

By: _____
Gregg Hagopian, Asst. Assistant City Attorney
State Bar No. 1007373
Date: _____

My commission: _____
[notarial seal]

EXHIBIT A
LEGAL DESCRIPTION OF "EASEMENT AREA"

In that part of the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 32 and the Southwest 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 33, all being in Township 7 North, Range 22 East in the City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

PRIVATE EASEMENT A:

Commencing at Point "H" of Certified Survey Map No. 5975; thence Northwesterly, 51.52 feet along the arc of said curve whose radius is 410.02 feet with its center lying to the southwest having a central angle of $07^{\circ}11'57''$ and whose chord bears North $11^{\circ}22'34''$ West, 51.49 feet to a point of tangency, also being on the east line of Parcel 1 of Certified Survey Map No. 5975, and the point of beginning of the easement to be described; thence South $78^{\circ}51'39''$ West 60.52 feet to the intersection point with the east line of S. Jake Marchese Way, also former S. Barclay St.; thence North $11^{\circ}08'21''$ West 20 feet to a point on the east line of S. Jake Marchese Way, also former S. Barclay St; thence North $78^{\circ}51'39''$ East 58.75 feet to the intersection point with the east line of Parcel 1 of Certified Survey Map No. 5975; thence Southeasterly along the east line of Parcel 1 of Certified Survey Map No. 5975 7.27 feet to a point of curve, also being Point "J" of Certified Survey Map No. 5975; thence Southeasterly along the east line of Parcel 1 of Certified Survey Map No. 5975 12.81 feet to the point of beginning of the easement. Containing in all 1,194 square feet (0.0274 acres) of land, more or less.

PRIVATE EASEMENT B:

Commencing at Point "H" of Certified Survey Map No. 5975; thence Northwesterly, 15.50 feet along the arc of said curve whose radius is 410.02 feet with its center lying to the southwest having a central angle of $02^{\circ}09'56''$ and whose chord bears North $08^{\circ}51'59''$ West, 15.50 feet to a point of tangency, also being on the east line of Parcel 1 of Certified Survey Map No. 5975, and the point of beginning of the easement to be described; thence South $78^{\circ}51'39''$ West 61.36 feet to the intersection point with the east line of S. Jake Marchese Way, also former S. Barclay St.; thence North $11^{\circ}08'21''$ West 20 feet to a point on the east line of S. Jake Marchese Way, also former S. Barclay St; thence North $78^{\circ}51'39''$ East 61.29 feet to the intersection point with the east line of Parcel 1 of Certified Survey Map No. 5975; thence Southeasterly 20 feet along the east line of Parcel 1 of Certified Survey Map No. 5975 to the point of beginning of the easement. Containing in all 1,228 square feet (0.0282 acres) of land, more or less.

EXHIBIT A1

