

APR 0 3 2002

Ken Kutz



Wisconsin Electric-Wisconsin Gas
7301 W. Calumet Road
Milwaukee, WI 53223
Phone 414 362-5185

April 3, 2002

Mr. Greg Kizevic
Buildings & Fleet Services
City of Milwaukee
841 North Broadway
Room 602
Milwaukee WI 53202

Dear Mr. Kizevic:

RE: DPW FLEET RADIO REPAIR SHOP @ 4733 WEST VLIET STREET

Enclosed are 2 copies of an easement document which needs to be approved and signed by the appropriate parties at the City of Milwaukee so that Wisconsin Electric Power Company can proceed with the requested extension of underground primary voltage cable and transformer needed to serve the renovated City of Milwaukee DPW Fleet Radio Repair Shop located at 4733 West Vliet Street.

A copy of our Engineering Drawing showing the detail of the work to be done is enclosed for your records. Also enclosed for your records is a copy of the 1989 easement document which covers the existing electric distribution facilities from which we will be extending the additional facilities needed to serve the Repair Shop.

Please have this new easement approved, signed, notarized and returned to me as quickly as possible so that the work is not delayed. Only one completely executed copy needs to be returned to me.

Please call me at (414) 362-5144 if any questions arise or if further information would be helpful.

Very truly yours,

Ken Freitag
Ken Freitag
Right of Way Agent

APR 03 2002

DISTRIBUTION EASEMENT
UNDERGROUND JOINT

Document Number

IDO NO. 403865-1A

For good and valuable consideration which the **CITY OF MILWAUKEE**, hereinafter referred to as "grantor", owner of land, acknowledges receipt of, grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY**, hereinafter referred to as "grantee", a permanent easement upon, within and beneath a part of grantor's land hereinafter referred to as "easement area."

The easement area is described as: a strip of land, of various widths, being part of grantor's land, being part of the Southwesterly $\frac{1}{4}$ of the Southeasterly $\frac{1}{4}$ of Section 23, Town 7 North, Range 21 East, (a/k/a part of LOT 4 of said Quarter Section), in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

The location of the easement area with respect to the grantor's land is as shown on the attached drawing, marked Exhibit "A," and made a part of this document.

RETURN TO:
WISCONSIN ELECTRIC POWER COMPANY
PROPERTY RIGHTS & INFORMATION GROUP
231 W. MICHIGAN STREET, ROOM A252
PO BOX 2046
MILWAUKEE, WI 53201-2046

367-9985-110-X and 367-9987-110-0
(Parcel Identification Number)

- 1. Purpose:** The purpose of this easement is to install, maintain and replace underground utility facilities, conduit and cables, an electric pad-mounted transformer, concrete slab, pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by grantee, all to transmit electric energy, signals, television and telecommunication services. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- 2. Access:** Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
- 3. Buildings or Other Structures:** The grantor agrees that no structures will be erected in the easement area or in such close proximity to the electric facilities as to create a violation of the Wisconsin State Electrical Code or any amendments to it.
- 4. Elevation:** The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered by more than 4 inches without the written consent of grantee.
- 5. Restoration:** Grantee agrees to restore or cause to have restored the grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by the grantee or its agents. This restoration, however, does not apply to the initial installation of grantee's facilities or to any trees, bushes, branches or roots which may interfere with grantee's use of the easement area.

6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
7. This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Grantor: CITY OF MILWAUKEE

COUNTERSIGNED:

By _____

JOHN O. NORQUIST, MAYOR

DEPUTY CITY COMPTROLLER

By _____

RONALD D. LEONHARDT, CITY CLERK

Acknowledged before me in Milwaukee County, Wisconsin, on _____, 2002,
by John O. Norquist, the Mayor, and Ronald D. Leonhardt, the City Clerk, and _____,
the Deputy City Comptroller of the CITY OF MILWAUKEE, for the municipal corporation, by its authority, and pursuant
to Resolution File No. _____ adopted by its Common Council on _____, 2002.

(NOTARY STAMP/SEAL)

Notary Public, State of Wisconsin

My commission expires _____

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This instrument was drafted by Ken Freitag on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.

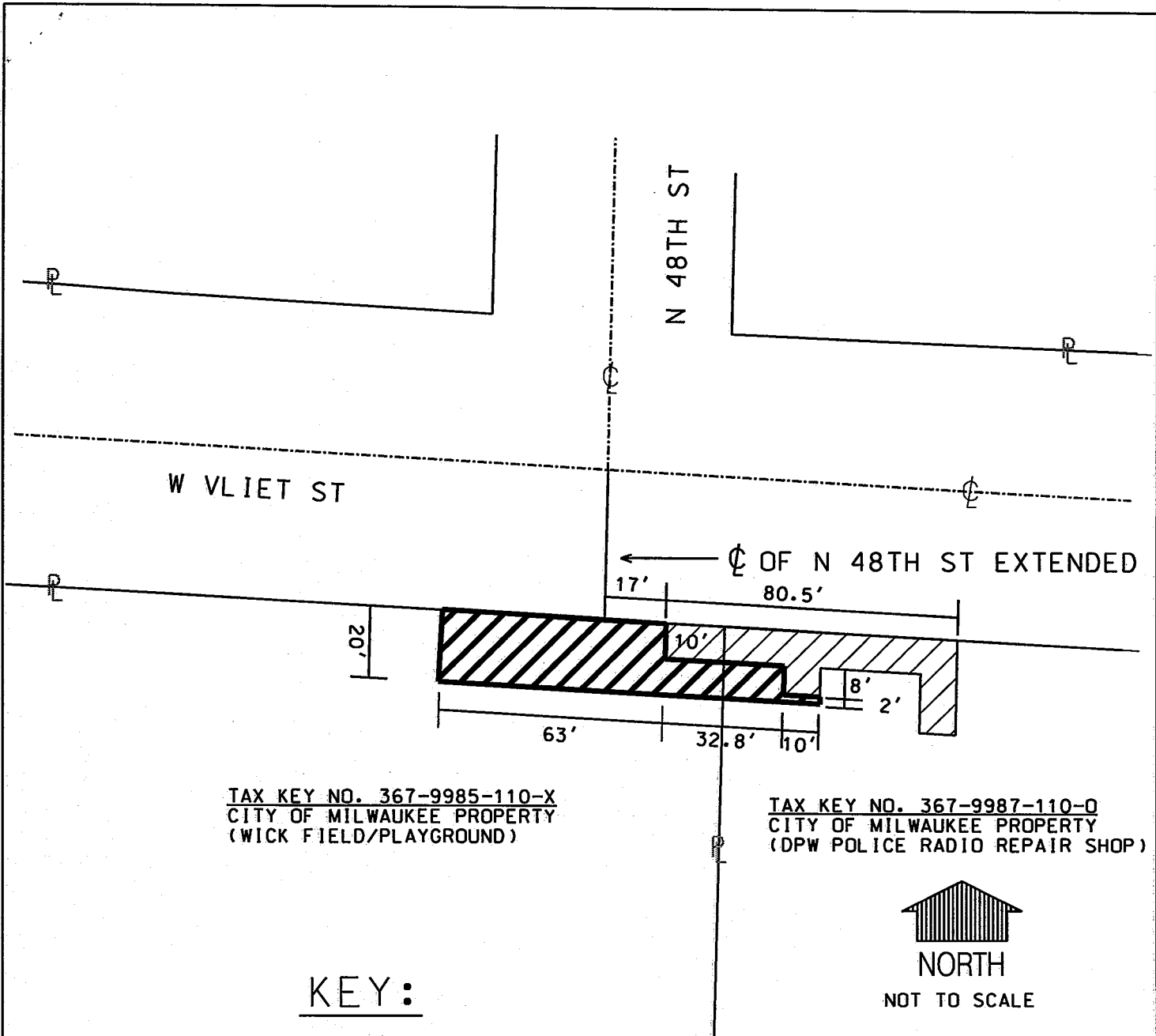


EXHIBIT "A"

WISCONSIN ELECTRIC POWER COMPANY

DPW FLEET RADIO REPAIR SHOP EASEMENT

SE 1/4 TOWN 7 NORTH, RANGE 21 EAST,
CITY OF MILWAUKEE, MILWAUKEE COUNTY,
WISCONSIN.

DRAWN BY: KEVIN LAUTERBACH

DATE: 3-26-2002

IDO NUMBER: 403865-1A

REVISIONS: 4-2-2002

WEPCO 2346-1088 882067

148436

FOR AND IN CONSIDERATION of the sum of \$1.00 to it paid, the receipt whereof is hereby acknowledged, CITY OF MILWAUKEE, a municipal corporation, duly organized and existing under and by virtue of the laws of the State of Wisconsin, located at Milwaukee, Wisconsin, hereinafter referred to as Grantor, does hereby give and grant to

WISCONSIN ELECTRIC POWER COMPANY

Grantee, its successors and assigns, the right, permission and authority to construct, install, operate, maintain and replace conduit and cables underground and other appurtenant equipment; also the right to construct, install, operate, maintain and replace an electric pad-mounted transformer, together with a concrete slab and other necessary and usual appurtenant equipment above ground, all for the purpose of transmitting electric energy for light, heat, power and signals, or for such other purpose as electric current is now or may hereafter be used, upon, across, within and beneath an easement area of various widths being part of its premises in the Southeast 1/4 of Section 23, Township 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, Wisconsin.

The location of the said easement area with respect to the premises of the Grantor is as shown on the drawing attached hereto, marked Exhibit "A" and made a part hereof.

The right, permission and authority is also granted said Grantee, its successors and assigns, to trim and/or cut down certain trees and/or brush where said trees and/or brush interfere with the installation or maintenance of said facilities or represent a hazard to such facilities.

It is understood that said facilities shall be removed without cost to the City of Milwaukee, and the easement rights contained herein terminated at such time as said facilities are no longer required or used by the Grantee.

In consideration of the foregoing grant, it is understood that during the time said facilities are located on the premises of the Grantor pursuant to this grant, Wisconsin Electric Power

MI 2346-1090

Company will indemnify and save the Grantor, its successors and assigns, harmless from any and all claims for injury or death to any person or for damage to property of any person arising out of the installation and the maintenance of the aforesaid facilities, excepting, however, any claims or actions arising out of negligence or willful acts on the part of the Grantor, its successors and assigns, employees, agents and invitees including students:

The Grantee and its agents shall have the right to enter the premises of the undersigned for the purpose of exercising the rights herein acquired, but the Grantee shall restore or cause to have restored the premises of the undersigned as nearly as is reasonably possible to the condition existing prior to any entry by the Grantee or its agents. This restoration, however, does not apply to any trees or brush which may be removed at any time pursuant to the rights herein granted.

IN WITNESS WHEREOF, the said CITY OF MILWAUKEE, has caused these presents to be signed by its Mayor and _____ City Clerk, and attested to by its Deputy City Comptroller, and its corporate seal to be hereunto affixed this 10th day of May 1989, pursuant to Resolution File No. 882068 adopted by its Common Council on April 25, 1989.

In Presence of:

Ruth E. Wytteffach
Ruth E. Wytteffach
Kathleen H. Mollica
Kathleen H. Mollica

Barbara A. Schreck
Barbara A. Schreck

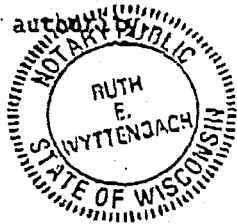
CITY OF MILWAUKEE
BY John D. Norquist Mayor
BY Rose M. Gretenhart City Clerk
ATTEST:
BY W. Martin Morics
C.N. DEPUTY City Comptroller
W. Martin Morics

14c

REEL 2346 INLG 1091

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this 8th day of May, 1989, John O. Norquist, Mayor, of the above-named municipal corporation, CITY OF MILWAUKEE, to me known to be the person who executed the foregoing instrument and to me known to be such Mayor of said municipal corporation and acknowledged that he executed the foregoing instrument as such officer, as the deed of said municipal corporation, by its authority,



Ruth E. Wyttenbach
Ruth E. Wyttenbach
Notary Public Milwaukee Co., Wis.
My commission expires 3-7-93

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this 4th day of May, 1989, Rose M. Hostenback, _____ City Clerk, of the above-named municipal corporation, CITY OF MILWAUKEE, to me known to be the person who executed the foregoing instrument and to me known to be such _____ City Clerk of said municipal corporation and acknowledged that he executed the foregoing instrument as such officer, as the deed of said municipal corporation, by its authority.



Kathleen H. Mollica
Kathleen H. Mollica
Notary Public, Milwaukee Co., Wis.
My commission expires 2-23-92

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REEL 2346 IMAGE 1092

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

Personally came before me this 9 day of May, 1989, W. MARTIN MORICS DEPUTY City Comptroller, of the above-named municipal corporation, CITY OF MILWAUKEE, to me known to be the person who executed the foregoing instrument and to me known to be such DEPUTY City Comptroller of said municipal corporation; and acknowledged that he executed the foregoing instrument as such officer, as the deed of said municipal corporation, by its authority.

Barbara A. Schreck
Barbara A. Schreck
Notary Public Waukesha Co., Wis.
My commission expires 7-1-90

APPROVED as to Form and
Execution this 25
day of July 1989
Charles R. [Signature]
Assistant City Attorney

6291256

REGISTER'S OFFICE
Milwaukee County, WI
RECORDED AT 9:24 AM

JUL - 7 1989 10854
REEL 2346 IMAGE 1092 incl.
W. C. [Signature] REGISTER OF DEEDS

6291256
RECORD 14.00

I.D.O. 886180-2A

This instrument was drafted by R. C. Just on behalf of Wisconsin Electric Power Company.

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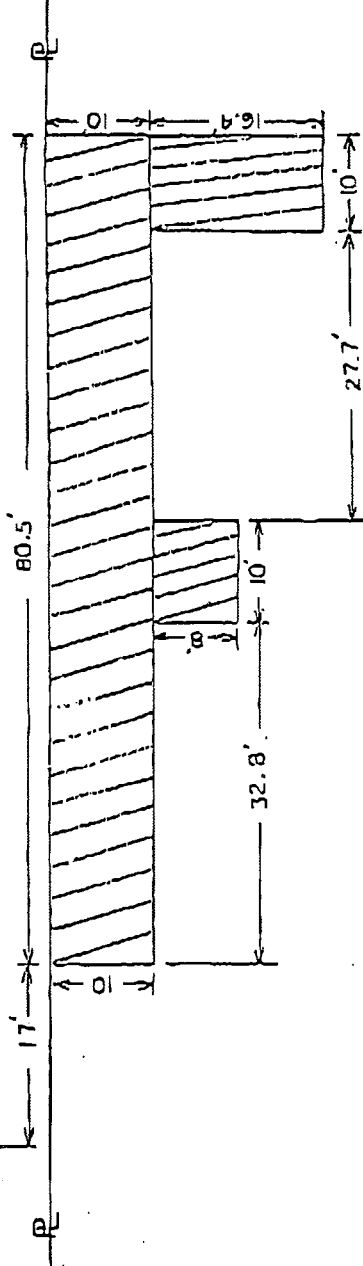
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Wis.

C. OF N 48 ST. EXTENDED

W VLIET ST



CITY OF MILWAUKEE PROPERTY

EASEMENT

EXHIBIT "A"

REVISIONS	WATSON ELECTRIC POWER COMPANY
EASEMENT POLICE STATION PREC # 3	
DESIGNED BY	1/15/02
CHECKED BY	
APPROVED BY	
SCALE	1/8" = 1'-0"
DATE	11-29-02
NO.	886/30-2A