

Document Number

Sewer Easement
SE-2704

Please return Document to:

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

Recording Area

320-1523-1

Tax Key Number

Easement 14 feet wide and
113 feet in length located
in the alley north of East
North Avenue and west of
North Oakland Avenue.

EASEMENT

THIS INDENTURE, Made by and between the CITY OF MILWAUKEE, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City", and Robert F. Tambellini and Jack H. White, (including heirs, personal representatives, successors or assigns, of above owners(s), as may be or may become applicable) hereinafter called "Grantor", (if more than one grantor is listed above, said language herein referring thereto shall be interpreted in the plural and refer jointly and severally to such grantors).

WITNESSETH

That, WHEREAS, The City desires to acquire a permanent EASEMENT as shown on attached plan, File Number 151-4-53, with the right of entry in and across the property hereinafter described and with the right to construct, operate, maintain, inspect, repair, enlarge, reconstruct and relocate, as may be or may become applicable, the following facilities and appurtenances thereto, hereinafter called, "FACILITIES", in said property, namely sewers.

NOW, THEREFORE, in consideration of the grant of the EASEMENT for aforementioned FACILITIES hereinafter described and the payment of One Dollar (\$1.00) and other valuable considerations to the Grantor, receipt whereof is hereby acknowledged, said Grantor, being the owner interested in the land hereinafter described, does hereby grant unto the City a permanent EASEMENT for aforementioned FACILITIES with the right of entry in and across the property hereinafter described and with the right to construct, operate, maintain, inspect, repair, enlarge, reconstruct and relocate, as may be or may become applicable, the FACILITIES in and across the following described property in that part of the Southeast $\frac{1}{4}$ (SE $\frac{1}{4}$) of Section 16, Township 7 North, Range 22 East in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows, to-wit:

Commencing at the northwest corner of Lot 9 of Block 220 of Walworth's Subdivision, a recorded subdivision in the said southeast $\frac{1}{4}$ section;

Thence westerly along the westerly extension of the north line of said Lot 9 to a point in the westerly line of said alley;

Thence southerly and southeasterly along the westerly line of said alley to a point in the north line of East North Avenue, said point lying fifty (50.0) feet north of, as measured normal to, the southline of said $\frac{1}{4}$ section;

Thence easterly along said north line to a point in the easterly line of said alley;

Thence northwesterly and northerly along the easterly line of said alley to the point of beginning.

The above described permanent EASEMENT is a part of Tax Key Number 320-1523-1.

UPON CONDITION:

1. That said FACILITIES shall be maintained and kept in good order and condition by the City.

2. That no structures may be placed within the limits of the EASEMENT by the Grantor excepting that improvements such as lawns, 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 EASEMENT.

3. 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, concrete walks, roadways, driveways, or parking lot surfacing which were required to be removed in the course of doing the above work. However, the City shall save the Grantor 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 is entitled to raise.

4. That, in connection with the construction by the Grantor of any structure or building abutting said EASEMENT, the Grantor will assume all liability for any damage to the FACILITIES in the abovedescribed property. The Grantor will also save and keep the City clear and harmless from any claims for personal injuries or property damage caused by any negligence of the Grantor or person other than the City, arising out of the construction by the Grantor of any structure or building abutting the said EASEMENT, and shall reimburse the City for the full amount of such loss or damage.

5. 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. However, when the Grantor makes application for a permit to connect to said FACILITIES in the aforescribed EASEMENT, the regular and customary connection permit fee in effect at the time of application shall be charged and paid.

6. That the facilities shall be accessible for maintenance at all times. The Grantor shall submit plans for approval by the Commissioner of Public Works of the City for any underground installation within the EASEMENT.

7. That the Grantor shall submit plans for all surface grade alterations of plus or minus 1 foot or greater within the limits of said EASEMENT. Said alterations shall be made only with the approval of the Commissioner of Public Works of the City.

8. That the Grantor shall be responsible for adjusting the elevations of all sewer appurtenances necessitated by 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.

SUBORDINATION AGREEMENT TO EASEMENT SE-2704

The: State Financial Bank, hereby agrees and consents to the subordination of that certain mortgage which secures certain premises, a portion of which is legally described in Exhibit "A" which is attached hereto and made a part hereof, and which mortgage was:

EXECUTED BY: Robert F. Tambellini and Jack H. White
MORTGAGOR
ON DATE OF: October 27, 1994
RECORDED IN: Milwaukee County
AS DOCUMENT NO: 7047393
REEL NO: 3464
IMAGE NO: 139-140 INCLUSIVE
ON DATE OF: January 24, 1995

to the above EASEMENT executed by above indicated mortgagor to the City of Milwaukee dated this 20th day of September, A.D. 2001.

IN WITNESS WHEREOF, the said State Financial Bank, grantor has hereunto set its hands and its corporate seal.

John B. Beckwith
, President

Michael Reindel
, Secretary

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me this 20th day of September A.D. 2001, John B. Beckwith, president, and Michael Reindel, secretary, of the above-named State Financial Bank, to me known to be the persons who executed the foregoing instrument, and to me known to be such John B. Beckwith, president, and Michael Reindel, secretary, of said State Financial Bank, and acknowledged that they executed the foregoing instrument as such officers as the deed of said State Financial Bank, by its authority.

Carol A. McKendry
NOTARY PUBLIC

My commission expires 7-11-04

EXHIBIT "A"

That part of the Southeast $\frac{1}{4}$ (SE $\frac{1}{4}$) of Section 16, Township 7 North, Range 22 East in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows, to-wit:

Commencing at the northwest corner of Lot 9 of Block 220 of Walworth's Subdivision, a recorded subdivision in the said southeast $\frac{1}{4}$ section;

Thence westerly along the westerly extension of the north line of said Lot 9 to a point in the westerly line of said alley;

Thence southerly and southeasterly along the westerly line of said alley to a point in the north line of East North Avenue, said point lying fifty (50.0) feet north of, as measured normal to, the southline of said $\frac{1}{4}$ section;

Thence easterly along said northline to a point in the easterly line of said alley;

Thence northwesterly and northerly along the easterly line of said alley to the point of beginning.

The above described permanent EASEMENT is a part of Tax Key Number 320-1523-1.

EXHIBIT "B"

That part of the Southeast $\frac{1}{4}$ (SE $\frac{1}{4}$) of Section 16, Township 7 North, Range 22 East in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows, to-wit:

Commencing at the northwest corner of Lot 9 of Block 220 of Walworth's Subdivision, a recorded subdivision in the said southeast $\frac{1}{4}$ section;

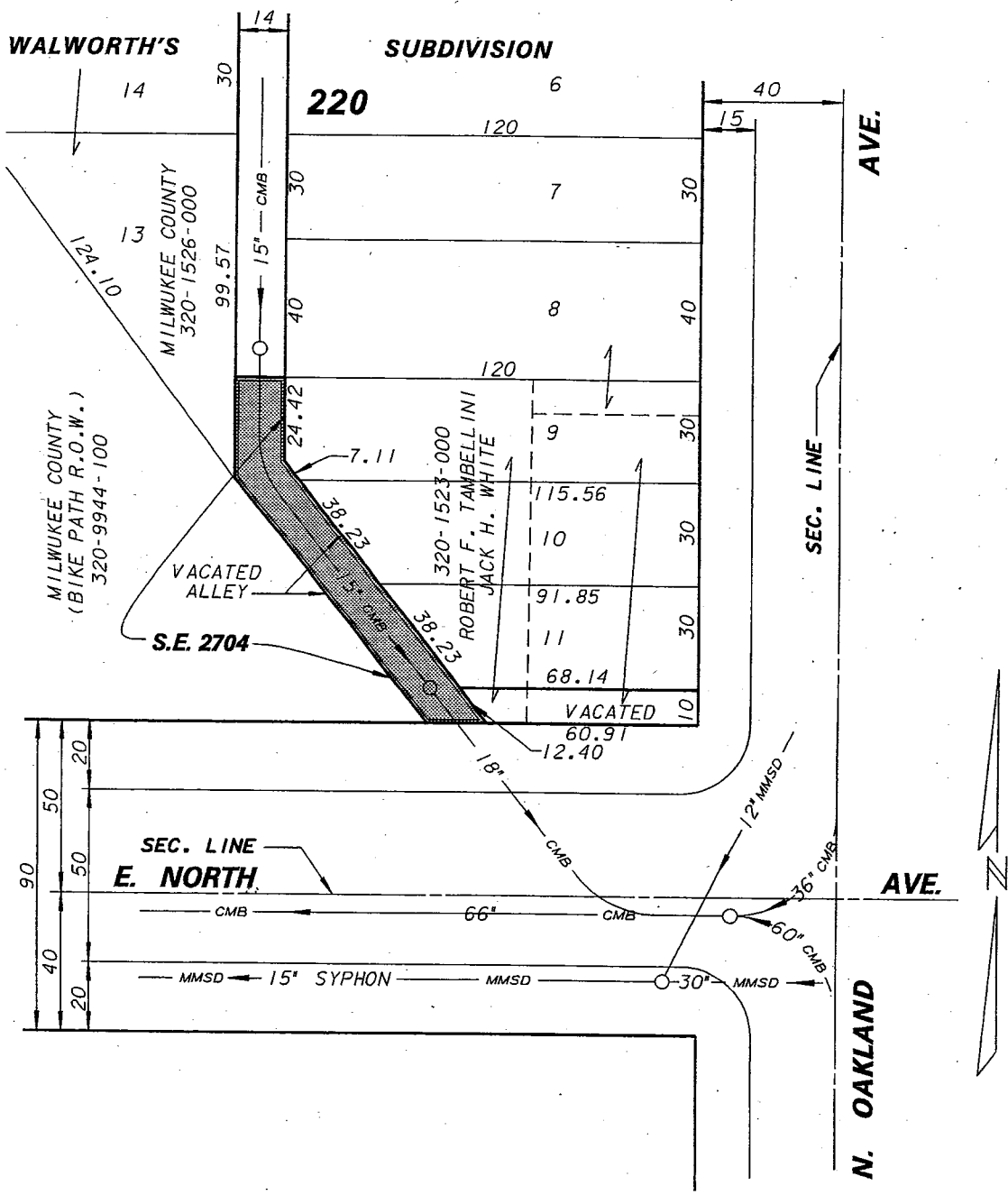
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The above described permanent EASEMENT is a part of Tax Key Number 320-1523-1.



ENVIRONMENTAL ENGINEERING SECTION		
INFRASTRUCTURE SERVICES DIVISION		
DEPARTMENT OF PUBLIC WORKS		
MILWAUKEE, WISCONSIN		
PLAN OF SEWER EASEMENT		
AREA IN	S.E. 1/4 SEC. 16, T. 7 N., R. 22 E.	
	VACATED ALLEY W. OF N. OAKLAND AVENUE FROM	
	E. NORTH AVENUE TO A PT. 130' N. OF E. NORTH AVENUE	
SCALE 1" = 40'	ATLAS PAGE NO. 320	EASE NO. 2704
DRAWN BY VALENTE	CHK'D. BY E-D	W.O. NO. 4783
APPROVED <i>Martin Aguirre</i>		DATE 8/15/01
APPROVED <i>Jeffrey Polunski</i>		FILE NO. 151-4-53