Document Number PERMANENT SEWER EASEMENT

THIS EASEMENT, made as of ________, 2016, is by and between **THE CITY OF MILWAUKEE**, a municipal corporation, (herein after referred to as "CITY") GRANTOR, and the GRANTEE, **MILWAUKEE METROPOLITAN SEWERAGE DISTRICT**, a special purpose entity under Subch. II of Wis. Stat. Ch.200 (herein after referred to as "**MMSD**"), and is for good and valuable consideration.

1. City Parcel; Easement Area. City owns the property described in EXHIBIT A (the "Property"). The portion of the Property subject to this Easement is legally described in EXHIBIT B (the "Easement Area") and contains an underground sewer owned and maintained by MMSD (the "Sewer"). This Easement in the Easement Area allows MMSD's Sewer to further extend to MMSD's sewer that is subject to the tunnel easement recorded in the Milwaukee County Register of Deeds Office on April 9, 1991, as Document No. 6471060 (the "Tunnel Easement").

This space is reserved for recording data

Return to:

Milwaukee Metropolitan Sewerage District Attn: Michael Hirsch, Real Estate 260 West Seeboth Street Milwaukee, Wisconsin, 53204

Parcel Identification Number/Tax Key Number

Tax Key Number: Part of 315-9982-100

- 2. Easement Grant. City hereby grants to MMSD a permanent easement in and to the Easement Area, together with the right of ingress and egress to the Easement Area. Within the Easement Area, MMSD may allow its Sewer to exist underground. MMSD has the duty to maintain and repair the Sewer. This Easement also allows MMSD to operate, repair, replace, and reconstruct its Sewer as necessary.
- **3. Easement Area Restriction.** No structures or improvements (except the Sewer) may be constructed within the Easement Area by MMSD without City's prior written consent. If, in exercising MMSD's rights hereunder, MMSD causes damage to City's Property, MMSD shall repair same, at MMSD expense, to substantially the same condition as existed previously.
- **4. Access.** The Easement Area shall be accessible to City at all times.
- **5. Prior Approval of Certain Work.** Prior to undertaking any work below surface within the Easement Area, and prior to any underground installation within the Easement Area, and prior to any surface-grade alteration within the Easement Area that would raise or lower the surface elevation by 1 foot or more, then, in any such event, MMSD shall first submit plans therefore to the City for approval by the City's Commissioner of Public Works ("**DPW Commissioner**"), and any such work, installation or alteration, requires prior approval of the DPW Commissioner or the DPW Commissioner's designee, not to be unreasonably withheld, conditioned, or delayed.
- **6. Recording; Miscellaneous.** This Easement (a) shall be recorded with the Milwaukee County Register of Deeds by MMSD at its expense, (b) is governed by Wisconsin law, (c) may only be amended by written instrument signed by all parties, and (d) is binding on successors, assigns, and heirs.

IN WITNESS WHEREOF, THE PARTIES HERETO caused this Easement to be executed by their authorized signatories as of the date first written above.

GRANTOR/CITY: CITY OF MILWAUKEE	CITY ATTORNEY
D	APPROVAL/AUTHENTICATION
By: Ghassan Korban, Commissioner	, as a member in good
Dept. of Public Works	standing of the State Bar of Wisconsin, hereby
1	approves the signatures of the City representatives
	above per M.C.O. 304-21, and also authenticates
Countersigned:	the signatures of those City
	representatives/signatories per Wis. Stat. 706.06 so this document may be recorded per Wis. Stat.
	706.05 (2)(b).
By:	700.03 (2)(0).
Martin Matson, Comptroller	By:
City Common Council Desclution File No.	Name Printed:
City Common Council Resolution File No.	Assistant City Attorney State Bar No
, adopted on	Date:
	1142-2016-589:226927
GRANTEE/MMSD: MILWAUKEE	MMSD NOTARY
METROPOLITAN SEWERAGE DISTRICT	
	State of Wisconsin)
By:) ss. Milwaukee County
Kevin L. Shafer, Executive Director)
Milwaukee Metropolitan Sewerage District	On the above date, this instrument was
	acknowledged before me by the above named
	Executive Director of the Milwaukee Metropolitan
	Sewerage District, know to me to be such officer, and who acknowledged that she executed the
	forgoing instrument on its behalf for the purpose
Approved as to Form – MMSD Legal Dept.	aforesaid and by its authority as such officer.
	(Signature, Notary Public, State of Wisconsin)
	, , ,
	Print or Type Name, Notary Public State of
	Wisconsin
	(Data Commission Engine)
	(Date Commission Expires)

This instrument was drafted by: Gregg Hagopian on behalf of the Milwaukee City Attorney's Office.

EXHIBIT A

LEGAL DESCRIPTION OF THE "PROPERTY"

That part of Lot 32 (School Lands) in the Northwest ¼ of the Northeast ¼ of Section 16, Town 7 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at a concrete monument with brass cap found at the Northwest corner of the Northeast ¼ of said Section 16; thence North 89°03'40" East (recorded as North 89°59' East) along the North line of said Section 16, 1104.95 feet to a 1" iron pipe found; thence North 89°03'40" East, 155.68 feet to a 1.17" copper survey mark meander corner located 42 feet west of the westerly ordinary high water mark of the Milwaukee River; thence South 40°09'26" East along a meander line, 65.61 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South 00°29'19" East along said meander line, 65.38 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South 11°28'52" West along said meander line, 109.42 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South 07°45'12" West along said meander line, 78.70 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river and the point of beginning; thence South 01°33'30" West along said meander line, 30.03 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South 89°00'30" West, 92.13 feet to a 1" iron pipe set; thence North, 30.00 feet to a 1" iron pipe set; thence North 89°00'30" East, 92.95 feet to the point of beginning.

EXHIBIT B

LEGAL DESCRIPTION OF THE "EASEMENT AREA"

A permanent sewer easement located in lot 32 (School Lands) in the Northwest ¼ of the Northeast ¼ of Section 16, Town 7 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at a concrete monument with brass cap found at the Northwest corner of the Northeast ¼ of said Section 16; thence North 89°03'40" East (recorded as North 89°59' East) along the North line of said Section 16, 1104.95 feet to a 1" iron pipe found; thence North 89°03'40" East, 155.68 feet to a 1.17" copper survey mark meander corner located 42 feet west of the westerly ordinary high water mark of the Milwaukee River; thence South 40°09'26" East along a meander line, 65.61 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South 00°29'19" East along said meander line, 65.38 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South 11°28'52" West along said meander line, 109.42 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South 07°45'12" West along said meander line, 78.70 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river and the point of beginning; thence South 01°33'30" West along said meander line, 30.03 feet to a 1" iron pipe meander corner located 25 feet west of the westerly ordinary high water mark of said river; thence South 89°00'30" West, 44.85 feet; thence North 03°04'51" East, 30.07 feet; thence North 89°00'30" East, 44.05 feet to the point of beginning.