

Easement
W.E. 797A
S.E. 2613B

In N. Marshall Street (Vacated)
Fr. E. Pier Street (Vacated)
To E. Polk Street

THIS INDENTURE, Made by and between the CITY OF MILWAUKEE, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," and Milwaukee World Festival, Inc., a Wisconsin Corporation,

7361771
RECORD 20.00
SUBTOTAL 20.00
TOTAL 20.00
CHARGE 20.00
#063150 C001 R04 T08:37

owner, (including heirs, executors, administrators, successors and assigns of above owner(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 with the right of entry in and across the property hereinafter described with the right to build and construct and/or operate, maintain, repair, enlarge, reconstruct, relocate and inspect as may be or may become applicable the following facilities and appurtenances thereto, hereinafter called "Facilities," in said property; namely, a 12" water main in easement as shown on attached plan, file No A-8-1.

NOW, THEREFORE, in consideration of the grant of the easement 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 and person interested in the land hereinafter described does hereby grant unto the City a permanent easement in that part of Vacated N. Marshall Street in the Northwest One-quarter (N.W. ¼) of Section Thirty-three (33), Township Seven (7) North, Range Twenty-two (22) East in the City of Milwaukee, County of Milwaukee, Wisconsin which is bounded and described as follows:

TO-WIT:

W.E. 797A Parcel 1, S.E. 2613B

The easterly 33 feet of Vacated N. Marshall Street as originally platted in SURVEY & SUBDIVISION OF LOTS 1 & 2, a recorded subdivision, from the southerly Right-of-Way line of E. Polk Street to the centerline of Vacated E. Harbor Place as originally platted in said recorded subdivision.

W.E. 797A Parcel 2

The westerly 6 feet of the northerly 10 feet of Vacated E. Harbor Place as originally platted in SURVEY & SUBDIVISION OF LOTS 1 & 2, a recorded subdivision, from the southerly extension of the easterly Right-of-Way line of Vacated N. Marshall Street to the easterly line of said recorded subdivision.

Part of Tax Roll Key No. 392-2187-111
392-2187-112

7361771

REGISTER'S OFFICE
Milwaukee County, Wis. }
RECORDED AT 8:35 AM
MAY 6 1997
REEL 4047 IMAGE 213 to 217 incl.
W. H. Campbell REGISTER OF DEEDS

2000

EASEMENT

W.E. 797A

S.E. 2613B

UPON CONDITION

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

2. That in and during whatever construction, reconstruction, enlargement or repair work is or becomes necessary in constructing and/or maintaining of 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 aesthetic plantings or improvements other than ordinary lawns or standard walks, roadways, driveways and parking lot surfacing which were required to be removed in the course of doing the above work. However, the City shall save harmless the Grantor from any loss, damage, injury or liability resulting from negligence on the part of the City in connection with said work involved in constructing and/or maintaining of said Facilities; provided that if above loss, damage, injury or liability results from the joint negligence of 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 no structure may be placed within the limits of the easement by the Grantor except that improvements such as walks, pavements for driveways and parking lot surfacing may be constructed.

4. That, in connection with the construction by the Grantor of any structure or building abutting said easement defined limits, the Grantor will assume all liability for any damage to the Facilities in the above described 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 Grantor, arising out of the construction by the Grantor of any structure or building abutting the said easement defined limits, and shall reimburse the City for the full amount of such loss or damage.

5. That no charges will be made against said lands for the cost of maintenance or operation of said Facilities in the afore-described property. Whenever the Grantor makes application for a service connection, the regular and customary service connection charge in effect at the time of the application shall be charged and paid.

6. All conditions pertaining to the "Maintenance of Water Service Piping" as set forth in Chapter 3.3.0 of the "Rules and Regulations Governing Water Service" dated 1985 and subsequent amendments thereto shall apply to all water service which are within the easement defined limits and also within the limits of any adjoining easements; except that the City of Milwaukee Water Works, a utility owned by the City of Milwaukee shall in no case be responsible for maintaining at its expense any portion of said water services outside of the easement defined limits and outside the limits of any adjoining easements regardless of any statement to the contract in said "Rules and Regulations Governing Water Service".

7. The Facilities shall be accessible for maintenance at all times. The owner shall submit plans for approval to the City for any underground installation within the easement.

8. 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 of Milwaukee.

9. This easement shall take effect upon the vacation of N. Marshall St. by the Common Council of the City. In the event said vacation cannot be accomplished, this easement shall be void and of no effect.

10. 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.

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IN WITNESS WHEREOF, the Grantor has hereunto set its hands and seals

ON THIS DATE OF: October 2, 1995

Milwaukee World Festival, Inc.
COMPANY NAME

In presence of:

[Signature] by [Signature]
WITNESS GRANTOR

[Signature] by X Valerie Daniels-Carter
WITNESS GRANTOR

STATE OF Wisconsin)
COUNTY OF Milwaukee) S.S.

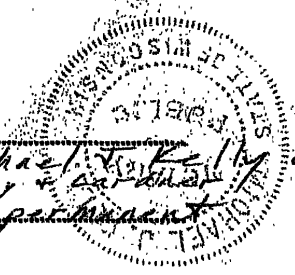
Before me personally appeared on this second day
of October, A.D. 19 95

Ted Kellner and
NAME OF GRANTOR

Valerie Daniels-Carter
NAME OF GRANTOR

to me known to be the person(s) who executed the foregoing EASEMENT and acknowledged the same, as the
voluntary act and deed of said corporation.

[Signature]
NOTARY PUBLIC
Michael J. Kelly of
Foley & Garwood
My commission expires is permanent



REEL 4047 IMAG 216

Easement
W.E. 797A
S.E. 2613B

This instrument was drafted by the City of Milwaukee.

Approved as to contents

Date: 8/24/95

Mariano Schifalacqua

CITY ENGINEER

Approved as to form only

Date: 8-25-95

Harry A. Stein

ASSISTANT CITY ATTORNEY

Approved as to execution

Date: 10-24-95

Harry A. Stein

ASSISTANT CITY ATTORNEY

N.W. 1/4 OF SEC. 33, T. 7 N., R. 22 E.

REEL 4047 IMAG 217

W.E. 797A, PARCEL 1
S.E. 2613B

SUBDIVISION OF

ST. (VACATED)

E. ERIE ST.

SURVEY &

N. MARSHALL

PL. (VACATED)

E. PIER ST.
(VACATED)

ST.

E. HARBOR

LOTS

1 & 2

E. POLK ST.

EASTERLY LINE OF C. & N. W. R.R.

W.E. 797A
PARCEL 2

WATER EASEMENT W.E. 797A
PARCELS 1 & 2
SEWER EASEMENT S.E. 2613B

ENVIRONMENTAL ENGINEERING SECTION
DIVISION OF ENGINEERS
DEPARTMENT OF PUBLIC WORKS
MILWAUKEE, WISCONSIN

WATER EASEMENT

N. MARSHALL ST. (VACATED)
E. PIER ST. (VACATED)
E. POLK ST.

SCALE	1" = 60'	APPROVED	DATE
LIN. SEC. NO.	429	<i>[Signature]</i>	5-9-95
PLAN DATE	8-3-95	<i>[Signature]</i>	8/9/95
DRAWN BY	P.S.P.	<i>[Signature]</i>	DESIGNED BY
CHECKED BY	RD	<i>[Signature]</i>	DATE
S.A.P. WORK ORDER	310-1820	<i>[Signature]</i>	8/9/95
S.A.P. WORK ORDER	000-340	<i>[Signature]</i>	8/9/95
FILE NUMBER	A-0-1		
SHEET	1 OF 1		
PLAN FILE NO.		WE797A	

POOR COPY PRESENTED FOR RECORDING

