

Conservation Easement

Parcel ID Number: WAKC 1305 459

After recording return to:

City of Waukesha
Department of Community Development
201 Delafield St.
Waukesha, WI 53188

The City of Waukesha, Wisconsin, a Wisconsin municipal corporation, owner in fee simple of the real property described below, hereby imposes pursuant to Wis. Stat. §66.1111(3)(b) and §700.40(2) a Conservation Easement on and in the following-described real property, referred to herein as the Easement Area, upon the terms and conditions stated below:

Part of Lot 1, Certified Survey Map No. 12665, recorded in Book 132, Pages 235-240, Document Number 4815560, Waukesha County Records, located in part of the Northwest 1/4 of the Northeast 1/4 and in part of the Northeast 1/4 of the Northwest 1/4 all in Section 3, Township 6 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin, more fully described as follows:

Beginning at the Southeast corner of Lot 1, Certified Survey Map No. 12665; thence N 56°43'23" W, 161.99 feet along the North right of way of Madison Street; thence N 6°58'47" E, 90.00 feet along the West line of said Lot 1, also being the East line of Lot 2, Certified Survey Map No. 11250; thence S 45°26'18" E, 183.25 feet; thence S 6°58'47" W, 50.00 feet along the West right of way of Delafield Street to the point of beginning.

Easement area contains 10,166 square feet or 0.23 acres, more or less.

Also see attached Exhibit A.

Recitals

The City of Waukesha is the fee-simple owner of Lot 1 of Certified Survey Map 12665, referred to herein as Lot 1. The Wisconsin State Historic Preservation Office, referred to herein as SHPO, has confirmed that a southerly portion of Lot 1, including the Easement Area, is included in the individual National Register of Historic Places listing for the Senator William Blair House, referred to herein as the Blair House.

The Easement Area contains no intact historic resources related to the Blair House. However, it is within the National Register boundary of the Blair House.

The City would like to sell Lot 1 to a private developer so it can be redeveloped into multi-family housing. SHPO has found that development may have an adverse impact on the view from the Blair House. As required by Wisconsin Statute §66.1111(3)(b) prior to such a sale, the City has negotiated with SHPO this Conservation Easement.

Now therefore, the City imposes the following covenants creating a conservation easement on the Easement Area, with the right of enforcement by the City, as follows:

- 1. View Preservation.** No building or structure may be constructed within the Easement Area that exceeds 845 feet (NAVD 88) in elevation at its highest point. This prohibition does not apply to (i) utility poles, light poles, sign poles, flagpoles, and other similar structures that do not materially block vision; (ii) any landscaping or natural features such as trees, shrubbery, or other plantings; or (iii) temporary structures, equipment, and vehicles necessary for the construction, maintenance, repair, or reconstruction of the remainder of Lot 1.
- 2. Covenants Run with the Land.** The terms, conditions, provisions and covenants in this instrument are appurtenant to and run with the land, inure to the benefit of the City, and are binding until termination as provided herein upon all successors in interest to, and subsequent purchasers of, the Easement Area, regardless of the nature of the successors' interests and regardless of the circumstances by which succession thereto occurs, including, without limitation, by foreclosure of mortgage or lien, or by sheriff's deed. Interest, as used herein, includes both legal and equitable interests.

3. **Enforcement.** The City is the Holder of this Conservation Easement, as that term is used in Wis. Stat. §700.40. The covenants, restrictions, and provisions herein are enforceable by the City by a lawsuit in the Circuit Court of Waukesha County, Wisconsin, or any other court of competent jurisdiction.
4. **Approval by SHPO.** The State Historic Preservation Office has approved this Conservation Easement and the sufficiency of its compliance with Wisconsin Statute §66.1111(3)(b).
5. **No Waiver of Remedies.** The City's failure to exercise any right or remedy granted under this instrument, or to conduct on-site inspections of the Easement Area, shall not be deemed to be a waiver or limitation of any right or remedy.
6. **Incorporation into Conveyances.** The City shall incorporate the covenants, restrictions and provisions contained herein, either verbatim or by express reference, in any deed or other conveyance by which the City divests itself of any interest in the Easement Area.
7. **Indemnification.** All successors in interest to the City shall indemnify and hold the City and its successors and assigns harmless from any liabilities, costs, actual attorney fees, judgments, or expenses arising from claims by third parties in the event that a court having competent jurisdiction finds that those successors in interest have breached the terms of this Conservation Easement.

Dated this _____ day of _____, 2026.

City of Waukesha

By Shawn N. Reilly, Mayor

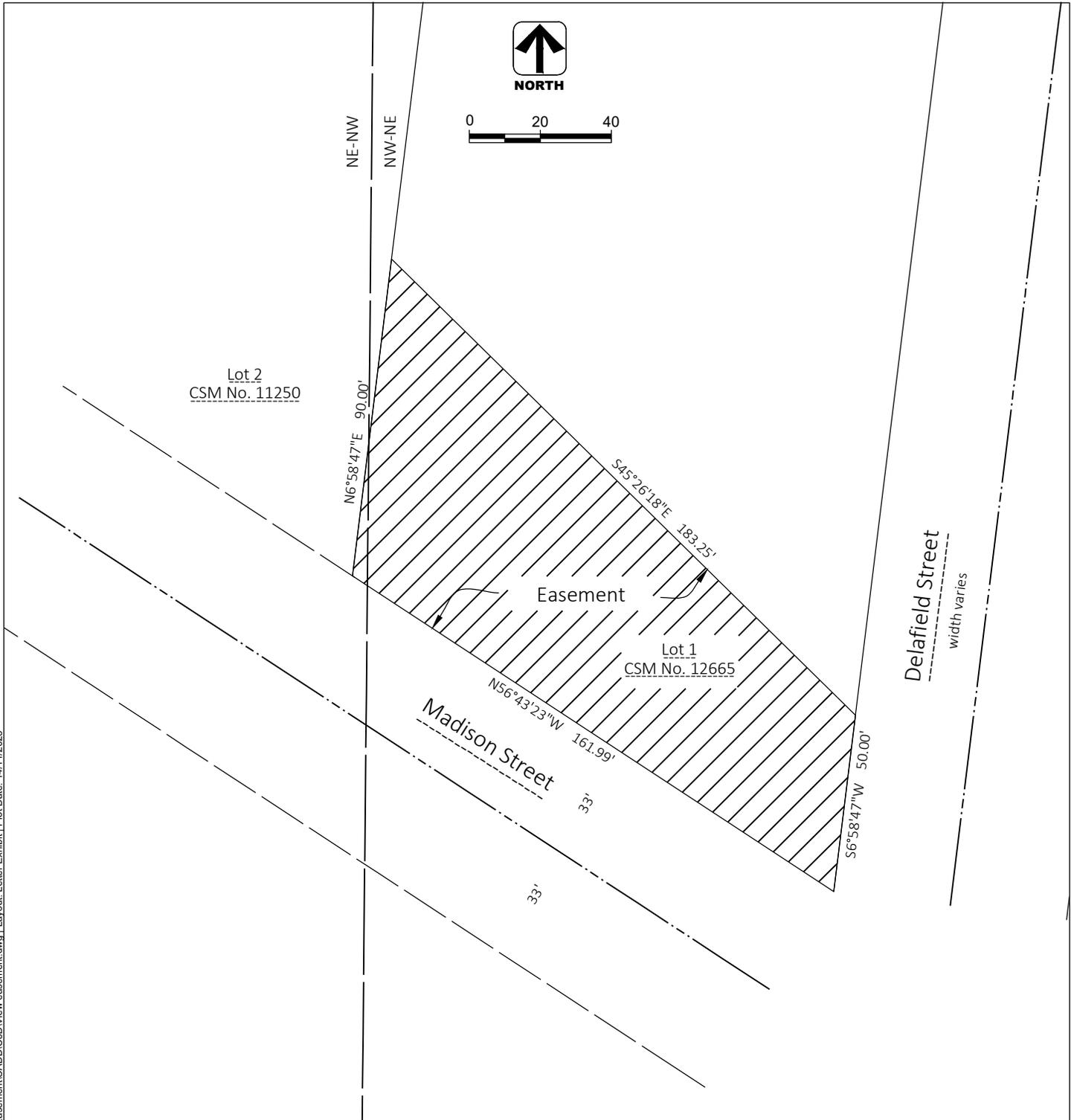
Attested by Katie Panella, City Clerk

State of Wisconsin }
 } ss.
Waukesha County }

Shawn N. Reilly and Katie Panella personally came before me this _____ day of _____, 2026, executed this instrument in my presence, and acknowledged the same.

Notary Public, Waukesha County, Wisconsin
My commission (expires _____)(is permanent).

Drafted by City of Waukesha Department of Community Development.



File: I:\76\WK\76-0454.08 COV\Delafield Easement\CADD\C3D\View easement.dwg | Layout: Letter Exhibit | Plot Date: 11/11/2025

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Easement area contains 10,166 square feet / 0.23 acres more or less.
Easement subject to other easements and restrictions of record.



EXHIBIT A | Conservation Easement

130 Delafield Street

10/13/2025 Revised 11/14/2025