### Sidewalk Easement Agreement

Parcel ID No. WAKC0978354

#### Return to:

Engineering Department City of Waukesha 130 Delafield Street Waukesha, WI 43188

The Grantor, Windings Maintenance Corp., for good and valuable consideration, hereby conveys to the Grantee, City of Waukesha, Wisconsin, a permanent sidewalk easement across the following described property in Waukesha County, Wisconsin, referred to as the Easement Area, subject to all of the terms below: See Attached Exhibit A.

#### TERMS OF EASEMENT

- 1. **Grant of Easement.** The Grantor grants to the Grantee, a perpetual easement and right of way over, upon, across and through the Easement Area to install and construct a sidewalk. The easement shall be for the use of the public, to cross upon the sidewalk to be constructed in the Easement Area.
- 2. **Restrictions within Easement Area.** Grantor shall not do any of the following without the expressed, written and proper approval of the Grantee:
  - a. Change the grade elevations.
  - b. Excavate
  - c. Place any items or do any acts which reasonably be expected to interfere with Grantee's rights granted herein.
- 3. Removal of Items from the Easement Area. In order to perform any activities authorized in section 1, Grantee may remove any items from the Easement Area which are in violation of the restrictions of section 2. and Grantee shall not be liable for damage to such items resulting from removal. However, Grantee shall provide advance notice of work to be performed in the Easement Area and shall cooperate with Grantor to minimize damage to items removed from the Easement Area.
- 4. **Grantor's Use of Property.** Grantor reserves the right to use the Property for purposes which will not interfere with the City's full enjoyment of the easement rights granted hereby.
- 5. Covenants Run with the Land. All of the terms, conditions, covenants and other provisions contained in this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of and be enforceable by Owner and the City and their respective successors and assigns.
- 6. **Governing Law.** This instrument shall be construed and enforced in accordance with the laws of the State of Wisconsin.

- 7. **Entire Agreement.** This instrument sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this Agreement and recorded in the office of the Register of Deeds of Waukesha County. Wisconsin.
- 8. **No Waiver by Non Use.** Neither non-use nor limited use of the rights granted by this instrument shall constitute a waiver or partial waiver of the later exercise of enforcement of such rights.
- Severability. If any term or condition of this instrument is deemed invalid or unenforceable by a court of
  competent jurisdiction, such invalid or unenforceable provision shall be severed and the remainder shall
  remain fully enforceable.

<ol> <li>No Public Dedication. The rigin interest in the Easement Area.</li> </ol>	hts granted herein sh	all not be dee	med to be a public dedic	ation of any fee
Conveyance made this	day of		, 2017.	
Grantor: Windings Maintenance Corp				
By: Frank Remfrey Title: President				
STATE OF WISCONSIN	)			
COUNTY OF WAUKESHA	) SS. )			
Personally came before me this me known to be the persons who execute	day of ed the foregoing instr	, 20 ument and acl	017 the above named France (Note that the same) (Note that the same) (Note that the same) (Note that the same)	ank Remfrey, to
	— Notary Public			
Waukesha County, Wisconsin My commission is (permanent) (expires):				
Grantee: City of Waukesha				
By: Shawn N. Reilly, Mayor		Attest: Gina	L. Kozlik, City Clerk	_
STATE OF WISCONSIN	) ) ss.			

COUNTY OF WAUKESHA	)
	day of, 2017 the above named Shawn N. Reilly nown to be the persons who executed the foregoing instrument and
Waukesha County, Wisconsin My commission is (permanent) (expires): _	Notary Public,
This instrument drafted by: Julie M. Gay Asst. City Atty.	

SBN 1006564 201 Delafield Street Waukesha, WI 53188

## EXHIBIT A

Sidewalk Easement

Northwest 1/4 of the Northwest 1/4 of Section 29 Township 7 North, Range 19 East, City of Waukesha,

Waukesha County, Wisconsin Outlot 23 80 Scale in Feet Easement Area 611.17 sq. ft. .014 Acres P.o.B 26.20' N\_89°14'14" W 23.80' Meadowbrook Road NW Corner Lot 438 Pebble Valley Add. 2 N 89°14'14" - South R:0.W Line Rolling Ridge Dr. · 5.4<sup>7</sup> Southeast Corner Intersection Rolling Ridge Drive and Meadowbrook Road N 37°06'36" E 15.29 N 5/7°31'23" E 65.35 S 00°45'46" W Vision Corner Easement for Pebble Valley Addition 2 Plat 52/5/7 N 01°20'03" E 7.25' S 89<mark>14'14"</mark> E Lot 438 Øutlot 20 130' Pebble Valley Add. No. 2 Lot 437 East R.O.W. line Meadowbrook Road CITY OF WAUKESHA PREPARED FOR: PREPARED BY: CITY OF WAUKESHA CITY OF WAUKESHA 130 DELAFIELD STREET 130 DELAFIELD STREET WAUKESHA, WI 53188 WAUKESHA, WI 53188

# **EXHIBIT A**

### Sidewalk Easement

SHEET 2 OF 2

Northwest 1/4 of the Northwest 1/4 of Section 29
Township 7 North, Range 19 East, City of Waukesha,
Waukesha County, Wisconsin

All that part of the Northwest 1/4 of the Northwest 1/4 of Section 29, Township 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of Lot 438, Pebble Valley, Addition 2; thence North 89°14'14" West, along the South right of way line of Rolling Ridge Drive, 26.20 feet to the point of beginning; thence South 37°06'36" West, 5.47 feet; thence South 57°31'23" West, 15.29 feet; thence South 01°20'03" West, 52.57 feet; thence North 89°14'14" West, 7.25 feet to the East right of way line of Meadowbrook Road; thence North 00°45'46" East, along said right of way line, 65.35 feet to the Southeast corner of the intersection of Rolling Ridge Drive and Meadowbrook Road; thence South 89°14'14" East, 23.80 feet to the point of beginning; said parcel contains 611 square feet or 0.014 acres, more or less.

File Link: O:\\_Projects\2017\Meadowbrook Rd\_(WWB)\dwg\Easement Ex sidewalk.dwg

CITY OF WAUKESHA

PREPARED FOR: CITY OF WAUKESHA 130 DELAFIELD STREET WAUKESHA, WI 53188 PREPARED BY: CITY OF WAUKESHA 130 DELAFIELD STREET WAUKESHA, WI 53188