



002485675-008

## Storm Sewer Easement

Easement Number

Location Title

## Storm Sewer Easement

This Indenture, made this 1<sup>st</sup> day of July, 1999, by Waukesha Block Company, Inc., a Wisconsin corporation with offices in Waukesha, Wisconsin (hereinafter the "Grantor") for the benefit of Fleming Companies, Inc., an Oklahoma corporation with offices in Waukesha, Wisconsin (hereinafter "Fleming") and Wilde Family Limited Partnership and Waukesha State Bank as Successor Trustee of a Trust Agreement dated December 28, 1976 between Harold L. Wilde, as Settlor, and Mary Ann Wilde, Initial Trustee, (hereinafter collectively "Wilde" and with Fleming, at times hereinafter referred to collectively as the "Grantees").

Witnesseth that the Grantor, for the sum of One Dollar (\$1.00) and other good and valuable consideration, does hereby sell, assign and convey unto the Grantees an easement and right-of-way over and across the real property in the City of Waukesha, Waukesha County, Wisconsin as more particularly described on Exhibit A attached hereto and incorporated herein by reference (hereinafter the "Easement Area"), for the construction, replacement, repair and maintenance of storm sewer pipes and laterals connecting to a storm drainage facility being constructed within the Easement Area.

It is intended by this conveyance to grant a permanent easement and right-of-way to the Grantees and their respective heirs, successors and assigns in the Easement Area for the construction, replacement, repair and maintenance of storm sewer pipes and laterals connecting to a storm drainage facility being constructed within the Easement Area, which will continue indefinitely. It is intended that this grant of easement shall supplement that certain Storm Sewer and Drainage Facility Easement granted by the Grantor to the City of Waukesha dated February 17, 1999 and recorded in the Office of the Register of Deeds for Waukesha County, Wisconsin on March 31, 1999 in Reel 2873, Images 0115-0118, inclusive, as Document No. 2442359 (hereinafter the "City Easement"), in order to allow the Grantees to connect to the storm sewer and drainage facility being installed in the Easement Area and to service the lands owned by Fleming as described on Exhibit B attached hereto and incorporated herein by reference (hereinafter the "Fleming Parcel") and the lands owned by Wilde as described on Exhibit C attached hereto and incorporated herein by reference (hereinafter the "Wilde Parcel").

An additional 5' (five feet) wide construction easement on the ends and on the property side of the Easement Area is to remain in effect until construction is completed and will terminate upon

2485675

REGISTER'S OFFICE  
WAUKESHA COUNTY, WI  
RECORDED ON

07-20-1999 1:33 PM

MICHAEL J. HASSLINGER  
REGISTER OF DEEDS
 REC. FEE: 18.00  
 REC. FEE-CD: 4.00  
 REC. FEE-ST: 2.00  
 TRAN. FEE:  
 TRAN. FEE-STATE:  
 PAGES: 8

2942 0718

THIS SPACE RESERVED FOR RECORDING DATA

## NAME AND RETURN ADDRESS

 J. Miles Goodwin  
 O'Neil, Cannon & Hollman, S.C.  
 Suite 1400  
 111 East Wisconsin Avenue  
 Milwaukee, WI 53202

Tax Key No.: 1007-003

24/8

said completion. Grantor acknowledges that the covenants contained in the City Easement shall also run to the benefit of the Grantees. Any connection to or drainage into the Storm Sewer and Drainage Facility Easement herein described as granted is subject to the approval of the City of Waukesha, a municipal corporation.

The rights granted hereunder shall bind and benefit the Grantor and the Grantees and their respective heirs, successors and assigns.

In witness whereof the above named Waukesha Block Company, Inc. has executed this Easement Agreement on the day and year first above written.

WAUKESHA BLOCK COMPANY, INC.

By: *Robert Nagel*  
Print Name: Robert Nagel

STATE OF WISCONSIN }  
WAUKESHA COUNTY } ss.

Personally came before me, this 1<sup>st</sup> day of July, 1999 the above named to me known to be the person who executed the foregoing instrument and acknowledged the same.

*[Signature]*  
Notary Public, State of Wisconsin  
My Commission: 1/16/99

THIS DOCUMENT WAS DRAFTED BY J. MILES GOODWIN, O'NEIL, CANNON & HOLLMAN, S.C. SUITE 1400, 111 EAST WISCONSIN AVENUE, MILWAUKEE, WISCONSIN 53202.

**EXHIBIT A**

3342 0720

**EASEMENT AREA**

All that part of the Northwest Quarter (NW ¼) and Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 36, Town 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the southeast corner of Lot 2 of Certified Survey Map No. 5415 as recorded in Volume 43 of Certified Survey Maps on pages 301-305, inclusive, as Document No. 1464703, in the Waukesha County Registry; thence South 03°19'53" East along the westerly line of a 60-foot wide private road right-of-way 51.33 feet to a point on the southerly line of said private road right-of-way, thence North 73°03'33" East 128.677 feet along said southerly right-of-way line to the place of beginning of a 15-foot wide easement for storm sewer purposes, hereinafter described; continuing thence North 73°03'33" East along said right-of-way 118.000 feet, thence northeasterly 180.532 feet along the arc of a curve of radius 356.752 feet, curve center lies to the South, chord bears North 87°33'22.5" East 178.611 feet; thence South 77°56'48" East 204.419 feet to the westerly right-of-way line of S.T.H. 164; thence South 16°00'42" West along said westerly line 190.131 feet; thence southwesterly 541.898 feet along said right-of-way line and the arc of a curve of radius 1717.020 feet, curve center lies to the southeast, chord bears South 06°58'13" West 539.652 feet; thence South 12°18'15" West along said right-of-way line 152.798 feet to a point on the northerly right-of-way line of East Main Street, C.T.H. Y; thence South 65°12'48" West along said northerly right-of-way line 180.000 feet; thence North 24°47'12" West 15.00 feet; thence North 65°12'48" East 173.125 feet; thence North 12°18'15" East 141.255 feet; thence northeasterly 546.632 feet along the arc of a curve of radius 1732.020 feet, curve center lies to the southeast, chord bears North 06°58'13" East 544.366 feet; thence North 16°00'42" East 174.057 feet; thence North 77°56'48" West 188.345 feet; thence southwesterly 176.108 feet along the arc of a curve of radius 341.752 feet, curve center lies to the South, chord bears South 87°33'32" West 171.101 feet; thence South 73°03'33" West 118.000 feet, thence North 16°56'27" West 15.000 feet to the place of beginning. Containing a net area of 22,800.4 square feet or 0.523 acres of land.

**EXHIBIT B**

20042 \*\* 0721

**FLEMING PARCEL**

Lot 1 of Certified Survey Map 5415, recorded January 31, 1988 in Volume 43 of Certified Survey Maps, Pages 301 to 305, inclusive, as Document No. 1464703, being a redivision of Lot 1 of Certified Survey Map No. 4530, which is a redivision of Certified Survey Map No. 4379, and also parts of the NE 1/4 of the SE 1/4 of Section 35 and the NW 1/4 of the SW 1/4 of Section 36, Town 7 North, Range 19 East, in the City of Waukesha, Waukesha County, Wisconsin.

**EXHIBIT C**

2042 0722

**WILDE PARCEL**

Parcel 1:

All that part of the Southwest 1/4 of Section 36, Town 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the West 1/4 corner of said Section 36; thence North  $76^{\circ} 04' 48''$  East, parallel to and 22.80 feet South of (measured at right angles) the reference line of U.S. Highway "18", 667.45 feet; thence south  $3^{\circ} 19' 53''$  East 78.53 feet to the Southerly right-of-way line of said U.S. Highway "18"; thence North  $76^{\circ} 04' 48''$  East along said Southerly right-of-way line of U.S. Highway "18", 536.239 feet to the Northeast corner of Parcel "A" as recorded in Volume 6 of Certified Survey Maps on Pages 101-103 as Document No. 726740; thence South  $0^{\circ} 17' 00''$  East along the East line of said Parcel "A" 400.00 feet to the Southeast corner of said Parcel "A", the place of beginning of the lands hereinafter described, thence continuing South  $0^{\circ} 17' 00''$  East 30.363 feet; thence South  $1^{\circ} 47' 08''$  West 259.385 feet; thence South  $77^{\circ} 56' 48''$  East 160.00 feet to the West right-of-way line of County Trunk Highway "A"; thence North  $16^{\circ} 00' 42''$  East along said West right-of-way line, 280.71 feet to the Southeast corner of the property described in Volume 1220 of Deeds on Page 206 as Document No. 779279; thence North  $76^{\circ} 44' 56''$  West along the South line of the property described in said Document No. 779279, 232.151 feet to the place of beginning.

Tax Key No. WAKC 1007.987

Parcel 2:

All that part of Parcel B of Certified Survey Map No. 922 recorded November 13, 1968 in Volume 6 of Certified Survey Maps on pages 101-103 as Document No. 726740; and that part of the Southwest 1/4 of Section 36, Town 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the West 1/4 corner of said Section 36; thence North  $76^{\circ} 04' 48''$  East, parallel to and 22.80 feet South of (measured at right angles) the reference line of U.S. Highway "18", 667.45 feet; thence South  $3^{\circ} 19' 53''$  East 78.53 feet to the Southerly right-of-way line of said U.S. Highway "18"; thence North  $76^{\circ} 04' 48''$  East along said Southerly right-of-way line of U.S. Highway "18", 536.239 feet to the Northeast corner of Parcel "A" as recorded in Volume 6 of

Certified Survey Maps on Pages 101-103 as Document No. 726740; thence South 0° 17' 00" East along the East line of said Parcel "A" 400.00 feet to the Southeast corner of said Parcel "A", thence continuing South 00° 17' 00" East 30.363 feet to the place of beginning of the land hereinafter described; thence South 80° 51' 00" West along the South line of the property described in Volume 1227 of Deeds on Page 292 as Document No. 785312, 213.00 feet; thence South 7° 54' 02" East 209.862 feet, thence 126.562 feet along the arc of a curve of radius 416.752 feet, center lies to the South, chord bears South 86° 38' 48" East 126.076 feet; thence South 77° 56' 48" East 48.572 feet, thence North 1° 47' 08" East 259.385 feet to the place of beginning.

Tax Key No. WAKC 1007 983

### Parcel 3.

All that part of Parcel B of Certified Survey Map No. 922 recorded November 13, 1968 in Volume 6 of Certified Survey Maps on Pages 101-103 as Document No. 726740; and that part of the Southwest 1/4 of Section 36, Town 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the West 1/4 corner of said Section 36; thence North 76° 04' 48" East, parallel to and 22.80 feet South of (measured at right angles) the reference line of U.S. Highway "18", 667.45 feet, thence South 3° 19' 53" East 78.53 feet to the Southerly right-of-way line of U.S.H. "18"; thence North 76° 04' 48" East along said Southerly right-of-way line of U.S.H. "18", 536.239 feet to the Northeast corner of Parcel "A" as recorded in Volume 6 of Certified Survey Maps on Pages 101-103 as Document No. 726740; thence South 0° 17' 00" East along the East line of said Parcel "A", 400.00 feet to the Southeast corner of said Parcel "A"; thence continuing South 00° 17' 00" East 30.363 feet; thence South 80° 51' 00" West 213.000 feet to the place of beginning of the land hereinafter described; thence continuing South 80° 51' 00" West 233.524 feet; thence South 03° 19' 53" East 237.067 feet to the Northerly line of a 60 foot right-of-way running East-West; thence North 73° 03' 33" East along said right-of-way 170.422 feet to a point on curve; thence Northeasterly 84.332 feet along the arc of a curve forming said right-of-way line of radius 416.752 feet, curve center lies to the South, chord bears North 78° 51' 22.5" East 84.188 feet; thence North 7° 54' 02" West 209.862 feet to the place of beginning.

Tax Key No. WAKC 1007 984

Parcel 4.

29.42 0724

All that part of the South West One-quarter (1/4) and the North West One-quarter (1/4) of Section Thirty-six (36), in Township Seven (7) North, Range Nineteen (19) East, in the Town of Pewaukee, bounded and described as follows, to-wit: Commencing at the West 1/4 corner of Section 36; thence North 75° 17' 55" East, 735.44 feet to a point on the extension of the East right-of-way line of the proposed extension of Wolf Road; thence South 00° 17' 00" East along said extension, 89.37 feet to the place of beginning of the parcel hereinafter described; thence continuing South 00° 17' 00" East along the aforementioned East right-of-way line, 237.47 feet to the P.C. of a curve, thence 122.49 feet along said East right-of-way line and the arc of said curve, radius of 267.19 feet, the center of which lies to the East to the P.T. of said curve; thence North 80° 51' East, 439.27 feet; thence North 00° 17' 00" West, parallel to the aforementioned East right-of-way line, 400.00 feet to a point on the Southerly right-of-way line of United States highway 18; thence South 76° 04' 48" West along said Southerly right-of-way line, 475.00 feet to the place of beginning. Said premises are also known as Parcel Letter "A" of a Certified Survey Map prepared for GWR Leasing Company, Inc., by Hoffman, Pulzin & Associates, Inc., under date of September 9, 1968, and recorded in the Office of the Register of Deeds for Waukesha County, Wisconsin, on November 13, 1968, in Volume 6 of Certified Survey Maps on pages 101, 102 and 103 as Document No. 726740.

All that part of Parcel Lettered "B" as recorded in Volume 6 of Certified Survey Maps on pages 101 thru 103 as Document No. 726740, and adjacent unplatted lands, being a part of the Southwest One-quarter (1/4) and Northwest One-quarter (1/4) of Section Thirty-six (36), in Township Seven (7) North, Range Nineteen (19) East, in the Town of Pewaukee, bounded and described as follows: Beginning at the Northeast corner of said Parcel "B"; thence South 00° 17' 00" East 30.36 feet; thence South 80° 51' 00" West 437.51 feet more or less to the Easterly right-of-way line of Wolf Road if Wolf Road becomes a 60 foot wide right-of-way; thence Northerly 30.11 feet along said future right-of-way line to the Northwest corner of Parcel "B"; thence North 80° 51' 00" East along the North line of said Parcel, 439.27 feet to the place of beginning. Correction of conveyance dated April 2, 1978, recorded April 24, 1978, Register of Deeds, Waukesha County, Reel 354, Image 97, Document No. 1088214.

Tax Key No. WAKC 1007.001

Parcel 5

All that part of the West 1/2 of Section 36, in Township 7 North, Range 19 East, in the City of Waukesha, bounded and described as follows:

Commencing at the West 1/4 corner of said Section 36; thence North  $76^{\circ} 04' 48''$  East, parallel to and 22.80 feet South of (measured at right angles) the reference line of U.S.H. "18", 667.45 feet, thence South  $3^{\circ} 19' 53''$  East, 78.53 feet to the Southerly right-of-way line of said U.S.H. "18", thence North  $76^{\circ} 04' 48''$  East along said Southerly right-of-way of U.S.H. "18", 536.239 feet to the Northeast corner of Parcel "A" as recorded in Volume 6 of Certified Survey Maps, on Pages 101, 102 and 103, as Document No. 726740, the place of beginning of the land hereinafter described, thence North  $76^{\circ} 04' 48''$  East along said Southerly right-of-way of U.S.H. "18", 263.074 feet, thence South  $67^{\circ} 53' 30''$  East along said right-of-way, 66.641 feet to the Westerly right-of-way of C.T.H. "A"; thence Southwestwesterly 282.04 feet along the arc of said right-of-way curve, curve center lies to the West, radius 1829.86 feet, chord bears South  $7^{\circ} 01' 14''$  West, 281.76 feet; thence South  $83^{\circ} 36' 00''$  West, 283.064 feet to the Easterly line of Parcel "A" recorded in Document No. 726740, thence North  $00^{\circ} 17' 00''$  West along the Easterly line of said Parcel "A", 273.00 feet to the place of beginning.

Tax Key No. WAKC 1006 980