

DOCUMENT NO.

**NOTICE OF ACCESS  
EASEMENT BY  
PRESCRIPTIVE RIGHTS**

**3870852**

REGISTER OF DEEDS  
WAUKESHA COUNTY, WI  
RECORDED ON

November 10, 2011 01:57 PM  
James R Behrend  
Register of Deeds

7 PGS  
TOTAL FEE: \$30.00  
TRANS FEE: \$0.00  
Book Page -



[Legal descriptions attached]

DRAFTED BY AND RETURN TO:

Michael S. Green, Esq.  
Michael Best & Friedrich LLP  
PO Box 1806  
Madison, WI 53701-1806

See Exhibit A  
Parcel Identification Number(s)

*Pa  
30/7*


This NOTICE sets forth the claim of Spancrete Industries, Inc., a Wisconsin corporation f/k/a Waukesha Block Co., Inc. ("Spancrete") to the prescriptive right of access over property owned by Aspen Lake LLC, a Wisconsin limited liability company ("Aspen Lake").

1. Aspen Lake is the fee owner of that certain parcel of land located in the City of Waukesha, Waukesha County, Wisconsin, more particularly described in Exhibit A as the "Burdened Parcel."
2. Spancrete is the fee owner of that certain parcel of land located in the City of Waukesha, Waukesha County, Wisconsin, more particularly described in Exhibit A as the "Benefitted Parcel." The Benefitted Parcel lies adjacent to and south of the Burdened Parcel.
3. The easternmost portion of the Burdened Parcel consists of a strip of land that runs in a generally east-west direction and is approximately sixty feet wide (the "Hwy 164 Access"), which connects the Burdened Parcel to State Highway 164. The Hwy 164 Access abuts the north side of the Benefitted Parcel.
4. Spancrete acquired the Benefitted Parcel on March 24, 1971 from G.W.R. Leasing Co., Inc. ("Prior Owner").
5. Following acquisition of the Benefitted Parcel, Spancrete used the Hwy 164 Access for ingress, egress and regress between Highway 164 and the Benefitted Parcel.

6. Spancrete did not obtain consent or permission from the Prior Owner or any successive owner of the Burdened Parcel to use the Hwy 164 Access to access the Benefitted Parcel from Highway 164.
7. Spancrete has continuously used the Hwy 164 Access from March 1971 to October 2011 for ingress, egress and regress between State Highway 164 and an access drive located on the Benefitted Parcel approximately 375 feet from the western right-of-way line of Hwy 164. Such use of the Hwy 164 Access has included regular travel by Spancrete's owners, employees, vendors and customers in all manner of vehicles, including passenger cars, light trucks, heavy duty trucks, work vans, panel trucks, delivery trucks and tractor-trailers. Spancrete has not concealed its use of the Hwy 164 Access, which took place at all hours of the day and night and was visible to all interested parties.
8. Spancrete established a definitive entrance from the Hwy 164 Access to the Benefitted Parcel, located approximately 375 feet from the western right-of-way line of Hwy 164. This entrance has at all times relevant been visible to all interested parties.
9. Spancrete made continuous and uninterrupted use of the Hwy 164 Access between March 1971 and August 2011.
10. Spancrete's continuous and uninterrupted use of the Hwy 164 Access between March 1971 and March 1991 established its prescriptive right to continue such use.
11. Spancrete has not abandoned its use of the Hwy 164 Access or otherwise relinquished its right to such use.
12. Spancrete has established its prescriptive right to use approximately 375 lineal feet of the Hwy 164 Access (the "Access Easement") for ingress, egress and regress between State Highway 164 and the Benefitted Parcel for the purpose of regular travel by Spancrete's owners, employees, vendors and customers in all manner of vehicles, including passenger cars, light trucks, heavy duty trucks, work vans, panel trucks, delivery trucks and tractor-trailers. The Access Easement is more particularly described on the attached Exhibit A.
13. Spancrete's prescriptive right to use the Access Easement is an easement appurtenant that shall run with the Benefitted Parcel.

[Signature page follows]

Dated this 10 day of Nov, 2011.

By:   
John R. Nagy, President  
Spancrete Industries, Inc.

[illegible]

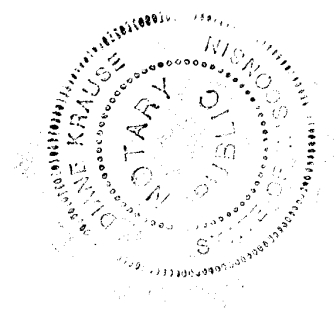
This instrument was acknowledged before me on NOVEMBER 10, 2011 by John R. Nagy as the President of Spancrete Industries, Inc.

Signature: Diana B. B...

Print Name: DIANE KRAUSE

Notary Public, State of WISCONSIN

My Commission: EXPIRES 7/26/2015



**EXHIBIT A**

**LEGAL DESCRIPTIONS**

**BURDENED PARCEL**

Lot 1 of Certified Survey Map No. 5415 in the City of Waukesha, Waukesha County, Wisconsin.

Tax Parcel No. WAKC1007.003

**BENEFITTED PARCEL**

PARCEL 1 TAX KEY NO. WAKC 1007.998:

COMMENCING AT THE QUARTER POST ON THE WEST LINE OF SECTION THIRTY-SIX (36) TOWNSHIP SEVEN (7) NORTH RANGE NINETEEN (19) EAST, RUNNING THENCE NORTH 74-3/4 DEGREES, EAST 726.7 FEET TO A POINT IN THE MIDDLE OF THE HIGHWAY; THENCE SOUTH 1300 FEET; THENCE SOUTH 22 1/2 DEGREES EAST 529 FEET TO A POINT IN THE MIDDLE OF THE HIGHWAY, THENCE SOUTH 70 DEGREES WEST 604 FEET, THENCE SOUTH 76 DEGREES WEST 340 FEET TO WEST SECTION LINE AND AT A POINT IN THE MIDDLE OF THE HIGHWAY THENCE NORTH ON THE WEST SECTION LINE 1890 FEET TO THE PLACE OF BEGINNING.

EXCEPTING AND RESERVING THEREFROM, HOWEVER, FOUR ACRES SITUATED IN THE SOUTH WEST CORNER OF THE ABOVE DESCRIBED TRACT, DESCRIBED AS FOLLOWS:

COMMENCING UPON THE WEST LINE OF SAID SECTION ABOVE MENTIONED AT THE CENTER OF THE ROAD RUNNING FROM WAUKESHA TO MILWAUKEE CROSSING SAID SECTION, RUNNING THENCE NORTH UPON SAID SECTION LINE 32 RODS, THENCE IN A NORTHEASTERLY DIRECTION PARALLEL WITH THE SAID ROAD 20 RODS, THENCE SOUTH AND PARALLEL WITH SAID WEST SECTION LINE 32 RODS, THENCE ALONG THE CENTER OF SAID ROAD 20 RODS TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THAT PART OF SAID SECTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER POST IN THE WEST SIDE OF SAID SECTION IN THE CENTER OF THE HIGHWAY, THENCE NORTH 74 DEGREES 45' EAST 726.7 FEET THENCE SOUTH 995 FEET TO A CEMENT POST, THENCE SOUTH 81 DEGREES 30' WEST 706 FEET TO THE SECTION LINE, THENCE NORTH ALONG THE SECTION LINE 907.5 FEET TO THE PLACE OF BEGINNING.

(description continues on next page)

ALL THAT PART OF THE WEST ONE HALF ( $\frac{1}{2}$ ) OF SECTION NO. 36, TOWNSHIP NO. 7 NORTH, RANGE NO. 19 EAST, IN THE TOWN OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT ON THE WEST LINE OF THE SAID  $\frac{1}{4}$  SECTION DISTANT SOUTH EIGHT HUNDRED FIFTY SEVEN AND FIVE TENTHS (857.5) FEET FROM THE WEST  $\frac{1}{4}$  CORNER THEREOF. THENCE SOUTH ON SECTION LINE FIFTY (50.0) FEET; THENCE NORTH 81 DEGREES 30' EAST SEVEN HUNDRED SIX (706.0) FEET; THENCE NORTH AND PARALLEL WITH THE WEST LINE OF THE SAID  $\frac{1}{4}$  SECTION TWO HUNDRED (200.0) FEET; THENCE SOUTH 69 DEGREES 59' 00" WEST SEVEN HUNDRED FORTY THREE AND FOURTEEN HUNDREDTHS (743.14) FEET TO THE POINT OF COMMENCEMENT.

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWN 7 NORTH, RANGE 19 EAST, WAUKESHA COUNTY WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION, 774.18 FEET TO THE CENTER LINE OF COUNTY TRUNK HIGHWAY "Y" (EAST MAIN STREET - CITY OF WAUKESHA); THENCE NORTH 76 DEGREES 45 MINUTES EAST ALONG SAID CENTER LINE, 340.00 FEET; THENCE CONTINUING ALONG THE CENTER LINE OF COUNTY TRUNK HIGHWAY "Y" NORTH 69 DEGREES 57 MINUTES EAST, 610.58 FEET TO THE PLACE OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED; THENCE NORTH 22 DEGREES 29 MINUTES WEST ALONG AN OLD FENCE LINE, 529.00 FEET TO AN ANGLE POINT IN SAID FENCE; THENCE CONTINUING SAID FENCE LINE NORTH 00 DEGREES 05 MINUTES WEST, 505.00 FEET; THENCE SOUTH 11 DEGREES 33 MINUTES EAST, 1014.33 FEET TO THE PLACE OF BEGINNING.

ALL THAT PART OF THE SOUTH WEST ONE-QUARTER ( $\frac{1}{4}$ ) OF SECTION NUMBERED THIRTY-SIX (36), IN THE TOWNSHIP NUMBERED SEVEN (7) NORTH, RANGE NUMBERED NINETEEN (19) EAST, IN THE TOWN OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN VOLUME 1020 OF DEEDS ON PAGE 215 AS DOCUMENT NO. 640668; THENCE NORTH 69 DEGREES 48' 41" EAST ALONG THE SOUTHERLY LINE OF A FUTURE ROAD RIGHT-OF-WAY 145 FEET MORE OR LESS TO THE P.C. OF A CURVE WITH CENTER LYING TO THE SOUTH; THENCE EASTERLY 405.93 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND SAID CURVE, RADIUS 642.49 FEET, CHORD BEARS NORTH 87 DEGREES 54' 41.5" EAST 399.22 FEET, CENTRAL ANGLE 36 DEGREES 12' 01", TO THE P.T. OF SAID CURVE; THENCE SOUTH 73 DEGREES 59' 18" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 73 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY TRUNK HIGHWAY "A" AT THE SOUTHERLY CORNER OF A FUTURE 66 FEET WIDE PUBLIC ACCESS POINT TO COUNTY TRUNK HIGHWAY "A" ALSO SHOWN AS STATION 276+45 ON THE RIGHT-OF-WAY PLANS FOR PROJECT SU 1462 (3); THENCE SOUTHWESTERLY ALONG THE WESTERLY RIGHT-OF-WAY

OF C.T.H. "A" 892 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE FOR COUNTY TRUNK HIGHWAY "Y", E. MAIN STREET; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF C.T.H. "Y", 300 FEET MORE OR LESS TO THE WEST LINE OF THE PROPERTY DESCRIBED IN VOLUME 948 OF DEEDS ON PAGE 244 AS DOCUMENT NO. 587920; THENCE NORTHWESTERLY ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT NO. 587920, 970 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

PARCEL 2 TAX KEY NO. WAKC 1007.995:

TRACT A: ALL THAT PART OF THE SOUTH WEST 1/4 OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 19 EAST, CITY OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, AS FOLLOWS: BEGINNING AT A POINT 11 CHAINS 73 LINKS NORTH OF THE SOUTH WEST CORNER OF THE SAID SECTION 36 AND IN THE CENTER OF THE PUBLIC ROAD; THENCE NORTH  $78\text{-}1/2^\circ$  EAST, ALONG THE CENTER OF SAID HIGHWAY 5 CHAINS AND 16 LINKS; THENCE NORTH  $1\text{-}1/2^\circ$  WEST 7 CHAINS AND 70 LINKS TO A POST; THENCE SOUTH  $78\text{-}1/2^\circ$  WEST 4 CHAINS AND 78 LINKS TO A POST ON THE WEST LINE OF SAID SECTION 36; THENCE SOUTH ON SAID SECTION LINE 7 CHAINS AND 70 LINKS TO THE PLACE OF BEGINNING.

EXCEPTING FROM THE ABOVE DESCRIBED PREMISES THE FOLLOWING LAND: ALL THAT PART OF THE SOUTH WEST 1/4 OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 19 EAST, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF PUBLIC HIGHWAY WITH THE WEST LINE OF THE SAID 1/4 SECTION, DISTANT NORTH 774.18 FEET FROM THE SOUTH WEST CORNER THEREOF; THENCE NORTH ON SECTION LINE 418.20 FEET; THENCE SOUTH  $26^\circ$  EAST 423.5 FEET TO THE CENTER LINE OF HIGHWAY AFORESAID; THENCE SOUTH  $78\text{-}1/2^\circ$  WEST ON SAID CENTER LINE 182.5 FEET TO BEGINNING.

TRACT B: ALL THAT PART OF THE SOUTH WEST 1/4 OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 19 EAST, CITY OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF PUBLIC HIGHWAY WITH THE WEST LINE OF THE SAID 1/4 SECTION, DISTANT NORTH 774.18 FEET FROM THE SOUTH WEST CORNER THEREOF; THENCE NORTH ON SECTION LINE 418.20 FEET THENCE SOUTH  $26^\circ$  EAST 423.5 FEET TO THE CENTER LINE OF HIGHWAY AFORESAID; THENCE SOUTH  $78\text{-}1/2^\circ$  WEST ON SAID CENTER LINE; 182.5 FEET TO BEGINNING.

(description continues on next page)

PARCEL 3 TAX KEY NO. WAKC 1004.122:

LOT 2, CERTIFIED SURVEY MAP NO. 5245, AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WAUKESHA COUNTY ON JUNE 30, 1987 IN VOLUME 42 OF CERTIFIED SURVEY MAPS ON PAGES 439 THROUGH 442, INCLUSIVE, AS DOCUMENT NO. 1434086, AND LOCATED IN THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 19 EAST, IN THE CITY OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN.

ACCESS EASEMENT

The east 375 feet of Lot 1 of Certified Survey Map No. 5415 in the City of Waukesha, Waukesha County, Wisconsin.