

**PERMANENT EASEMENT FOR
MARSH LANE OVERLOOK**



1707984

LACROSSE COUNTY
REGISTER OF DEEDS
CHERYL A. MCBRIDE

RECORDED ON
03/28/2018 10:25AM
REC FEE: 30.00
EXEMPT #:
PAGES: 8

#112

This space is reserved for recording data

Return and drafted by:

City Attorney
400 La Crosse St
La Crosse WI 54601

Parcel Identification Number/Tax Key Number

17-20256-020

PERMANENT EASEMENT FOR
MARSH LANE OVERLOOK

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of Two Thousand and Eight Hundred Dollars (\$2,800.00), the receipt whereof is hereby acknowledged, Northern States Power Company, a Wisconsin corporation d/b/a Xcel Energy, having an office in Eau Claire, Wisconsin, (the "Grantor"), does hereby grant to the City of La Crosse, La Crosse County, Wisconsin, a municipal corporation, its successors and assigns (the "City"), a permanent easement to construct and maintain a marsh viewing, access and landing area (also referred to as the "Marsh Lane Overlook") over the following described real estate, to-wit:

That portion of the following described legal description which is owned by the easement document Grantor:

Parcel C (17-20256-020)

Description for a Marsh Lane Overlook Easement as shown in Exhibit A and B attached hereto and made a part hereof, and located in Government Lot 1, Section 32, T16N-R7W, City of La Crosse, La Crosse County, Wisconsin, described as follows:

Part of Government Lot 1, Section 32, T16N-R7W, City of La Crosse, La Crosse County, Wisconsin described as follows:

Commencing at the northwest corner of said Government Lot 1, thence, along the west line thereof, S02°42'34" E 778.84 feet; thence N87°17'26" E 67.00 feet to the southwest corner of Lot 1, Certified Survey Map (C.S.M.), Volume 12, Page 167, also being the east right-of-way line of Copeland Avenue; thence, continuing N87°17'26"E 265.57 feet to the east line of Lot 1, said C.S.M. and the point of beginning:

Thence, continuing N87°17'26"E 65.11 feet to a meander point of the La Crosse River Marsh;

Thence, along said meander line, S25°02'53"W 26.25 feet;

Thence, continuing along said meander line, S16°01'06"W 17.70 feet;

Thence S87°17'26"W 47.42 feet to the east line of Lot 2, said C.S.M.;

Thence N02°23'28"W 40.00 feet to the Point of Beginning.

Includes land between meander line and the waters edge.
Parcel contains 3,620 square feet, more or less, 0.08 Acres.

Subject to any other easements, covenants or restrictions of record.

This easement is granted with the following conditions:

This space is reserved for recording data

Return to

CITY ATTORNEY
400 LA CROSSE STREET
LA CROSSE, WI 54601

Parcel #17-20256-020

1. The working clearance for the transmission line conductors and any equipment capable of reaching over twelve (12) feet (overhead cranes, booms, etc.) shall maintain a minimum distance of 15'0" from any transmission line.
2. Except as set forth in this easement, above grade structures, such as buildings, towers, power poles, billboards, etc., constructed by the Grantor or by its approval, are not permitted in the easement without the written approval of the City of La Crosse Board of Public Works or its designee.
3. Readily removable and replaceable signs (single post signs) installed by the Grantor are permitted so long as they are not placed to block the passage of a mower or other maintenance equipment.
4. Trees, shrubs, flowers, and other similar plantings are not permitted within the easement without written approval of the City of La Crosse Board of Public Works or its designee.
5. The City may, at the City's option, cut brush and trees and/or mow grass and weeds in the easement. The City will be responsible for removal of brush, limbs or other debris resulting from tree removal by the City.
6. If the City disturbs any of Grantor's surrounding property outside of the easement while constructing or maintaining the Marsh Lane Overlook Platform and accessory improvements, the City will restore such property to as near its previous condition as the circumstances reasonably permit, at the City's own expense. The City will provide appropriate erosion control measures.
7. Grantor shall not place concrete rubble, asphalt rubble, stone or rock exceeding 6" in the largest dimension (except as needed for rip-rap and retaining wall), demolition debris or other rubble within the easement.
8. The ground surface elevation in the easement area may not be reduced by Grantor without prior written approval of the City of La Crosse Board of Public Works or its designee.
9. It is understood and agreed that the easement granted herein shall be for the sole purpose of construction of structures and for access to viewing the marsh as shown on the attached Marsh Lane Overlook Conceptual Plan (Exhibit B). The City shall not allow, nor does Grantor permit any public access to Grantor's property outside the easement area, except as otherwise set forth in written agreements by the parties.
10. The City agrees to hold harmless and indemnify Grantor for any and all injury or damage to persons or property, including to Grantor's property or employees, arising in connection with the use of the easement area by the City, and resulting from its sole negligence or that of its authorized agents, and the City further agrees to defend, indemnify, and save Grantor harmless against loss, liability or expense, including attorney's fees, in connection with any and all actions, proceedings, claims or demands which may be brought or made either against Grantor or against Grantor's interest in the above described lands by reason of the sole negligence of the City or its agents, including acts of omission as well as acts of commission, in the exercise or purported exercise of the rights and privileges herein granted. The liability of the City hereunder shall not extend to any losses suffered by acts of God, acts of Grantor or its assigns, or acts of third parties over whom the City has no right of control.

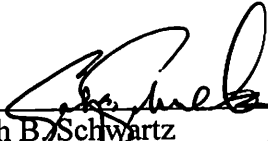
Nothing in this easement document is intended or shall be construed to be a waiver or estoppel of the City or its insurer (or otherwise affect or alter their ability) to rely upon the limitations, defenses and immunities contained within Wis. Stats. §§ 345.05 and 893.80 or other applicable law. To the extent that indemnification is available and enforceable, the City or its insurer shall not be liable in indemnity, contribution or otherwise for an amount greater than the limits of liability of municipal claims established by applicable Wisconsin or federal law. The City's obligations under this easement document are further conditioned upon the following: (i) Grantor shall promptly notify the City in writing of any such claims, demands, liabilities, damages, costs and expenses within five days of discovery; (ii) the City shall have sole and full control of, and Grantor shall reasonably cooperate in all respects, in the defense of the claims, demands, liabilities, damages, costs and expenses and all related settlement negotiations even though Grantor may reasonably participate in such defense, at its sole expense; and (iii) Grantor shall not make any admission or disclosure or otherwise take any action prejudicial to the City except as required by law. The parties represent that, as of the effective date of this easement, neither party has any notice or knowledge of any claims, demands, causes of action, losses, liability, damages, costs and fees asserted or threatened by any third party with respect to the matters contemplated in this easement document.

Other persons having an interest in the property: None

WITNESS the hands and seals of the Grantor consenting to this conveyance this 9th day of March, 2018.

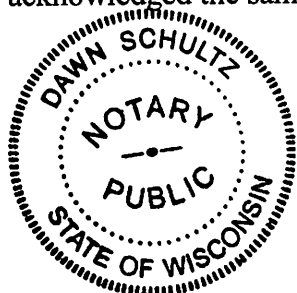
GRANTOR:

NORTHERN STATES POWER COMPANY

By: 
Sarah B. Schwartz
Manager, Siting & Land Rights

STATE OF WISCONSIN)
)
COUNTY OF EAU CLAIRE)

Personally came before me this 9th day of March, 2018, the above-named Sarah B. Schwartz as Manager, Siting & Land Rights of Northern States Power Company, a Wisconsin corporation, to me known to be the person who executed the foregoing instrument and acknowledged the same on behalf of said corporation.



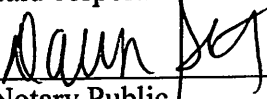
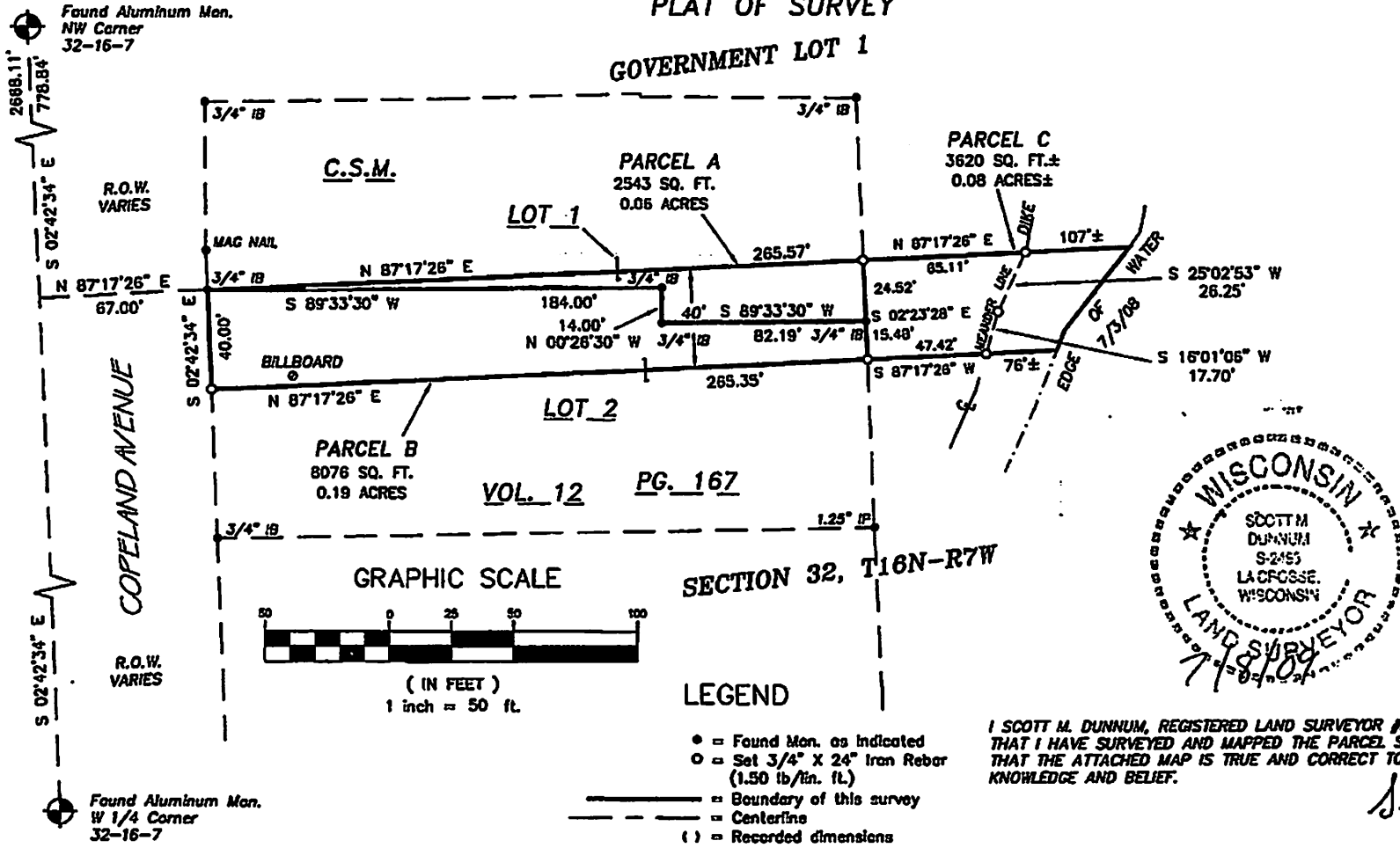

Notary Public
Eau Claire County, Wisconsin
My commission expires 2/5/2021

EXHIBIT A

PLAT OF SURVEY

GOVERNMENT LOT 1



BEARING BASIS: THE WEST LINE OF THE NW 1/4, SECTION 32, T16N-R7W. (S 02°42'34" E)

SHEET 1 OF 2



I SCOTT M. DUNNUM, REGISTERED LAND SURVEYOR #2485 HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PARCEL SHOWN HEREON AND THAT THE ATTACHED MAP IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Scott M. Dunnum
SCOTT M. DUNNUM

LEGEND

- = Found Mon. as indicated
- = Set 3/4" X 24" Iron Rebar (1.50 lb./tin. ft.)
- = Boundary of this survey
- - - = Centerline
- () = Recorded dimensions

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

COPELAND AVENUE

R.O.W. VARIES

R.O.W. VARIES

Found Aluminum Mon.
NW Corner
32-16-7

Found Aluminum Mon.
W 1/4 Corner
32-16-7

C.S.M.

LOT 1

LOT 2

PARCEL A
2543 SQ. FT.
0.06 ACRES

PARCEL C
3620 SQ. FT.±
0.08 ACRES±

PARCEL B
8076 SQ. FT.
0.19 ACRES

VOL. 12 PG. 167

SECTION 32, T16N-R7W

LEGAL DESCRIPTION PARCEL A

Part of Government Lot 1, Section 32, T16N-R7W also being part of Lot 1, Certified Survey Map [C.S.M.] Volume 12, Page 167, City of LaCrosse, LaCrosse County, Wisconsin described as follows:

Commencing at the northwest corner of said Government Lot 1, thence, along the west line thereof, S 02°42'34" E 778.84 feet; thence N 87°17'26" E 67.00 feet to the southwest corner of Lot 1, C.S.M., Volume 12, Page 167, also being the east right-of-way line of Copeland Avenue, and the point of beginning.

thence N 87°17'26" E 265.57 feet to the east line of Lot 1, said C.S.M.;
thence, along the east line of said Lot 1, S 02°23'28" E 24.52 feet to the southeast corner thereof;
thence, along the south line of said Lot 1 the following 3 calls:
S 89°33'30" W 82.19 feet
N 00°26'30" W 14.00 feet
S 89°33'30" W 184.00 feet to the point of beginning.

Parcel contains 2,543 Square Feet, 0.06 Acres.

LEGAL DESCRIPTION PARCEL B

Part of Government Lot 1, Section 32, T16N-R7W also being part of Lot 2, Certified Survey Map [C.S.M.] Volume 12, Page 167, City of LaCrosse, LaCrosse County, Wisconsin described as follows:

Commencing at the northwest corner of said Government Lot 1, thence, along the west line thereof, S 02°42'34" E 778.84 feet; thence N 87°17'26" E 67.00 feet to the northwest corner of Lot 2, C.S.M., Volume 12, Page 167, also being the east right-of-way line of Copeland Avenue, and the point of beginning.

thence, along the east right-of-way line of said Copeland Avenue and the west line of said Lot 2,
S 02°42'34" E 40.00 feet;
thence N 87°17'26" E 265.35 feet to the east line of Lot 2, said C.S.M.;
thence, along the east line of said Lot 2, N 02°23'28" W 15.48 feet to the northeast corner thereof;
thence, along the north line of said Lot 2 the following 3 calls:
S 89°33'30" W 82.19 feet
N 00°26'30" W 14.00 feet
S 89°33'30" W 184.00 feet to the point of beginning.

Parcel contains 8,078 Square Feet, 0.19 Acres.

LEGAL DESCRIPTION PARCEL C (Easement Xcel to City of LaCrosse)

Part of Government Lot 1, Section 32, T16N-R7W, City of LaCrosse, LaCrosse County, Wisconsin described as follows:

Commencing at the northwest corner of said Government Lot 1, thence, along the west line thereof, S 02°42'34" E 778.84 feet; thence N 87°17'26" E 67.00 feet to the southwest corner of Lot 1, Certified Survey Map [C.S.M.] Volume 12, Page 167, also being the east right-of-way line of Copeland Avenue; thence, continuing N 87°17'26" E 265.57 feet to the east line of Lot 1, said C.S.M. and the point of beginning:

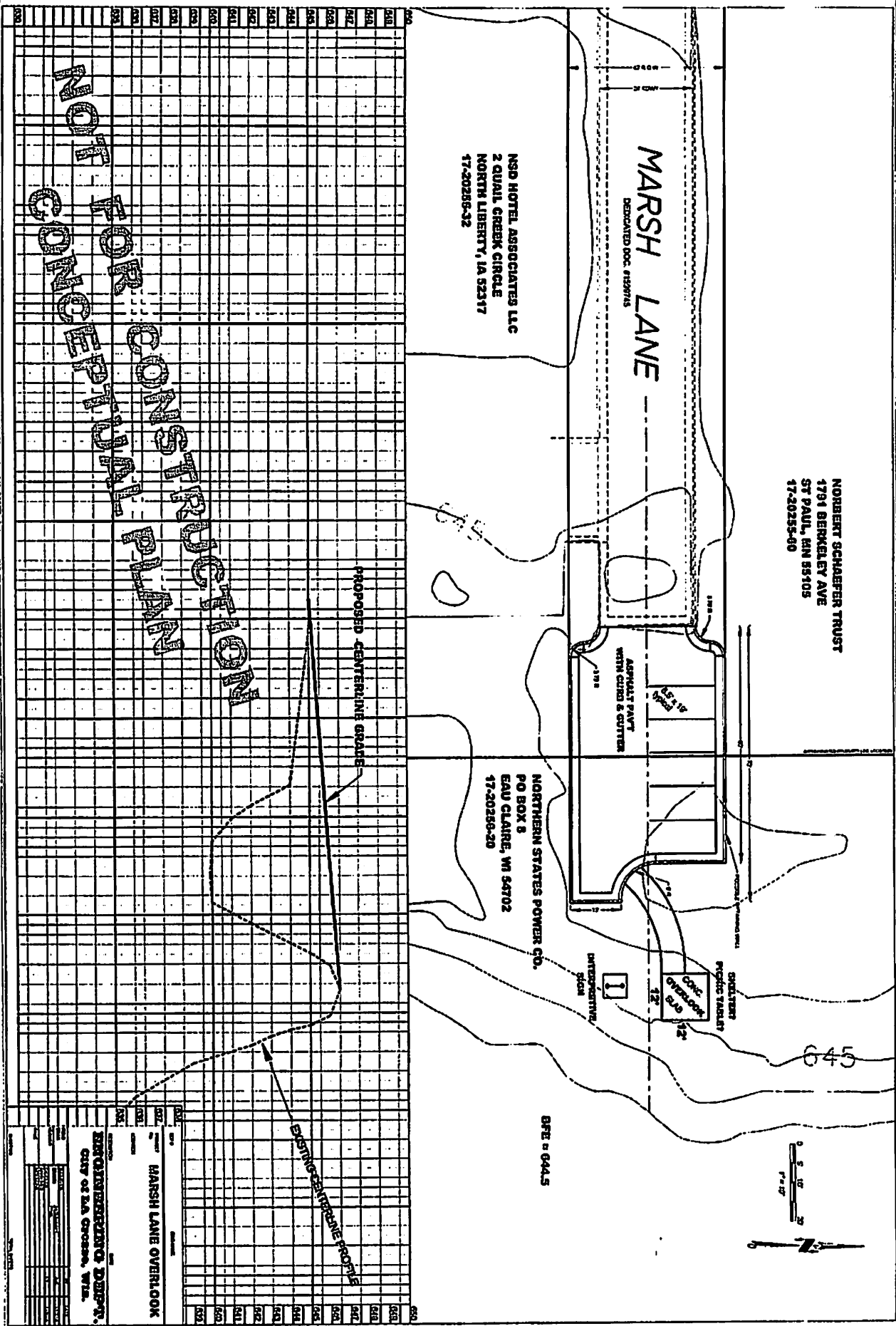
thence, continuing N 87°17'26" E 65.11 feet to a meander point of the LaCrosse River Marsh;
thence, along said meander line, S 25°02'53" W 26.23 feet;
thence, continuing along said meander line, S 16°01'06" W 17.70 feet;
thence S 87°17'26" W 47.42 feet to the east line of Lot 2, said C.S.M.;
thence N 02°23'28" W 40.00 feet to the point of beginning.

Includes land between meander line and the waters edge.

Parcel contains 3,620 Square Feet more or less, 0.08 Acres.



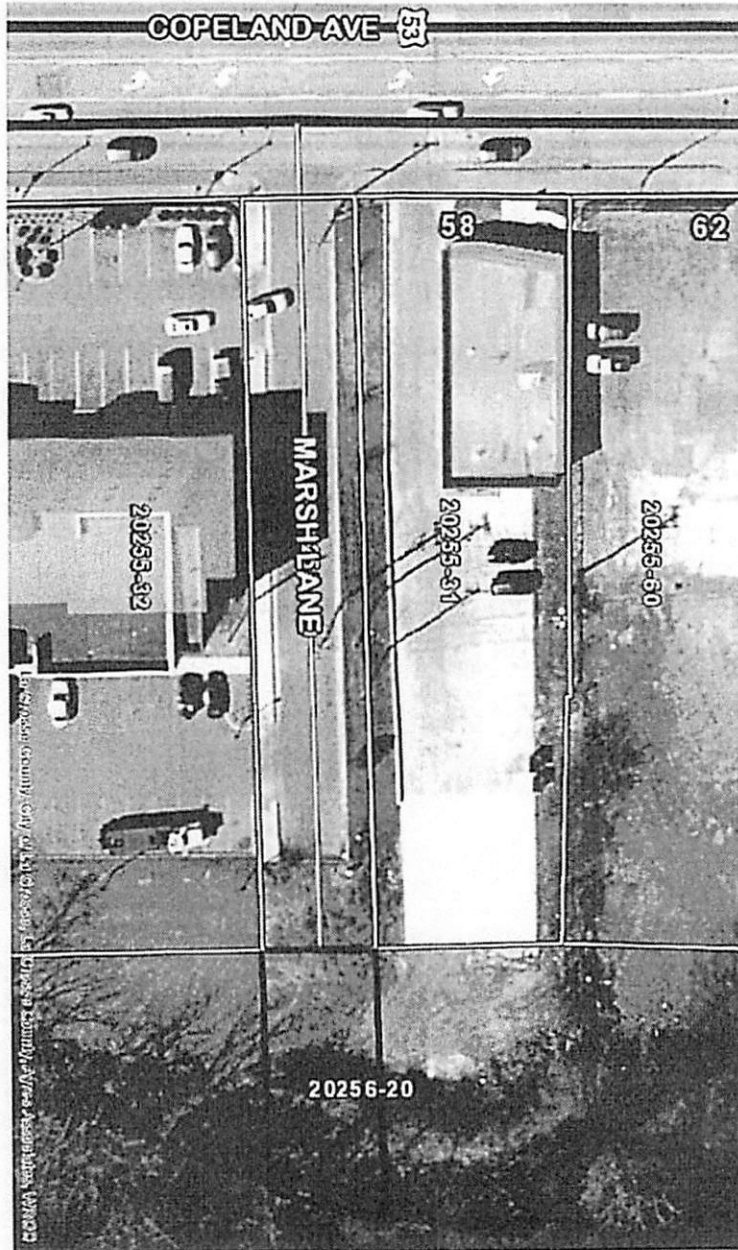
EXHIBIT B



NOT FOR CONSTRUCTION
CONCEPTUAL PLAN

STATION	PROPOSED CENTERLINE GRADE	EXISTING CENTERLINE PROFILE
939		
940		
941		
942		
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ENGINEERING DEPT.
CITY OF I.A. CROSS, WIS.



Parcel "C"