MEMORANDUM OF EASEMENT



REGISTER OF DEEDS CHERYL A. HCBRIDE

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04/24/2015

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Parcel Identification Number/Tax Key Number

Draft by: Jones Lange LaSalle 4300 Amon Carter Bld #100 Fort Worth TX 76155

# MEMORANDUM OF EASEMENT

#### WITNESSETH:

WHEREAS, Grantor owns or controls certain real property situated in La Crosse County, Wisconsin as described on <u>Exhibit "A"</u> attached hereto and incorporated herein by reference (the "Premises");

WHEREAS, Grantor and Grantee entered into an Easement Agreement, dated wanch (the "Easement Agreement") which set forth, among other things, the terms of an easement granted by Grantor to Grantee over and across the Premises (the "Easement"); and

WHEREAS, Grantor and Grantee desire to memorialize the terms and conditions of the Easement Agreement of record.

For valuable consideration the receipt and sufficiency of which are hereby acknowledged, Grantor does grant unto Grantee and Grantee does hereby accept from Grantor the Easement over and across the Premises.

The term of the Easement, unless sooner terminated under provisions of the Easement Agreement, shall be perpetual.

All the terms, conditions, provisions and covenants of the Easement Agreement are incorporated herein by this reference for all purposes as though written out at length herein, and both the Easement Agreement and this Memorandum of Easement shall be deemed to constitute a single instrument or document. This Memorandum of Easement is not intended to amend, modify, supplement, or supersede any of the provisions of the Easement Agreement and, to the extent there may be any conflict or inconsistency between the Easement Agreement or this Memorandum of Easement, the Easement Agreement shall control.

# EXHIBIT "B" MEMORANDUM OF EASEMENT

IN WITNESS WHEREOF, Grantor and Grantee have executed this Memorandum of Easement to as of the date and year first above written.

# **GRANTOR:**

**BNSF RAILWAY COMPANY**, a Delaware corporation

Ву: Name: Title: General Director Red Estate

STATE OF TEXAS

**COUNTY OF TARRANT** 

This instrument was acknowledged before me on the day of by KINGER (name) as GARROL DIRECT OF BNSF RAILWAY COMPANY, a Delaware corporation

Notary Public

My appointment expire

(Seal)

**CATHY T BENTON** My Commission Expires February 17, 2019

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CITY OF LA CROSSE

-	- 1111
By:	I mi other Kelet
Name:	TIMOTHY KABAT
Title:	MAYOR

STATE OF WISC. 8	
COUNTY OF La Crosse §	- Ho -
This instrument was acknowledged before	re me on the 26 day of <u>January</u> ,2015 (name) as <u>Mayor</u> (title) ,a <u>Municipal corporation</u> .
by Timothy Kapat	(name) as Mayor (title)
of City of La Crosse	a municipal corporation.
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Marian grant of the	Notary Public Teri Lehrke
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DIANY	My appointment expires: 7-24-16
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PUBLICE	(Seal)
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CATHY T BENTON My Commission Expres	
County a descentation for	SS-7-7-D

## EXHIBIT A - Page 1 of 3

#### PARCEL 3 DESCRIPTION

A Permanent Easement located in parts of Lots 5, 6, 7, 8 and 9 Block 21, and part of vacated Harvey Street, First Addition to Spier & Canterbury Addition to the City of La Crosse, of the Northeast quarter of the Southeast quarter of Section 20, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin bounded and described as follows:

Commencing at the Northeast corner of said Section 20:

Thence South 89°25'17" West, along the north line of said Section 20, 1113.45 feet;

Thence South 00°33'03" East, 2875.57 feet to the point of beginning of the lands hereinafter described;

Thence South 0°11'59" East, 77.70 feet;

Thence South 11°30'34" East, 25.50 feet;

Thence South 00°11'59" East, 25.00 feet;

Thence South 11°06'37" West, 25.50 feet;

Thence South 00°11'59" East, 54.53 feet to a point on the arc of a 115.00 foot radius curve to the right;

Thence Southerly, 39.04 feet along the arc of said curve having a central angle of 19°26'54" and a chord bearing South 09°31'28" West, 38.85 feet to the point of tangency of said curve;

Thence South 19°14'56" West, 4.21 feet to a point on the East line of a Public Alley;

Thence North 80°28'47" West, 30.44 feet to a point on the West line of said Public Alley:

Thence South 00°12'30" East, along said West line of Public Alley, 105.20 feet to a point on the North line of Gillette Street:

Thence South 89°47'19" West, along said North line of Gillette Street, 50.91 feet;

Thence North 50°39'22" East, 25.22 feet to the PC of a 115.00 foot radius curve to the left;

Thence Northerly, 6.50 feet along the arc of said curve having a central angle of 03°14'26" and a long chord bearing North 17°37'43" East, 6.50 feet the point of tangency of said curve;

Thence North 19°14'56" East, 88.13 feet to the West line of said Public Alley;

Thence South 80°28'47" East, 30.44 feet to the East line of said Public Alley;

Thence North 00°12'30" West, along said East line of said Public Alley, 249.49 feet:

Thence North 89°49'04" East, 8.00 feet to the point of beginning.

Said easement contains a total area of 0.096 acres or 4,192 square feet.

**TOGETHER WITH** A Permanent Easement located in part of the Southeast quarter of the Northeast quarter and part of the Northeast quarter of the Northeast quarter all in Section 20, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin bounded and described as follows:

Commencing at the Northeast corner of said Section 20;

Thence South 89°25'17" West, along the North line of said Section 20, 1040.35 feet;

Thence South 00°33'03" East, 955.00 feet to point on the South line of Moore Street and the point of beginning of the lands hereinafter described:

Thence North 89°32'10" East, along said South line of Moore Street, 98.80 feet;

Thence South 00°38'04" East, 1.14 feet to a point on the arc of a 115.00 foot radius curve to the right;

Thence Southerly, 84.71 feet along the arc of said curve having a central angle of 42°12'24" and a long chord bearing South 20°28'08" West, 82.81 feet;

Thence South 41°34'20" West, 27.15 feet to the PC of a 85.00 foot radius curve to the left;

Thence Southerly, 61.91 feet along the arc of said curve having a central angle of 41°43'49" and a long chord bearing South 20°42'26" West, 60.55 feet:

Thence South 00°09'28" East, 181,26 feet:

# EXHIBIT A - Page 2 of 3

#### PARCEL 3 DESCRIPTION

Thence South 05°52'07" East, 50.25 feet:

Thence South 00°09'28" East, 175.00 feet:

Thence South 05°33'10" West, 50.25 feet

Thence South 00°09'28" East, 570.19 feet to a point on the arc of a 85.00 foot radius curve to the left;

Thence Southerly, 31.30 feet along the arc of said curve having a central angle of 21°05'48" and a long chord bearing South 10°42'22" East, 31.12 feet;

Thence South 21°15'17" East, 25.12 feet to a point on the arc of a 115.00 foot radius curve to the right;

Thence Southerly, 42.05 feet along the arc of said curve having a central angle of 20°57'02" and a long chord bearing South 10°46'45" East, 41.82 feet:

Thence South 00°18'14" East, 179.02 feet to a point on the arc of a 115.00 foot radius curve to the right;

Thence Southerly, 49.60 feet along the arc of said curve having a central angle of 24°42'46" and a long chord bearing South 12°03'08" West, 49.22 feet;

Thence South 89°50'30" West, 27.73 feet to the East line of Credit Union Court;

Thence North 00°08'54" East, along said East line of Credit Union Court, 245.58 feet to the North line of Gohres Street:

Thence South 89°50'45" West, along said North line of Gohres Street, 16.08 feet:

Thence North 00°09'28" West, 1258.08 feet to the point of beginning.

Said easement contains 1.246 acres or 54,262 square feet.

**TOGETHER WITH** A Permanent Easement located in part of the Northeast quarter of the Southeast quarter of Section 17 and part of the Northwest quarter of the Southwest quarter of Section 16, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin bounded and described as follows:

Commencing at the Southeast corner of said Section 17;

Thence South 89°25'17" West, along the South line of said Section 17, 548.33 feet;

Thence North 00°33'03" West, 1716.71 feet to the point of beginning of the lands hereinafter described;

Thence South 62°53'19" West, 14.55 feet to the East line of Hamilton Street:

Thence North 00°05'33" East, along said East line of Hamilton Street, 95.16 feet;

Thence North 16°05'22" East, 391.29 feet;

Thence South 73°54'38" East, 81.04 feet:

Thence North 77°07'46" East, 515.60 feet to West line of Oak Street:

Thence South 01°46'43" West, along said West line of Oak Street, 82.69 feet;

Thence South 77°07'46" West, 499.10 feet;

Thence South 14°29'23" West, 324.22 feet;

Thence South 70°49'50" West, 32.66 feet:

Thence South 62°53'19" West, 84.32 feet to the point of beginning.

Said easement contains 2.108 acres or 91,844 square feet.

## EXHIBIT A - Page 3 of 3

#### PARCEL 3 DESCRIPTION

TOGETHER WITH A temporary limited easement located in part of the Northeast quarter of the Southeast quarter of Section 17, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin bounded and described as follows:

Commencing at the Southeast corner of said section 17:

Thence South 89°25'17" West, along the South line of said section 17, 548.33 feet;

Thence North 00°33'03" West, 1716.71 feet;

Thence North 62°53'19" East, 84.32 feet:

Thence North 70°49'50" East, 32.66 feet:

Thence North 14°29'23" East, 324.22 feet:

Thence North 77°07'46" East, 66.43 feet to the point of beginning of the easement hereinafter described:

Thence continuing North 77°07'46" East, 180,00 feet:

Thence South 06°35'47" West, 143.19 feet; Thence South 77°07'46" West, 180.00 feet;

Thence North 06°35'47" East, 143.19 feet to the point of beginning.

Said Easement contains 0.558 acres or 24,300 feet.

TOGETHER WITH A Temporary Limited Easement located in part of the Northwest quarter of the Southwest quarter of section 16, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin bounded and described as follows:

Commencing at the Southwest corner of said Section 16:

Thence South 89°25'17" West, along the South line of Section 17, 548.33 feet:

Thence North 00°33'03" West, 1716.71 feet;

Thence North 62°53'19" East, 84.32 feet:

Thence North 70°49'50" East, 32.66 feet;

Thence North 14°29'23" East, 324.22 feet;

Thence North 77°07'46" East, 439.10 feet to the point of beginning of the easement hereinafter described:

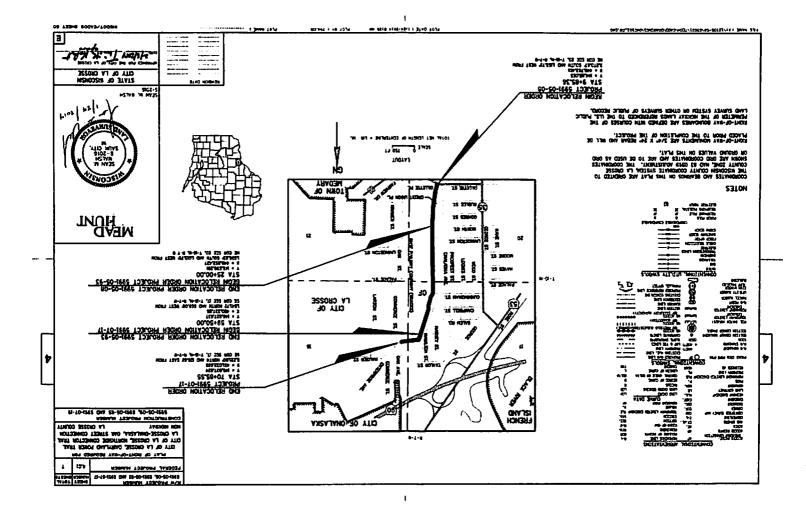
Thence continuing North 77°07'46" East, 60.00 feet to the West line of Oak Street;

Thence South 01°46'43" West, along said West line of Oak Street, 144.70 feet;

Thence South 77°07'46" West, 60.00 feet;

Thence North 01°46'43" East, 144.70 feet to the point of beginning.

Said Easement contains 0.193 acres or 8,400 square feet.



SCHEDULE OF LANDS & INTERESTS REQUIRED

CHARTS MAKES ARE ENGRAP FOR REFERENCE PARPOSES DALY AND ARE SUBJECT TO CHARCE PEOR TO THE TRANSFER OF LAND MILESTS TO THE CITY OF LA CROSSE.

AREAS SHOWN IN THE TOTAL ACRES COLLAIN MAY BE APPROXIMATE AND ARE DERIVED FROM TAX ROLLS OR OTHER AVAILABLE SOURCES AND MAY ROY ROLLOG LANDS OF THE OWNER WHICH ARE NOT CONTIGUOUS TO THE AREA TO BE ACQUIRED.

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	REGIS	RED

			REQUIRED							
l	PARCEL NUMBER	R/W PROJECT	OWNER(S)	INTEREST REQUIRED	NEW	EXISTING	P.E.	11.E	SKEET	į
	CI	5991-05-08	MARK HALVERSON & HANCY J HALVERSON	TLE	0.00	-	•	0.01	4.03	
	03		BNSF RALWAY COMPANY	PE/TLE	0.00	•	3.45	0.75	4.03. 4.04. 4.05. 4.07	
		5991-05-08		PE	0.00	•	0.59	•		
		5991-05-93		PE	0.00	•	0.75	•		
		5991-07-17		PE/TLE	0.00		5.11	0.75		
	04	5991-05-08	KENNETH P PETERSON & REBECCA A STACKHOUSE	PE/TLE	0.00	•	0.12	0.09	4.03, 4.04	
	06	5991-05-93	QUADRAPAR DEVELOPMENT COMPANY	FEE/TLE	0.09	•		0.09	4.06	

## SCHEDULE OF UTILITY INTERESTS REQUIRED

UTILITY NUMBER	OWNERISI	INTEREST REQUIRED	SKEET
81	XCEL ENERGY - GAS	RELEASE OF RIGHTS	4.03, 4.04
83	XCEL ENERGY - ELECTRIC	RELEASE OF RIGHTS	4.03, 4.04. 4.05
84	CENTURYLINK	RELEASE OF RIGHTS	4.03, 4.04, 4.05, 4.06, 4,07
85	BNSF RAILWAY COMPANY	RELEASE OF RIGHTS	4.03

NEVERON BATE	DATE 1/24/2014		HWY: NORTHSIDE CONNECTOR	STATE R/W PROJECT: 5991-05-08/93, 5991-07-17	PLAT SHEET	4.02	П
	GRO FACTOR LOCOD	<u> </u>	COUNTY: LA CROSSE	CONSTRUCTION PROJECT: 5991-05-09/95, 5991-07-19	PS&E SHEET		E

