

**WATERMAIN AND INGRESS/EGRESS EASEMENT**

KNOW ALL MEN BY THESE PRESENTS that in the consideration of the sum of \_\_\_\_\_ and other good and valuable consideration, the receipt whereof is hereby acknowledged, that the City of La Crosse, Wisconsin, a municipal corporation, does hereby grant unto Birdd Land Investments, Inc., their successors and assigns, the right to use the property for water utility, pedestrian and vehicular ingress and egress access purposes. Water utility purposes means the ability to lay, maintain, operate, repair and remove water facilities. Water utility purposes specifically excludes any other utilities on the property including, without limitation, storm water utilities. Pedestrian and vehicular access purposes means: the non-exclusive and unobstructed use and access easement for the benefit of the of the real estate described in Exhibit A for the express purposes of ingress, egress, regress and accessing the Exhibit A property, including vehicular and pedestrian traffic of any type or nature, over and across the strip of land more particularly described on Exhibit B and graphically depicted on Exhibit C (the "Easement Area"). This easement benefits the real estate described in Exhibit A.

This easement is granted on the following conditions:

1. Standard concrete or asphalt pavement, such as for driveways, parking lots, etc. may be placed in the easement. The Grantee will be responsible for removal and replacement, if required for utility maintenance or replacement.
2. Above grade structures, such as buildings, towers, power poles, signs, etc. are not permitted in the easement without approval of the Board of Public Works.
3. The grantee is responsible for any repairs, damages, losses or replacements to the vegetation if it is disturbed for utility maintenance, replacement or removal. The grantee will provide erosion control measures until vegetation is reestablished.
4. If the grantee disturbs grassed areas for utility maintenance, replacement or removal, the grantee will restore with seed and/or sod at the City's option.
5. The City may, at the City's option, cut brush and trees and/or mow grass and weeds in utility easements.
6. The ground surface grade in the easement may not be changed more than one foot without prior approval of the Board of Public Works.
7. Valve boxes, manholes (personnel access ports), curb stop boxes, sewer cleanouts, pull boxes, etc. in the easement must be accessible and maintained at surface grade.
8. All of the terms and conditions in this easement, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by grantor and grantee. The easements granted herein are easements appurtenant to the real estate described on Exhibit A which may not be transferred separately from, or severed from, title to the real estate described on Exhibit A. The specific parties named herein, as fee simple owners of the parcels referenced herein, respectively,

This space is reserved for recording data

Return to

City Attorney  
400 La Crosse St  
La Crosse WI 54601

Parcel Identification Number/Tax Key Number

shall cease to have further liability under this easement with respect to facts or circumstances first arising after the party has transferred its fee simple interest in the parcel the party owns, respectively, except, however, for obligations that accrued during the party's period of ownership of title. Any easement holder may re-record this easement at any time without consent of the other party.

- 9. The City of La Crosse hereby states that it has received \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, in consideration of the grant of this easement.

This easement shall only apply and benefit the property described on Exhibit A and shall not extend beyond this parcel, including future connections to the water system through this parcel.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022.

BY: \_\_\_\_\_  
Mitch Reynolds, Mayor

BY: \_\_\_\_\_  
Nikki Elsen, City Clerk

STATE OF WISCONSIN        )  
  )ss.  
COUNTY OF LA CROSSE    )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2022, the above named Mitch Reynolds and Nikki Elsen to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, La Crosse County, WI  
My commission expires:\_\_\_\_\_.

This instrument drafted by: Stephen F. Matty, City Attorney, 400 La Crosse Street, La Crosse, WI 54601.

EXHIBIT A – WATER MAIN & INGRESS/EGRESS  
EASEMENT

THAT PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 12, T16N, R7W, CITY OF LA CROSSE,  
LA CROSSE COUNTY, WISCONSIN DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 12; THENCE N 00°17'14" W ALONG THE  
WEST LINE OF SAID SW 1/4 OF THE NW 1/4 386.26 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING N 00°17'14" W 40.00 FEET; THENCE N 89°42'46" E 5.44 FEET TO THE PC OF A  
333.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, ON THE WESTERLY R/W OF BERLIN DRIVE;  
THENCE ALONG THE ARC OF SAID CURVE, THE CHORD OF WHICH BEARS S 06°37'05" W AND  
MEASURES 40.29 FEET; THENCE S 89°42'46" W 0.60 FEET TO THE POINT OF BEGINNING.

EXHIBIT B – WATER MAIN AND SEWER EASEMENT

THAT PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 12, T16N, R7W, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 12; THENCE N 00°17'14" W ALONG THE WEST LINE OF SAID SW 1/4 OF THE NW 1/4, 218.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 00°17'14" W 37.83 FEET TO THE PC OF A 333.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, ON THE WESTERLY R/W OF BERLIN DRIVE; THENCE ALONG THE ARC OF SAID CURVE, THE CHORD OF WHICH BEARS S 03°32'57" E AND MEASURES 37.89 FEET; THENCE S 89°42'46" W 2.16 FEET TO THE POINT OF BEGINNING.

EXHIBIT C

GRAPHIC DESCRIPTION OF EASEMENT

SEE ATTACHED BEHIND