

**PERMANENT EASEMENT FOR
FLOOD PROTECTION**



1707985

LACROSSE COUNTY
REGISTER OF DEEDS
CHERYL A. MCBRIDE

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

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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, 17-20255-010, 17-10287-030

PERMANENT EASEMENT FOR
FLOOD PROTECTION

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of Seven Thousand Dollars (\$7,000.00), 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 flood protection dike and/or retaining wall 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 A (17-20256-010 & 020)

Description for a Levy Maintenance Easement as shown in Exhibit A 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:

Commencing at the northwest corner of said Government Lot 1; thence N 89°12'17"E along the north line thereof a distance of 108.19 feet to the easterly right-of-way line of Copeland Avenue and the point of beginning;

Thence, continuing N 89°12'17" E along said north line 33.79 feet;

Thence S 17°53'45" W 9.98 feet;

Thence S 0°20'23" W 44.60 feet;

Thence S 83°11'02" E 224.21 feet;

Thence S 9°28'06" E 96.57 feet;

Thence S 2°30'10" E 421.15 feet;

Thence S 29°49'39" E 128.29 feet;

Thence S 12°57'05" W 305.14 feet;

Thence S 44°42'28" W 15.26 feet;

Thence N 2°42'34" W 143.68 feet;

Thence N 2°19'55" W 12.08 feet;

Thence N 12°57'05" E 148.53 feet;

Thence N 29°49'39" W 85.62 feet;

Thence N 2°42'34" W 199.78 feet;

Thence N 89°12'17" E 1.95 feet;

Thence N 1°36'00" W 246.00 feet;

Thence S 89°12'17" W 6.71 feet;

Thence N 2°42'34" W 99.04 feet;

Thence S 89°12'17" W 236.14 feet to the easterly right-of-way line of said Copeland Avenue;

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CITY ATTORNEY
400 LA CROSSE STREET
LA CROSSE, WI 54601

Parcel #17-20256-020, 17-20255-010, 17-10287-030

Thence, along said easterly right-of-way line 100.38 feet on the arc of a 723.94 foot radius curve concave to the east the chord of which bears, N 3°39'55" E 100.30 feet to the point of beginning.

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

Parcel B (17-20256-020)

Description for a Levy Maintenance Easement located in 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 S 20°26'55" E 1083.10 feet to the point of beginning;

Thence N 89°12'17" E 1.26 feet;

Thence S 44°42'28" W 1.70 feet;

Thence N 2°42'34" W 1.19 feet to the point of beginning.

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

Parcel C (17-10287-030)

Description for a Levy Maintenance Easement located in the SW ¼ of the NW ¼, Section 28, T16N-R7W, City of La Crosse, La Crosse County, Wisconsin, described as follows:

Commencing at the northwest corner of said Section 28; thence S 16°23'32" E 1522.21 feet to the south right-of-way line of ST. James Street the point of beginning;

Thence, along said south right-of-way line, S 89°34'55" E 32.28 feet;

Thence, continuing along said right-of-way line N 83°38'47" E 68.51 feet;

Thence S 2°15'18" W 36.45 feet;

Thence S 69°35'04" W 5.90 feet;

Thence S 81°38'35" W 68.98 feet;

Thence N 89°34'47" W 26.77 feet;

Thence N 2°15'18" E 40.99 feet to the point of beginning.

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

This easement is granted with the following conditions:

1. The maximum dike elevation at the transmission line 3482 Structure 18 / River Valley Road intersection shall be 649 NAVD88. The maximum dike elevation at transmission line 3436 structure 6 / Copeland Avenue intersection shall be 670 NAVD88.
2. 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 the transmission line.

3. 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.
4. 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.
5. 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.
6. 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.
7. If the City disturbs any of Grantor's surrounding property outside of the easement while constructing or maintaining the flood protection dike or retaining wall, 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.
8. Grantor shall not place concrete rubble, asphalt rubble, stone or rock exceeding 6" in the largest dimension (except as needed for rip-rap), demolition debris or other rubble within the easement.
9. 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.
10. It is understood and agreed that the easement granted herein shall be for the sole purpose of construction of structures, such as dikes and retaining walls, for flood control and protection. The City shall not allow, nor does Grantor permit any public access to the easement area, except as otherwise set forth in written agreements by the parties.
11. 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

PLAT OF SURVEY

LOCATED IN GOVERNMENT LOT 1, SECTION 32, T16N, R7W,
CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN.

DESCRIPTION FOR A ONE METERWIDE EASEMENT LOCATED IN GOVERNMENT LOT 1, SECTION 32, T16N,
R7W, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

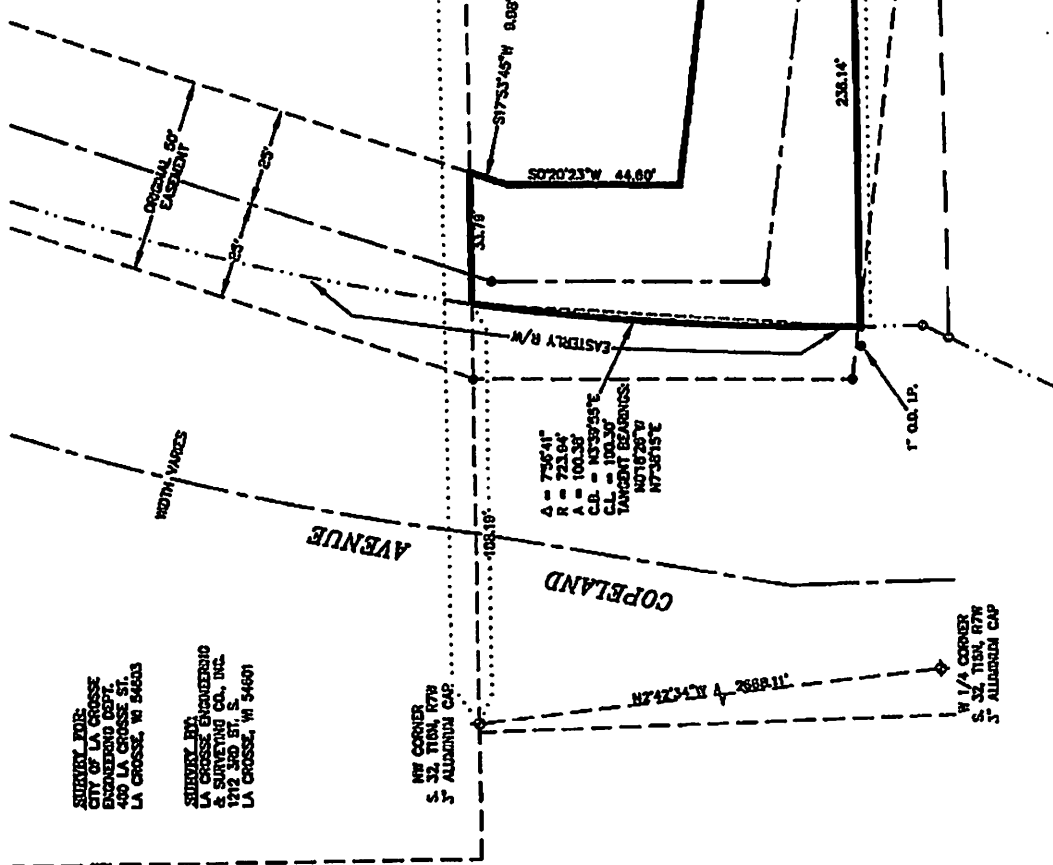
COMMENCING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1; THENCE N69°12'17"E ALONG THE
NORTH LINE THEREOF A DISTANCE OF 108.19 FEET TO THE EASTERY R/W OF COPLAND AVENUE AND
THE POINT OF BEGINNING; THENCE CONTINUING N69°12'17"E ALONG SAID NORTH LINE 33.79 FEET; THENCE
S17°33'45"W 8.98 FEET; THENCE S87°23'17"W 44.60 FEET; THENCE S87°23'17"E 22.42 FEET; THENCE
S72°20'57"E 18.44 FEET; THENCE S87°23'17"W 202.22 FEET TO THE EASTERY R/W OF COPLAND AVENUE;
THENCE ALONG SAID EASTERY R/W ON THE ARC OF A 723.94 FOOT RADIUS CURVE, CONCAVE EAST,
THE CHORD OF WHICH BEARS N37°35'57"E AND MEASURES 100.30 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS APPROXIMATELY 10433 SF.

SUBJECT TO ANY EASEMENTS OF RECORD.

I HEREBY CERTIFY THAT THIS SURVEY IS CORRECT TO
THE BEST OF MY KNOWLEDGE AND BELIEF.

LUCAS V. SONZALA, PLS. 2690
LA CROSSE ENGINEERING & SURVEYING CO., INC.



SURVEY FOR:
CITY OF LA CROSSE
ENGINEERING DEPT.
400 LA CROSSE ST.
LA CROSSE, WI 54601

SURVEY BY:
LA CROSSE ENGINEERING
& SURVEYING CO., INC.
1212 3RD ST.
LA CROSSE, WI 54601

NW CORNER
S. 32, T16N, R7W
3" ALUMINUM CAP

A = 736.41'
R = 723.64'
A.C. = 100.30'
C.B. = N37°35'57"E
C.L. = 101.30'
TANGENT BEARINGS:
N07°18'29"W
N72°35'15"E

LEGEND
● FOUND IRON BAR
○ 3/4" IRON BAR IN PLACE, UNLESS NOTED

SCALE
1" = 30'
0 15 30

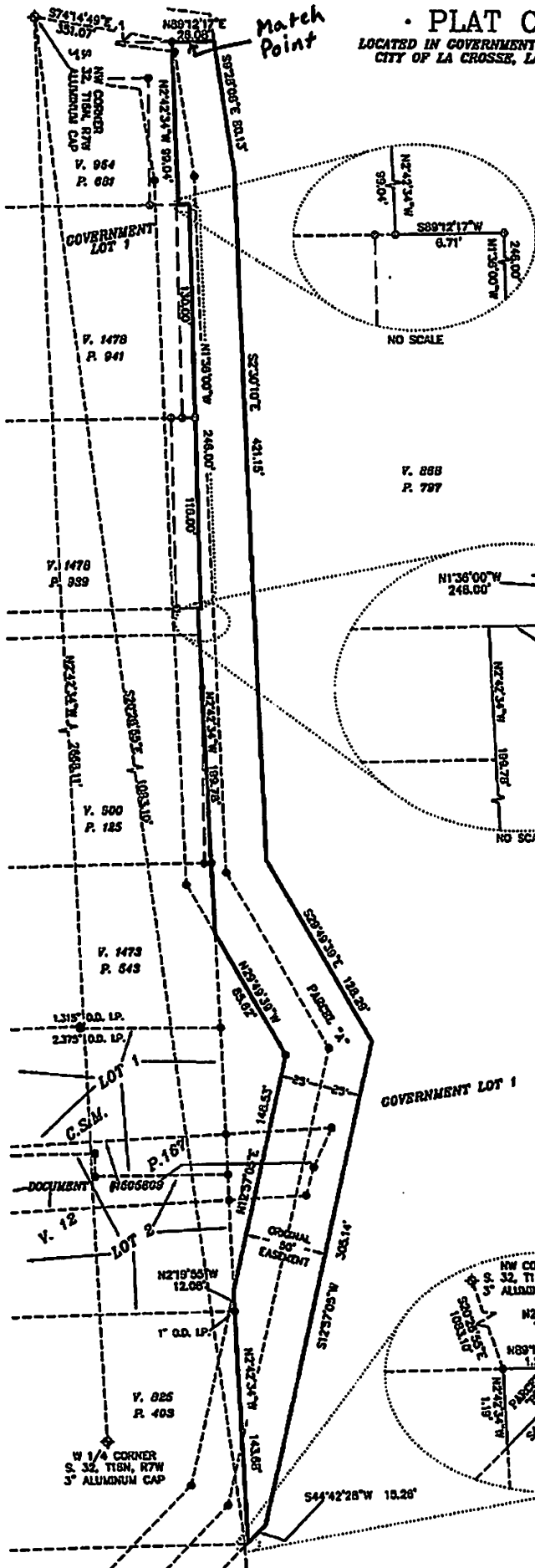
V. 868
P. 797

V. 954
P. 681

S:\Bike Easements\Kref\ Easement 11 East 28

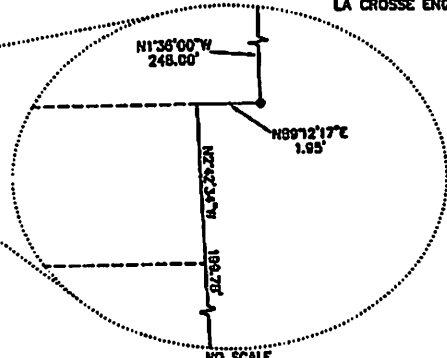
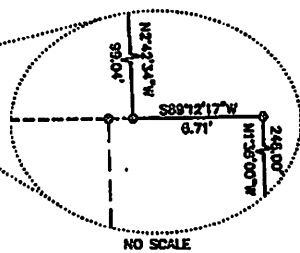
PLAT OF SURVEY

LOCATED IN GOVERNMENT LOT 1, SECTION 32, T16N, R7W, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN.



PARCEL "A"
 DESCRIPTION FOR A DIKE MAINTENANCE EASEMENT LOCATED IN 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 SECTION 32;
 THENCE S74°14'49"E 391.07 FEET TO THE POINT OF BEGINNING;
 THENCE N89°12'17"E 28.08 FEET; THENCE S9°26'06"E 80.13 FEET;
 THENCE S23°01'0"E 421.19 FEET; THENCE S29°49'39"E 128.29 FEET;
 THENCE S12°57'05"W 305.14 FEET; THENCE S44°42'28"W 15.28 FEET;
 THENCE N2°42'34"W 143.88 FEET; THENCE N2°19'55"W 12.08 FEET;
 THENCE N12°57'05"E 148.53 FEET; THENCE N29°49'39"W 85.82 FEET;
 THENCE N2°42'34"W 199.78 FEET; THENCE N89°12'17"E 1.95 FEET;
 THENCE N1°38'00"W 248.00 FEET; THENCE S89°12'17"W 8.71 FEET;
 THENCE N2°42'34"W 89.04 FEET TO THE POINT OF BEGINNING.
 PARCEL CONTAINS APPROXIMATELY 34331 S.F.
 SUBJECT TO ANY EASEMENTS OF RECORD.

PARCEL "B"
 DESCRIPTION FOR A DIKE MAINTENANCE EASEMENT LOCATED IN 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 SECTION 32;
 THENCE S20°28'35"E 1083.10 FEET TO THE POINT OF BEGINNING;
 THENCE N89°12'17"E 1.28 FEET; THENCE S44°42'28"W 1.70 FEET;
 THENCE N2°42'34"W 1.18 FEET TO THE POINT OF BEGINNING.
 PARCEL CONTAINS APPROXIMATELY 0.7 S.F.
 SUBJECT TO ANY EASEMENTS OF RECORD.



I HEREBY CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LUCAS V. SONSALLA, RLS 2900
 LA CROSSE ENGINEERING & SURVEYING CO., INC.

SURVEY FOR:
 CITY OF LA CROSSE
 ENGINEERING DEPT.
 400 LA CROSSE ST.
 LA CROSSE, WI 54603

SURVEY BY:
 LA CROSSE ENGINEERING & SURVEYING CO., INC.
 1212 3RD ST. S.
 LA CROSSE, WI 54601

LEGEND
 ○ FOUND MAG NAIL
 ● 3/4" IRON BAR IN PLACE, UNLESS NOTED

