

INTEROFFICE MEMO

DATE: March 16, 2005
TO: Ed Feyen
Tony Owens
COPY TO: Peter B. Kisken, Deputy City Attorney, City of La Crosse
FROM: Charles Heath
SUBJECT: Grant of Private Right-of-Way Easement for Telecommunications Company Plant from the City of La Crosse to CenturyTel of Wisconsin, LLC dated February 15, 2005 and recorded in the Office of the Register of Deeds of La Crosse County on March 10, 2005 at 3:03 p.m. as Document No. 1416134
Barron Island – Cass Street Bridge Project – E.090554 – Pettibone Park
Parcel #17-20273-035

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Enclosed you will find a recorded copy of the above referenced easement for your records.

Thank you.

Charles D. Heath

CDH/jhb

Enclosure

G:\LEGAL\Memos2005\MEMO.easementcopy.doc

1 4 1 6 1 3 4

**GRANT OF PRIVATE RIGHT-OF-WAY EASEMENT
FOR TELECOMMUNICATIONS COMPANY PLANT
BY GOVERNMENTAL AUTHORITY**

LACROSSE COUNTY
REGISTER OF DEEDS
DEROKAH J. FLOCK

RECORDED ON
03/10/2005 03:03PM

REC FEE: 15.00
TRANSFER FEE:
EXEMPT #:

PAGES: 3

Document No.
Wi; CenturyTel, Inc.

FOR A VALUABLE CONSIDERATION,

City of La Crosse, a municipal corporation, of La Crosse County, of the State of Wisconsin, its successors and assigns, ("Grantor"), with an address of 400 La Crosse St., La Crosse, WI 54601, their heirs, successors and assigns, ("Grantor"), hereby gives and grants to CenturyTel of Wisconsin,

LLC, a Louisiana Limited Liability Company qualified to do business in the State of Wisconsin, with an address of P.O. Box 4800, La Crosse, WI 54602-4800, its successors and assigns ("Grantee") to have and to hold forever, an easement to construct, use, maintain, operate, alter, add to, repair, replace, and/or remove its facilities consisting of poles, cross arms, anchors, guys, braces, aerial and underground cables and wires, underground conduits and manholes, and appurtenances including, but not limited to, electric power and housing for above ground communications equipment and/or other purposes (hereinafter called "telecommunications company plant") upon, over, in, under, across, along and through that certain real property in the City, of La Crosse, La Crosse County, State of Wisconsin, described as follows:

Return to:

CenturyTel
Attn: Legal Dept.
P.O. Box 4800
La Crosse, WI 54602-4800

PIN No.: 17-20273-35

Part of Government Lot 4 and part of Government Lot 5,
Section 13, Township 104 North, Range 4 West, City of La
Crosse, La Crosse County, Wisconsin.

and to the fullest extent the Grantor has the right to so grant in connection with the easement property, if at all, beside, upon, over, in, under, across, along and through the roads, alleys, streets, or highways adjoining or running through the easement property.

The location of the telephone company plant presently installed or to be installed is more particularly described as follows:

A strip of land 15 feet in width, the centerline of which is described on the attached survey.
SEE ATTACHMENT A

(hereinafter called "the easement property").

The Grantee shall have the right of ingress to and egress from the land of the Grantor for the purpose of exercising the rights herein granted and the right to cut down and control the future growth of all trees and brush, which may, in Grantee's judgment, interfere with the use of said easement.

The Grantee and its Contractors and/or Subcontractors shall have the right to clear the easement property and keep the same free of brush, tree or root growth and vegetation and any other obstruction to such extent as may be necessary to prevent contact or interference with telecommunications company plant and the operation thereof and to protect persons from injury or death and the telecommunications company plant or other property from loss, destruction or damage by fire or other casualty or otherwise.

The Grantee agrees that it will repair or pay for any damage which may be caused to crops, fences, or to the property of the Grantor or others by the construction or maintenance of said telecommunications company plant.

Grantor covenants not to erect any structure upon the aforesaid real property that would interfere with Grantee's use of said easement.

The Grantor agrees that all telecommunications company plant, installed on the above-described premises at the Grantee's expense, shall remain the property of the Grantee, removable at the option of the Grantee.

Prior to the installation of buried cable facilities by the Grantee, the Grantor agrees to locate and allow the Grantee to mark properly or expose those facilities (i.e. fuel runs, sewage facilities, tanks, water lines, etc.) of which the Grantor is aware if those facilities are or will be buried along the cable route. The Grantor's failure to comply with this provision shall constitute a waiver of all liability associated with any resulting damages to those facilities.

The Grantor covenants that Grantor is the owner of the above-described lands.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized representative and witnessed as of the date(s) hereinafter set forth.

Dated: 2/15/05

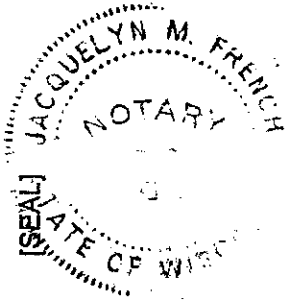
City of La Crosse
Name of Grantor

J. J. Madyn (Seal)
JOHN P. MEDINGER Title: Mayor
Name typed or printed

Ari Lehcke (Seal)
Teri Lehcke Title: City Clerk
Name typed or printed

STATE OF WISCONSIN)
COUNTY OF LA CROSSE)SS.

On 2-15-05, before me, the undersigned, a Notary Public in and for said State and County, personally appeared JOHN P. MEDINGER and TERI LEHCKE known to me to be the MAYOR and CITY CLERK of the City of La Crosse of the State of Wisconsin that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the City of La Crosse of the State of Wisconsin therein named, and acknowledged to me that the City of La Crosse State of Wisconsin executed the within instrument pursuant to law.



Jacquelyn M. French
JACQUELYN M. FRENCH
Name typed or printed
Notary Public, State of WISCONSIN
County of LA CROSSE

My commission expires: JULY 1, 2007

Exempt from real estate transfer fee.
Statutory Citation: 77.21
Telephone Company: 070/CenturyTel of Wisconsin, LLC
Engineer: Ed Feyen
Remote:
Exchange: 1711/LCRS
Route: Pettybone RV Park
Work Order No.: E.090554
Tax/Parcel ID Number: 72-1461910

This instrument was drafted by:

Charles D. Heath
Attorney at Law
P.O. Box 4800
La Crosse, WI 54602-4800
608-796-5010

ATTACHMENT A PLAT OF SURVEY

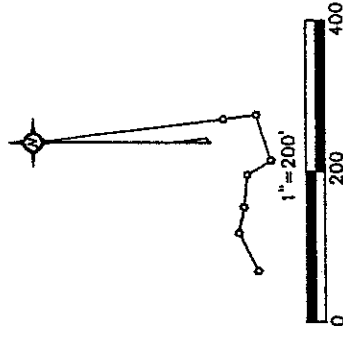
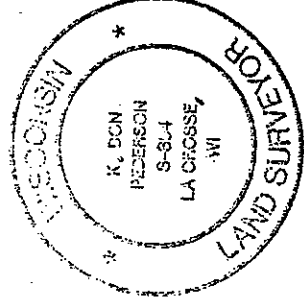
A 15 FOOT UTILITY EASEMENT LOCATED IN PART OF GOVERNMENT LOT 4 AND PART GOVERNMENT LOT 5, ALL IN SECTION 13, T104N, R4W, CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN, THE CENTERLINE OF SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE S52°36'48"E 2609.05 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE S67°09'08"W 43.82 FEET, S17°43'27"E 169.42 FEET, S0°42'41"E 298.99 FEET, S11°03'03"W 214.67 FEET, S12°18'17"E 190.74 FEET, S23°08'27"E 331.10 FEET, S42°22'48"E 136.74 FEET, S61°14'53"E 131.70 FEET, S43°44'38"E 139.59 FEET, S19°03'12"E 156.54 FEET, S29°31'24"E 93.26 FEET, S16°59'36"E 107.06 FEET, S2°35'01"W 92.65 FEET, S87°30'33"E 371.94 FEET, N40°09'12"E 82.54 FEET, N28°22'58"E 185.92 FEET, N18°43'31"E 138.90 FEET, N63°46'09"W 40.61 FEET, AND N4°58'20"W 50.84 FEET TO THE TERMINUS OF SAID CENTERLINE.

EASEMENT CONTAINS 59540± S.F.

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

K. Don Pederson 2/1/05
K. DON PEDERSON, RLS 894
LA CROSSE ENGINEERING AND SURVEYING CO., INC.



NW CORNER
SEC. 13, T104N, R4W
BRASS CAP

S67°09'08W
43.82

S17°43'27"E
169.42

S0°42'41"E
298.99

S11°03'03"W
214.67

S12°18'17"E
190.74

S23°08'27"E
331.10

S42°22'48"E
136.74

S61°14'53"E
131.70

S43°44'38"E
139.59

S19°03'12"E
156.54

S29°31'24"E
93.26

S16°59'36"E
107.06

S2°35'01"W
92.65

N40°09'12"E
82.54

N28°22'58"E
185.92

N18°43'31"E
138.90

N63°46'09"W
40.61

N4°58'20"W
50.84

S87°30'33"E
371.94

U.S.H. 14/61 & S.T.H. 16

PREPARED FOR:
MID-STATE CONSULTANTS
P.O. Box 566
1222 North Superior
Tomah, WI 54660

PREPARED BY:
LA CROSSE ENGINEERING
& SURVEYING CO., INC.
1206 S. 3RD ST.
LA CROSSE, WI 54601

