

**EASEMENT FOR
PUBLIC RIGHT OF WAY AND
UTILITIES
Title of Document**

Document Number

Recording Area

Name and Return Address

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12-050-06-22-007; 12-050-06-22-009

Parcel Identification Number (PIN)

EASEMENT AGREEMENT FOR PUBLIC ROAD RIGHT OF WAY AND UTILITIES

RECITALS

WHEREAS, that the undersigned, Thiensville Enterprises LLC (hereinafter "Grantor") is the Grantor of certain real property (the "Servient Estate") located in the Village of Thiensville, Ozaukee County, Wisconsin, commonly identified by parcel numbers 12-050-06-22-007 and 12-050-06-22-009, both parcels in the Village of Thiensville, Wisconsin, and as legally described on the attached **Exhibit A**; and

WHEREAS, Grantor desires to grant to the Village of Thiensville ("Grantee"), a Wisconsin municipal corporation, an easement in gross for public right-of-way and utility purposes;

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, in consideration of the terms and conditions herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor agrees as follows:

1. **Creation of Easement.** Grantor hereby grants to Grantee an easement in gross, in the area described in **Exhibit B**.
2. **Use and Purpose.** The Easement described herein shall be granted to Grantee for the purposes of construction, building, operating or repairing and maintaining a public roadway and public utilities across, through and under the easement area described in paragraph 1 above. It is understood and agreed that said rights shall be granted to Grantee, and its agents, employees, or assigns.
3. **Buildings, Other Structures, or Vegetation.** Grantor agrees that no structures will be erected within the easement area. Trees, bushes, branches and roots may be trimmed or removed by Grantee so as not to interfere with Grantee's use of the easement area.
4. **Maintenance.** Grantee may improve the Easement Area and according to such plans and specifications, as will, in its opinion, best serve the public purpose. The usual duties and liabilities, for the maintenance and repair of improvements within a road right-of-way, shall attach to the parties. Except as expressly limited in this instrument, Grantor conveys to Grantee the right to use the Easement Area for all of the uses customarily attendant to a public right-of-way, including, but not limited to, motor vehicle travel, pedestrian travel, drainage and utilities.
5. **Perpetual Easement.** The permanent easement created herein shall attach to and run with the land in perpetuity, and it shall bind and run to the benefit of the heirs, successors and assigns of the parties hereto.
6. **Modification, Waiver and Termination.** This easement may be modified, waived or terminated only in a writing signed and acknowledged by the Grantee and by all Grantors

Personally came before me this ____ day of _____, 2020, the above-named _____, to me known to be the Village President of the Village of Thiensville, and the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin.
My commission _____

VILLAGE OF THIENSVILLE

by: _____

Village Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF OZAUKEE)

Personally came before me this ____ day of _____, 2020, the above-named _____, to me known to be the Clerk of the Village of Thiensville, and the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin.
My commission _____

This instrument was drafted by:
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**EXHIBIT A
LEGAL DESCRIPTION**

Tax Key # 12-050-06-22-007 being included in the following description:

PARCEL 1:

LOT ONE (1) OF CERTIFIED SURVEY MAP NO. 3941, RECORDED ON JULY 22, 2015 IN THE OFFICE OF THE REGISTER OF DEEDS FOR OZAUKEE COUNTY, WISCONSIN, AS DOCUMENT NO. 1021127, BEING PART OF LOTS 18 AND 20 AND PART OF LOT 22, BLOCK 6 OF THE ASSESSOR'S PLAT OF THE VILLAGE OF THIENSVILLE, ALL BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 21 EAST, VILLAGE OF THIENSVILLE, OZAUKEE COUNTY, WISCONSIN.

PARCEL 2:

THAT PART OF LOT TWENTY-TWO (22) IN BLOCK SIX (6) IN ASSESSOR'S PLAT OF THE VILLAGE OF THIENSVILLE, IN THE EAST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION TWENTY-TWO (22) IN TOWNSHIP NINE (9) NORTH, RANGE TWENTY-ONE (21) EAST, BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT 599.12 FEET EAST OF THE WEST LINE OF THE EAST 1/2 OF, AND 1208.50 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION THENCE EAST ON A LINE PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 110.00 FEET TO A POINT; THENCE NORTH 0 DEGREES 05 MINUTES WEST ON A LINE 90.00 FEET TO A POINT; THENCE WEST ON A LINE PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 110.00 FEET TO A POINT; THENCE SOUTH 0 DEGREES 05 MINUTES EAST ON A LINE 90.00 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

THE SOUTH SIXTY-EIGHT (68) FEET OF LOT 15 AND ALL OF LOTS 16 AND 17 IN BLOCK 2 IN VILLAGE HEIGHTS, BEING A SUBDIVISION OF LOT TWENTY-TWO (22) BLOCK 6, ASSESSOR'S PLAT OF THE VILLAGE OF THIENSVILLE, IN THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 22 IN TOWNSHIP 9 NORTH, RANGE 21 EAST.

Tax Key # 12-050-06-22-009:

PARCEL 1:

That part of Lot 22, in Block 6, in Assessors Plat of the Village of Thiensville, in the East 1/2 of the Northeast 1/4 of Section 22, in Township 9 North, Range 21 East, in Ozaukee County, Wisconsin, bounded and described as follows: Commencing at a point 598.63 feet East of the West line on the East 1/2 of and 1118.50 feet North of the South line of said 1/4 Section; thence East on a line parallel to the South line of said 1/4 Section, 110.00 feet to a point; thence North 0 degrees 05 minutes West on a line 90.00 feet to a point; thence West on a line parallel to the South line of said 1/4 Section, 110.00 feet to a point; thence South 0 degrees 05 minutes East on a line, 90.00 feet to the place of beginning.

PARCEL 2:

Also a right to a 10 foot non exclusive easement for ingress and egress over the present private road from Wisconsin Avenue to the above described property as provided in Warranty Deed recorded December 18, 1946 as Document No. 133789.