

TRACT 563246

UNDERGROUND GAS AND
ELECTRIC LINE EASEMENT

Line Title
Tract No. 2 of 2
Work Order No. 0321-11-94048.1

Fond du Lac Industrial
Park Gas and Underground
Electric Lines

Grantors, City of Fond du Lac, in consideration of One Dollar (\$1.00) and other good and valuable consideration to them paid by WISCONSIN POWER AND LIGHT COMPANY, a Wisconsin corporation, Grantee, receipt of which is hereby acknowledged, does hereby grant, convey, and warrant unto said WISCONSIN POWER AND LIGHT COMPANY and Wis. Bell, Inc. and Marcus Cablevision, Inc its successors and assigns, the perpetual right and easement to construct, place, replace, maintain, remove and operate thereon a natural gas main or pipe and electric and communication underground wires and cables and associated appurtenances, both underground and above ground, in, under, upon, over and across land owned by the Grantors in the City of Fond du Lac, County of Fond du Lac, State of Wisconsin, said easement to be described as follows:

See Exhibit "A" attached hereto and made a part hereof.

RECEIVED FOR RECORD

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Mary A. Brielle

REGISTER OF DEEDS
FOND DU LAC COUNTY, WI

The Grantee is also granted the right to use for construction purposes a strip of land _____ feet in width parallel with and immediately adjacent to the _____ edge of the above described easement.

The Grantee herein and its successors and assigns shall have the right to do whatever may be required for the enjoyment of the rights herein granted, including the right of clearing said right-of-way of trees and shrubbery and of ingress and egress to and from said tract of land for the purpose of laying, maintaining, repairing, renewing, changing the size of and restoring said gas main or pipe and electric and communication underground wires and cables and above ground equipment and appurtenances, inspecting and repairing or removing the same.

The Grantors covenant and agree for themselves, their heirs and assigns that no buildings or other structures shall be erected or trees planted which will interfere with the operation, maintenance or removal of the above-described gas main or pipe and electric and communication lines; that any earth fill placed on Grantee's easement shall not contain rock or boulders eight inches or more in diameter, nor shall any debris or rubbish be placed on said easement strip; that no water, sewer or drainage facilities shall be placed within the above-described easement without the written consent of the Grantee and that there shall be no digging on this easement nor shall the grade of this easement be altered by more than six inches after the utility facilities are installed, without written consent of the Grantee. Said Grantee, however, expressly agrees that it will pay a reasonable sum for damage to other property of the Grantors, their heirs and assigns, including lawn and shrubbery that may be caused by its employees in building and repairing the above-described equipment.

Said Grantee shall not have the right to erect any fence or building on said lands other than the above-described equipment, and the right is hereby expressly reserved to said Grantors, their heirs, successors and assigns, of every use and enjoyment of said land not inconsistent with the maintenance, operation, repair or removal of the above-described equipment and the trimming and removal of such trees or shrubs as aforesaid.

This agreement is binding upon the heirs, successors and assigns of the parties hereto.

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B 192
Madison 53701

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16-

WITNESS the signatures of the Grantor(s) this 17th day of September, 19 94.

In the Presence of:

CITY OF FOND DU LAC

Signature _____

Signature Tom W. Ahrens (SEAL)

Print _____

Print Tom W. Ahrens, Acting City Manager

Signature _____

Signature [Signature] (SEAL)

Print _____

Print THOMAS LEHMAN City Clerk

Signature _____

Signature _____ (SEAL)

Print _____

Print _____

This instrument was drafted by: Ken Helgerson

Checked by: LAURIE R. SOKOLAK

STATE OF WISCONSIN

County of Fond du Lac

Personally came before me, this 19TH day of SEPTEMBER, 19 94, the above named TOM W. AHRENS, ACTING CITY MANAGER & THOMAS LEHMAN, CITY CLERK

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

(Signature) Theresa Hochrein

(Print) THERESA HOCHREIN

Notary Public, STATE OF WISCONSIN
My Commission Expires (Is) 1/22/95

STATE OF _____

County of _____

Personally came before me, this _____ day of _____, 19 __, the above named _____

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

(Signature) _____

(Print) _____

Notary Public, STATE OF _____
My Commission Expires (Is) _____

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EXHIBIT "A"

An easement 15 feet in width and lying 15 feet south of the following described reference line;

Commencing at the Northeast corner of the Northwest Quarter (NW 1/4) of Section 8, Town 15 North, Range 17 East, thence North 89 degrees 43 minutes 40 seconds West 313.61 feet along the north line of said Northwest Quarter of Section 8; thence South 00 degrees 16 minutes 55 seconds West 50 feet to the Point of Beginning also known as Point "A", thence North 89 degrees 43 minutes 40 seconds West along the south line of County Highway 000 488.86 feet to the Grantor's west property line and there terminating. Said utility lines being located on Lot 25 of the Fond du Lac West Industrial Park, an unrecorded plat.

Also an easement 15 feet in width and lying 15 feet west of the following described reference line, beginning at the aforesaid point "A", thence South 00 degrees 16 minutes 55 seconds West 180.22 feet along the west right-of-way line of Industrial Parkway; thence 97.48 feet along the arc of a curve to the left (which is the west right-of-way line of Industrial Parkway) having a radius of 300.00 feet and a chord bearing South 09 degrees 01 minute 36 seconds East, 97.05 feet; thence South 18 degrees 20 minutes 06 seconds East 3.88 feet, and there terminating. Said utility lines being located on Lot 25 of the Fond du Lac West Industrial Park an unrecorded plat.

Also an easement 15 feet in width and lying 15 feet south of the following described reference line: Commencing at the aforesaid Point "A"; thence South 89 degrees 43 minutes 40 seconds East parallel with the south right-of-way line of County Hwy. "000" 80 feet to a point, said point being the Point of Beginning; thence continuing South 89 degrees 43 minutes 40 seconds East 1,880.01 feet to a point in the Grantor's east property line and there terminating. Said utility lines being located on Lots 5, 4, 3, and 2 the Fond du Lac West Industrial Park, an unrecorded plat.

Also an easement 15 feet in width and lying 15 feet south and southeasterly of the following described reference line: Commencing at the Northeast corner of Lot 1 of Certified Survey Map Number 4657 as described and recorded in Volume 27 of Certified Survey Maps pages 55, 55A and 55B as Document Number 559616 in the office of the Register of Deeds for Fond du Lac County, Wisconsin, also known as Point "B", thence South 89 degrees 22 minutes 05 seconds East 80 feet along the south line of Capital Drive and the east line of Venture Drive to the Point of Beginning, thence continuing South 89 degrees 22 minutes 05 seconds East, 223.00 feet; thence 187.91 feet along the arc of a curve to the left (which is the south line of Capital Drive) having a radius of 380 feet and a chord bearing North 76 degrees 27 minutes 55 Seconds East 186.00 feet, thence North 62 degrees 17 minutes 54 seconds West 253.95 feet to the west line of Industrial Parkway and there terminating. Said utility lines being located on part of Lots 18 and 19 of Fond du Lac West Industrial Park an unrecorded plat.

Also an easement 15 feet in width and lying 15 feet south of the following described reference line; commencing at the aforesaid Point "B"; thence North 89 degrees 22 minutes 05 seconds West 214 feet to the Point of Beginning; thence continuing North 89 degrees 22 minutes 05 seconds West 245.12 feet and there terminating. Said utility lines being located on part of Lot 21 of Fond du Lac West Industrial Park an unrecorded plat.

Also an easement 15 feet in width and lying 15 feet southwesterly of the following described reference line: Commencing at the Northwest corner of Lot 16 of Certified Survey Map Number 4396 as described and recorded in Volume 25 of Certified Survey Map Pages 39, 39A and 39B in the office of the Register of Deeds for Fond du Lac County, Wisconsin, thence Northwesterly 323.10 feet along the arc of a curve to the right (which is the southwesterly right-of-way line of Industrial Parkway) having a radius of 380 feet and a chord bearing North 56 degrees 26 minutes 17.5 seconds West 370.25 feet to the intersection of the southerly right-of-way line of Capital Drive with the westerly right-of-way line of Industrial Parkway. Said utility lines being located on Lot 17 of Fond du Lac West Industrial Park, an unrecorded plat.

Said electric and gas lines being located on parcels of land described and recorded in Volume 989 of Records pages 412 and 413 as Document Number 462227 in the office of the Register of Deeds for Fond du Lac County, Wisconsin and being located on Lots 2; 3; 4; 5; 17; 18; 19; 21 and 25 of an unrecorded plat known as Fond du Lac West Industrial Park and being in part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) and the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 8, Town 15 North, Range 17 East, City of Fond du Lac, Fond du Lac County, Wisconsin.

KH:jw/X.1/1-2
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