

RESOLUTION 2021-16

A RESOLUTION APPROVING A DECLARATION OF EASEMENTS ON PROPERTY LOCATED AT 5411 BASHFORD STREET.

WHEREAS, the Village is the owner in fee simple of lands located at 5411 Bashford Street legally described as the southerly 60 feet of Lots 8 and 9, Block 1, Johnson’s Addition to the Village of McFarland; and

WHEREAS, in connection with the sale and proposed private development of the above-described property, the Village is proposing to vacate a portion of Johnson Street adjacent to the property; and

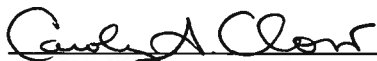
WHEREAS, upon vacation of the public right-of-way as proposed, it will be necessary to install public utility facilities within the area that will become part of the described property; and

WHEREAS, the Village wishes to provide easements for those utility installations as set forth more particularly in Exhibit A attached hereto;

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of McFarland, that the Village Administrator is authorized to execute and cause the recording of a Declaration of Easement in substantially the form attached hereto as Exhibit A.

Adopted at a regular meeting of the Village Board this 13th day of September, 2021.

APPROVED:



Carolyn A. Clow, Village President

ATTEST:


Cassandra Suettinger, Clerk-Treasurer

RESOLUTION # 2021-16	
MOTION	SECOND
Clow	St. Clair
ACTION	DATE
Adopted	09/13/2021
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Brassington – Aye	Rupert - Aye
Clow - Aye	St. Clair - Aye
Flaherty - Aye	Wreh - Aye
Nelson - Aye	
VOTING RESULTS	
Motion Carried	7 – 0 – 0
Motion Defeated:	

DECLARATION OF EASEMENT

The Village of McFarland, a Wisconsin municipal corporation (hereinafter referred to as the "Declarant"), being the owner of the following described real estate (the "Property"), hereby declares and provides that the Property be and hereby is subject to the terms of this Declaration of Easement:

The southerly 60 feet of Lots 8 and 9, Block 1, Johnson's Addition to the Village of McFarland, except lands conveyed to the Village of McFarland for street right-of-way as described in the Award of Compensation recorded in the Office of the Register of Deeds for Dane County in Vol. 7889 of Records as Document No. 1925694 in the Village of McFarland, Dane County, Wisconsin.

Return to:
Mr. Matt Schuenke
Village of McFarland
5915 Milwaukee Street
PO Box 110
McFarland, WI 53558

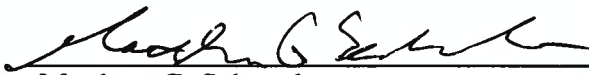
Parcel Identification No.:
154/0610-034-0618-1

1. Easement Area. The portion of the Property subject to the Easement (the "Easement Area") is legally described in Exhibit A and depicted in Exhibit B.
2. Grantees of Easement Rights. The grantees ("Grantees") of this Easement include Madison Gas & Electric Company, Wisconsin Power and Light Company, the Village of McFarland, and all other public utilities furnishing heat, light, water, power, sanitary sewer service, telecommunications, data transmission, or similar services within the Village of McFarland.
3. Easement Rights. The Grantees shall have the right within the Easement Area to construct, reconstruct, maintain, repair, replace, operate, supplement, and remove water pipes, sanitary sewer pipes, storm sewer pipes, natural gas pipes, electrical cables and conduits, electronic data and voice lines, or other public utility transmission or distribution facilities including, without limitation, all pumps, wires, cables, conduits, mains, laterals, pipes and other related fixtures, equipment and appurtenances (collectively, the "Utilities"). Notwithstanding anything to the contrary herein, Grantees shall have no right hereunder to install, except on a temporary basis (not to exceed 60 consecutive days) pending completion of emergency repairs, any above-ground electrical power lines, towers, pipes or poles, or other above-ground Utilities other than manholes, junction or switching panels or other above-ground components typically associated with underground Utility installations.
4. Compliance with Law. All Utilities shall be constructed and maintained in accordance with all applicable laws, including, without limitation, procuring all licenses, consents, permits, authorizations and other approvals required from any applicable governmental authority.

5. Restoration. Each Grantee agrees to promptly restore the surface of the Easement Area to substantially the condition it existed in prior to that Grantee's disturbance thereof in exercising rights under this Easement.

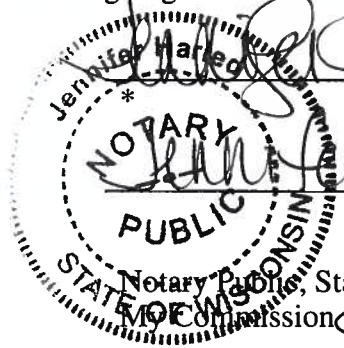

6. Ownership of Utilities. All Utilities installed by any Grantee within the Easement Area shall remain the property of the party installing such Utilities and may be removed at any time at the option of such party.

IN WITNESS WHEREOF the undersigned, pursuant to the authority granted by the McFarland Village Board has executed this Declaration on the 14th day of June, 2021.


Matthew G. Schuenke

STATE OF WISCONSIN)
) ss.
DANE COUNTY)

Personally came before me this ^{21st} ~~14th~~ day of ^{December} ~~June~~, 2021, the above named Matthew G. Schuenke to me known to be the person who executed the foregoing instrument and acknowledged the same.



Jennifer Haried
Notary Public, State of Wisconsin
My Commission (expires) (is) 3/19/25

This instrument drafted by:

Allen D. Reuter
Reuter, Whitish & Evans, S.C.
Madison, Wisconsin

Exhibit A

Legal Description
Public Utility Easement Area

A part of Johnson Street (to be vacated), Assessor's Plat of the Village of McFarland, recorded in Volume 14 of Plats on Pages 16 through 27 as Document No. 824385 of Dane County Records, being located in the Northeast one-quarter of the Southeast one-quarter of Section 3, Township 6 North, Range 10 East, Village of McFarland, Dane County, Wisconsin, being a non-exclusive Public Utility Easement being more particularly described as follows:

COMMENCING at the most Southerly corner of Lot 8 of Block 1 of Johnson's Addition, recorded in Volume 1 of Plats on Page 50 as Document No. 223113 of Dane County Records, lying on the Northwesterly right-of-way line of said Johnson Street as platted;

thence, leaving said platted Northwesterly right-of-way line along the proposed Northwesterly right-of-way line of Johnson Street, North $59^{\circ}55'43''$ East, 57.70 feet to the POINT OF BEGINNING of the easement herein described;

thence, leaving said proposed Northwesterly right-of-way line of Johnson Street, North $54^{\circ}12'45''$ East, 63.48 feet;

thence North $33^{\circ}17'32''$ East, 21.42 feet to its intersection with said proposed Northwesterly right-of-way line of Johnson Street, being the beginning of a non-tangent curve, being concave Westerly, having a radius of 15.00 feet and a chord which bears South $13^{\circ}21'17''$ West, 21.79 feet;

thence, along said proposed Northwesterly right-of-way line of Johnson Street, Southerly, 24.39 feet along the arc of said curve through a central angle of $93^{\circ}08'52''$ to the point of tangency thereof;

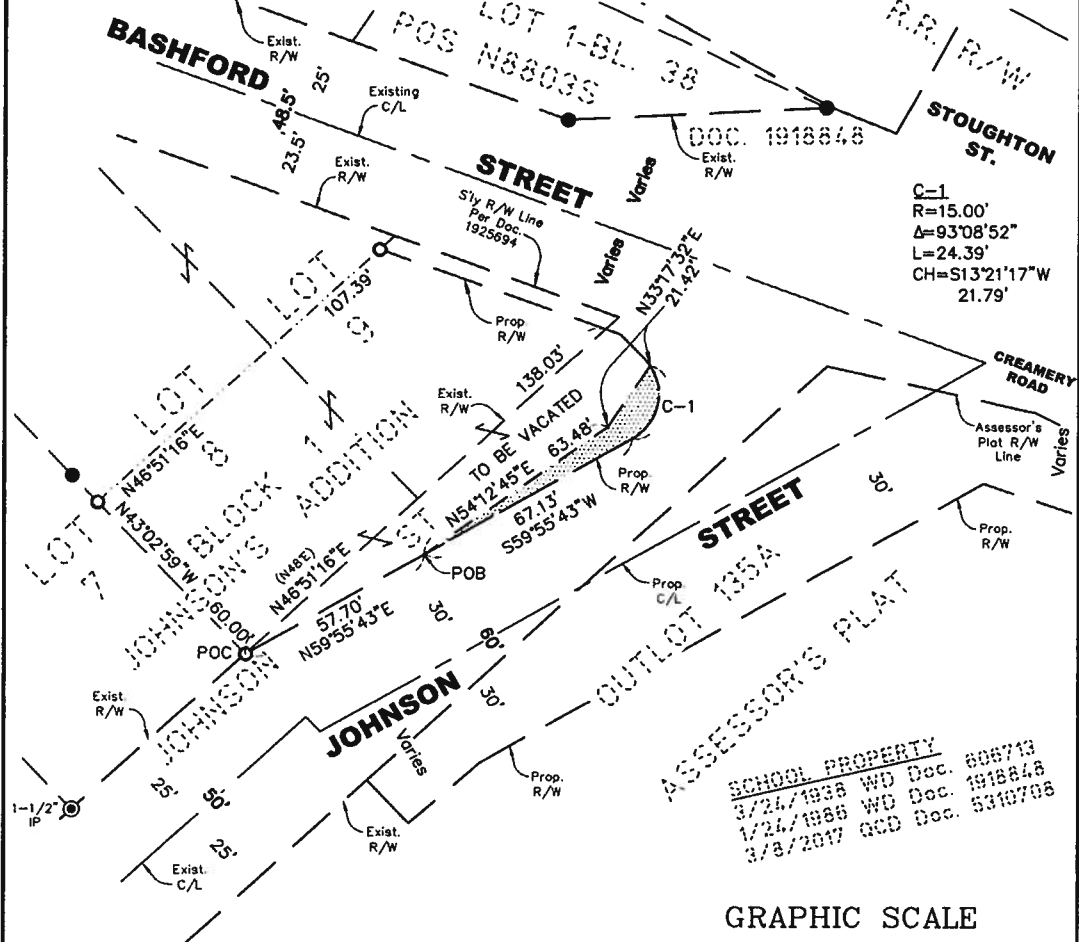
thence, continuing along said proposed Northwesterly right-of-way line of Johnson Street, South $59^{\circ}55'43''$ West, 67.13 feet to the POINT OF BEGINNING.

The above-described easement contains 361 square feet or 0.0083 acres, more or less, and is subject to all easements and agreements, if any, of record and/or fact and is shown on the map, Exhibit B, by Quam Engineering, LLC for Project No. MC-40-20 dated April 16, 2021, and by this reference made a part hereof.

Exhibit B

Public Utility Easement

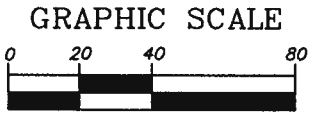
A part of Johnson Street Assessor's Plat of the Village of McFarland being located in the NE 1/4 of the SE 1/4 Section 36N, R10E, Village of McFarland Dane County, Wisconsin



SCHOOL PROPERTY
 3/24/1935 WD Doc. 606713
 1/24/1986 WD Doc. 1918848
 3/8/2017 QCD Doc. 5310708



Bearings are referenced to the Northwesterly R/W line of Johnson Street, which bears North 46°51'16" East on the Dane County Coordinate System.



(IN FEET)
 1 inch = 40 ft.

LEGEND

- ⊙ Found 1" Iron Pipe (Unless Noted)
- Found 3/4" Iron Rebar
- Set 3/4" by 24" Iron Rebar Weighing 1.5 lbs./ft.
- (303.63') Record Data (if different)
- R/W Line (As Noted)
- - - - - Platted Lot Line
- — — — — Dead Line
- — — — — Centerline
- ▨ Public Utility Easement

Notes:

1. A legal description has been provided on a separate sheet as Exhibit A.
2. Area of Public Utility Easement:
 361 sq. ft. or 0.0083 acres ±
3. The purpose of this easement is to identify that portion of the the part of Johnson Street being vacated that is subject to a non-exclusive public utility easement.

PUBLIC UTILITY EASEMENT

PROJECT NO. MC-40-20 SHEET 1 OF 1
 April 16, 2021

QUAM ENGINEERING, LLC
 Residential and Commercial Site Design Consultants



www.quamengineering.com
 4604 Sigelkew Road, Suite A - McFarland, Wisconsin 53558
 Phone (608) 838-7750; Fax (608) 838-7752