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RECORDED:  
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JOHN LA FAVE  
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MILWAUKEE COUNTY, WI  
AMOUNT: 30.00  
FEE EXEMPT #:

Document  
Number

HIGHWAY EASEMENT AND  
TEMPORARY LIMITED EASEMENT

COVER SHEET  
FOR  
RECORDATION  
OF  
HIGHWAY EASMENT AND  
TEMPORARY LIMITED EASEMENT  
FROM  
UNION PACIFIC RAILROAD COMPANY  
  
TO  
  
STATE OF WISCONSIN,  
DEPARTMENT OF TRANSPORTATION

Recording Area

Name and Return Address

*Peter Bradley  
RHS  
PO Box 7914  
Rm. 701  
Madison, WI  
53707-7914*

Parcel Identification Number (PIN)  
(When applicable)

UP Folder 2940-77  
(Milwaukee County)

**HIGHWAY EASEMENT AND TEMPORARY LIMITED EASEMENT**

THIS Permanent Easement is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016, between UNION PACIFIC RAILROAD COMPANY, a Delaware corporation ("Grantor"), and STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION ("Grantee").

The Grantor for and in consideration of the sum of **THIRTEEN THOUSAND SEVEN HUNDRED DOLLARS (\$13,700.00)** and other valuable consideration, to it paid by the Grantee, the receipt whereof is hereby confessed and acknowledged, does hereby grant unto the Grantee, and unto its successors and assigns, a non-exclusive easement for highway purposes on, along and over Grantor's property located in Milwaukee County, Wisconsin, described in **Exhibit A** and depicted in **Exhibit B**, attached hereto and hereby made a part hereof (the "Highway Easement") for the purpose of relocating, using, maintaining, repairing and reconstructing the existing two lane Ryan Rd. at-grade public road crossing (DOT 176739X) at or near Railroad Mile Post 72.02 to a new two lane S. 5<sup>th</sup> Ave., at-grade public road crossing with a 6' sidewalk (DOT No. 450353D) located at Mile Post 71.93 on its Kenosha Subdivision in or near Oak Creek, Milwaukee County, Wisconsin.

The Grantor for and in consideration of the sum of **TWO THOUSAND SIX HUNDRED DOLLARS (\$2,600.00)** and other valuable consideration, to it paid by the Grantee, the receipt whereof is hereby confessed and acknowledged, Grantor further grants unto the Grantee, and unto its successors and assigns, a non-exclusive temporary limited easement for the right to construct and/or fill slopes at the new two lane S. 5<sup>th</sup> Ave., at-grade public road crossing (DOT No. 450353D), including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem necessary or desirable, but without prejudice to the owner's right to make or construct improvements on said lands or to flatten the slopes, providing said activities will not impair or otherwise adversely affect the highway facilities within the right of way located in Milwaukee County, Wisconsin, described in **Exhibit A-1** and depicted in **Exhibit B**, attached hereto and hereby made a part hereof (the "Temporary Limited Easement").

Both the Highway Easement and the Temporary Limited Easement (collectively, the "Property") are to be located within the vicinity of MP 71.93 on the Grantor's Kenosha Subdivision, as set forth in that certain Agreement for Highway-Railroad Crossing Surface

between Grantor and Grantee dated February 17, 2016 (and identified in the records of the Grantor as Folder No. 2940-77).

RESERVING, however unto the Grantor, its successors and assigns, the right to construct at any and all times and to maintain railroad tracks, track appurtenances, fiber optic or signal lines and facilities, pipe, telephone, and electric pole and wire lines, over under and across the Property, but in such a way as to not interfere with Grantee's use of the Property for the purposes specified in this Easement; it being understood that the rights so reserved unto the Grantor, its successors and assigns, are retained along with the general right of the Grantor, its successors and assigns, to the use of the Property for any purpose not inconsistent with Grantee's use of the Property, for the purposes herein defined.

The easement rights granted herein to the Grantee, its successors and assigns, shall include the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purposes, including the right to preserve, protect, remove or plant thereon any vegetation that the Grantee may deem necessary or desirable provided that such vegetation shall preserve the natural and pre-existing drainage patterns.

The easement rights granted herein are also made SUBJECT to all outstanding leases, licenses and other outstanding rights, including, but not limited to, those for pipe, telephone, electric and fiber optic lines and the right of renewals and extensions of the same, and subject also to all conditions, limitations, restrictions, encumbrances, reservations or interests of any person which may affect the Property, whether recorded or unrecorded.

This Easement is also limited to such rights as the Grantor may have in the Property and is granted without warranty, express or implied. No damages shall be recoverable from Grantor because of any dispossession of the Grantee or because of failure of, or defect in, Grantor's title.

It is made a condition of this instrument that if the Grantee, its successors or assigns, shall abandon the Property of any portion thereof, for the purposes defined herein, for the period of time set forth in applicable Wisconsin statutes concerning abandonment of public highways, the rights herein granted shall cease and terminate with respect to the portion of the Property so abandoned, and the title to such portion or portions of the Property shall be freed from the burden of this instrument.

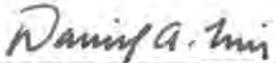
IN WITNESS WHEREOF, the Grantor has caused this deed to be duly executed as of the date first herein written.

ATTEST:

**UNION PACIFIC RAILROAD COMPANY**

*(Federal Tax ID No. 94-6001323)*

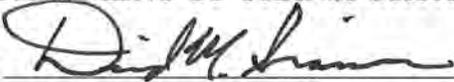
By   
BEVERLY J. KUBAT  
Assistant Secretary

By   
DANIEL A. LEIS  
General Director Real Estate

(Seal)

ACCEPTED:

**STATE OF WISCONSIN,  
DEPARTMENT OF TRANSPORTATION**

By: 

Print Name: David M. Simon, P.E.  
Chief of Railroads and Harbors

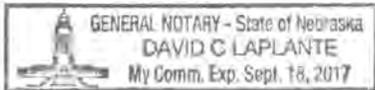
Title: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

On August 10, 2016, before me, David C. LaPlante, Notary Public in and for said County and State, personally appeared Daniel A. Leis and Beverly J. Kubat who are the General Director – Real Estate and the Assistant Secretary, respectively, of Union Pacific Railroad Company, a Delaware corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



(Seal)

  
\_\_\_\_\_  
**David C. LaPlante**  
Notary Public

My commission expires: September 18, 2017



**EXHIBIT A  
LEGAL DESCRIPTION FOR  
HIGHWAY EASEMENT**

An **easement for highway purposes**, as long as so used, including the right to preserve, protect, and remove any vegetation existing on said lands and the right to plant thereon and protect any vegetation that the highway authorities may deem desirable to prevent erosion of the soil or to beautify the highway, in and to all that land of the owner contained within the following described tract located in part of the Northeast 1/4 of the Northeast 1/4 of Section 26, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin more fully described as follows:

Commencing at the Northeast corner of said Section 26,  
Thence South 2° 19' 59" West, 469.57 feet along the East line of the Northeast 1/4 of said Section 26 to the point of beginning;

Thence South 2° 19' 59" West, 112.41 feet to a point of circular curve to the right and having a radius of 388.00 feet;  
Thence 13.04 feet along the arc of said circular curve whose long chord bears South 61° 47' 52" West, 13.04 feet;  
Thence South 65° 46' 56" West, 100.36 feet;  
Thence South 66° 10' 32" West, 190.79 feet to a point of circular curve to the left and having a radius of 766.00 feet;  
Thence 162.54 feet along the arc of said circular curve whose long chord bears South 60° 05' 48" West, 162.23 feet;  
Thence South 54° 07' 08" West, 150.59 feet to a point of circular curve to the right and having a radius of 819.00 feet;  
Thence 304.62 feet along the arc of said circular curve whose long chord bears South 66° 07' 54" West, 302.87 feet;  
Thence South 76° 47' 13" West, 58.75 feet;  
Thence South 40° 46' 31" West, 64.61 feet to the Northeasterly right-of-way line of S. Chicago Road (STH 32) and a point of circular curve to the left and having a radius of 4,986.07 feet;  
Thence 99.43 feet along the arc of said circular curve whose long chord bears North 14° 49' 24" West, 99.43 feet to a point of circular curve to the left and having a radius of 4,986.07 feet;  
Thence 62.65 feet along the arc of said circular curve whose long chord bears North 15° 45' 17" West, 62.65 feet;  
Thence North 82° 18' 05" East, 53.64 feet to a point of circular curve to the left and having a radius of 765.56 feet;  
Thence 180.78 feet along the arc of said circular curve whose long chord bears North 76° 14' 32" East, 180.36 feet to a point of circular curve to the left and having a radius of 1,095.56 feet;  
Thence 295.60 feet along the arc of said circular curve whose long chord bears North 61° 44' 51" East, 294.70 feet to a point of circular curve to the right and having a radius of 856.00 feet;  
Thence 125.44 feet along the arc of said circular curve whose long chord bears North 58° 12' 58" East, 125.33 feet;  
Thence North 31° 05' 33" West, 266.86 feet;  
Thence South 88° 49' 40" East, 265.79 feet;  
Thence South 55° 14' 25" East, 102.85 feet to a point of circular curve to the left and having a radius of 5,779.65 feet;  
Thence 63.09 feet along the arc of said circular curve whose long chord bears South 18° 13' 00" East, 63.09 feet;  
Thence North 65° 15' 22" East, 100.60 feet to a point of circular curve to the left and having a radius of 298.00 feet;

Thence 55.86 along the arc of said circular curve whose long chord bears  
North 54° 50' 19" East, 55.78 feet to the point of beginning.

Containing 9,079 square feet (0.208 acres), more or less

**EXHIBIT A-1  
LEGAL DESCRIPTION FOR  
TEMPORARY LIMITED EASEMENT**

Also, a **Temporary Limited Easement** for the right to construct cut and/or fill slopes, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable, in and to all that land of the owner contained within the following described tract located in part of the Northeast 1/4 of the Northeast 1/4 of Section 26, and part of the Northwest 1/4 of the Northwest 1/4 of Section 25, all in Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin more fully described as follows:

Commencing at the Northeast corner of said Section 26;  
Thence South  $2^{\circ} 19' 59''$  West, 328.91 feet along the East line of the Northeast 1/4 of said Section 26 to the point of beginning;

Thence South  $2^{\circ} 19' 59''$  West, 287.75 feet to the northeasterly line of Union Pacific Railroad Company lands;

Thence South  $19^{\circ} 42' 28''$  East, 12.43 feet along said northeasterly line;

Thence South  $62^{\circ} 39' 58''$  West, 100.87 feet to the southwesterly line of said Union Pacific Railroad Company lands;

Thence North  $19^{\circ} 52' 38''$  West, 4.99 feet to a point of circular curve to the right and having a radius of 5,779.65 feet;

Thence 43.15 feet along the arc of said circular curve whose long chord bears North  $19^{\circ} 38' 19''$  West, 43.15 feet along said southwesterly line;

Thence South  $66^{\circ} 10' 32''$  West, 161.52 feet;

Thence South  $50^{\circ} 36' 34''$  East, 43.14 feet;

Thence South  $70^{\circ} 05' 53''$  West, 156.01 feet;

Thence South  $55^{\circ} 37' 35''$  West, 202.73 feet;

thence South  $59^{\circ} 19' 46''$  West, 175.17 feet;

Thence South  $35^{\circ} 35' 28''$  West, 69.52 feet;

Thence South  $5^{\circ} 06' 34''$  East, 47.10 feet;

Thence South  $38^{\circ} 53' 10''$  West, 23.21 feet;

Thence South  $76^{\circ} 40' 50''$  West, 168.78 feet to the existing northeasterly right-of-way of S. Chicago Road (STH 32) and a point of circular curve to the left and having a radius of 4,986.07 feet;

Thence 81.16 feet along the arc of said circular curve whose long chord bears North  $13^{\circ} 47' 09''$  West, 81.16 feet to a point of circular curve to the left and having a radius of 4,986.07 feet;

Thence 99.43 feet along the arc of said circular curve whose long chord bears North  $14^{\circ} 49' 24''$  West, 99.43 feet to a point of circular curve to the left and having a radius of 4,986.07 feet;

Thence 62.65 feet along the arc of said circular curve whose long chord bears North  $15^{\circ} 45' 17''$  West, 62.65 feet to a point of circular curve to the left and having a radius of 4,986.07 feet;

Thence 37.89 along the arc of said circular curve whose long chord bears North  $16^{\circ} 19' 57''$  West, 37.89 feet;

Thence North  $83^{\circ} 14' 22''$  East, 185.59 feet;

thence North  $71^{\circ} 54' 51''$  East, 197.62 feet;

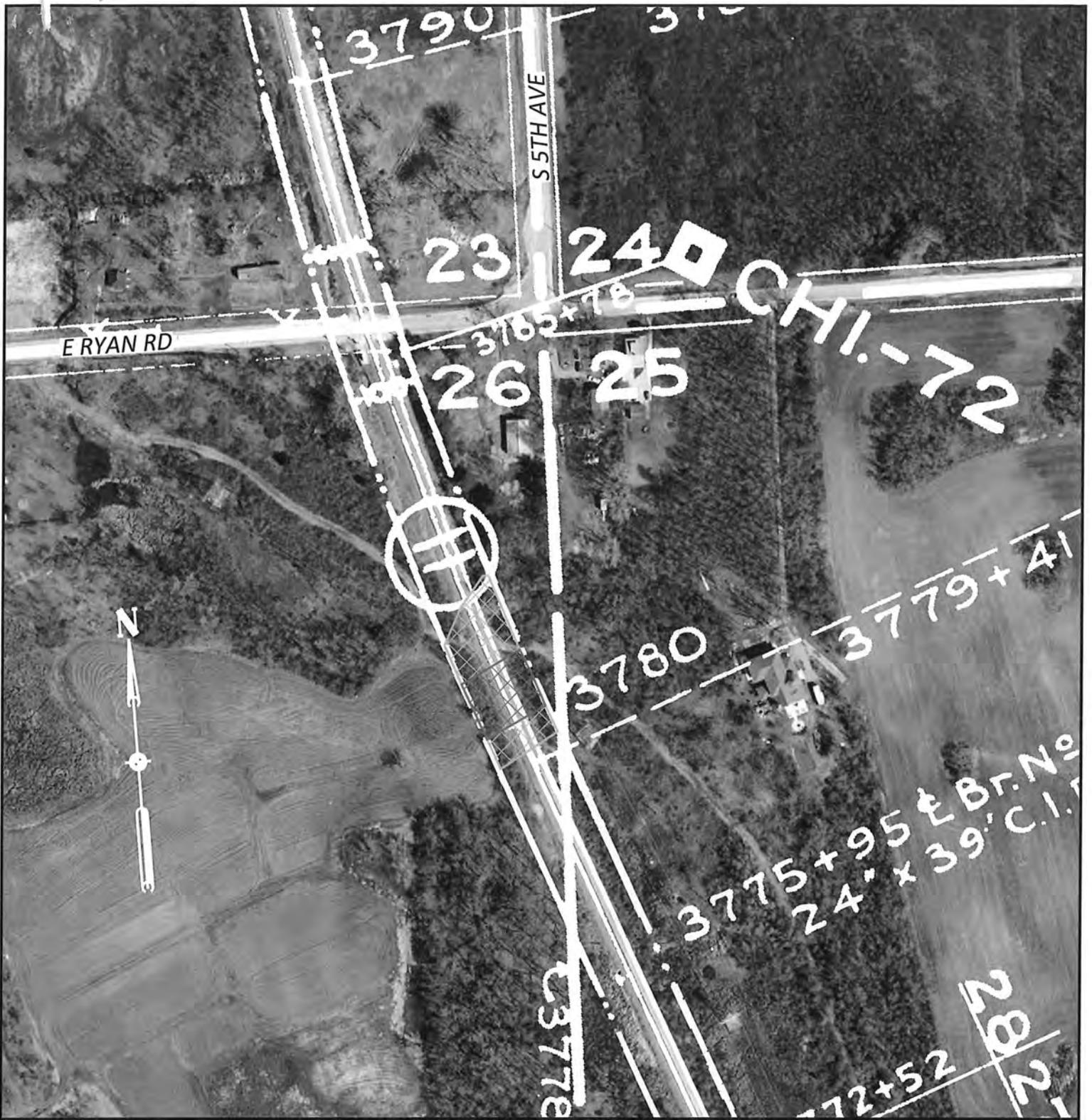
Thence North 52° 18' 24" East, 163.35 feet;  
Thence North 58° 52' 33" East, 107.48 feet;  
Thence North 31° 05' 33" West, 244.20 feet;  
Thence South 88° 49' 40" East, 265.79 feet;  
Thence South 55° 14' 25" East, 102.85 feet to the southwesterly line of Union Pacific Railroad  
Company lands;  
thence North 28° 49' 50" East, 59.38 feet;  
Thence North 40° 34' 03" East, 57.83 feet;  
Thence South 88° 41' 38" East, 8.34 feet to the northeasterly line of Union Pacific Railroad  
Company lands and a point of circular curve to the right and having a radius of 5,679.65 feet;  
Thence 179.40 feet along the arc of said circular curve whose long chord bears  
North 16° 18' 40" West, 179.40 feet;  
Thence South 50° 42' 34" East, 178.59 feet to the point of beginning.

Containing 14,416 square feet (0.331 acres), more or less.

Not including those lands of the owner previously described above.

All TLE's expire at the completion of the construction project for which this instrument is given

**EXHIBIT B**  
**RAILROAD PRINT DEPICTING**  
**HIGHWAY EASEMENT AND TEMPORARY LIMITED EASEMENT**



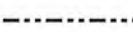
**LEGEND:**

CROSSING AREA ..... 

CROSSING AREA = 9,079 SQ. FT. +/-

TLE AREA ..... 

TOTAL TLE AREA = 14,416 SQ. FT. +/-

UPRRCO. R/W OUTLINED ..... 

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "B"

**UNION PACIFIC RAILROAD COMPANY**

OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

M.P. 71.9 - KENOSHA SUB.

TO ACCOMPANY AGREEMENT WITH  
WISCONSIN DOT  
MAP CNW V-2 / 7  
SCALE: 1" = 200'

OFFICE OF REAL ESTATE  
OMAHA, NEBRASKA DATE: 3-10-2016

PJB FILE: 0294077

CADD FILENAME	0294077
SCAN FILENAME	WI020007-294077.TIF