

**RESOLUTION NO. 2019-84**

**RESOLUTION BY THE PUBLIC WORKS, PARKS AND FACILITIES COMMITTEE AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED LAND IN THE VILLAGE OF MOUNT PLEASANT BY PERMANENT WATER MAIN AND TEMPORARY CONSTRUCTION EASEMENTS TO RACINE WATER AND WASTEWATER UTILITY TO CONSTRUCT, INSTALL, OPERATE, MAINTAIN, REPAIR, REPLACE AND EXTEND FACILITIES, PIPELINES AND FITTINGS FOR THE CONVEYANCE OF WATER, TOGETHER WITH ALL NECESSARY AND APPURTENANT EQUIPMENT UNDER AND ABOVE GROUND AS DEEMED NECESSARY BY GRANTEE.**

To the Honorable Members of the Racine County Board of Supervisors:

**BE IT RESOLVED** by the Racine County Board of Supervisors that Racine County is authorized to transfer certain county-owned lands to Racine Water and Wastewater Utility for water main installation and maintenance;

**BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that Racine County is authorized to grant easements on certain county-owned lands to Racine Water and Wastewater Utility for water main utility purposes;

**BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that easements are, as set forth in Exhibit "A" and "B", attached hereto;

**BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that Corporation Counsel is authorized to prepare or review any agreement or other document, with the necessary and appropriate terms and conditions to facilitate this transaction;

**BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that additional terms and conditions may be applicable as the Corporation Counsel and the Director of the Public Works and Development Services Department deem necessary and appropriate;

**BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that any two of the County Executive, the County Clerk and/or the County Board Chairman are authorized to execute any contracts, agreements or other documents necessary to carry out the intent of this resolution.

Respectfully submitted,

**PUBLIC WORKS, PARKS AND FACILITIES COMMITTEE**

1st Reading \_\_\_\_\_

2nd Reading \_\_\_\_\_

BOARD ACTION

Adopted \_\_\_\_\_

For \_\_\_\_\_

Against \_\_\_\_\_

\_\_\_\_\_  
Robert Grove, Chairman

\_\_\_\_\_  
Tom Hincz, Vice-Chairman

3  
4 Absent \_\_\_\_\_

5  
6 VOTE REQUIRED: Majority

\_\_\_\_\_  
Monte G. Osterman, Secretary

7  
8 Prepared by:  
9 Corporation Counsel

\_\_\_\_\_  
Mike Dawson

10  
11 \_\_\_\_\_  
12 Nick Demske

13  
14 \_\_\_\_\_  
15 Fabi Maldonado

16  
17 \_\_\_\_\_  
18 Tom Kramer

19  
20  
21 **The foregoing legislation adopted by the County Board of Supervisors of**  
22 **Racine County, Wisconsin, is hereby:**

23 **Approved:** \_\_\_\_\_

24 **Vetoed:** \_\_\_\_\_

25  
26 **Date:** \_\_\_\_\_,

27  
28 \_\_\_\_\_  
29 **Jonathan Delagrave, County Executive**

30  
31  
32 **INFORMATION ONLY**

33  
34 **WHEREAS**, the Racine Water and Wastewater Utility plans to construct and install  
35 an underground water main in the Village of Mount Pleasant;

36  
37 **WHEREAS**, the purpose of the Permanent Water Main Easement is to construct,  
38 install, operate, maintain, repair, replace, and extend underground utility facilities,  
39 pipelines and fittings for the conveyance of water, together with all necessary and  
40 appurtenant equipment under and above ground as deemed necessary by Racine Water  
41 and Wastewater Utility. Trees, bushes, branches and roots may be trimmed or removed  
42 so as not to interfere with Racine Water and Wastewater Utility's use of the easement  
43 area.

44  
45 **WHEREAS**, the purpose of this Temporary Construction Easement is to permit Racine  
46 Water and Wastewater Utility access to the property and to provide a staging and work  
47 area for the construction and installation of an underground water main within the  
48 Permanent Easement Area described above. It is agreed that the right, privilege and  
49 easement granted by this instrument for access onto Racine County's property is  
50 temporary and shall cease and terminate immediately following the completion of  
51 installation, commencement of operation, and restoration of the aforementioned  
52 underground water main and appurtenant equipment and facilities.

**PERMANENT WATER MAIN AND  
TEMPORARY CONSTRUCTION  
EASEMENTS**

Document Number

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **THE COUNTY OF RACINE, a municipal corporation**, hereinafter referred to as "Grantor", owner of land, hereby grants, conveys, and transfers to **RACINE WATER AND WASTEWATER UTILITY, a department of the City of Racine**, hereinafter referred to as "Grantee", a **Permanent Water Main Easement, and Temporary Construction Easement** upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as a strip of land being a part of the Grantor's land located in the **Southeast 1/4 of Section 22, Town 3 North, Range 22 East**, Village of Mount Pleasant, Racine County, Wisconsin; said land being more particularly described in that certain **Warranty Deed** as recorded in the Office of the Register of Deeds in an for Racine County in **Vol. 1688, Page 605**.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

RETURN TO:  
Racine Water and Wastewater  
800 Center Street #227  
Racine, WI 53403

151-03-22-22-100-000  
(Parcel Identification Number)

1. **Purpose:** The purpose of this **Permanent Water Main Easement** is to construct, install, operate, maintain, repair, replace and extend facilities, pipelines and fittings for the conveyance of water, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.  
  
The purpose of this **Temporary Construction Easement** is to permit Grantee access to the Property and to provide a staging and work area for the construction and installation of an underground water main within the Permanent Easement Area described above. It is agreed that the right, privilege and easement granted by this instrument for access onto Grantor's property is temporary and shall cease and terminate immediately following the completion of installation, commencement of operation, and restoration of the aforementioned underground water main and appurtenant equipment and facilities.
2. **Access:** Grantee and its employees, independent contractors, and its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
3. **Buildings, Other Structures, and Trees:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities. Grantor further agrees no trees shall be planted or allowed to grow within the permanent easement.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
8. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document or voluntarily waives the five day review period.

**Grantor:**

**The County of Racine**

By \_\_\_\_\_

(Print name and title): \_\_\_\_\_

By \_\_\_\_\_

(Print name and title): \_\_\_\_\_

Personally came before me in Racine County, Wisconsin on \_\_\_\_\_, 2019,  
the above named \_\_\_\_\_, the \_\_\_\_\_  
and \_\_\_\_\_, the \_\_\_\_\_  
of the The County of Racine, a municipal corporation, for the municipal corporation, by its authority, and pursuant to  
Resolution File No. \_\_\_\_\_ adopted by its \_\_\_\_\_  
on \_\_\_\_\_.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_

PERMANENT WATER MAIN AND TEMPORARY CONSTRUCTION SHEET 1 OF 2  
EASEMENT

Being part of the NE 1/4 of the SE 1/4 of Section 22, Township 3 North,  
Range 22 East, Village of Mount Pleasant, Racine County, Wisconsin

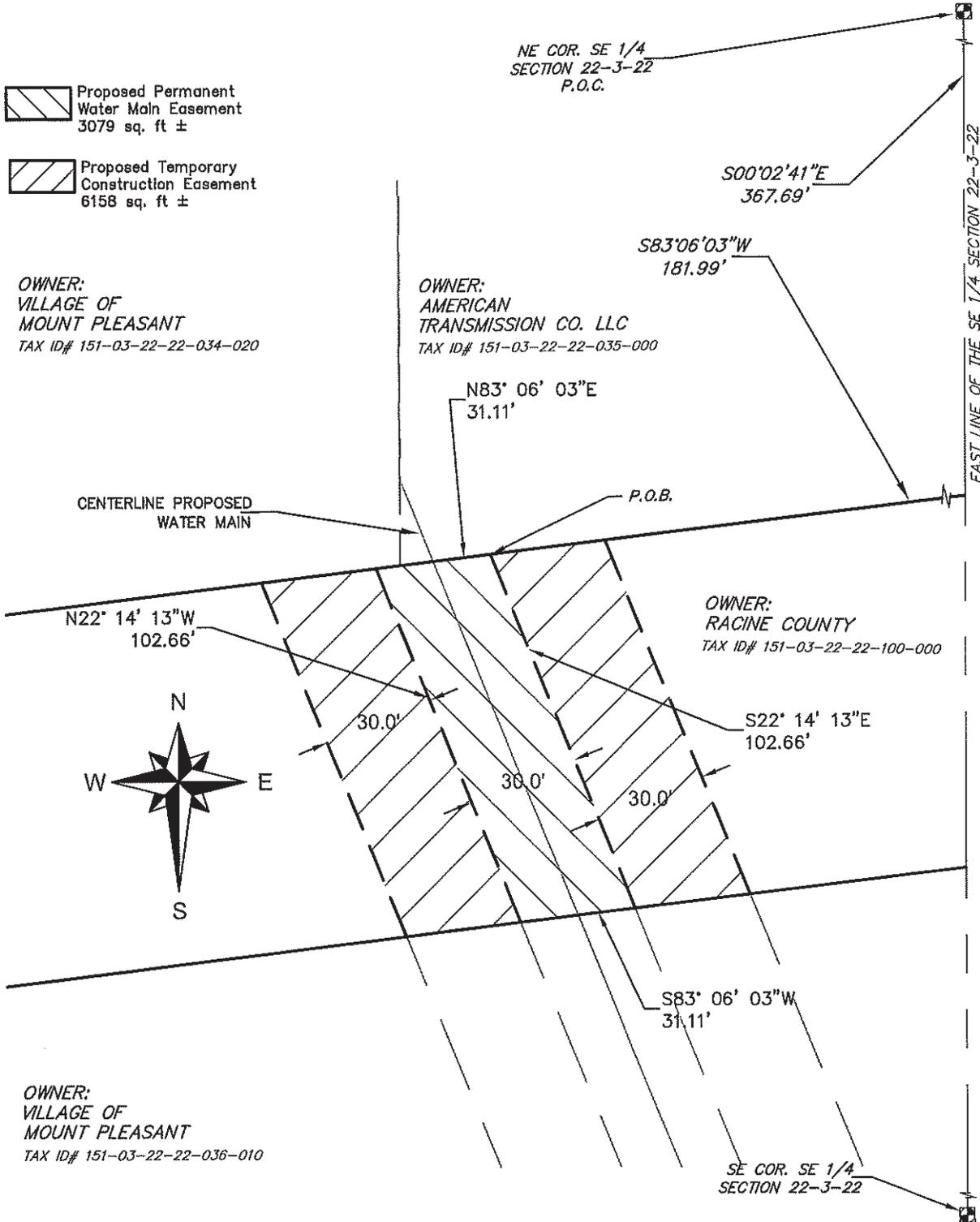
-  Proposed Permanent Water Main Easement  
3079 sq. ft ±
-  Proposed Temporary Construction Easement  
6158 sq. ft ±

OWNER:  
VILLAGE OF  
MOUNT PLEASANT  
TAX ID# 151-03-22-22-034-020

OWNER:  
AMERICAN  
TRANSMISSION CO. LLC  
TAX ID# 151-03-22-22-035-000

OWNER:  
RACINE COUNTY  
TAX ID# 151-03-22-22-100-000

OWNER:  
VILLAGE OF  
MOUNT PLEASANT  
TAX ID# 151-03-22-22-036-010



Ruekert•Mielke  
www.ruekertmielke.com

PREPARED FOR:  
Racine Water and Wastewater  
800 Center Street # 227  
Racine, WI 53403

PREPARED BY:  
Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview Pkwy.  
Waukesha, WI 53188

PERMANENT WATER MAIN AND TEMPORARY CONSTRUCTION SHEET 2 OF 2  
EASEMENT

Being part of the NE 1/4 of the SE 1/4 of Section 22, Township 3 North,  
Range 22 East, Village of Mount Pleasant, Racine County, Wisconsin

Being part of the NE 1/4 of the SE 1/4 of Section 22, Township 3 North, Range 22 East,  
Village of Mount Pleasant, Racine County, Wisconsin, bounded and described as follows:

PERMANENT WATER MAIN EASEMENT DESCRIPTION:

Commencing at the Northeast corner of said Southeast 1/4 of Section 22; thence  
S00°02'41"E, along the East line of said Section, a distance of 367.69 feet to the Southerly  
line of lands described by tax key No. 151-03-22-22-035-000; thence S83°06'03"W, along  
said Southerly line, a distance of 181.99 feet to the POINT OF BEGINNING; thence bearing  
S22°14'13"E, to the Northerly line of lands described by tax key No.  
151-03-22-22-036-010, a distance of 102.66 feet; thence S83°06'03"W, along said line, a  
distance of 31.11 feet; thence N22°14'13"W, to the Southerly line of lands described by tax  
key No. 151-03-22-22-034-020. a distance of 102.66 feet; thence N83°06'03"E, along  
said line and its Easterly extension, a distance of 31.11 feet to the POINT OF BEGINNING,  
containing 3079 square feet more or less of land. Subject to, but not limited to, covenants,  
restrictions and easements of record.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

A 30 foot wide strip of land immediately adjacent to the West and East lines of the above  
described Permanent Water Main Easement, bounded on the North by the Southerly line of  
lands described by tax key No.'s 151-03-22-22-034-020 and 151-03-22-22-035-000  
and bounded on the South by the Northerly line of lands described by tax key No.  
151-03-22-22-036-010, containing 6158 square feet more or less of land. Subject to, but  
not limited to, covenants, conditions, restrictions and easements of record.

PROPERTY LINES SHOWN ON THIS EXHIBIT ARE DRAWN FROM DATA DERIVED FROM MAPS AND DOCUMENTS OF PUBLIC RECORD AND/OR OCCUPATION LINES. THIS EXHIBIT  
MAY NOT BE A TRUE REPRESENTATION OF EXISTING PROPERTY LINES, EXCLUDING LINES OF THE PUBLIC LAND SURVEY SYSTEM AND RIGHT-OF-WAY LINES, AND SHOULD  
NOT BE USED AS A SUBSTITUTE FOR AN ACCURATE PROPERTY SURVEY AS DEFINED AND PURSUANT TO THE WISCONSIN ADMINISTRATIVE CODE A-E 7.

Ruekert•Mielke  
www.ruekertmielke.com

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Racine Water and Wastewater  
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Racine, WI 53403

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