

RESOLUTION 2019- 08-13-19-01

**A RESOLUTION AUTHORIZING THE MAYOR AND COMMON COUNCIL TO EXECUTE AN EASEMENT GRANT TO AMERICAN TRANSMISSION COMPANY LLC, A WISCONSIN CORPORATION.**

**WHEREAS:** American Transmission Company has requested the City of Waupun to grant an underground easement in order to accommodate cables to be installed in conduit to control and monitor the 69kV line associated equipment in the Waupun Main substations, and

**WHEREAS:** The location of the easement grant is along property on Lot 62 and 72 of North Ward City of Waupun, located in the West 1/2 of the Southeast 1/4 of Section 32, Town 14 North, Range 15 East in the City of Waupun, Fond du Lac County, Wisconsin, and

**WHEREAS:** American Transmission Company is agreeable to pay \$350.00 in consideration of the easement grant, and

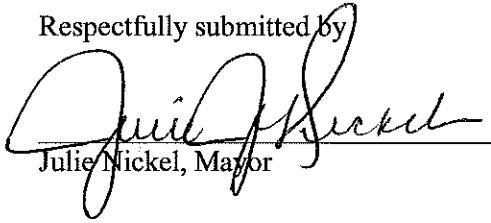
**WHEREAS:** the Common Council Committee has reviewed the request and recommends that the City of Waupun authorize the Mayor to execute the easement grant to American Transmission Company as shown on Exhibit A, and

**WHEREAS:** the City of Waupun concurs with the recommendation of the Common Council.

**NOW THEREFORE, BE IT RESOLVED:** that the Common Council of the City of Waupun authorizes the Mayor and City Clerk to execute the attached easement grant to American Transmission Company to install underground cable and conduit between the Waupun Substation and the Waupun Main Substation.

**ADOPTED** this 13 day of August, 2019.

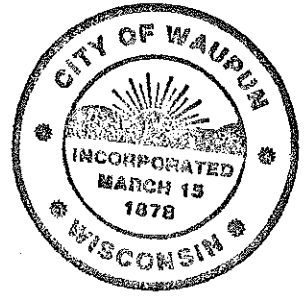
Respectfully submitted by

  
Julie Nickel, Mayor

Attest:   
Angela Hull, City Clerk

Date Passed: August 13, 2019

Vote: 5-0



**CONTROL AND CABLE EASEMENT**  
Not subject to Wis. Stat. § 77.22(1)

The undersigned Grantor, the **City of Waupun** (hereinafter referred to as "**Grantor**" or "**Landowner**"), in consideration of the sum of Three hundred fifty dollars and no/100, (\$350.00), receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto Grantee, **American Transmission Company LLC**, a Wisconsin limited liability company, and its manager **ATC Management Inc.**, a Wisconsin Corporation (hereinafter jointly referred to as "**Grantee**"), its successors, assigns, licensees and manager, the perpetual right and easement to construct, install, maintain, operate, repair, inspect and remove an underground communication line for the transmission of communications and signals for electric transmission facilities, including vaults, upon, in, under and across property owned by the Grantor in the City of Waupun, County of Fond du Lac, State of Wisconsin, as described on Exhibit A.

The legal description and location of the Perpetual Easement Strip is described on Exhibit A, attached hereto and incorporated by reference in this easement document.

The Grantee is also granted the associated necessary rights to:

- 1) Enter upon the easement strip for the purposes of exercising the rights conferred by this easement.
- 2) Construct, install, maintain, operate, repair, inspect and remove the above-described facilities and other appurtenances that the Grantee deems necessary.
- 3) Remove any or all brush and trees now or hereafter existing on said easement strip, together with the right, permission and authority to enter in a reasonable manner upon the property of the Grantor adjacent to said Perpetual Easement Strip for such purpose.

The Grantee shall pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields and field tile (other than trees cut down and removed), caused by the construction, maintenance, replacement or removal of said facilities.

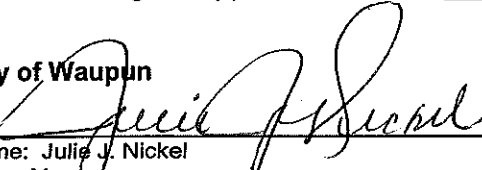
Grantor, for itself, its successors and assigns, agrees that it will not locate any dwelling or mobile home intended for residential occupancy within the limits of the Perpetual Easement Strip. Grantor, for itself, its successors and assigns, further agrees that within the limits of the Perpetual Easement Strip, it will not construct, install or erect any structures or fixtures, including but not limited to swimming pools, construct any non-residential type buildings or store any inflammable goods or products, plant trees or shrubs, place water, sewer or drainage facilities, or change the grade more than one (1) foot without first securing the prior written consent of the Grantee.

Grantor warrants and represents that Grantor has clear, merchantable, fee simple title to said property, and that Grantor knows of no claim, pending contract for sale, or negotiation for such contract of sale for any of the lands described herein.

This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

As provided by PSC 113, the Grantor shall have a minimum period of five days to examine materials approved or provided by the Public Service Commission of Wisconsin describing the Grantor's rights and options in the easement negotiating process. The Grantor hereby voluntarily waives the five-day review period, or acknowledges that they have had at least five (5) days to review such materials.

WITNESS the signature(s) of the Grantor this 13 day of August, 2019.

City of Waupun  
By:   
Name: Julie J. Nickel  
Title: Mayor

Recording Area

Name and Return Address  
American Transmission Company  
Attn: Real Estate Department  
5303 Fen Oak Drive  
Madison, WI 53718-8810

Parcel Identification Number(s)  
WPN-14-15-99-OV-062-01

ACKNOWLEDGEMENT

STATE OF WISCONSIN

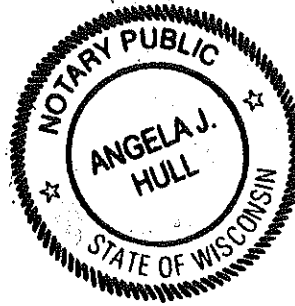
COUNTY OF FOND DU LAC

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) SS  
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Personally came before me this 13 day of August, 2019, the above-named Julie J. Nickel, Mayor of the City of Waupun, to me known to be the person who executed the foregoing instrument in such capacity and acknowledged the same.

  
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Name: Angela J. Hull  
Notary Public, Wisconsin  
My commission expires: August 4, 2023



This instrument was drafted by Julie Hanson on behalf of American Transmission Company, PO Box 47, Waukesha, WI 53187-0047.

Exhibit "A"

**Legal Description of Parcel: WPN-14-15-99-OV-062-01**

Part of City of Waupun North Ward Outlots 62 and 72; and part of Lots 4, 5 and 6 in Block 10 of Sexton's Addition; being located in the West Half (W ½) of the Southeast Quarter (SE ¼) of Section 32, Township 14 North, Range 15 East, City of Waupun, Fond du Lac County, Wisconsin, and more fully described as follows:

Lots 4, 5 and 6, Block 10 of the recorded plat of the Village of Waupun in Sextons Addition, EXCEPTING THEREFROM those lands described and conveyed in the Municipal Deed recorded April 22, 1959 in Vol. 413 of Records, page 580 as Document No. 162725.

~AND~

Part of Outlots 62 and 72 of City of Waupun North Ward Outlots and part of the West Half (W ½) of the Southeast Quarter (SE ¼) of Section 32, T14N, R15E, City of Waupun, Fond du Lac County, Wisconsin, more fully described as: Commencing at a point 60 feet East of the Southwest (SW) corner of Outlot 72 of North Ward City of Waupun, thence East 160 feet, thence North to a line running due West from the North end of the stone and concrete portion of the Mill Dam in Rock River, thence West to the East line of the Chicago, Milwaukee, St. Paul and Pacific Railroad right of way, thence South along the East line of said right of way to the Northwest (NW) corner of Block 10 in Lester Sexton's Addition to East Waupun as recorded in the office of the Register of Deeds for Fond du Lac County, Wisconsin, thence East to the Northeast (NE) corner of Block 10 of said Addition, situated as aforesaid, thence South following the East line of said Block 10, 102.5 feet, thence East 60 feet, thence South 145 feet to the South line of said Outlot 72, which point is 60 feet East of the Southwest (SW) corner of said Outlot 72.

~AND~

Part of Outlots 62 and 72 of City of Waupun North Ward Outlots and part of the West Half (W ½) of the Southeast Quarter (SE ¼) of Section 32, T14N, R15E, City of Waupun, Fond du Lac County, Wisconsin, more fully described as: Commencing at a point 160 feet East of the Southwest corner of North Ward Out Lot 72 of the City of Waupun, as said Out Lot is recorded in the office of the Register of Deeds in and for said County of Fond du Lac, thence North to a line running West from the North end of the stone and concrete portion of the mill dam in Rock River, thence East along said line to a point 150.5 feet West of the extension of the West line of Forest Street, thence South to a point 150.5 feet West and 70 feet North of the Southeast corner of said North Ward Out Lot 72, thence East 130 feet, thence South 70 feet, and thence West to the place of beginning.

~AND~

EXCEPTING THEREFROM those lands conveyed and described in the Quit Claim Deed recorded June 15, 1954 in Vol. 371 of Records, page 232 as Document No. 126108A.

~AND~

Part of Outlots 62 and 72 of City of Waupun North Ward Outlots and part of the West Half (W ½) of the Southeast Quarter (SE ¼) of Section 32, T14N, R15E, City of Waupun, Fond du Lac County, Wisconsin, more fully described as: Commencing at a point 49.5 feet north of the northwest corner of Block 28, East Waupun, now City of Waupun, being a point in the north line of Monroe Street in said City; thence West along the north line of Monroe Street continued, 70 feet; thence North, parallel to the West line of Forest Street continued, of said City of Waupun, 70 feet to an iron pipe which shall be the point of beginning for this description; thence West, parallel to the north line of Monroe Street continued, 130 feet to an iron pipe; thence north parallel to Forest Street continued, approximately 104 feet to the centerline of the railroad spur track; thence easterly and northeasterly along the centerline of said spur track to a point due north of the place of beginning; thence south to the place of beginning.

**Legal Description of Easement Area:**

A 10-foot-wide easement which crosses a part of the grantor's premises being a part of Outlots 62 and 72, North Ward City of Waupun, located in the West ½ of the Southeast ¼ of Section 32, T14N, R15E, City of Waupun, Fond du Lac County, Wisconsin the centerline being more particularly described as follows:

Commencing at the southwest corner of said Outlot 72; thence along the south line of said Outlot 72 also being the north right-of-way line of Monroe Street N88°38'11"E, 238.4 feet; thence N01°21'49"W, 116.3 feet to the point of beginning; thence N15°45'01"E, 91.1 feet to the point of termination located on the north line of grantor's premises also being the south line of lands by Wisconsin Power & Light, Vol. 371 of records, page 232 as Document No. 126108. The side lines of said easement to be prolonged or shortened to terminate at said north line of grantor's premises.

The above described easement contains 778 square feet or 0.01 acres more or less and is subject to restrictions, reservations, rights-of-way and easements of record.