

RESOLUTION 2023-5390

RESOLUTION AUTHORIZING MAYOR ANTHONY PENTERMAN AND CLERK SALLY KENNEY TO ENTER INTO A STORM SEWER EASEMENT AGREEMENT WITH KAUKAUNA AREA SCHOOL DISTRICT ON W. ANN STREET

WHEREAS, the City is aware of stormwater flooding along Ann Street and adjacent side streets during heavy rainfall events; and

WHEREAS, In order to help reduce flooding, the City will install underground stormwater detention, storm sewer, and associated appurtenances on Kaukauna Area School District property; and

WHEREAS, City Plan Commission has reviewed the proposed easements and recommended the approval of the easement at their May 18, 2023 meeting;

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Kaukauna hereby authorizes Mayor Anthony Penterman and Clerk Sally Kenney to enter into a Storm Sewer Easement Agreements with Kaukauna Area School District for purposes of constructing and maintaining an underground stormwater detention, storm sewer, and associated appurtenances.

I hereby certify that the foregoing resolution was duly adopted by the Kaukauna City Council at a legal meeting on this 6th day of June, 2023.

Anthony J. Penterman, Mayor

ATTEST:

Sally Kenney, Clerk

**Temporary Construction
Easement**

Document Number

For good and sufficient consideration, the sufficiency and receipt of which are hereby acknowledged, the undersigned Kaukauna Area School District (herein "Owner"), hereby grants a Temporary Construction Easement over a portion of the Owners property to the City of Kaukauna (herein "Grantee") as described and portrayed on attached Exhibit A:

Temporary Construction Easement: A Temporary Construction Easement is granted by Owner to the Grantee for grading purposes. This Easement area is legally described and portrayed on attached **Exhibit A**. This Temporary Construction Easement shall terminate upon completion of the construction for which this instrument is given.

Record and return to: McMahon Associates Inc.
c/o Doug E. Woelz, P.L.S.
1445 McMahon Drive Neenah, WI 54956
P.O. Box 1025 Neenah, WI 54957-1025
Parcel No. 323111100, 323110900, 323111201

Easement Property Usage: The undersigned Owner remains free to use that portion of the Easement as described and portrayed on **Exhibit A**, not occupied by the Grantee for purposes which do not interfere with usage of Easement rights granted to the Grantee herein. Any such usage by the Owner which interferes with usage by the Grantee shall be removed, temporarily or permanently as reasonably necessary, by the Owner to the extent necessary to facilitate use of the Easement property by the Grantee as authorized herein.

Restoration: The Grantee shall restore the surface of the ground in the Easement area to the extent reasonably practical to the condition that existed prior to the start of construction within the easement area. However, the Grantee is not required to restore or replace any improvements of the Owner constructed within the easement area.

Burdened Property and Persons Bound: This Easement shall be a burden upon the portion of the property described on attached Exhibit A, and binding upon the Owner and Owner's heirs, successors and assigns which hold or acquire and interest in these properties.

Recording: This Easement may be recorded with the Register of Deeds for Outagamie County by the Grantee.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed this ____ day
of _____, 20 ____.

By: _____
Authorized Representative Print Name and Title
Kaukauna Area School District

STATE OF WISCONSIN)
 : ss.
COUNTY)

Personally came before me this _____ day of _____, 20_____, the
above-named, _____ and _____, to me known to be
the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission is/expires _____

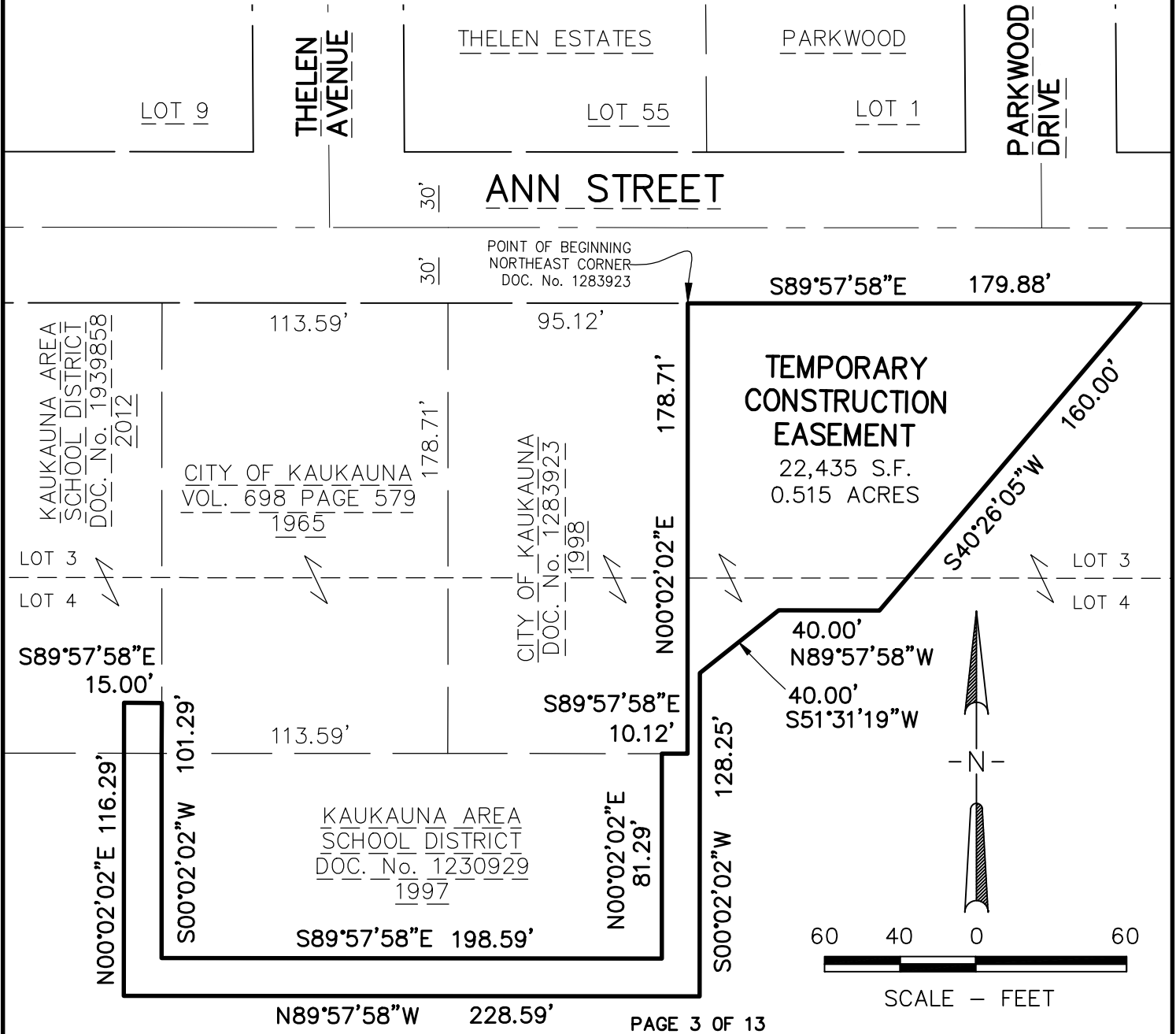
This instrument was drafted by: David W. Johnson, McMahon Associates Inc.
Project No. K0006 092200683.04

EXHIBIT A

MAP & LEGAL DESCRIPTION OF A TEMPORARY CONSTRUCTION EASEMENT FOR A STORMWATER FACILITY

A PART OF LANDS DESCRIBED IN DOCUMENT No's. 1939858 & 1230929 ALL BEING. PART OF LOTS 3 AND 4 OF BRILL AND SCHUBRINGS PLAT, AS RECORDED IN VOLUME 2 OF PLATS ON PAGE 14, LOCATED IN GOVERNMENT LOTS 2 AND 3, SECTION 23, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 22,435 SQUARE FEET (0.515 ACRES) OF LAND, BEING MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast corner of said Document No. 1283923 at the South right-of-way line of Ann Street; thence S89°57'58"E, 179.88 feet along the South right-of-way line of Ann Street; thence S40°26'05"W, 160.00 feet; thence N89°57'58"W, 40.00 feet; thence S51°31'19"W, 40.00 feet; thence S00°02'02"W, 128.25 feet; thence N89°57'58"W, 228.59 feet; thence N00°02'02"E, 116.29 feet; thence S89°57'58"E, 15.00 feet to the East line of lands described in Document No. 1939858; thence S00°02'02"W, 101.29 feet along said East line and its Southerly extension; thence S89°57'58"E, 198.59 feet; thence N00°02'02"E, 81.29 feet to the South line of lands described in Document No. 1283923; thence S89°57'58"E, 10.12 feet along said South line to the Southeast corner thereof; thence N00°02'02"E, 178.71 feet along the East line of said Document No. 1283923 to the Point of Beginning.



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McMAHON
ENGINEERS ARCHITECTS

Project No. K0006 092200683.04 Date MAY, 2023 Scale 1"=60'

Drawn By DWJ Field Book Page

1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284

File No.

**Permanent Storm Sewer
Easement**

Document Number

For good and sufficient consideration, the sufficiency and receipt of which are hereby acknowledged, the undersigned City of Kaukauna, A municipal Corporation (herein "Owner") of the property legally described below, hereby grants a Storm Sewer Easement over a portion of the Owners property to the City of Kaukauna (herein "City") as described and portrayed on attached Exhibit A:

Description of "Owner" lands:

A part of Lots Three (3) and Four (4), Brill and Schubring's Plat, City of Kaukauna, Outagamie County, Wisconsin, containing 19,852 square feet of land and described as follows: Commencing at the Northwest corner of Lot 9, Block 2, South Park No.2 (A Recorded Subdivision): thence N00-39-30E, 30.00 feet to the centerline of Ann Street; thence N89-55-30W, 565.73 feet along said centerline to the point of beginning; thence continuing N89-55-30W, 95.12 feet along said centerline to the Northeast corner of lands described in Volume 698 of Deeds on Page 579; thence S00-04-30W, 208.71. feet along the East line of said described lands to the Southeast corner thereof; thence S89-55-30E, 95.12 feet; thence N00-04-30E, 208.71 feet to the point of beginning. Subject to all easements and restrictions of record. This parcel is to be combined with lands owned by Kaukauna Electric and Water Department to the West of and adjacent to the above described parcel. This parcel is to remain with said lands and cannot be sold separately.

Return to: McMahon Associates Inc.
c/o Doug E. Woelz, P.L.S.
1445 McMahon Drive Neenah, WI 54956
P.O. Box 1025 Neenah, WI 54957-1025
PIN 323111200

Permanent Storm Sewer Easement: A permanent Storm Sewer Easement is granted by Owner to the City for the installation and maintenance of underground utilities, pipes, and/or drainage structures, and above ground or underground appurtenances for storm water drainage purposes, including the additional right, but not limited to the additional right, to make repairs and replacements thereof in the future. This Easement area is legally described and portrayed on attached **Exhibit A** and is granted over a portion of the Owner lands described above.

Easement Property Usage: The undersigned Owner remains free to use that portion of the Easement properties as described and portrayed on Exhibit A not occupied by the City for purposes which do not interfere with present or future usage of Easement rights granted to the City herein. Any such present or future uses by Owner which interfere with present or future uses by City shall be removed, temporarily or permanently as reasonably necessary, by the Owner to the extent necessary to facilitate use of the Easement property by the City as authorized herein.

Restoration: The City shall restore the surface of the ground in the Easement area to the extent reasonably practical to the condition that existed prior to performing and installations, maintenance, repairs and replacements of the utilities in the easement property. However, the City is not required to restore or replace any improvements of the Owner constructed within any present or future easement area.

Burdened Property and Persons Bound: This Easement shall be a burden upon the properties described above, and binding upon the Owner and Owner heirs, successors and assigns in the future which hold or acquire and interest in these properties.

Recording: This Easement shall be recorded with the Register of Deeds for Outagamie County by the City.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed this ____ day of _____, 20____.

City of Kaukauna

By: _____
Mayor
Anthony J. Penterman

Clerk
Sally Kenney

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me this _____ day of _____, 20____, the above-named, _____, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission is/expires _____

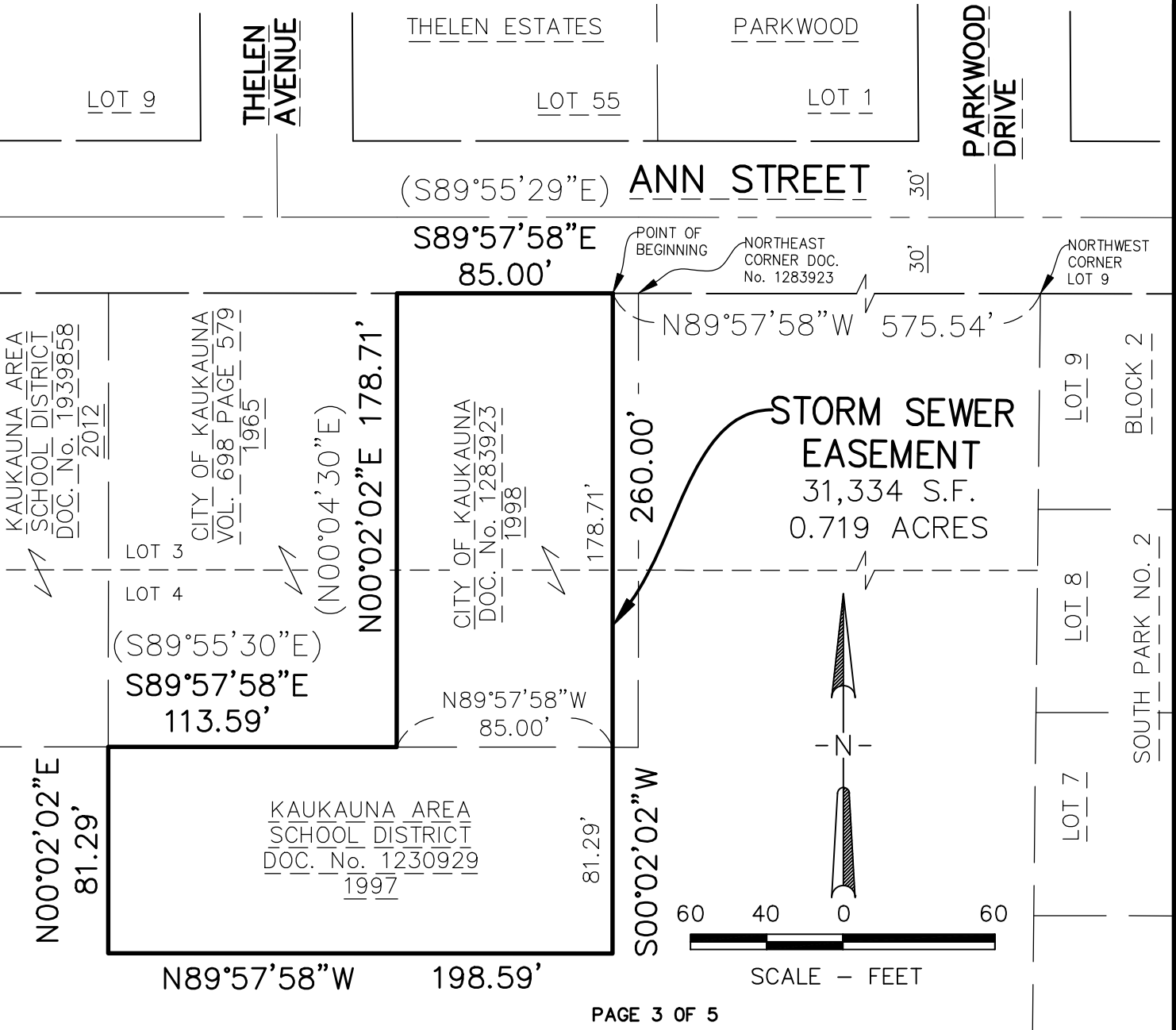
This instrument was drafted by: David Johnson, McMahon Associates, Inc.
Project. No. K0006 092200683.04

EXHIBIT A

MAP & LEGAL DESCRIPTION OF A STORM SEWER EASEMENT

PART OF LOTS 3 AND 4 OF BRILL AND SCHUBRINGS PLAT, AS RECORDED IN VOLUME 2 OF PLATS ON PAGE 14, LOCATED IN GOVERNMENT LOTS 2 AND 3, SECTION 23, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 31,334 SQUARE FEET (0.719 ACRES) OF LAND, BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest corner of Lot 9, Block 2 of South Park No. 2 (a recorded Subdivision), Recorded as Document No. 575197; thence N89°57'58"W, 575.54 feet along the South right-of-way line of Ann Street to the Point of Beginning; thence S00°02'02"W, 260.00 feet; thence N89°57'58"W, 198.59 feet; thence N00°02'02"E, 81.29 feet to the Southwest corner of lands described in Volume 698 of Deeds on Page 579; thence S89°57'58"E, 113.59 feet along the South line thereof to the Southwest corner of lands described in Document No. 1283923; thence N00°02'02"E, 178.71 feet along the West line of said described lands to the South right-of-way line of said Ann Street; thence S89°57'58"E, 85.00 feet along said South right-of-way line to the Point of Beginning.



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ENGINEERS ARCHITECTS

Project No. K0006 092200683.04 Date MAY, 2023 Scale 1"=60'

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1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284

File No.

**20' Wide Permanent Storm Sewer
Easement**

Document Number

For good and sufficient consideration, the sufficiency and receipt of which are hereby acknowledged, the undersigned City of Kaukauna, A municipal Corporation (herein "Owner") of the property legally described below, hereby grants a Storm Sewer Easement over a portion of the Owners property to the City of Kaukauna (herein "City") as described and portrayed on attached Exhibit A:

Description of "Owner" lands:

A part of Lots Three (3) and Four (4), Brill and Schubring's Plat, City of Kaukauna, Outagamie County, Wisconsin, containing 19,852 square feet of land and described as follows: Commencing at the Northwest corner of Lot 9, Block 2, South Park No.2 (A Recorded Subdivision): thence N00-39-30E, 30.00 feet to the centerline of Ann Street; thence N89-55-30W, 565.73 feet along said centerline to the point of beginning; thence continuing N89-55-30W, 95.12 feet along said centerline to the Northeast corner of lands described in Volume 698 of Deeds on Page 579; thence S00-04-30W, 208.71 feet along the East line of said described lands to the Southeast corner thereof; thence S89-55-30E, 95.12 feet; thence N00-04-30E, 208.71 feet to the point of beginning. Subject to all easements and restrictions of record. This parcel is to be combined with lands owned by Kaukauna Electric and Water Department to the West of and adjacent to the above described parcel. This parcel is to remain with said lands and cannot be sold separately.

Return to: McMahon Associates Inc.
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1445 McMahon Drive Neenah, WI 54956
P.O. Box 1025 Neenah, WI 54957-1025
PIN 323111200

Permanent Storm Sewer Easement: A permanent Storm Sewer Easement is granted by Owner to the City for the installation and maintenance of underground utilities, pipes, and/or drainage structures, and above ground or underground appurtenances for storm water drainage purposes, including the additional right, but not limited to the additional right, to make repairs and replacements thereof in the future. This Easement area is legally described and portrayed on attached **Exhibit A** and is granted over a portion of the Owner lands described above.

Easement Property Usage: The undersigned Owner remains free to use that portion of the Easement properties as described and portrayed on Exhibit A not occupied by the City for purposes which do not interfere with present or future usage of Easement rights granted to the City herein. Any such present or future uses by Owner which interfere with present or future uses by City shall be removed, temporarily or permanently as reasonably necessary, by the Owner to the extent necessary to facilitate use of the Easement property by the City as authorized herein.

Restoration: The City shall restore the surface of the ground in the Easement area to the extent reasonably practical to the condition that existed prior to performing and installations, maintenance, repairs and replacements of the utilities in the easement property. However, the City is not required to restore or replace any improvements of the Owner constructed within any present or future easement area.

Burdened Property and Persons Bound: This Easement shall be a burden upon the properties described above, and binding upon the Owner and Owner heirs, successors and assigns in the future which hold or acquire and interest in these properties.

Recording: This Easement shall be recorded with the Register of Deeds for Outagamie County by the City.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed this ____ day of _____, 20____.

City of Kaukauna

By: _____
Mayor
Anthony J. Penterman

Clerk
Sally Kenney

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me this _____ day of _____, 20____, the above-named, _____, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission is/expires _____

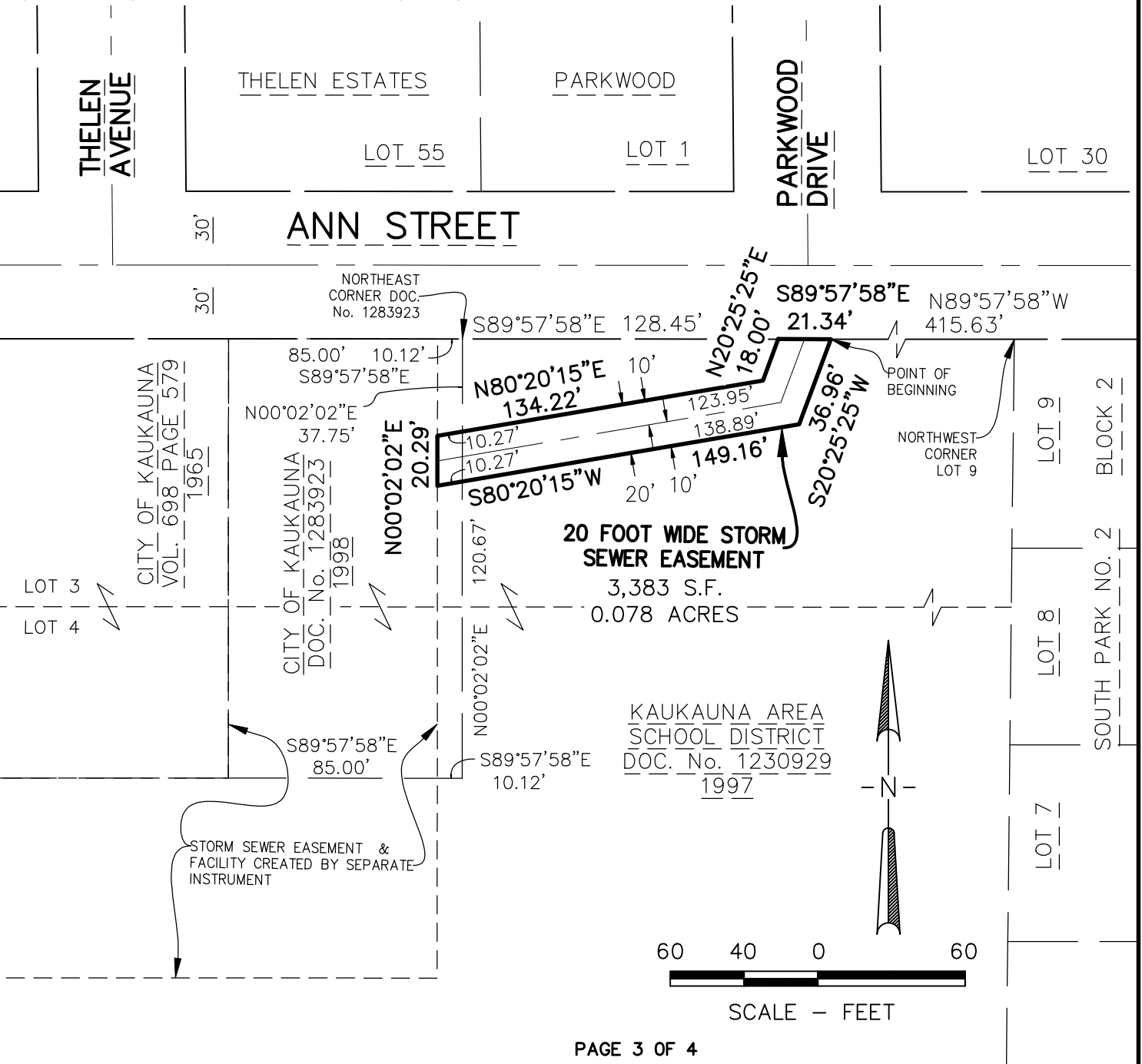
This instrument was drafted by: David Johnson, McMahon Associates, Inc.
Project. No. K0006 092200683.04

EXHIBIT A

MAP & LEGAL DESCRIPTION OF A 20 FOOT WIDE STORM SEWER EASEMENT

PART OF LOT 3 OF BRILL AND SCHUBRINGS PLAT, AS RECORDED IN VOLUME 2 OF PLATS ON PAGE 14, LOCATED IN GOVERNMENT LOT 2, SECTION 23, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 3,383 SQUARE FEET (0.078 ACRES) OF LAND, BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest corner of Lot 9, Block 2 of South Park No. 2 (a recorded Subdivision), Recorded as Document No. 575197; thence N89°57'58"W, 415.63 feet along the South right-of-way line of Ann Street to the Point of Beginning; thence S20°25'25"W, 36.96 feet; thence S80°20'15"W, 149.16 feet; thence N00°02'02"E, 20.29 feet; thence N80°20'15"E, 134.22 feet; thence N20°25'25"E, 18.00 feet to the South right-of-way line of said Ann Street; thence S89°57'58"E, 21.34 feet along said South right-of-way line to the Point of Beginning.



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McMAHON
ENGINEERS ARCHITECTS

Project No. K0006 092200683.04 Date MAY, 2023 Scale 1"=60'

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File No.