



DEPARTMENT OF
**PUBLIC
WORKS**

MEMORANDUM

Date: 07/16/2024
To: Municipal Services Committee
From: Pete Neuberger, Deputy Director of Public Works
Mark Lahay, Assistant City Engineer
Subject: Approve Utility Easement Release of Rights for I-41 Project Water Main Relocation

This request is related to the Ballard Road / I-41 interchange project scheduled for 2025 construction. Currently, the City has a water main within an easement just outside of the DOT's right of way along I-41. This water main needs to be relocated due to the widening of I-41 and Ballard Road. The City will be reimbursed by the DOT for this water main relocation.

The new location for the relocated water main will be just inside the DOT's new right of way. Because the DOT's new right of way will encompass the area where the City has an easement, the City needs to release the rights to this easement.

The Department of Public Works requests approval for City signature of the three attached WisDOT documents, (DT2216, DT1660, DT1661) to continue with the water main relocation process and WisDOT reimbursement.

TEMPORARY CONSTRUCTION EASEMENT

Wisconsin Department of Transportation
DT2216 7/2017 s.84.09(1) Wis. Stats.

City of Appleton, Grantor, which has an interest in the lands described below, grants to the Wisconsin Department of Transportation, Grantee, the right and permission to occupy Grantor's easement area for highway improvement purposes, which may include but are not limited to: 1) Constructing slopes and drainage facilities on the following described lands, including the right to operate necessary equipment thereon; 2) 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 desirable to prevent erosion of the soil, provided such activities are consistent with the rights held by the Grantor under its easement.

Legal Description:
SEE ATTACHED

This Temporary Construction Easement establishes the right of Grantee to occupy lands on which Grantor has easement interests. However, Grantor reserves to itself the right to continue to use said easement area with its present and future overhead and/or underground facilities in a manner which is consistent with this grant, and further, that the costs of any relocation or alteration of any facilities of Grantor required by Grantee to accomplish its work, now or in the future, will be paid by Grantee.

This Temporary Construction Easement shall terminate upon completion of Construction Project No. 1130-65-76 for which this instrument is given.

The Grantor has an easement or prescriptive right and therefore grants this Temporary Construction Easement as a holder of a property interest and not as a property owner.

The Grantor's easement is recorded as SEE ATTACHED in the OUTAGAMIE County Register of Deeds Office or exists by prescriptive rights as defined by Section 893.28 Wisconsin Statutes.

The undersigned certify that this instrument is executed with the full right, power and authority to do so on behalf of GRANTOR.

City of Appleton

(Grantor Name)

(Signature)

(Date)

(Title)

(Print Name)

(Signature)

(Date)

(Title)

(Print Name)

**Temporary Construction Easement
Legal Description**

All that part of the lands subject to the Grantor's easements or interests included in lands acquired for the improvement of IH 41 by the Grantee in:

Parcel(s) 185 of transportation project plat 1130-63-21-4.18 Amendment No. 1, recorded as document #2310893 recorded in Outagamie County, Wisconsin.

Parcel Number	Interest/Right Document Number	Parcel Identification Number/Tax Key Number
185	2124391, 932337	311600400

CONVEYANCE OF RIGHTS IN LAND (Non-Fee Land Interests)

Wisconsin Department of Transportation
Exempt from-filing transfer form s.77.21(1) Wis. Stats.
DT1660 01/2022 s.84.09(1) Wis. Stats.

City of Appleton, GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, grants and conveys any and all rights and interest which, by virtue of prior title, easement, license, or other legal devices, GRANTOR holds in the land described below to the State of Wisconsin, Department of Transportation, GRANTEE, for the purposes of constructing, operating, and maintaining a public highway and appurtenant facilities on, over, under, or across the said land; provided, however that GRANTOR reserves to itself the subordinate right to cross, traverse, or otherwise occupy said land with its present and future overhead or underground transmission lines, appurtenant facilities, and supporting structures in a manner consistent with the purposes of this conveyance and in a manner which will not interfere with normal highway maintenance and operation; provided, further, that the costs of any relocation or alteration, now or in the future, of the transmission lines, appurtenant facilities, or supporting structures when required by the GRANTEE for any reason, including accommodating future expanded or additional highway facilities on, over, under or across said land, will be paid by the GRANTEE; provided, however, that the costs of such relocation or alteration, or of the installation of new or additional facilities when done at the instance of and for the purposes of the GRANTOR, will be defrayed by the GRANTOR.

This conveyance shall be binding on the GRANTOR, GRANTEE, and their respective successors and assigns.

Other persons having an interest in record in the property: None

This space is reserved for recording data

Return to
Division of Transportation System Development
Northeast Region
Utility Unit
944 Vanderperren Way
Green Bay WI 54304-5344

Parcel Identification Number/Tax Key Number
See attached

Legal Description

See attached

The undersigned certify that this instrument is executed with the full right, power and authority to do so on behalf of Grantor.

Acknowledgement

City of Appleton

(Grantor Name)

(Signature)

(Title)

(Print Name)

(Signature)

(Title)

(Print Name)

(Date)

State of _____)
) ss.
_____ County)

On the above date, this instrument was acknowledged before me by the named person(s).

The signer was: _____ Physically in my presence. OR
_____ In my presence involving the use of communication technology.

(Signature, Notary Public)

(Print or Type Name, Notary Public)

(Date Commission Expires)

Conveyance of Rights in Land Legal Description

All that part of the lands subject to the Grantor's easements or interests included in lands acquired for the improvement of IH 41 by the Grantee in:

Parcel(s) 191 of transportation project plat 1130-63-21-4.19, recorded as document #2305125 recorded in Outagamie County, Wisconsin.

Parcel Number	Interest/Right Document Number	Parcel Identification Number/Tax Key Number
191	1583186, 1613103	311660100

QUIT CLAIM DEED By Utility (Non-Fee Land Interests)

Wisconsin Department of Transportation
Exempt from-filing transfer form s.77.21(1) Wis. Stats.
DT1661 9/2020 s.84.09(1) Wis. Stats.

THIS DEED, made by **City of Appleton**, GRANTOR, a utility authorized to transact business in the State of Wisconsin, quit claims to the State of Wisconsin, Department of Transportation, GRANTEE, all of its title, rights, or interests in and to the lands described, reserving to itself the ownership and title of its facilities or personalities occupying the described lands, and which the GRANTOR, at its own cost and expense will remove from the lands, or will so relocate, change, or alter that they will not interfere with or be interfered with by the normal operation and maintenance of a public highway on the described lands, for the sum of One Dollar (\$1.00) and other good and valuable consideration.

Other persons having an interest in record in the property: NONE

Legal Description
SEE ATTACHED

This space is reserved for recording data

Return to
Division of Transportation System Development
Northeast Region
Utility Unit
944 Vanderperren Way
Green Bay WI 54304-5344

Parcel Identification Number/Tax Key Number
SEE ATTACHED

GRANTOR, a utility organized and existing under the laws of the State of WISCONSIN with its principal place of business at 1900 GRAND CHUTE BOULEVARD, CITY OF APPLETON County of OUTAGAMIE State of WISCONSIN.

The undersigned certify that this instrument is executed with the full right, power and authority to do so on behalf of GRANTOR.

Acknowledgement

City of Appleton

(Grantor Name)

(Signature)

(Title)

(Print Name)

(Signature)

(Title)

(Print Name)

(Date)
State of _____)
_____) ss.
_____ County)
On the above date, this instrument was acknowledged before me by the named person(s).
The signer was: _____ Physically in my presence. OR
_____ In my presence involving the use of communication technology.

(Signature, Notary Public)

(Print or Type Name, Notary Public)

(Date Commission Expires)

**Quit Claim Deed
Legal Description**

All that part of the lands subject to the Grantor's easements or interests included in lands acquired for the improvement of IH 41 by the Grantee in:

Parcel(s) 180, 185 of transportation project plat 1130-63-21-4.18 Amendment No. 1, recorded as document #2310893 recorded in Outagamie County, Wisconsin.

Parcel Number	Interest/Right Document Number	Parcel Identification Number/Tax Key Number
180	932337	311600800
185	2124391, 932337	311600400