

AGREEMENT

This Agreement is being made by and between the City of Appleton, Wisconsin, a Wisconsin municipal corporation (hereinafter "the City") and ARBB Farm, LLC, (hereinafter "ARBB").

WHEREAS, ARBB is the owner of certain property located in the city of Appleton, and

WHEREAS, ARBB desires to develop certain property they own near the area of Spartan Drive, and

WHEREAS, the City of Appleton will construct Spartan Drive and a sanitary lift station, and ARBB wishes the City of Appleton to so construct Spartan Drive and lift station, and

NOW, THEREFORE, the parties agree as follows:

1. The recitals are incorporated herein by reference as if fully set forth.
2. ARBB agrees to dedicate to the City of Appleton for roadway and sanitary lift station purposes, property within the city of Appleton, as described in Exhibit A.
3. The City wishes to accept ARBB's dedication of the above parcels.
4. The City agrees that the City will be responsible for the construction and installation of storm sewer, sanitary sewer, and water main, within the right-of-way of Spartan Drive.
5. That the City shall be responsible for the costs associated with grading, graveling and paving of Spartan Drive to Richmond Street a/k/a State Highway 47 as depicted on the attached Exhibit C and these costs shall not be assessed to ARBB by the City of Appleton.
6. That the properties adjacent to Spartan Drive shall not be assessed by the City of Appleton for any costs for the installation of sanitary sewer, storm sewer, or water main infrastructure within the right-of-way of Spartan Drive.
7. That ARBB shall:
 - a. provide an easement for the sanitary forcemain at no cost to the City (shown as "1" on Exhibit "B" attached hereto);
 - b. dedicate the right-of-way for Spartan Drive and land necessary for the sanitary lift station at no cost to the City (shown as "2" on Exhibit "B" attached hereto);
 - c. provide an easement for construction, ingress and egress at no cost to the City (shown as "3" on Exhibit "B" attached hereto);

City of Appleton

By: _____
Timothy M. Hanna, Mayor

By: _____
Kami Scofield, City Clerk

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me on this ____ day of _____, 2016, the above-named Timothy M. Hanna and Kami Scofield, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

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

Provision has been made to pay the liability that will accrue under this contract.

Approved as to Form:

Anthony D. Saucerman, Director of Finance

James P. Walsh, City Attorney

This instrument was drafted by:
James P. Walsh, Appleton City Attorney
J:\Attorney\WORD\Agreements (General)\
SPARTAN DRIVE - Agm with Pat Hietpas - FINAL - 02-25-16.doc

EASEMENT AGREEMENT

For and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, ARBB Farm, LLC, a Wisconsin Limited Liability Company, as owner (Grantor) does hereby grant to the City of Appleton ("Grantee") a utility easement, City infrastructure easement and an ingress egress access easement upon, within and beneath a portion of grantor's land and being further described below.

See Exhibit "A" for a property description, terms and conditions. See Exhibit "B" for Map, all attached hereto and incorporated herein by reference.

Record and return to:
City of Appleton -- City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key No.: 101008900 and 31-6-6000-00

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

of _____, 2016.

ARBB Farm, LLC, a Wisconsin Limited Liability Company

By _____

By _____

Printed Name _____

Printed Name _____

Title _____

Title _____

STATE OF WISCONSIN)

)ss

OUTAGAMIE COUNTY)

Personally came before me this ____ day of _____, 2016, 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 expires _____

EXHIBIT "A"

AREA "1" (SEE EXHIBIT "B") = SANITARY SEWER FORCE MAIN EASEMENT

It is agreed that the Grantor, its lessees, successors, heirs or assigns (hereinafter referred to as "Grantor"), shall have full use and enjoyment of the property referenced below provided that such use does not interfere with Grantee's right to install, replace, operate, maintain, repair and relocate a sanitary sewer force main. It is further agreed that after installing, replacing, operating, maintaining, repairing or relocating of said sanitary sewer force main Grantee shall restore said property, as closely as possible, to the condition previously existing, and Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said installation, replacement, operation, maintenance, repair or relocation of said sanitary sewer force main. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. This easement includes the right of access and to operate any and all necessary equipment thereon. This easement is intended to be temporary and the Grantee agrees to release any and all interest in said property upon the installation of a permanent sanitary sewer force main within future Sommers Drive.

The servient property is described as: Lot 1 of Certified Survey Map No. 4225, located in and being a part of the North ½ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton and the Town of Grand Chute, Outagamie County, Wisconsin. Town of Grand Chute Tax parcel 101008900 and City of Appleton Tax Parcel 31-6-6000-00.

The easement is described as: All those lands of the owner within the following described traverse: Being a part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 0.2138 Acres of land m/l and described as follows:

Commencing at the most North and East line of Haymeadow Avenue as dedicated by the FIRST ADDITION TO CLEARWATER CREEK PLAT;

Thence South 89°43'49" West 60.00 feet, along a North line of said Plat to the West line of Haymeadow Avenue;

Thence South 00°15'15" West 44.75 feet along the West line of Haymeadow Avenue;

Thence North 89°44'45" West 151.99 feet to the point of beginning;

Thence continue North 89°44'45" West 3.32 feet;

Thence North 55°08'53" West 468.88 feet;

Thence North 34°51'07" East 20.00 feet;

Thence South 55°08'53" East 459.11 feet;

Thence South 00°15'15" West 22.01 feet to the Point of Beginning.

AREA "2" (SEE EXHIBIT "B") = SANITARY SEWER, STORM SEWER, WATERMAIN, LIFT STATION AND CITY STREET EASEMENT

It is agreed that the Grantor, its lessees, successors, heirs or assigns (hereinafter referred to as "Grantor"), shall have full use and enjoyment of the property referenced below provided that such use does not interfere with Grantee's right to install, replace, operate, maintain, repair and relocate the above described City utilities or infrastructure improvements. It is further agreed that after installing, replacing, operating, maintaining, repairing or relocating of said City utilities or infrastructure improvements Grantee shall restore said property, as closely as possible, to the condition previously existing, and Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said installation, replacement, operation, maintenance, repair or relocation of said City utilities or infrastructure improvements. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. This easement includes the right of access and to operate any and all necessary equipment thereon. This area is intended to be a permanent easement until such time mutually agreeable terms are reached for the Grantee to become the fee owner of the below described easement area.

The servient property is described as: Lot 1 of Certified Survey Map No. 4225, located in and being a part of the North ½ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton and the Town of Grand Chute, Outagamie County, Wisconsin. Town of Grand Chute Tax parcel 101008900 and City of Appleton Tax Parcel 31-6-6000-00.

The easement is described as: All those lands of the owner within the following described traverse: Being a part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the North ½ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 3.6910 Acres of land m/l and described as follows:

Commencing at the most North and East line of Haymeadow Avenue as dedicated by the FIRST ADDITION TO CLEARWATER CREEK PLAT;

Thence South 89°43'49" West 60.00 feet, along a North line of said Plat to the West line of Haymeadow Avenue;

APPROVED AS TO FORM: James P. Walsh, City Attorney

Drafted by: James P. Walsh, City Attorney

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EXHIBIT "A"

Thence South 00°15'15" West 44.75 feet along the West line of Haymeadow Avenue;
Thence North 89°44'45" West 155.31 feet;
Thence North 55°08'53" West 468.88 feet to the point of beginning;
Thence South 34°51'07" West 2.41 feet;
Thence Southwesterly 427.41 feet along the arc of a curve to the right having a radius of 440.00 feet and the chord of which bears South 62°40'48" West 410.80 feet;
Thence North 89°29'31" West 650.73 feet;
Thence North 01°23'56" East 80.01 feet;
Thence South 89°29'31" East 583.86 feet;
Thence North 00°26'53" East 134.66 feet;
Thence South 89°33'07" East 164.54 feet;
Thence South 23°16'01" East 114.12 feet;
Thence Northeasterly 200.70 feet along the arc of a curve to the left having a radius of 360.00 feet and the chord of which bears North 50°49'24" East 198.11 feet;
Thence North 34°51'07" East 433.79 feet;
Thence Northeasterly 270.26 feet along the arc of a curve to the right having a radius of 440.00 feet and the chord of which bears North 52°26'55" East 266.03 feet;
Thence South 00°15'15" West 86.57 feet;
Thence Southwesterly 191.18 feet along the arc of a curve to the left having a radius of 360.00 feet and the chord of which bears South 50°03'57" West 188.94 feet;
Thence South 34°51'07" West 431.38 feet to the Point of Beginning.

AREA "3" (SEE EXHIBIT "B") = INGRESS, EGRESS ACCESS AND CONSTRUCTION EASEMENT

It is agreed that the Grantor, its lessees, successors, heirs or assigns (hereinafter referred to as "Grantor"), shall have full use and enjoyment of the property referenced below provided that such use does not interfere with Grantee's right of ingress and egress across said lands. It is further agreed that the Grantee shall have the right to operate all equipment deemed necessary by Grantee on the described property for the purpose of facilitating the construction of City infrastructure including the storage of construction equipment and supplies and also any necessary grading or filling. It is further agreed that after accessing said property Grantee shall restore said property, as closely as practicable, to the condition previously existing, and Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from accessing said property. The described easement area is intended to be a temporary easement and Grantee shall release all rights in the described easement area upon the completion of the proposed City infrastructure projects.

The servient property is described as: Lot 1 of Certified Survey Map No. 4225, located in and being a part of the North $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, City of Appleton and the Town of Grand Chute, Outagamie County, Wisconsin. Town of Grand Chute Tax parcel 101008900 and City of Appleton Tax Parcel 31-6-6000-00.

The easement is described as: All those lands of the owner within the following described traverse: Being a part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1.0357 Acres of land m/l and described as follows:

Commencing at the most North and East line of Haymeadow Avenue as dedicated by the FIRST ADDITION TO CLEARWATER CREEK PLAT;
Thence South 89°43'49" West 60.00 feet, along a North line of said Plat to the West line of Haymeadow Avenue;
Thence South 00°15'15" West 44.75 feet along the West line of Haymeadow Avenue;
Thence North 89°44'45" West 155.31 feet;
Thence North 55°08'53" West 468.88 feet;
Thence South 34°51'07" West 2.41 feet;
Thence Southwesterly 427.41 feet along the arc of a curve to the right having a radius of 440.00 feet and the chord of which bears South 62°40'48" West 410.80 feet;
Thence North 89°29'31" West 650.73 feet;
Thence North 01°23'56" East 80.01 feet;
Thence South 89°29'31" East 248.26 feet to the point of beginning;
Thence North 00°30'29" East 134.31 feet;
Thence South 89°33'07" East 335.46 feet;
Thence South 00°26'53" West 134.66 feet;
Thence North 89°29'31" West 335.60 feet to the point of beginning.

EXHIBIT "A"

AREA "A" (SEE EXHIBIT "B") = INGRESS, EGRESS ACCESS EASEMENT

It is agreed that the Grantor, its lessees, successors, heirs or assigns (hereinafter referred to as "Grantor"), shall have full use and enjoyment of the property referenced below provided that such use does not interfere with Grantee's right of ingress and egress across said lands. It is further agreed that the Grantee shall have the right to operate all equipment deemed necessary by Grantee on the described property for the purpose of facilitating the construction of City infrastructure. It is further agreed that after accessing said property Grantee shall maintain, repair and or restore said property, as closely as practicable, to the condition previously existing, and Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from accessing said property. The described easement area is intended to be a temporary easement and Grantee shall release all rights in the described easement area upon the completion of the proposed City Infrastructure projects.

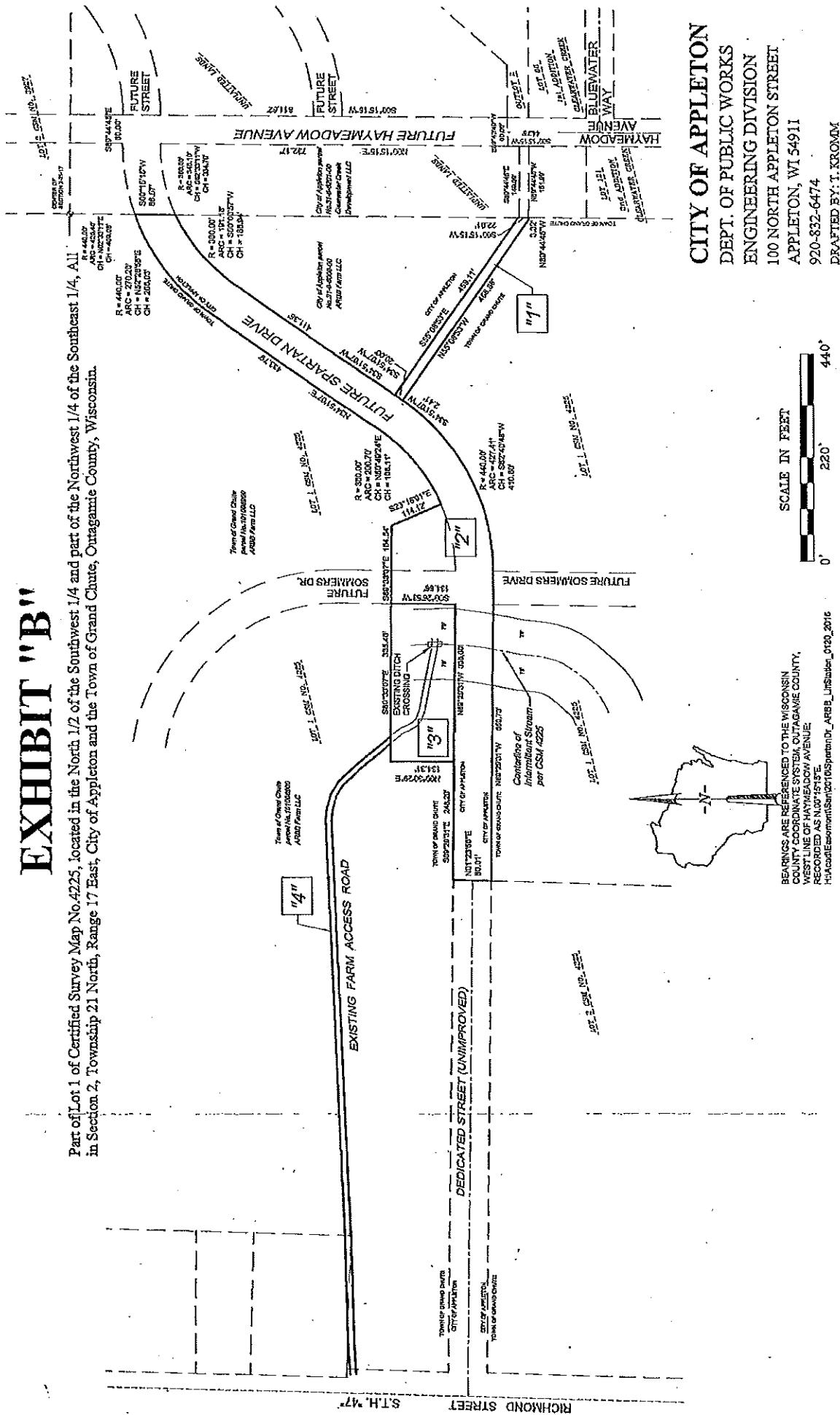
The servient property is described as: Lot 1 of Certified Survey Map No. 4225; located in and being a part of the North ½ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton and the Town of Grand Chute, Outagamie County, Wisconsin. Town of Grand Chute Tax parcel 101008900 and City of Appleton Tax Parcel 31-6-6000-00.

The easement is described as: Part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the North ½ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin and described as follows:

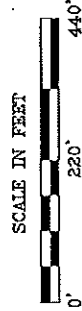
Being a 12 foot m/l wide existing bituminous pavement and or gravel farm access road commencing at the East line of Richmond Street (S.T.H. "47") and traversing in a East Northeast direction and then curving in a Southeasterly direction and hereby terminating at the North line of previously described easement Area "3".

EXHIBIT "B"

Part of Lot 1 of Certified Survey Map No. 4225, located in the North 1/2 of the Southwest 1/4 and part of the Northwest 1/4 of the Southeast 1/4, All in Section 2, Township 21 North, Range 17 East, City of Appleton and the Town of Grand Clute, Outagamie County, Wisconsin.



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM



RECORDS ARE REFERENCED TO THE WISCONSIN COUNTY CORNER SYSTEM, OUTAGAMIE COUNTY, WEST LINE OF HAYMEADOW AVENUE, RECORDED AS N.07°51'57"E. H:\A\cad\Easement\Sun\0210\SpartanDr_AR88_Unshaded_0130_2016

