

1398668

DECLARATION OF EASEMENT FOR PUBLIC UTILITIES

Document Name

RECORDED
February 04, 2016 10:15 AM
SHARON A MARTIN
REGISTER OF DEEDS
WASHINGTON COUNTY, WI
Recording Fee Paid: \$30.00

THIS DECLARATION (the "Declaration") is executed as of February 4th, 2016 by Ziegler/Bence West Bend, LLC (the "Declarant").

WHEREAS, the Declarant is the owner of certain real property located in Washington County, Wisconsin, more particularly described on the attached Exhibit A (the "Property").

WHEREAS, the Property consists of Lot 1 of CSM 6665 ("Lot 1"); Lot 2 of CSM 6665 ("Lot 2"), and Lot 3 of CSM 6665 ("Lot 3")

WHEREAS, portions of Lot 3 are to be set aside for the installation of public utilities for the benefit of Lot 1, Lot 2, and Lot 3, more particularly described on the attached Exhibit B (the "Easement Area").

WHEREAS, the Declarant wishes to create a nonexclusive easement over the Easement Area under the terms of this Declaration.

NOW THEREFORE, The Declarant declares that:

1. Creation of Easement. The Easement Area shall be subject to the following easements, all of which shall be perpetual and nonexclusive:

(a) Utility Easement. A public utility easement for the purposes of permitting public utilities to install, lay, operate, repair, and maintain underground pipes and conduits for water, storm sewer, sanitary sewer, cable television, gas, and electric service in the Easement Area for the benefit of Lot 1, Lot 2, and Lot 3.

2. Owners' Easements. The easements granted under this Declaration shall be appurtenant to and shall pass with the title to Lot 1, Lot 2, and Lot 3.

3. Obligations of Owner of Lot 3. The owner of Lot 3 shall be responsible for enforcing this Declaration, exercising exclusive management and control of the Easement Area, and keeping the Easement Area in good, clean, attractive, and sanitary condition, order, and repair.

4. Covenants Run with Land. All terms and conditions in this Declaration, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by the owners of Lot 1, Lot 2, and Lot 3 and their respective successors and assigns. The easement granted under this Declaration is an easement appurtenant to Lot 1, Lot 2, and Lot 3 and may not be transferred separately from, or severed from, title to the Lot 1, Lot 2, or Lot 3. Furthermore, the benefits of the easements granted hereunder shall not be extended to any properties other than Lot 1, Lot 2, or Lot 3 without the consent of the owners of the fee simple interest of Lot 1, Lot 2, or Lot 3. The owners of Lot 1, Lot 2, and Lot 3 shall cease to have further liability under this Declaration with respect to facts or circumstances first arising after the owner has transferred its fee simple interest in Lot 1, Lot 2, or Lot 3 except, however, for such obligations as accrued during the owner's period of ownership of fee title to Lot 1, Lot 2, or Lot 3.

Recording Area

Name and Return Address

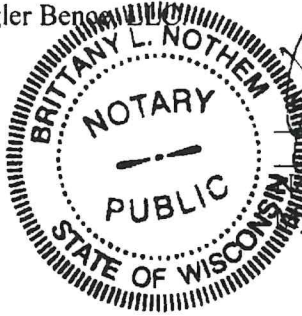
Ziegler Bence West Bend, LLC
5582 County Rd Z
West Bend, WI 53095

Parcel Identification Number (PIN)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
 : ss
COUNTY OF Washington)

This instrument was acknowledged before me on February 4th, 2016 by Todd Bence and JJ Ziegler, members of Ziegler Bence LLC



[Signature]

Brittany Nothem
Notary Public, State of Wisconsin
My commission expires: 6/2/2018

CONSENT OF MORTGAGEE

The undersigned, being the holder of a mortgage against the Property, consents to the grant of the easement set forth above and agrees that its interest in the Property shall be subject to this Declaration.

Dated: FEBRUARY 4TH 2016

By: _____

Paul Heinz

Name: _____

PAUL HEINZ

Title: _____

VP RETAIL UNDERWRITING

ACKNOWLEDGMENT

STATE OF WISCONSIN)
 : ss
COUNTY OF Washington)

This instrument was acknowledged before me on Feb. 4, 2016 by
Paul Heinz, the VP Retail of Westbury Bank
underwriting

Nicole Multerer

Nicole Multerer

Notary Public, State of Wisconsin

My commission expires: 4-28-17

This document was drafted by
Attorney James R. Danaher
Schloemer Law Firm, S.C.
143 S. Main Street, 3rd Floor
West Bend, WI 53095



EXHIBIT A

(Legal description of Property)

LOT 3 OF CERTIFIED SURVEY MAP NO. 6665, BEING A DIVISION OF PART OF LOT 2, BLOCK 1, WINGATE CREEK BUSINESS CENTER, IN THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 11 NORTH, RANGE 20 EAST, IN THE CITY OF WEST BEND, WASHINGTON COUNTY, STATE OF WISCONSIN.

UTILITY AND ACCESS EASEMENT

BEING A PART LOT 1 AND LOT 2 OF THE PROPOSED CERTIFIED SURVEY MAP, WHICH IS A PART OF
OF LOT 2 BLOCK 1, WINGATE CREEK BUSINESS CENTER, IN THE NORTHEAST 1/4 OF SECTION 18,
TOWNSHIP 11 NORTH, RANGE 20 EAST, IN THE CITY OF WEST BEND, WASHINGTON COUNTY, STATE OF
WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

EAST WASHINGTON STREET (S.T.H. "33")

LOT 1
48,888 S.F.
1.122 ACRES

LOT 2
48,265 S.F.
1.108 ACRES

LOT 1
CSM 6080

OUTLOT 1
CSM 6080

PROPOSED
UTILITY AND
ACCESS EASEMENT

LOT 3
512,789 S.F.
11.772 ACRES

GRAPHIC SCALE
0 75 150
(IN FEET)
1 INCH = 150 FT.

N 00°03'00" E 100.04'

S 88°24'11" W 666.57'

N 88°24'11" E 867.18'

S 87°47'09" W 50.00'

N 00°35'25" W 83.79'

N 47°36'42" W 141.62'

S 02°12'51" E 232.66'

N 90°00'00" W 14.65'