

Document No.

EASEMENT AGREEMENT

***The above recording information verifies
this document has been electronically
recorded and returned to the submitter***

IN RE:

A Parcel of Land described as follows:

The NE 1/4 of Section 36, T2N, R15E, located in the Town of
Darien, Walworth County, WI. Excepting the NW 1/4 of the NE
1/4 of Section 36, T2N, R15E.

Tax Parcel ID No. B D 3600001A

Easement Agreement follows.

RETURN TO

Gardiner Koch Weisberg & Wrona
500 Commercial Court
Lake Geneva, WI 53147

Tax Parcel ID B D 3600001A

Instrument drafted by:

Attorney Philip C. Steigerwald
SBN 1116030
Gardiner Koch Weisberg & Wrona
500 Commercial Court
Lake Geneva, WI 53147

EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is made effective as of December 19 2022, by and between James Murphy and Denise Murphy (hereinafter "Murphys") and Jordan Struck and Alyssa Struck (hereinafter "Strucks") (collectively, "Parties").

RECITALS

WHEREAS, the Murphys own a certain parcel of real property located in the Town of Darien, Walworth County, Wisconsin, ("Murphy Property") and more particularly described as follows:

The NE 1/4 of Section 36, T2N, R15E, located in the Town of Darien, Walworth County, WI. Excepting the NW 1/4 of the NE 1/4 of Section 36, T2N, R15E.

Tax Parcel ID No. B D 3600001A

In this Agreement, the term "Murphy Property" shall refer both to the parcel as it currently exists, and to the parcel as it will exist after the subdivision described below.

WHEREAS, the Parties have entered into an agreement ("Purchase Agreement") to purchase a 5-acre portion ("Struck Lot") of the Murphy Property, which portion is described in a proposed certified survey map ("CSM") attached hereto as Addendum A; and

WHEREAS, the purchase of the Struck Lot requires the Murphys to subdivide the Murphy Property; and

WHEREAS, the Struck Lot as described in the CSM does not have access to a public road, and therefore requires a perpetual easement for access and utilities; and

WHEREAS, the Strucks desire to obtain from the Murphys, and the Murphys desire to grant to the Strucks, a certain easement for access and utilities, and grant of use, in, upon, over, and across a portion of the of the Murphy Property, as described and depicted in Addendum B ("Easement Area"), their successors and assigns, all as more fully set forth below.

NOW, THEREFORE, in consideration of the mutual covenants herein set forth as well as other good and valuable consideration, the receipt of which is hereby acknowledged, the following grants, agreements and covenants are made:

1. **Incorporation.** The recitals set forth above are incorporated herein by reference.
2. **Grant of Easement.** The Murphys hereby grant and convey to the Strucks an easement over the Easement Area so as to provide the Strucks with the use of the Easement Area for unobstructed access to the Struck Lot and for the installation and maintenance of utilities.

3. When Effective. This Agreement shall be effective upon the recording of the following documents with the Walworth County Register of Deeds: 1) the CSM attached as Addendum A, duly approved by relevant authorities; and 2) a warranty deed transferring ownership of the Struck Lot from the Murphys to the Strucks. Unless and until both referenced documents have been recorded, this Agreement shall have no effect.

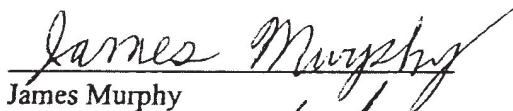
4. Entire Agreement. This Agreement shall constitute the entire agreement between the Parties and any prior understanding or representation of any kind proceeding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

5. Governing Law and Venue. This Agreement shall be governed by, construed and enforced in accordance with the laws in the State of Wisconsin. If any dispute regarding this Agreement is to be litigated, exclusive venue shall be in the Circuit Court for Walworth County.

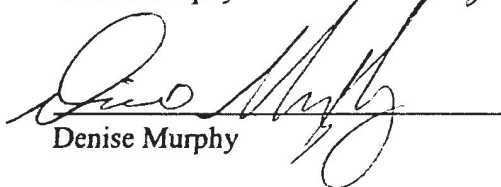
6. Modification. Any modification of this Agreement shall be binding only if evidenced in writing signed by each party or their successor in interest, and recorded with the Walworth County Register of Deeds.

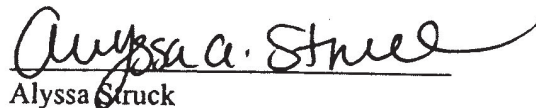
7. Covenants to Run with the Land. The easement created by this Agreement shall run with the land and create an equitable servitude in favor of the Struck Lot, and shall bind every person having any fee, lease hold or other interest in the Murphy Property and shall inure to the benefit of the respective parties and their successors, assigns, heirs, and personal representatives.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first above written.

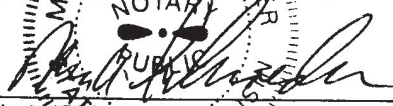

James Murphy


Jordan Struck


Denise Murphy

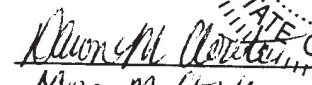

Alyssa Struck

Subscribed and sworn to before me
this 17 day of December, 2022



Mark A. Schroeder
Notary Public, Rock County, WI
My Commission is Permanent.

Subscribed and sworn to before me
this 17 day of December, 2022



Dawn M. Cloute
Notary Public, Jefferson County, WI
My Commission is
permanent/expires: 11-30-2025

ADDENDUM A

FARRIS, HANSEN & ASSOC. INC.

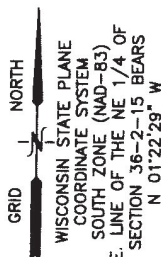
7 RIDGWAY COURT- P.O. BOX 437
ELKHORN, WISCONSIN 53121
PHONE (262) 723-2098
FAX (262) 723-5886

OWNER: JAMES D & DENISE L MURPHY
N2881 ELM RIDGE ROAD
DELAVER, WI 53115

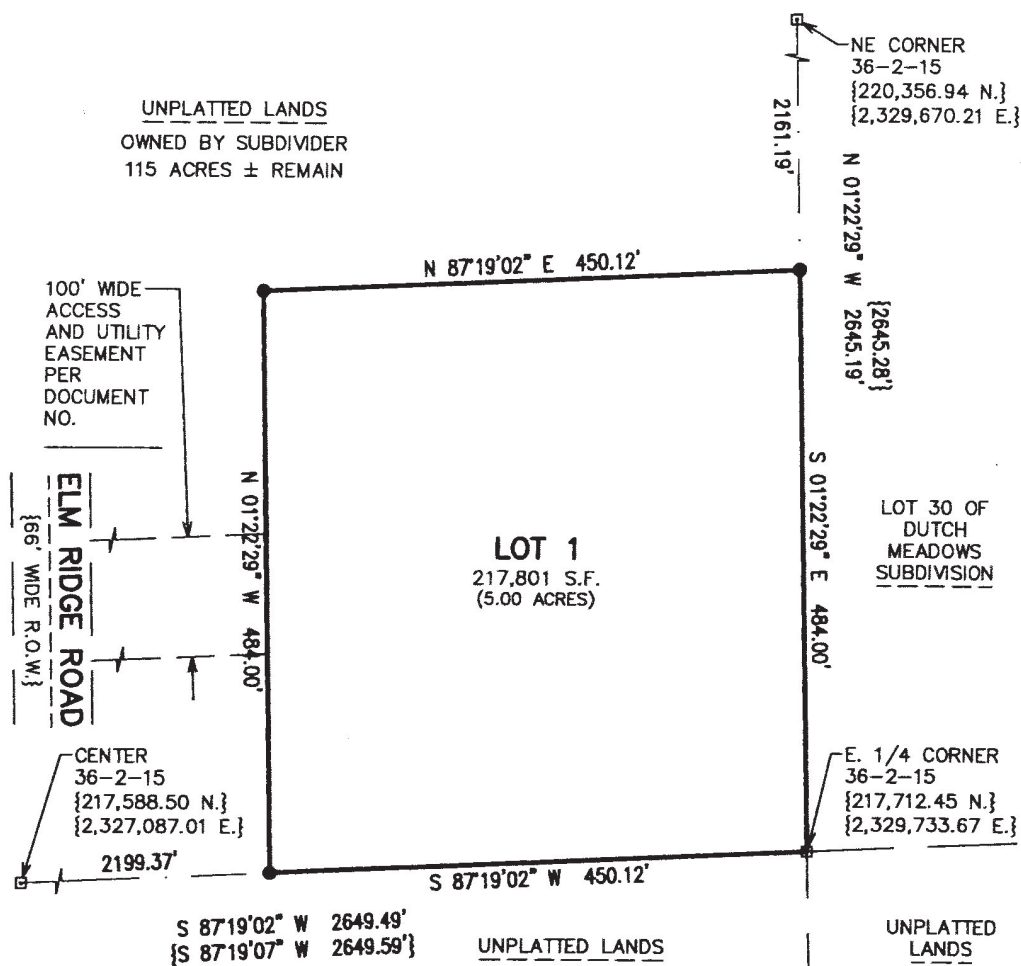
ZONING: C-2

SOILS: CcC2, C1C2, DdB, & ScA

CERTIFIED SURVEY MAP NO. _____



PART OF THE SE 1/4 OF THE NE 1/4 OF
SECTION 36, TOWN 2 NORTH, RANGE 15 EAST,
TOWN OF DARIEN, WALWORTH COUNTY, WISCONSIN

**LEGEND**

- ▣ = FOUND CONCRETE COUNTY MONUMENT WITH BRASS CAP
- = SET IRON REBAR STAKE, 3/4" x 18" x 1.13 lbs/ft
- {XXX} = RECORDED AS

THIS INSTRUMENT DRAFTED
BY CHRISTOPHER A. HODGES
PROJECT: 10783
DATE: 10/27/2022
SHEET 1 OF 3 SHEETS



PART OF THE SE 1/4 OF THE NE 1/4 OF
SECTION 36, TOWN 2 NORTH, RANGE 15 EAST,
TOWN OF DARIEN, WALWORTH COUNTY, WISCONSIN

CERTIFIED SURVEY MAP NO. _____

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT AT THE DIRECTION OF JAMES D AND DENISE L MURPHY, OWNERS, AND IN FULL COMPLIANCE WITH THE PROVISIONS OF SECTION 236.34 OF WISCONSIN STATUTES, THE LAND DIVISION ORDINANCE FOR THE TOWN OF DARIEN AND THE SUBDIVISION CONTROL ORDINANCE, WALWORTH COUNTY, WISCONSIN, I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING DESCRIBED LANDS AND THAT THIS MAP IS A TRUE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND OF THE DIVISION THEREOF TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF:

PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 15 EAST, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE COUNTY MONUMENT FOUND MARKING THE NORTHEAST CORNER OF SECTION 36, TOWN 2 NORTH, RANGE 15 EAST; THENCE ALONG THE EASTERLY BOUNDARY OF THE NORTHEAST 1/4 OF SAID SECTION 36, S 01DEG 22MIN 29SEC E, 2161.19 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE ALONG SAID EASTERLY BOUNDARY, S 01DEG 22MIN 29SEC E, 484 FEET TO A CONCRETE COUNTY MONUMENT FOUND MARKING THE EAST 1/4 CORNER OF SAID SECTION 36; THENCE ALONG THE SOUTHERLY BOUNDARY OF THE NORTHEAST 1/4 OF SAID SECTION 36, S 87DEG 19MIN 02SEC W, 450.12 FEET; THENCE N 01DEG 22MIN 29SEC W, 484.00 FEET; THENCE N 87DEG 19MIN 02SEC E, 450.12 FEET TO THE POINT OF BEGINNING. CONTAINING 217,801 SQUARE FEET (5.00 ACRES) OF LAND, MORE OR LESS.

DATED: OCTOBER 27, 2022

CHRISTOPHER A. HODGES PLS 2760

OWNER'S CERTIFICATE

AS OWNERS WE HEREBY CERTIFY THAT WE HAVE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED ON THE MAP. THIS MAP IS REQUIRED TO BE SUBMITTED TO AND APPROVED BY THE TOWN OF DARIEN, WALWORTH COUNTY, AND THE CITY OF DELAVAN (EXTRATERRITORIAL JURISDICTION).

JAMES D MURPHY OWNER

DATED

DENISE L MURPHY OWNER

DATED

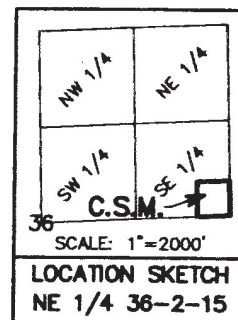
STATE OF _____)
COUNTY OF _____)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2022, THE ABOVE NAMED JAMES D AND DENISE L MURPHY TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC _____

THIS INSTRUMENT DRAFTED
BY CHRISTOPHER A. HODGES
PROJECT: 10763
DATE: 10/28/2022
SHEET 2 OF 3 SHEETS



PART OF THE SE 1/4 OF THE NE 1/4 OF CERTIFIED SURVEY MAP NO. _____
SECTION 36, TOWN 2 NORTH, RANGE 15 EAST,
TOWN OF DARIEN, WALWORTH COUNTY, WISCONSIN

TOWN OF DARIEN APPROVAL

APPROVED BY THE TOWN OF DARIEN, WISCONSIN ON THIS _____ DAY OF _____, 2022.

AUTHORIZED SIGNATURE FOR THE TOWN OF DARIEN

WALWORTH COUNTY APPROVAL

APPROVED BY RESOLUTION OF THE WALWORTH COUNTY ZONING AGENCY THIS _____ DAY OF _____, 2022.

RYAN SIMONS CHAIRMAN

ADDENDUM B

100' INGRESS/EGRESS EASEMENT

BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 16 EAST, TOWN OF DARIEN, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A LIMESTONE COUNTY MONUMENT WITH BRASS CAP AT THE EAST 1/4 CORNER OF SECTION 36, TOWN 2 NORTH, RANGE 16 EAST; THENCE S 87DEG 19MIN 02SEC W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36, 450.12 FEET; THENCE N 01DEG 22MIN 29SEC W, 182.05 FEET TO THE POINT OF BEGINNING; THENCE S 87DEG 19MIN 02SEC W TO THE EAST RIGHT-OF-WAY OF ELM RIDGE ROAD, 841.48 FEET; THENCE N 01DEG 19MIN 57SEC W ALONG SAID RIGHT-OF-WAY, 100.03 FEET; THENCE N 87DEG 19MIN 02SEC E, 841.41 FEET; THENCE S 01DEG 22MIN 29SEC E, 100.03 FEET TO THE POINT OF BEGINNING. CONTAINING 84,144 SQUARE FEET (1.93 ACRES) OF LAND, MORE OR LESS.

