RAILROAD VISION TRIANGLE EASEMENT

Ira N. Oelhafen, Jr. ("Grantor") currently owns property located at the east corner of the intersection of Rail Way and the Wisconsin Central Ltd. ɔad right of way in the Town of West Bend (the "Property").

The City of West Bend ("City") requires a permanent railroad vision le easement over and within a portion of the Property, described as follows Easement Area"):

That part of the NE ¼ of the SE ¼ of Section 36, Township 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin, which is bounded and described as follows.

Commencing at the East Quarter Corner of said Section 36; thence S 88° 48' 31" W, along the north line of said SE ¼ of Section 36, 802.89 feet to the east line of the Canadian National Railroad Right of Way; thence S 03° 55' 50" W, along said east line, 660.48 feet to the POINT OF BEGINNING of the lands herein described, said point being the southwest corner of Outlot 1 of Certified Survey Map No. 6004 as recorded in Volume 44 of "Certified Survey Maps of Washington County" on Page 244 as Document No. 1115922; thence S 03° 55' 50" W, along said east line of the Canadian National Railroad Right of Way, 115.73 feet; thence N 44° 24' 50" E, 158.64 feet; thence N 88° 48' 35" W, along the south line of said Outlot 1, 103.11 feet to the point of beginning. Containing 5960 sq. ft. (0.1368 Ac.) more or less.

Return to:
City of West Bend – Clerk's Office
1115 South Main Street
West Bend, WI 53095

Parcel No.:
T13.0930.900

Grantor hereby grants to the City a permanent railroad vision triangle easement over the Easement Area. This easement ıe purpose of providing a clear, unobstructed view within the sight triangles where Rail Way intersects with the railroad ɔurrently owned by Wisconsin Central, Ltd. in the City of West Bend. This easement grants to City the right to enter the ɐnt Area and to remove any obstructions, including but not limited to earth embankments, within the Easement Area.

No structures or other uses which interfere with the City's use of the easement shall be permitted within the Easement

This easement shall run with the land and will bind all future owners of any interest in the Easement Area.

Nothing in this easement shall change or eliminate the Grantor's statutory obligation to remove brush and trees from ɔment Area as required by Section 195.29(6) of the Wisconsin Statutes.

ıis _____ day of _____, 2006.

_____
Ira N. Oelhafen, Jr.

ACKNOWLEDGMENT

OF WISCONSIN)
) ss.
NGTON COUNTY)

Personally came before me the _____ day of _____ 2006, the above named Ira N. Oelhafen, ɔ me known to be the person who executed the foregoing document and acknowledged the same.

_____
'ublic, State of Wisconsin
mission is Permanent. If not, expiration date is: _____.

ument Drafted by Mary L. Schanning, City Attorney

5/22/06

RESOLUTION NO. _____
2006 - 2007 COMMON COUNCIL

Relocation Order for a Railroad Vision Triangle Easement
Located at the Southeast Corner of the Intersection of Rail Way
and the Wisconsin Central Ltd. Railroad

The Common Council of the City of West Bend, Washington County, Wisconsin do RESOLVE as follows:

1. This Resolution is a Relocation Order in accordance with sec. 32.05(1), Stats., for the purpose of obtaining a vision triangle easement as ordered by the Office of the Commissioner of Railroads and it is also a determination of necessity for the project in accordance with sec. 32.07(2), Stats.

2. The City of West Bend has determined that it is necessary and a public purpose to obtain a permanent railroad vision triangle easement over and within a portion of property described as follows:

   That part of the NE ¼ of the SE ¼ of Section 36, Township 11 North, Range 19 East, Town of West Bend, Washington County, Wisconsin, which is bounded and described as follows.

   Commencing at the East Quarter Corner of said Section 36; thence S 88° 48' 31" W, along the north line of said SE ¼ of Section 36, 802.89 feet to the east line of the Canadian National Railroad Right of Way; thence S 03° 55' 50" W, along said east line, 660.48 feet to the POINT OF BEGINNING of the lands herein described, said point being the southwest corner of Outlot 1 of Certified Survey Map No. 6004 as recorded in Volume 44 of "Certified Survey Maps of Washington County" on Page 244 as Document No. 1115922; thence S 03° 55' 50" W, along said east line of the Canadian National Railroad Right of Way, 115.73 feet; thence N 44° 24' 50" E, 158.64 feet; thence N 88° 48' 35" W, along the south line of said Outlot 1, 103.11 feet to the point of beginning. Containing 5960 sq. ft. (0.1368 Ac.) more or less.

3. The City of West Bend will acquire a permanent railroad vision triangle easement in the area shown on the attached Exhibit A to facilitate the opening and use of a new street to be known as Rail Way.

4. Pursuant to sec. 62.22(4)(d), Stats., it is declared necessary to condemn the property and the City Attorney is directed to prosecute condemnation proceedings therefor.

Passed and approved by four-fifths of the entire Common Council on the _____ day of September, 2006.

Introduced by Ald. _____.

_____
Douglas L. Bade, Mayor

Attest: _____
Barbara A. Barringer, City Clerk

PROPOSED VISION TRIANGLE EASEMENT
OELHAFEN PARCEL

