

AFFIDAVIT OF CORRECTION

AFFIANT, Eric T. Pederson, Professional Surveyor/Land Records Coordinator with the Engineering Division of the City of Madison, on behalf of the City of Madison (the “City”) and based upon my personal knowledge, swears or affirms as follows:

That the document attached hereto as Exhibit A entitled “**Public Sanitary Sewer Easement**” was recorded on the 29th day of November, 1982 in Vol. 4017, pages 47-48, as Document No. 1759625 with the Register of Deeds of Dane County, State of Wisconsin (the “Easement”); and,

That this Easement was granted by **Planned Communities, Inc. (Grantor)**, by its court-appointed receiver, to the **City of Madison (Grantee)**, the City receiving “a perpetual easement and right-of-way for sanitary sewer purposes, including the right of excavation, ingress and egress and to operate the necessary equipment thereon” along with “all right and title to the existing sanitary sewer main trunk line and appurtenances thereon located within the... easement”; and,

That this Easement was meant to allow the City to take over and provide sanitary sewer service to Planned Communities, Inc.’s manufactured home community known as Highland Manor, along with property to the east of Highland Manor known as the Farm Tavern; and,

That this Easement’s legal description, in that it conveyed both an easement and the title to the existing sanitary sewer line, was meant to reflect the location of the sanitary sewer as constructed by Planned Communities, Inc.; and,

That, because the sanitary sewer was constructed underground, and some of the access structures were not visible, the City of Madison Engineering Division recently had the actual sanitary sewer through Highland Manor located; and,

That, upon surveying the as-built location of the sanitary sewer, the City has found that it differs materially from the location described in the Easement, including two access structures and their accompanying pipes that are located outside of the described easement area; and,

Therefore, that the legal description set forth in the Easement is erroneous and the corrected legal description of the sanitary sewer easement granted to the City in Document No. 1759625 is set forth in Exhibit B; and,

That, pursuant to the requirements of Wis. Stat. Sec. 706.085(2)(c), prior to executing and recording this Affidavit of Correction, I have caused notice of this instrument to be sent by 1st class mail to all

RETURN TO: City of Madison Eng. Div.
Eric Pederson
1602 Emil St.
Madison, WI 53713-2362

Tax Parcel Nos.: 251-0710-312-0097-7
251-0710-312-0096-9

parties to the Easement (the City of Madison Clerk, Planned Communities, Inc. and Milo G. Flaten, the court appointed receiver for Planned Communities, Inc. and executor of the Easement) at their last known addresses.

FOR THE CITY OF MADISON

Eric T. Pederson
Professional Surveyor/Land Records Coordinator
City of Madison Engineering Division

Date

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Personally came before me this _____ day of _____, 2013, Eric T. Pederson, Professional Surveyor/Land Records Coordinator for the Engineering Division of the City of Madison, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public Dane County, Wisconsin
My Commission Expires: _____

The execution of this Affidavit of Correction is authorized by Resolution Enactment No. RES-13-XXXXX, File ID No. XXXXX, adopted by the Common Council of the City of Madison on XXXXXX.

This instrument was drafted by the City of Madison City Attorney’s Office.

EXHIBIT A
Public Sanitary Sewer Easement

1759625

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PUBLIC SANITARY SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that PLANNED COMMUNITIES, INC., a Wisconsin corporation, being the owners of the property hereinafter described, in consideration of the sum of ONE DOLLAR (\$1.00), the receipt whereof is hereby acknowledged, and the benefits that will inure to the owners by reason of the proposed sanitary sewer, do grant, set over and convey unto the CITY OF MADISON, a municipal corporation located in Dane County, Wisconsin, its successors and assigns, a perpetual easement and right of way for sanitary sewer purposes, including the right of excavation, ingress and egress and to operate the necessary equipment thereon, on the following described lands:

A twenty (20) foot wide proposed Public Sanitary Sewer Easement across Certified Survey No. 668 as recorded in Volume 3 of Certified Surveys on Page 186, Document Number 1304920, Dane County Registry located in the East ½ of the NW ¼ of Section 31, T7N, R10E, City of Madison, Dane County, Wisconsin, the centerline of which is described as follows:

Commencing at the North ¼ corner of said Section 31, which is also the Northeast corner of said Certified Survey No. 668, thence S00°26'22"W, along the East line of said Certified Survey, 137.83 feet to the point of beginning; thence N78°23'41"W, 222.23 feet; thence S47°05'20"W, 274.87 feet; thence S55°38'07"W, 412.27 feet; thence S60°35'01"W, 197.52 feet; thence S00°06'12"E, 209.04 feet; thence S35°02'07"W, 376.28 feet; thence S16°05'54"W, 320.74 feet; thence S00°20'56"W, 399.51 feet; thence S01°49'38"W, 557.09 feet; thence N89°11'59"W, 44.74 feet to the point of termination of this easement which is on the West line of said Certified Survey and N00°48'01"E, 293.05 feet of the Southwest corner of said Certified Survey.

ALSO, conveyed herein is all rights and title to the existing sanitary sewer main trunk line and appurtenances thereon located within the above described easement.

IN WITNESS WHEREOF, the undersigned hereunto set his hand(s) and seal(s) this 24th day of November, 1982.

Signed in the presence of:

Karen M. Herwig

PLANNED COMMUNITIES, INC.

Milo G. Flaten (SEAL)
Milo G. Flaten
Court Appointed and Duly Authorized
Signatory for Planned Communities, Inc.

STATE OF WISCONSIN)
)ss.
COUNTY OF DANE

Personally came before me this 24th day of November, 1982, the above named Milo G. Flaten, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Karen M. Herwig
Notary Public, State of Wisconsin
My Commission Expires: 10-20-82

This instrument drafted by:
City of Madison
Project Development Unit

6 or less

SUBORDINATION AGREEMENT

Milo G. Flaten, Court-appointed Receiver for Planned Communities, Inc. having been authorized by the Court to execute this Agreement on behalf of the following:

- 1. First Federal Savings and Loan Association of Madison.
- 2. Howard Tilg, L. N. Schweiss, Arthur E. Jacob, L. Raymond Danielski, assignees of the interest of Cudahy Marine Bank in the within described land.
- 3. Fidelity and Deposit Company of Maryland, successors and subrogees to the interests of Central Contracting, Inc. in the within described land.

all parties having an interest in the above-described Public Sanitary Sewer Easement, and acting on behalf of the above interested parties and on his own behalf as Receiver for Planned Communities, Inc., hereby subordinates the interests of the above parties to the Public Sanitary Sewer Easement herein above granted to the City of Madison.

Dated this 29th day of November, 1982.

Karen M. Henning
Witness

Milo G. Flaten
Milo G. Flaten, Court-Appointed Receiver and Duly Authorized Signatory

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Personally came before me this 29th day of November, 1982, the above named Milo G. Flaten, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Karen M. Henning
Notary Public, State of Wisconsin
My Commission expires: 10-30-82

This instrument was drafted by:
Attorney Milo G. Flaten

REGISTER'S OFFICE
DANE COUNTY, WIS. SS
RECORDS SECTION
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GARY S. DANKO
REGISTER OF DEEDS

EXHIBIT B
Corrected Legal Description of Sanitary Sewer Easement

Easement Area: 60,610.04 square feet (1.391 acres)

A twenty (20) foot wide Public Sanitary Sewer Easement across parts of Lots 1, 2, lands dedicated to the public for Raywood Road (later renamed to South Side Way) and lands dedicated to the public for park and greenway purposes, Certified Survey Map No. 668, recorded September 27th, 1971, in Volume 3 of Certified Survey Maps, Page 186-188, as document no. 1304920, being located in the East one-half (1/2) of the Northwest one-quarter (1/4) of Section 31, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, the centerline of which is described as follows:

Commencing at the North $\frac{1}{4}$ corner of said Section 31, which is also the Northeast corner of said Certified Survey Map No. 668, thence South $00^{\circ}50'03''$ West, along the East line of said Certified Survey Map, 131.98 feet, to the **Point of Beginning**; thence North $79^{\circ}27'38''$ West, 221.32 feet; thence South $47^{\circ}31'18''$ West, 274.88 feet; South $56^{\circ}01'46''$ West, 412.33 feet; thence South $61^{\circ}01'12''$ West, 197.29 feet; thence South $00^{\circ}19'53''$ West, 281.10 feet; thence South $42^{\circ}47'37''$ West, 319.73 feet; thence South $16^{\circ}34'08''$ West, 321.04 feet; thence South $00^{\circ}48'20''$ West, 399.78 feet; thence South $00^{\circ}38'33''$ West, 302.38 feet; thence South $00^{\circ}52'11''$ West, 204.98 feet; thence South $17^{\circ}33'58''$ West, 50.91 feet; thence South $89^{\circ}42'19''$ West, 44.75 feet, more or less, to the West line of said Certified Survey Map and the point of termination.

Bearing Basis: WCCS Dane Zone 83 (2007) feet