

## CLAIM FOR RECOVERY OF UNLAWFUL TAXES FOR 2021

To: Ms. Maribeth Witzel-Behl  
 Clerk of the City of Madison  
 City-County Building, Room 103  
 210 Martin Luther King Jr., Blvd.  
 Madison, WI 53703

Please be advised that Real Suite Assets LLC (the "**Owner**"), hereby asserts that the 2021 real estate taxes it timely paid in the amount of \$20,552.58 for the property located at 222 E. Olin Avenue, located in the City of Madison, Dane County, Wisconsin (the "**Property**"), constitutes an unlawful tax under Wis. Stat. § 74.35. There was a clerical error in the description of the property per Wis. Stat. § 74.33(1)(a).

The alleged circumstances giving rise to the claim is that there is an error in the description of the Property in that it includes approximately .294 acres (12,806.64 square feet) located along Olin Avenue that is owned by the Wisconsin Department of Transportation ("WisDOT"). Attached as Exhibit A is an Affidavit from the WisDOT that was provided to the Owner by the City of Madison in June of 2021 setting forth the WisDOT's ownership. Attached as Exhibit B is a survey showing the approximate location of the .294 acres included in the real estate tax description that the Owner does not own.

The amount of the claim is \$1,408.73. This claim is based on the following: \$300,000 value of the land for 2021 multiplied 0.021498 (mill rate) to get the property tax of \$6,449.40 attributable to the 58,404 square feet of land. The \$6,449.40 is then divided by 58,404 to get the property tax per square foot for the land of \$0.11, which was multiplied by 12,806.64, the size of the land mistakenly included in the property taxes, to get \$1,408.73.

Dated this 28 day of January, 2022.

REAL SUITE ASSETS LLC

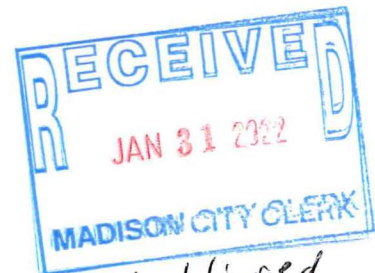
By: 

Robert C. Procter, authorized agent

RECEIVED

JAN 31 2022

Office of City Attorney





Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

Office of General Counsel  
4802 Sheboygan Ave., Rm. 115B  
P.O. Box 7910  
Madison, WI 53707-7910

Telephone: 608-266-8810  
FAX: 608-267-6734  
E-Mail: ogc.exec@dot.state.wi.us

April 20, 2000

The Honorable Moria Krueger  
City-County Building  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703



*Not Sent*

RE: Michael W. and Anne N. O' Brien Revocable Trust v. City of Madison, Case No. 99CV0923

Dear Judge Krueger:

This letter and the attached affidavit are in response to a letter from the Madison City Attorney's Office received by the Department of Transportation on March 22, 2000 notifying the Department that the Court had permitted the State thirty (30) days from receipt of notification to move to join the action.

The Department of Transportation does not intend to join this lawsuit.

The Department believes it owns the property at issue in this litigation. (See attached affidavit). The Department grants permission for the City to lease this property to the plaintiffs pursuant to section 85.15 Wis. Stats.

Copies of this letter and the attached affidavit have been sent to the defendant through the City Attorney's Office and to Vernon Molbreak, counsel for the plaintiffs.

Respectfully,

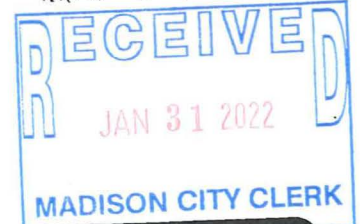
*James S. Thiel*  
James S. Thiel  
General Counsel

Enclosure: Affidavit

Cc: Robert E. Olsen, Assistant City Attorney  
Vernon Molbreak, Counsel for Plaintiffs

*PLEASE FULL FILE*

*hand-delivered cc*



STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

MICHAEL W. and ANNE N. O'BRIEN  
REVOCABLE TRUST,

Plaintiffs,

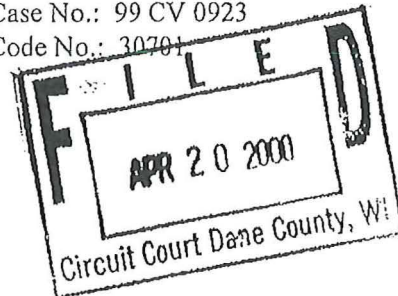
vs.

CITY OF MADISON,  
a Municipal Corporation,

Defendant

Case No.: 99 CV 0923

Code No.: 30701



---

AFFIDAVIT OF THE WISCONSIN DEPARTMENT OF TRANSPORTATION

---

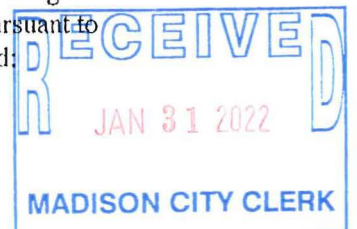
Now comes James S. Thiel, General Counsel on behalf of the Wisconsin Department of Transportation and states under oath that:

1. Prior to the 1930's, the state was not authorized to acquire land directly, but purchased land through the counties for highway purposes. The county, after purchase, held the land in trust for the state. Years later, the deed for the purchase, if viewed apart from this trust arrangement, may appear on its face to show the county as the owner of the property (**Exhibits A, B, C, D**).

2. This type of land purchase arrangement is briefly discussed in 22 OAG 83 (1933):

"Lands acquired for state-federal trunk highway purposes are in fact "acquired by the state," although the deeds name the county as grantee. The county acts in such matters merely as an agency of the state. *The county is not the real owner of lands acquired for such purposes. The county is but a nominal title holder, and the state is the real party in interest.* All this is apparent from a reading of the various provisions of ch. 83, Stats., relating to state-federal trunk highway improvements, and sec. 83.08, Stats., relating to the acquisition of lands for such purposes." 22 OAG at 84. (Emphasis added).

3. A portion of the plat of land in dispute in this case was purchased by the state through the county for state highway purposes; U.S. Highway 12 and 18 (now Olin Avenue), pursuant to the precursor of sec. 84.09 Wis. Stats.; 83.08(1) (1931). The former sec. 83.08(1) stated:



“Whenever the state highway commission [predecessor of DOT] shall deem it necessary for the proper construction, improvement or maintenance of any state trunk highway or prospective state highway or state highway or any bridge thereon to change or relocate same, the commission shall so order, and shall prepare a plat or map showing the old and new locations, and shall file a copy of such order and plat with the county clerk and the county highway committee. It shall thereupon be the duty of the county highway committee to deal by contract, if possible, with the owners of the land required for and of the premises to be affected by such change, and to make provision for such change within thirty days after the filing of said copy. The contract shall be in writing, *shall name the county as grantee of the lands acquired*, and shall be signed on the part of the public by the committee, and shall be filed with the county clerk and may be recorded in the office of the register of deeds. Such contract shall not be binding until approved by the state highway commission. *The price of lands acquired, including any damages allowed and other expenses connected with the matter, shall be paid out of the funds available for the work*, except in case of federal aid projects in which case payment shall be made as provided in section 84.04.” (Emphasis added).

4. The present-day incarnation of the land acquisition statute, sec. 84.09, recognizes that deeds of state-owned lands list individual counties as grantees, and contains a proviso enabling the state to acquire clear title to these lands by ordering counties to convey property to the state. According to sec. 84.09(3)(b), Stats.:

*“Any property of whatever nature acquired in the name of the county pursuant to this section or any predecessor shall be conveyed to the state without charge by the county highway committee and county clerk in the name of the county when so ordered by the department.”* (Emphasis added).

5. Pursuant to the above statutes and prior land acquisition practices, Dane County obtained title on behalf of the State for land described as a:

parcel of land in the SW 1/4, Sec. 25, T7N, R9E, Town of Madison, Dane County. Said parcel includes all the land lying 50 feet each side of the following described centerline: Beginning at the intersection of the centerline of Olin-Avenue and the east line of Gilson Street or Maple Court, in the City of Madison, thence S90 degrees E, on the centerline of Olin Avenue, 858 feet, thence S71 degrees 28'E, 1123 feet to the south bank

of Murphy Creek which is the point of beginning, thence S71 degrees 28'E, 563.1 feet to a point of curve thence on a curve to the right (radius 1910 feet) 695.6 feet, thence S50 degrees 26'E, 318.3 feet to the southern limits of this parcel. Said parcel excludes all land already in use for highway purposes and encroachments and contains 3.12 acres more or less.

This deed between P.F. Harloff (grantor) and Dane County (grantee) is dated May 18, 1928. (Exhibit A). It includes a portion of the land in dispute in the above-captioned case.

6. Pursuant to the above statutes and prior land acquisition practices, Dane County obtained title on behalf of the State for land described as a:

parcel of land in the SW 1/4 of Section 25, T7N, R9E, Town of Madison, Dane County. Said parcel includes all the land lying within 100 feet southerly and southwesterly of the following described centerline: Commencing at a point 88 feet north of the W1/4 corner of Section 25, T7N, R9E, thence S73 degrees 33'E, 211.2 feet to the centerline of Murphy's Creek and the point of beginning; Thence S73 degrees 33'E, 580.9 feet to a point of curve thence southeasterly on curve to the right (radius 1910 feet) 925.1 feet to the southeasterly property limits of the grantor. This parcel excludes all land already in use for highway purposes and encroachments and contains 1.688 acres more or less.

This deed between Paul F. Harloff (grantor) and Dane County (grantee) is dated October 9, 1930. (Exhibit B). This deed is for a portion of land that is in dispute in the above-captioned case.

7. Pursuant to the above statutes and prior land acquisition practices, Dane County obtained title on behalf of the State for land described as a:

parcel of land in the W1/2 of Section 25, T7N, R9E, Town of Madison, Wisconsin, Dane County. Said parcel includes all the land lying within 100 feet northerly of the following described centerline: Commencing at a point 88 feet north of the W1/4 corner of Section 25, T7N, R9E; thence S73 degrees 33'E, 211.2 feet to the centerline of Murphy's Creek and the point of beginning; thence S73 degrees 33'E, 580.9 feet to a point of curve; thence southeasterly on a curve to the right (radius 1910 feet) 586.1 feet. This parcel excludes all land already in use for highway purposes and encroachments and contains 1.265 acres more or less.

This deed between Ralph S. King, Florence C. King, Paul F. Harloff, and the Central Wisconsin Trust Company (grantors) and Dane County (grantee) is dated October 24, 1930. (Exhibit C). The deed contains a portion of the land that is in dispute in the above-captioned case.

8. Pursuant to the above statutes and prior land acquisition practices, Dane County obtained title on behalf of the State for land described as:

a parcel of land in the W1/2 of Section 25, T7N, R9E, Town of Madison, Wisconsin, Dane County. Said parcel includes all the land lying within 100 feet northerly of the following described centerline: Commencing at a point 88 feet north of the W1/4 corner of Section 25, T7N, R9E, thence S73 degrees 33'N 211.2 feet to the centerline of Murphy's Creek and the point of beginning; thence S73 degrees 33'N, 580.9 feet to a point of curve; thence southeasterly on curve to the right (radius 1910 feet) 586.1 feet. This parcel excludes all land already in use for highway purposes and encroachments and contains 1.265 acres more or less.

This deed between Ralph S. King, Florence C. King, and Paul F. Harloff (grantors) and Dane County (grantee) is dated October 24, 1930. (This deed is for the same parcel of land described in No. 5 above, but does not include the Central Wisconsin Trust Company as a grantor). (Exhibit D).

9. Pursuant to sec. 84.09 Stats., the State later ordered the County to convey title to portions of the land in dispute to the State. On January 23, 1978, the County complied with this order and executed a quitclaim deed for two parts of W 1/2 and part of SW 1/4 of T7N, R9E, Section 25, which is part of the lands in dispute. (Exhibit E).

10. The above-referenced parcels of land were obtained by the State as part of construction projects which extended U.S. Highways 12 and 18 along the disputed property. (Exhibits F and G). While this thoroughfare is no longer part of the U.S. highway system, it continued to exist as a public thoroughfare when it became what is today a portion of Olin Avenue.

11. While U.S. Hwy. 12/18 has been relocated, and the portion that once abutted the property in dispute has since been named Olin Avenue, the present stretch of Olin Avenue that abuts the disputed parcel of land is still used "for highway purposes," and has never been abandoned as a public thoroughfare. The alteration in name from U.S. Hwy. 12/18 to Olin Avenue does not terminate the State's ownership or control of land reserved as highway. While sec. 80.32 Wis. Stats. states that land abutting an abandoned highway reverts to the original owner or the owner's heirs after abandonment by the public entity, the "highway" in this case has not been abandoned. *In Carroll v. Town of Balsam Lake*, 206 Wis.2d 529, (1996), the Court noted in footnote 3 that:

While ch. 80 does not define ["highway"], sec. 990.01(12), Stats., defines "highway" as including "all public ways and thoroughfares and all bridges upon the same." This definition applies to sec. 80.32 unless such a definition "would produce a result inconsistent with the manifest intent of the legislature." Section 990.01, Stats. We conclude that this definition applies to sec. 80.32.

Since the 990.01(12) Stats. definition of "highway" as "all public ways and thoroughfares" applies to sec. 80.32 Stats., and Olin Avenue is a public thoroughfare that is currently open and in use, this "highway" has not been abandoned and title does not revert to the prior title holders under sec. 80.32 Stats. Similarly, the court noted in *Miller v. City of Wauwatosa*, 87 Wis.2d 676 (1979) that "[t]his court has held that a city street is a public highway." (citing *Herbert v. Richland Center*, 264 Wis. 8, 10, 58 N.W.2d 461 (1953)).

What had once been a portion of Hwy. 12 and 18 abutting the property in dispute became Olin Avenue. This thoroughfare, by statutory definition and caselaw interpretation, has never ceased to be a "highway" and therefore, the plaintiff's alleged reversionary interests retained in the deeds cannot be invoked. Since the land continues to abut a currently-used street, Olin Avenue, which is a "highway" under sec. 80.32 Stats., the State's ownership has not ceased and has not reverted to the plaintiffs.

12. For the above-stated reasons, the State of Wisconsin is the true and rightful owner of that portion of the land described in Exhibits A through D. The State of Wisconsin, as true owner of these parcels of land, is the only entity that has the authority to dispose of, or otherwise alienate, this land from its ownership and control.

13. The only portion of the land that the State owns from the deeds referenced in this affidavit that the State has rightfully disposed of is a parcel described as a .28 acre parcel in the NW 1/4-SW 1/4 of Section 25, T7N, R9E, which was granted to Richard T. Whalen through a Quit Claim Deed on July 5, 1978. (Exhibit H). The State retains ownership and control of all remaining land described in the above-referenced deeds.

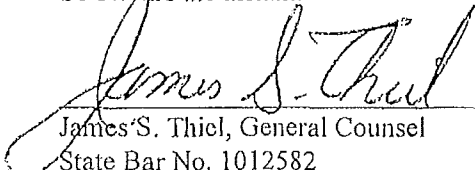
14. The State has statutory authority to permit the use of this land. Sec. 85.15(1) Wis. Stats. provides:

The department may improve, use, maintain or lease any property acquired for highway, airport or any other transportation purpose until the property is actually needed for any such purpose and may permit use of the property for purposes and upon such terms and conditions as the department deems in the public interest.

As stated in this affidavit, the disputed land was obtained by the State for highway purposes. Pursuant to sec. 85.15(1), Stats., the State, through the Department of Transportation as true owner of portions of land in T7N, R9E, Section 25 in the city of Madison, grants permission to

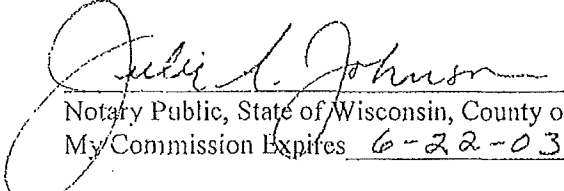
the City of Madison to lease these premises, and has no objection to any lease that the City entered into with the plaintiffs for the use of that portion of the land in dispute owned by the State.

So swears the affiant.

  
James S. Thiel, General Counsel  
State Bar No. 1012582

20 April 2000  
Date

Signed and sworn to before me on the 20<sup>th</sup> day of April, 2000 by James S. Thiel.

  
Notary Public, State of Wisconsin, County of Dane  
My Commission Expires 6-22-03



CONVEYANCE OF LANDS FOR HIGHWAY PURPOSES

(Sec. 83.08)

It having been deemed necessary, for the proper improvement of a State Trunk Highway, to change or relocate a portion thereof through lands owned by P. F. Harloff

in the Town of Madison, Dane County, and a plat showing the existing location and the proposed change having been filed with the County Highway Committee and with the County Clerk of said County, by the State Highway Commission as required by Section 83.08; and the said County Highway Committee having dealt by contract with the owner of said lands;

KNOW ALL MEN BY THESE PRESENTS, That the said owner..., for a valuable consideration, to-wit: the sum of Eight hundred fifty, 00 Dollars (\$ 850.00) in hand paid, the receipt of which is hereby acknowledged

do hereby grant and convey to Dane County, Wisconsin, for highway purposes as long as so used, the lands of said owner... necessary for said relocation, shown on the said plat and described as follows, to-wit:

A parcel of land in the SW 1/4, Sec. 25, T7N, R9E, Town of Madison, Dane County. Said parcel includes all the land lying 50 feet each side of the following described centerline: Beginning at the intersection of the centerline of Olin Avenue and the east line of Dillon Street or Maple Court, in the City of Madison, thence S80°E, on the centerline of Olin Avenue, 858 feet, thence S71°28'E, 1128 feet to the south bank of Murphy Creek which is the point of beginning, thence S71°28'E, 585.1 feet to a point of thence on a curve to the right (radius 1910 feet) 695.8 feet, thence S50°26'E, 318.3 feet to the southern limits of this parcel. Said parcel excludes all land already in use for highway purposes and encroachments and contains 3.12 acres more or less.

This conveyance shall be binding on the grantor, his heirs, executors, assigns and grantees, and the consideration hereinbefore named is acknowledged to be in full payment of all claims of whatsoever nature by the grantor arising through or by reason of the granting and conveying of the said lands.

And being the owner and holder of certain lien against said premises, do hereby join in and consent to said conveyance free of said lien.

WITNESS the hand and seal of the grantor and the person joining in and consenting to this conveyance, this 18th day of May, 1928

In Presence of Helen P. Laube E. G. Hein

Paul Harloff



State of Wisconsin } ss. Dane County

Personally came before me this 22 day of May, 1928, the above named Paul Harloff

to me known to be the persons who signed the foregoing instrument and acknowledged the same. My Commission expires April 19 - 1928 John T. Caldwell Notary Public

RECORDED FEB 1 1929 at 10:00

EXHIBIT AD

1. The undersigned, the County of Adams, Wisconsin, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin, and that the same is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin.

2. The undersigned, the County of Adams, Wisconsin, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin, and that the same is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin.

3. The undersigned, the County of Adams, Wisconsin, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin, and that the same is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin.

4. The undersigned, the County of Adams, Wisconsin, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin, and that the same is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin.

5. The undersigned, the County of Adams, Wisconsin, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin, and that the same is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin.

6. The undersigned, the County of Adams, Wisconsin, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin, and that the same is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin.

1937/2/15 a

To \_\_\_\_\_  
 COUNTY \_\_\_\_\_

Conveyance of Lands  
 for Highway Purposes.

Register's Office  
 \_\_\_\_\_ County, Wis. } ss.

Received for record this 1  
 day of Feb A. D. 1927

at 10 o'clock A.M., and re-  
 corded in Vol. 86  
 of Deeds on Page 21

C. C. Lewis  
 Register of Deeds

This is to certify that the above and foregoing is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin, and that the same is a true and correct copy of the original as the same appears in the records of the County of Adams, Wisconsin.

820028

RECEIVED ON FEBRUARY 15, 1927

W

CONVEYANCE OF LANDS FOR HIGHWAY PURPOSES

It having been deemed necessary, for the proper improvement of a United States Highway, to change or relocate a portion thereof through lands owned by Paul F. Barkeff

In the Town of Madison, Dane County, and a plat showing the existing location and the proposed change having been filed with the County Highway Committee and with the County Clerk of said County, by the State Highway Commission as required by Section 83.06; and the said County Highway Committee having dealt by contract with the owner of said lands;

KNOW ALL MEN BY THESE PRESENTS, That the said owner, for a valuable consideration, to-wit: the sum of Seven Hundred & 00/100 Dollars (\$700.00) in hand paid, the receipt of which is hereby acknowledged

do hereby grant and convey to Dane County, Wisconsin, for highway purposes as long as so used the lands of said owner necessary for said relocation, shown on the said plat and described as follows:

A parcel of land in the SW 1/4 of Section 15, 7TH, 23E, Town of Madison, Dane County. Said parcel includes all the land lying within 100 feet southerly and southwesterly of the following described centerline: Commencing at a point 88 feet north of the SW corner of Section 15, 7TH, 23E, thence S75°15'E, 111.1 feet to the centerline of Barry's Creek and the point of beginning; thence S75°15'E, 200.9 feet to a point of curve; thence southeasterly on curve to the right (radius 1910 feet) 921.1 feet to the southeasterly property limits of the grantor. This parcel includes all land already in use for highway purposes and easements and contains 1.688 acres more or less.

This conveyance shall be binding on the grantor, his heirs, executors, assigns and grantees, and the consideration hereinbefore named is acknowledged to be in full payment of all claims of whatsoever nature by the grantor arising through or by reason of the granting and conveying of the said lands.

And The Central Wisconsin Trust Company, of Madison, Wisconsin, being the owner and holder of certain mortgage liens against said premises, do hereby join in and consent to said conveyance free of said lien.

WITNESS the hand and seal of the grantor and the person joining in and consenting to this conveyance, this 9th day of October, 1930

In Presence of J. J. Busby, John R. Crumley, Voljared Miller, Paul F. Barkeff THE CENTRAL WISCONSIN TRUST COMPANY, By J. H. Miller, President

State of Wisconsin, County of Dane, ss: I, John R. Crumley, County Clerk, do hereby certify that the foregoing instrument was duly recorded in my office on the 19th day of October, 1930, at 1:15 P.M. and that the same is a true and correct copy of the original as the same appears in my records. Witness my hand and seal of office at Madison, Wisconsin, this 19th day of October, 1930.

175

CIA

1830

B



CONVEYANCE OF LANDS FOR HIGHWAY PURPOSES

(Sec. 83.08)

It having been deemed necessary, for the proper improvement of a... Highway, to change or relocate a portion thereof through lands owned by... G. KING, and Paul F. Harloff, and the Central Wisconsin Trust Company, Mortgagee in the Town of Madison, Dane County, and a plat showing the existing location and the proposed change having been filed with the County Highway Committee and with the County Clerk of said County, by the State Highway Commission as required by Section 83.08; and the said County Highway Committee having dealt by contract with the owner of said lands;

KNOW ALL MEN BY THESE PRESENTS, That the said owner..., for a valuable consideration, to-wit: the sum of One Thousand Dollars (\$1,000.00) in hand paid, the receipt of which is hereby acknowledged...

do hereby grant and convey to... County, Wisconsin, for highway purposes as long as so used, the lands of said owner... necessary for said relocation, shown on the said plat and described as follows, to-wit:

A parcel of land in the W1/2 of Section 25, T7N, R9E, Town of Madison, Wisconsin, Dane County. Said parcel includes all the land lying within 100 feet northerly of the following described centerline: Commencing at a point 86 feet north of the W1/2 corner of Section 25, T7N, R9E; thence S73°33'E, 211.8 feet to the centerline of Murphy's Crack and the point of beginning; thence S73°33'W, 509.2 feet to a point of curve; thence southeasterly on curve to the right (radius 1910 feet) 566.1 feet.

This parcel excludes all land already in use for highway purposes and encroachments and contains a 205' average margin of easement.

This conveyance shall be binding on the grantor, his heirs, executors, assigns and grantees, and the consideration hereinbefore named is acknowledged to be in full payment of all claims of whatsoever nature by the grantor arising through or by reason of the granting and conveying of the said lands.

And The Central Wisconsin Trust Company, of Madison, Wisconsin, being the owner and holder of a certain mortgage lien against said premises, do hereby join in and consent to said conveyance free of said lien.

WITNESS the hand and seal of the grantor and the person joining in and consenting to this conveyance, this 24th day of October, 1930.

In Presence of: Ralph S. King (SEAL), J. J. Busby (SEAL), Florence G. King (SEAL), State of Wisconsin ss. Dane County. THE CENTRAL WISCONSIN TRUST COMPANY By: A. C. ... President, Assistant Secretary.

Personally came before me this 24th day of October, 1930, named Ralph S. King and Paul F. Harloff

to me known to be the persons who signed the foregoing instrument and acknowledged the same. My Commission expires 1-1-1931 Notary Public

State of Wisconsin)  
Eau Claire County, ss

VOL 97 PAGE 525

Personally came before me this 30 day of October, 1930, the above

named Florance J. King

to be known to be the persons who signed the foregoing instrument and acknowledged the same.

Commission Expires Nov 7 - 33  
W. B. Blodgett  
Notary Public

STATE OF WISCONSIN)  
DANE COUNTY, ss

Personally came before me this        day of November, A. D. 1930, the above named T. R. Harty and J. H. Ottow, to me known to be respectively the President and Assistant Secretary of The Central Wisconsin Trust Company, a corporation that executed the foregoing instrument, and they acknowledged the execution thereof to be their free act and deed and the free act and deed of said corporation,

RECORDED  
DEC 7 1931  
At 2:30 o'clock P.M.

W. B. Blodgett  
Notary Public, Dane County, Wisconsin  
My commission expires:         
NOTARY PUBLIC, DANE COUNTY, WIS.  
My Commission Expires July 29, 1933

Received for record this <u>7</u> day of <u>Dec.</u> A. D. 1931	Register's Office Dane County, Wis.	Conveyance of Lands for Highway Purposes	COUNTY	To	533388c
Recorded in Vol. <u>97</u> at <u>8:10</u> o'clock <u>A.M.</u> and					
of <u>524</u> on Page <u>524</u>					
Register of Deeds					

REGISTER OF DEEDS

4

CONVEYANCE OF LANDS FOR HIGHWAY PURPOSES

It having been deemed necessary, for the proper improvement of a United States Highway, to change or relocate a portion thereof through lands owned by Ralph S. King and wife, Florence S. King, and Paul F. Harless...

KNOW ALL MEN BY THESE PRESENTS, That the said owner... for a valuable consideration, to-wit: the sum of One thousand Dollars (\$1,000.00) in hand paid, the receipt of which is hereby acknowledged...

do hereby grant and convey to Dane County, Wisconsin, for highway purposes as long as to need the lands of said owner... necessary for said relocation, shown on the said plat and described as follows:

A parcel of land in the 1/4 of Section 15, T7N, R9E, Town of Madison, Wisconsin, Dane County. Said parcel includes all the land lying within 100 feet northerly of the following described centerline: Commencing at a point 50 feet north of the SE corner of Section 15, T7N, R9E, thence S77°33'N, 111.8 feet to the centerline of Murphy's Creek and the point of intersection thence S77°33'N, 190.0 feet to a point of curve thence southeasterly on a curve to the right (radius 1910 feet) 119.1 feet. This parcel includes all land already in use for highway purposes and improvements and contains 1.253 acres more or less.

This conveyance shall be binding on the grantor, heirs, executors, assigns, and grantees, and the consideration hereinbefore named is acknowledged to be in full payment of all claims of whatever nature by the grantor arising through or by reason of the granting and conveying of the said lands.

And The Central Wisconsin Trust Company, of Madison, Wisconsin, being the owner, and holder of certain mortgage lien against said premises, do hereby join in and consent to said conveyance free of said lien.

WITNESS the hand and seal of the grantor and the person joining in and consenting to this conveyance, this 24th day of October, 1952.

In Presence of: Ralph S. King (SEAL), Florence S. King (SEAL), and others. THE CENTRAL WISCONSIN TRUST COMPANY, By: J. S. [Name], President, and Assistant Secretary.

Personally appeared before me this 24th day of October, 1952, the persons named above, Ralph S. King and Paul F. Harless.

I, [Notary Name], Notary Public, do hereby certify that the persons who signed the foregoing instrument and acknowledged the same.

175

7-D

✓  
page 2

CONVEYANCE OF LANDS FOR HIGHWAY PURPOSES

Know all men by these presents that the said owner for a valuable consideration to wit the sum of \$100,000.00 in full the receipt of which is hereby acknowledged

and the receipt of which is hereby acknowledged  
this sum of \$100,000.00 in full the receipt of which is hereby acknowledged

Notary Public, State of Wisconsin

My commission expires on the 1st day of January, 1928

Witness my hand and the seal of said corporation this 1st day of January, 1928

STATE OF WISCONSIN  
COUNTY OF MILWAUKEE  
I, the undersigned, Notary Public for said County, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my records.

Notary Public  
State of Wisconsin  
My commission expires on the 1st day of January, 1928



DOCUMENT NO.

1622243

Vol 1082 Page 410

QUIT CLAIM DEED STATE OF WISCONSIN - FORM 17 THIS SPACE IS FOR RECORDING DATA

AA

THIS INDENTURE, Made by Dane County, Wisconsin, Francis R. Hebl, Dane County Clerk, Dane County Highway Committee: Roberta W. Leidner, Merton Walter, Michael Nowakowski, Leo J. Cooper, III, and Carl J. Jensen.

Office of Registrar of Deeds Dane County, Wisconsin Recorded May 24 1979 At 3:45 o'clock P.M. Carol R. Mahnke, Registrar

grantee. RETURN TO Dept. of Trans. District 1 1317 Applegate Road Madison, Wisconsin 53713

Parcel of land acquired for highway purposes pursuant to Order of the Commission and as shown on the road plans of Federal Aid Project 268C, Division Job 1029, Milwaukee-Jefferson-Madison Road, U.S.H. 12 & 18, Dane County, as said lands are more particularly described in the following recorded instrument.

Parcel	Grantee	Location	Recording Data	
			Volume XXXXXI	Page XXXXXI Document Number
61A	Ralph S. King, et al	Part of W 1/2, Sec. 25, T7N, R9E	461-M-177	1180210
61A	Paul F. Harloff	Part of SW 1/4, Sec. 25, T7N, R9E	461-M-179	1180211
61A	Ralph S. King, et al	Part of W 1/2, Sec. 25, T7N, R9E	97-M-924	533303a

BT D BT B BT C

200

FEE \$ 2.00 RECEIPT

IN WITNESS WHEREOF, the said grantor has hereunto set his hand and seal this 23rd day of May, A. D., 1978.

SIGNED AND SEALED IN PRESENCE OF Roberta W. Leidner, Merton Walter, Michael Nowakowski, Leo J. Cooper, III, Carl J. Jensen, Francis R. Hebl, Dane County Clerk

Personally came before me, this 23rd day of May, A. D., 1978 the above named Roberta W. Leidner, Merton Walter, Michael Nowakowski, Leo J. Cooper, III, and Carl J. Jensen, members of the Dane County Highway Committee, and Francis R. Hebl, County Clerk of Dane County, Wisconsin to me known to be the person s who executed the foregoing instrument and acknowledged the same.



Notary Public Name County, Wis.

This instrument drafted by Division of Highways FAP 268C DJ 1029 My Commission (Expires) (1) 9-27-81 Parcel 61-A

(Section 14.01 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have plainly printed or typewritten thereon the name of the grantor, grantee, witness and date.) QUIT CLAIM DEED - STATE OF WISCONSIN, FORM NO. 17

BT

E

STATE HIGHWAY COMMISSION

STATE OF WISCONSIN

RELOCATION ORDER

STATE AID PROJECT NO. 1008  
U. S. HIGHWAYS NOS. 12 and 18  
OLIN AVENUE-SOUTH MADISON ROAD  
DANE COUNTY

A resolution was presented to the Commission by the Secretary as follows:

Due to the proposed construction of the above named project which extends along a state trunk highway, known as U. S. Highways Nos. 12 and 18, as located in the state trunk highway layout of 1923, or subsequently located in accordance with the Statutes, from the intersection of the center line of Olin Avenue and the west line of Gilson Street, thence southeasterly to a point 1670 feet east and 750 feet south of the west quarter corner of Section 25, Town 7 North, Range 9 East, it becomes necessary for the proper construction and improvement of the said U. S. Highways Nos. 12 and 18 to make certain relocations and to secure certain additional right of way. A plat of the said relocations and of the right of way to be acquired, marked "Plat of Right of Way Required - State Project No. 1008 - Olin Avenue-South Madison Road - U. S. #12 & 18 - Dane County", was presented, the same being sheet No. 3 of the plans for said State Project No. 1008.

It was MOVED that the alignment shown on the plat marked "Plat of Right of Way Required - State Project No. 1008 - Olin Avenue-South Madison Road - U. S. #12 & 18 - Dane County" be approved; that the state trunk highway be and hereby is changed and relocated in accordance with said plat by authority granted the Commission under Section 83.06 of the Statutes; that the relocations shown thereon be ordered; that the state trunk highway as laid out by the Legislative Committee and the Highway Commission in 1923, or as subsequently located, between the limits shown on said plat be and hereby is discontinued; that said state trunk highway be officially located as shown on the attached plat; that it be determined that necessity exists for the acquirement of the right of way shown on said plat; that the State Highway Engineer be directed to order the construction of the said State Project No. 1008 along the alignment shown on the said plat and to secure the right of way necessary for such construction in the manner provided by law for the acquirement of right of way in such cases. All previous actions of the Commission or other authority which conflict herewith are hereby rescinded.

It was MOVED that the resolution be adopted.  
Motion seconded and carried. No dissent.

The Secretary of the State Highway Commission does hereby certify that the foregoing is a correct copy of the order of the said Commission in the said matter made at its meeting held February 21, 1928, and that the attached plat is a correct copy of the plat named in the order.

Copies of the said order and plat are hereby filed with the County Clerk and with the County Highway Committee of Dane County, in order that the said Committee may deal by contract with the owners of the land required for and of the premises to be affected by such change and make provision for such change within thirty days, as required by law.

STATE HIGHWAY COMMISSION OF WISCONSIN,

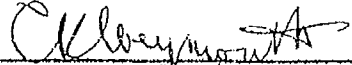
By   
Secretary.

EXHIBIT F

DECISION OF THE STATE HIGHWAY COMMISSION

CHANGE IN STATE TRUNK HIGHWAY SYSTEM  
STATE TRUNK HIGHWAY CHANGE NO. 108  
U. S. HIGHWAYS NOS. 12 AND 18  
VIA OLIN AVENUE - SOUTH MADISON  
DANE COUNTY

The State Highway Commission, at its meeting held Tuesday, February 21, 1928, decided to change the location of U. S. Highways Nos. 12 and 18 and connecting streets in the city of Madison, Dane County, from the present location to a new location via the Olin Avenue Highway overhead, by removing from the State Trunk Highway System a certain road and by abandoning a certain connecting street in the city of Madison not a part of the State Trunk Highway System but forming a connection through said city between portions thereof, which are hereinafter described, and by adding a certain road and street in lieu thereof.

The road to be removed from the State Trunk Highway System is described as follows:

Beginning at a point 1670 feet east and 750 feet south of the west one-quarter corner of Section 25, Township 7 North, Range 9 East, thence northwesterly on the west side of and parallel and adjacent to the right of way of the Chicago, Milwaukee & St. Paul Railway to its intersection with Lakeside Street in the city of Madison, thence westerly along Lakeside Street to its intersection with Sheldon Street, which point is known and described as the "construction limits".

The connecting street to be abandoned is described as follows:

Beginning at the intersection of Lakeside and Sheldon Streets aforesaid, thence westerly along Lakeside Street to its intersection with South Park Street, all in the city of Madison.

The road to be added to the State Trunk Highway System in lieu of the road so removed is described as follows:

Beginning at the point of discontinuance 1670 feet east and 750 feet south of the west one-quarter corner of Section 25, Town 7 North, Range 9 East, thence northwesterly to an intersection with Olin Avenue and Rowell Street in the city of Madison, thence westerly along Olin Avenue to its intersection with the west line of Hickory Street, which point is known and described as the "construction limits".

The connecting street selected in lieu of the one abandoned is described as follows:

Beginning at the intersection of Olin Avenue and the west line of Hickory Street, thence west along Olin Avenue to its intersection with South Park Street, all in the said city of Madison.

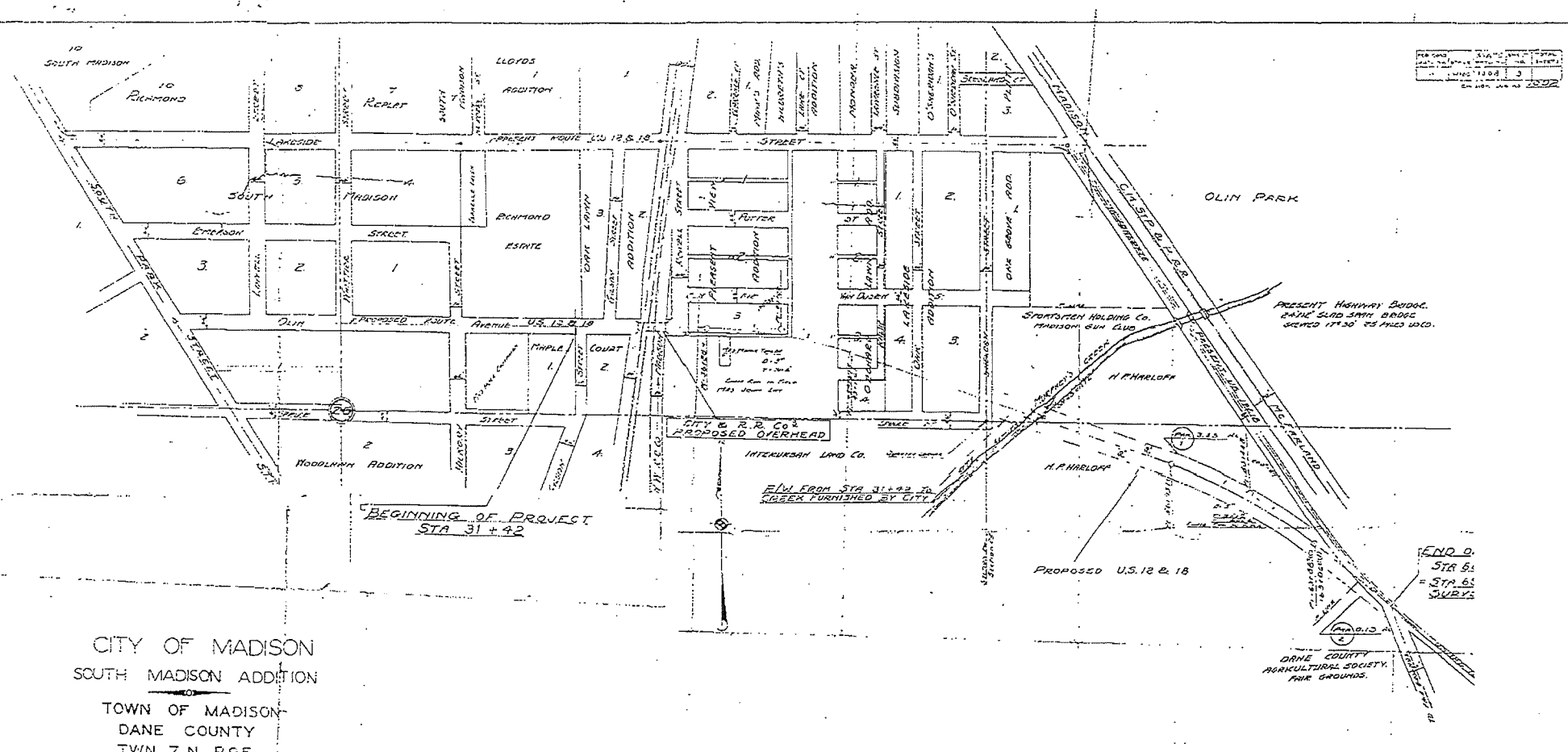
Since the foregoing changes less than five miles of the State Trunk Highway System, the change becomes effective without the approval of the county board of Dane County.

STATE HIGHWAY COMMISSION OF WISCONSIN

By Chas. E. Reynolds  
Secretary.

February 24, 1928.

PREPARED BY: [ ]  
 DATE: [ ]  
 SHEET NO. 3  
 OF [ ]



CITY OF MADISON  
 SOUTH MADISON ADDITION  
 TOWN OF MADISON  
 DANE COUNTY  
 TWN. 7 N R9E  
 SEC. 25 & 26

AREA	OWNER	DESCRIPTION	ACRES
1	H. P. HARLOFF	SW 1/4 SEC 25 T11N R9E	3.33 ±
2	DANE CO. AGRICULTURAL SOCIETY	SW 1/4 SEC 25 T11N R9E	0.13 ±
TOTAL			3.46 ±

HCC  
 PLAT OF RIGHT OF WAY REQUIRED  
 STATE PROJECT NO. 1008  
 OLIN AVE.-SOUTH MADISON-RD  
 U.S. 12 & 18-DANE COUNTY  
 SCALE 1"=200'

STATE HIGHWAY COMMISSION

STATE OF WISCONSIN

FEDERAL AID PROJECT NO. 268-C EXTENSION  
AND STATE AID PROJECT NO. 1089 --  
MILWAUKEE-JEFFERSON-MADISON ROAD  
U. S. HIGHWAYS NOS. 12 & 18  
DANE COUNTY  
RELOCATION ORDER

A resolution was presented to the Commission by the Secretary as follows:

Due to the proposed construction of the above named project which extends along a state trunk highway known as U. S. Highways Nos. 12 & 18, as located in the state trunk highway layout of 1925, or subsequently located in accordance with the Statutes, from a point 30 feet north and 205 feet east of the west one-quarter (1/4) corner of Section 25, Township 7 North, Range 9 East, thence southeasterly, easterly and northeasterly to a point 25 feet south and 1080 feet east of the north one-quarter (1/4) corner of Section 29, Township 7 North, Range 10 East, it becomes necessary for the proper construction and improvement of U. S. Highways Nos. 12 and 18 to make certain relocations and to secure certain additional right of way. A plat of the said relocations and of the right of way to be acquired, marked "Plat Of Right Of Way Required, Extension of Fed. Aid Project No. 268C & State Aid Project 1089, Milwaukee-Jefferson-Madison Road, Madison-Cambridge, U. S. 12 & 18, Dane County", was presented, the same being sheets Nos. 4 and 5 of the plans for said Federal Aid Project No. 268-C Extension and State Aid Project No. 1089.

THEREFORE, BE IT FOUND AND DETERMINED that the alignment shown on the plat marked "Plat Of Right Of Way Required, Extension of Fed. Aid Project No. 268C & State Aid Project 1089, Milwaukee-Jefferson-Madison Road, Madison-Cambridge, U. S. 12 & 18, Dane County" be approved; that the state trunk highway be and hereby is changed and relocated in accordance with said plat by authority granted the Commission under Section 83.08 of the Statutes; that the relocations shown thereon be ordered; that the state trunk highway as laid out by the Legislative Committee and the Highway Commission in 1925, or as subsequently located, between the limits shown on said plat, be and hereby is discontinued; that said state trunk highway be officially located as shown on the attached plat; that it be determined that necessity exists for the acquirement of the right of way shown on said plat; that the State Highway Engineer be directed to order the construction of said Federal Aid Project No. 268C Extension and State Aid Project No. 1089 along the alignment shown on the said plat and to secure the right of way necessary for such construction in the manner provided by law for the acquirement of right of way in such cases. All previous actions of the Commission or other authority which conflict herewith are hereby rescinded.

It was moved and seconded that the resolution be adopted. Carried.

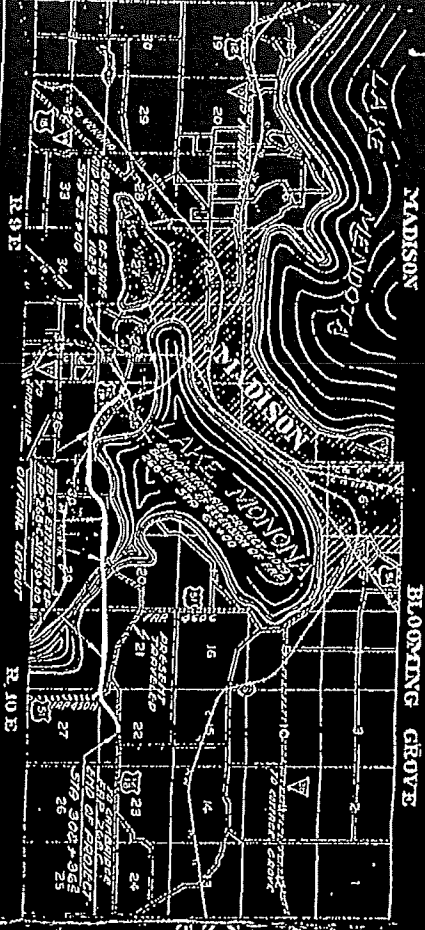
The Secretary of the State Highway Commission does hereby certify that the foregoing is a correct copy of the order of the said Commission in the said matter made at its meeting held September 29, 1930, and that the attached plat is a correct copy of the plat named in the order.

Copies of the said order and plat are hereby filed with the County Clerk and with the County Highway Committee of Dane County, an order that the said Committee may deal by contract with the owners of the land required for and of the premises to be affected by such change and make provision for such change within thirty days, as required by law.

STATE HIGHWAY COMMISSION OF WISCONSIN,

By K. G. Kurtanacker  
K. G. Kurtanacker, Secretary

LOCATION SKETCH  
STATE W 1/4 118



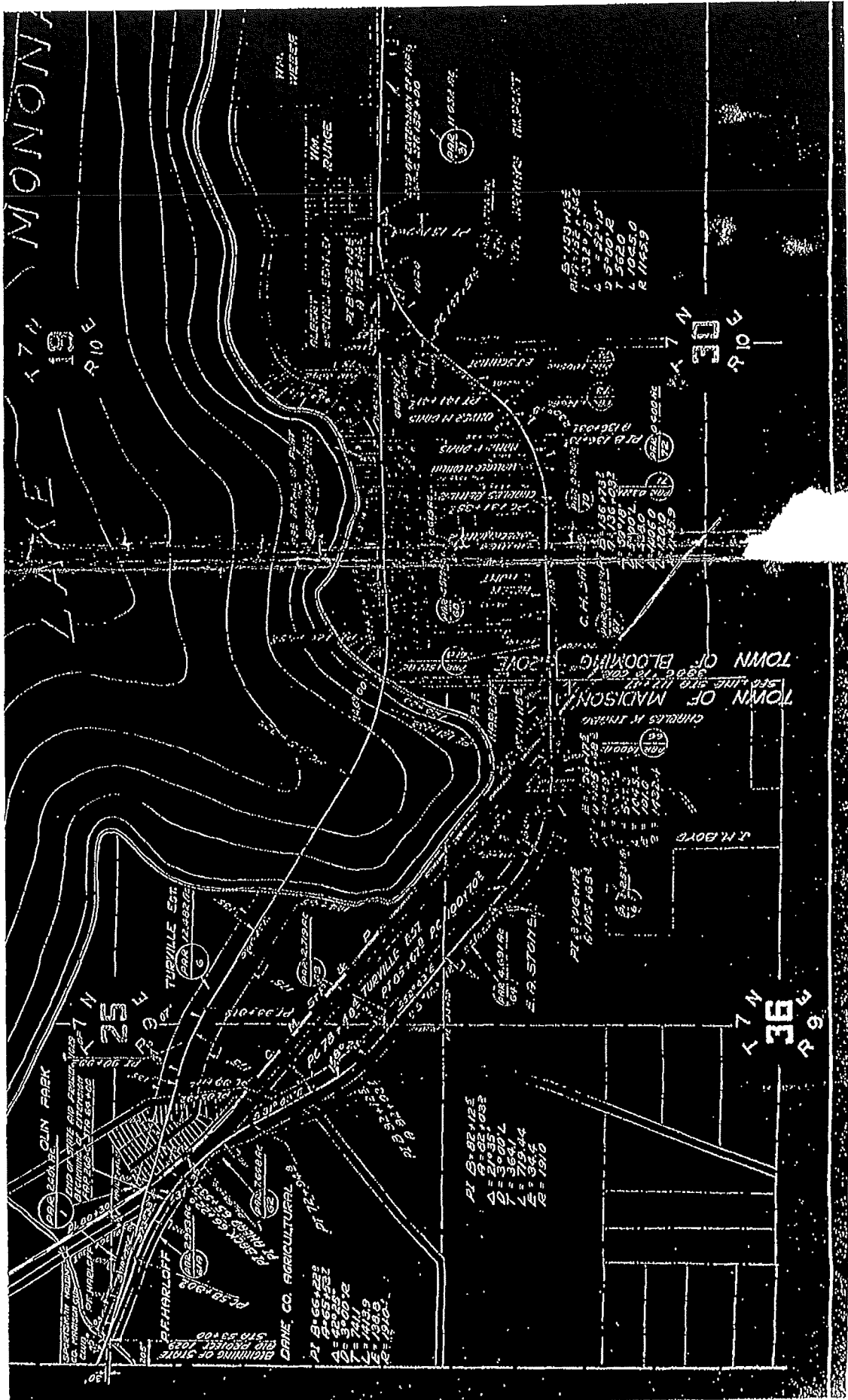
PAR NO	OWNER	DESCRIPTION	ACRES	SA FT
1	ROYAL AIRWAYS	SW 1/4 SEC 30 T1N R10E	2.00	136,800
2	MAMIE P DAVIS	N 1/4 SEC 30 T1N R10E	1.76	114,240
3	OLIVER M DAVIS	N 1/4 SEC 30 T1N R10E	1.76	114,240
4	E J SCHMIDT	N 1/4 SEC 30 T1N R10E	1.76	114,240
5	GANNON & HICKSON	N 1/4 SEC 30 T1N R10E	1.76	114,240
6	ROYAL AIRWAYS	N 1/4 SEC 30 T1N R10E	1.76	114,240

PAR NO	OWNER	DESCRIPTION	ACRES	SA FT
1	ROYAL AIRWAYS	SW 1/4 SEC 30 T1N R10E	2.00	136,800
2	MAMIE P DAVIS	N 1/4 SEC 30 T1N R10E	1.76	114,240
3	OLIVER M DAVIS	N 1/4 SEC 30 T1N R10E	1.76	114,240
4	E J SCHMIDT	N 1/4 SEC 30 T1N R10E	1.76	114,240
5	GANNON & HICKSON	N 1/4 SEC 30 T1N R10E	1.76	114,240
6	ROYAL AIRWAYS	N 1/4 SEC 30 T1N R10E	1.76	114,240

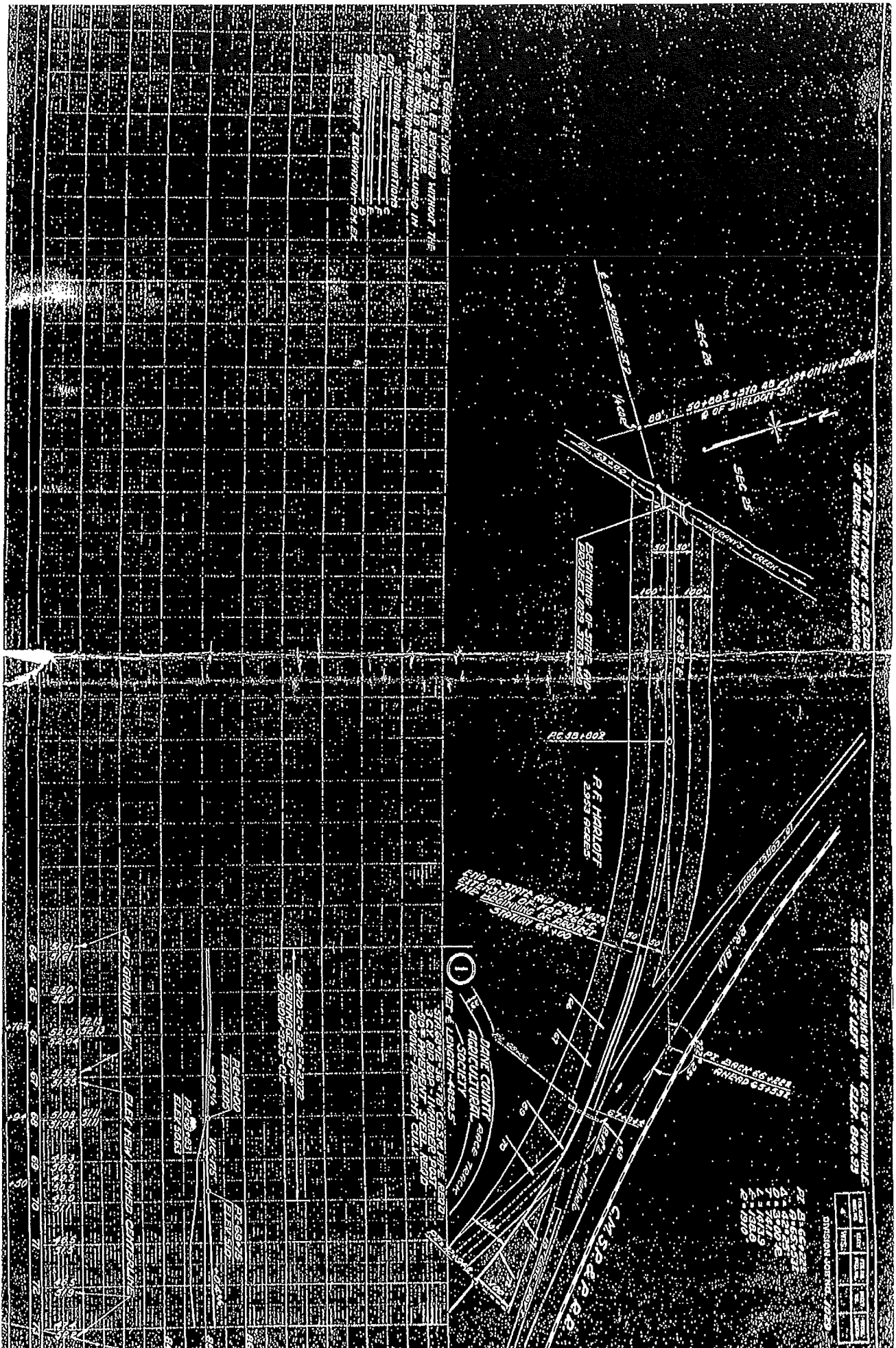
PLAT OF RIGHT OF WAY REQUIRED  
EXTENSION OF  
FED. AID PROJECT NO. 268-C  
STATE AID PROJECT 1939  
MILWAUKEE-LEFORSON-MADISON ROAD  
MADISON, WISCONSIN  
DANE COUNTY  
SCALE 1 IN. = 400 FT

PAR NO	OWNER	DESCRIPTION	ACRES	SA FT
72	MAMIE P DAVIS	N 1/4 SEC 30 T1N R10E	0.100	6,480
73	OLIVER M DAVIS	N 1/4 SEC 30 T1N R10E	1.766	114,240
74	E J SCHMIDT	N 1/4 SEC 30 T1N R10E	1.005	64,800
75	GANNON & HICKSON	N 1/4 SEC 30 T1N R10E	0.042	2,700
76	ROYAL AIRWAYS	N 1/4 SEC 30 T1N R10E	1.776	114,240

DATE: 11/1/50  
BY: [Signature]  
CHECKED: [Signature]  
SCALE: 1" = 400'



GENERAL NOTES  
 1. ALL LINES TO BE REVISED WITHOUT THE  
 2. APPROVAL OF THE ENGINEER.  
 3. ALL LINES TO BE REVISED WITHOUT THE  
 4. APPROVAL OF THE ENGINEER.  
 5. ALL LINES TO BE REVISED WITHOUT THE  
 6. APPROVAL OF THE ENGINEER.



TABLE

1	2	3	4	5	6	7	8	9	10
1	2	3	4	5	6	7	8	9	10

SECTION 26

1	2	3	4	5	6	7	8	9	10
1	2	3	4	5	6	7	8	9	10

TABLE

1	2	3	4	5	6	7	8	9	10
1	2	3	4	5	6	7	8	9	10

1  
 DANIE COUNTY  
 AGRICULTURAL  
 SOCIETY  
 NET & LENSNER - 1892-93

CHS 24288  
 R.C. 1402  
 R.C. 1403

END OF STATE ROAD  
 END OF STATE ROAD  
 END OF STATE ROAD

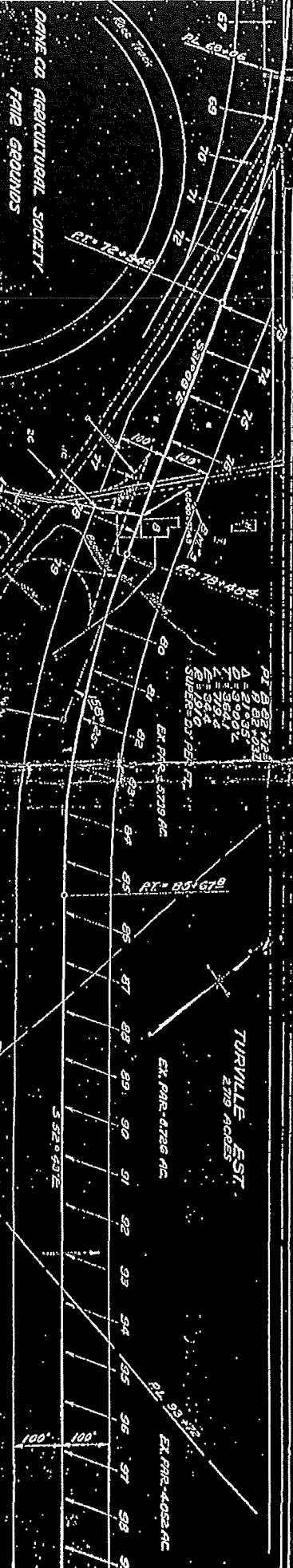
SECTION 26  
 SECTION 25  
 SECTION 24



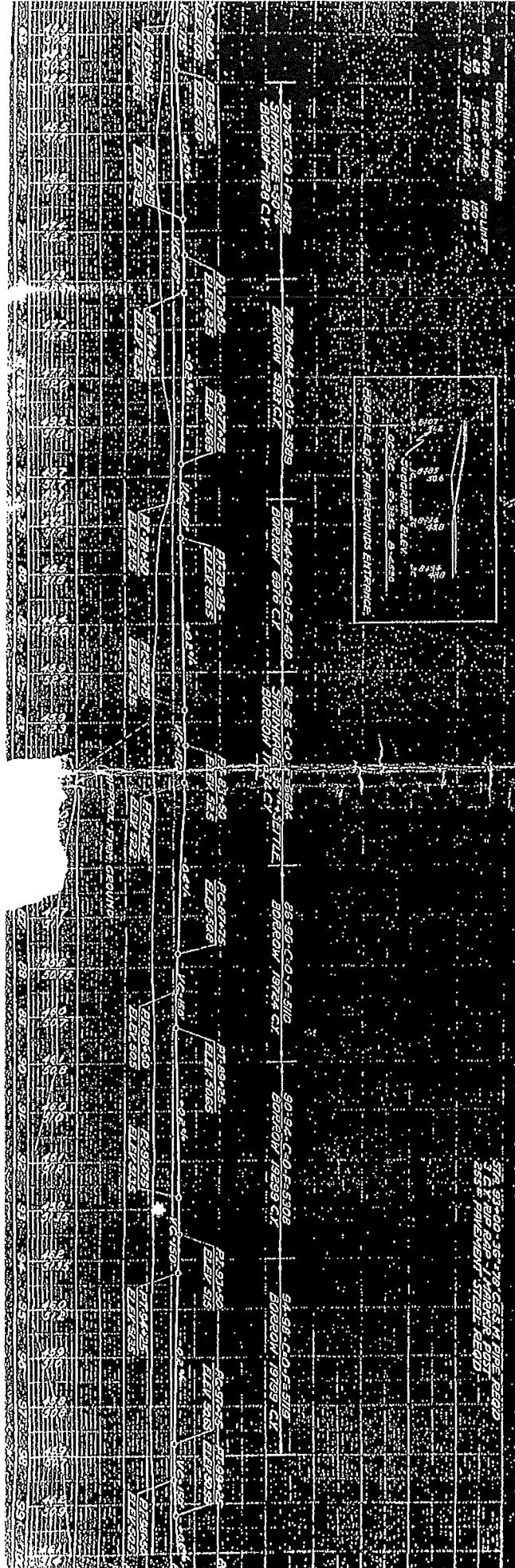
PLAN 2 - POINT MARK ON SUR. CO. OF OLD ROAD  
C&D ENROLL. STR. 54-90  
ELEV. 850.75

CMSR & B. E. C.

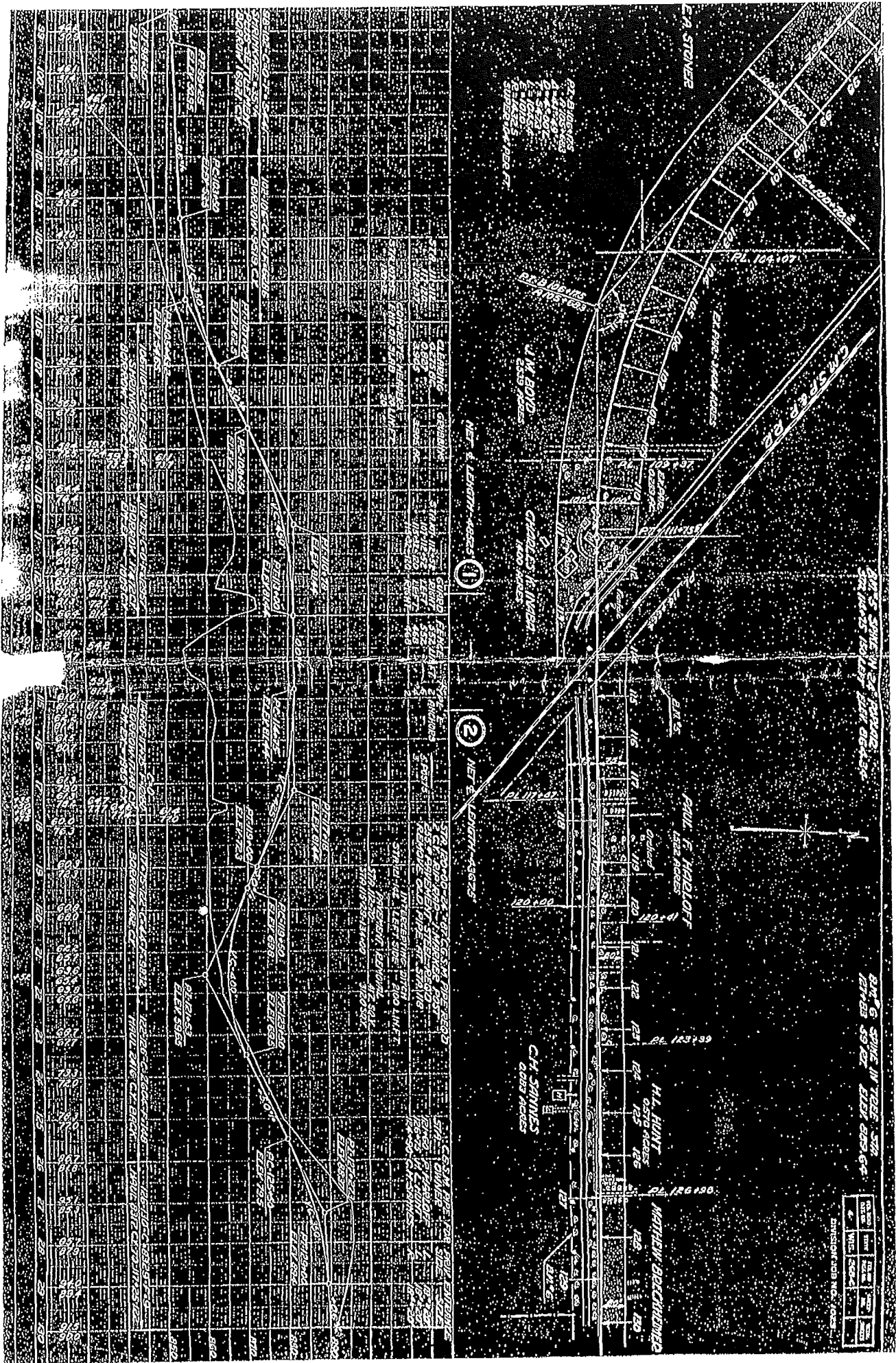
NOV 1 1965  
SHEET NO. 108-29



CONCRETE HIGHWAY  
100' 100'  
DANE CO. AGRICULTURAL SOCIETY FARM GROUNDS  
DANE COUNTY AGRICULTURAL SOCIETY  
TURNVILLE EST. 279 ACRES  
E. A. STONE  
4.691 ACRES



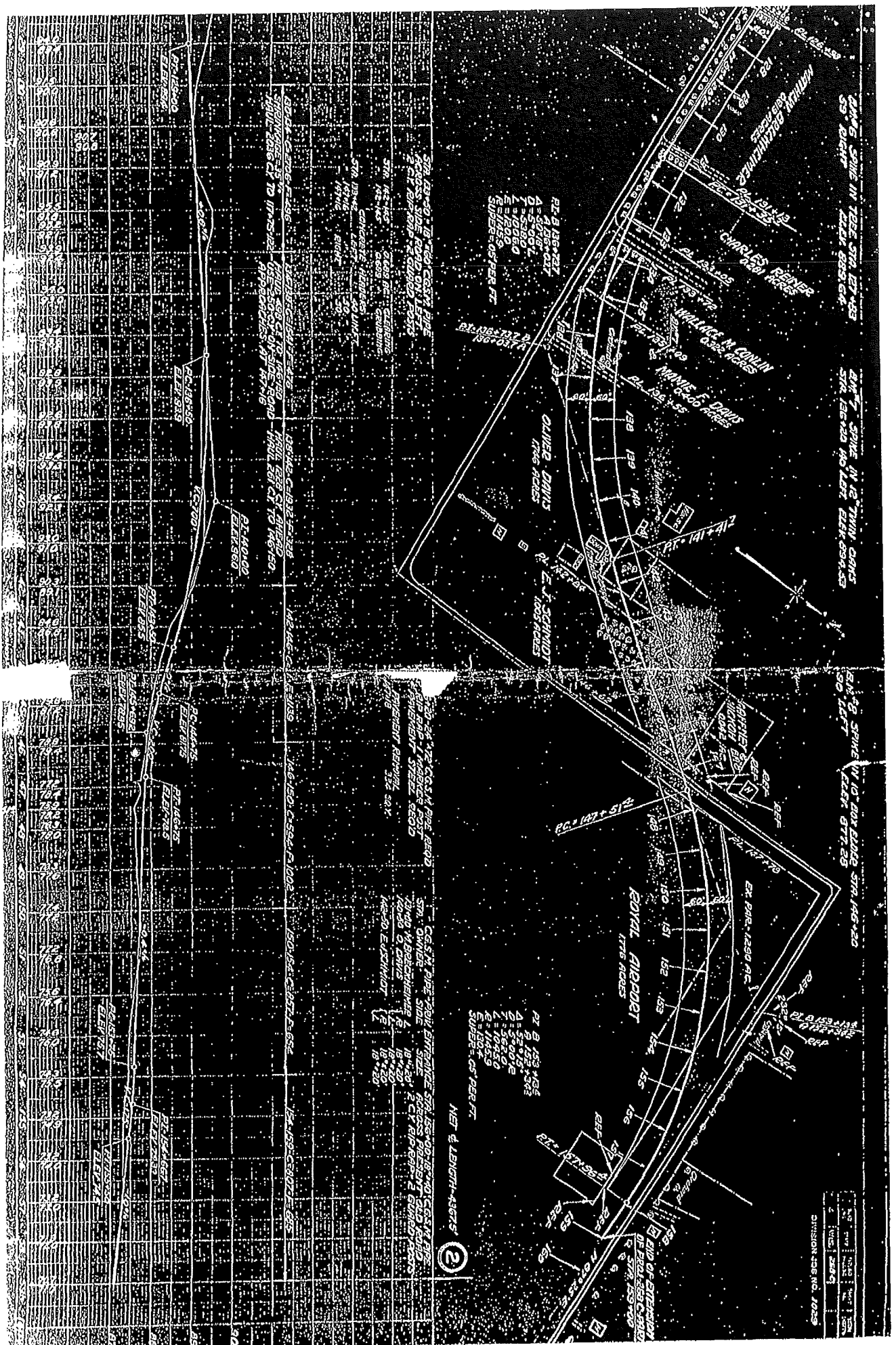
CONCRETE HIGHWAY  
100' 100'  
DANE CO. AGRICULTURAL SOCIETY FARM GROUNDS  
DANE COUNTY AGRICULTURAL SOCIETY  
DANE COUNTY AGRICULTURAL SOCIETY



PAUL F. HADLOFF  
 1224 ACRES  
 ELEV. 104.107  
 NET & LENGTH - ACRES  
 (1)

PAUL F. HADLOFF  
 1224 ACRES  
 ELEV. 104.107  
 NET & LENGTH - ACRES  
 (2)

NO.	DESCRIPTION	AREA	ELEVATION
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...



CURVE WITH 11.72% GRADE  
 122.26' + 1.72%  
 122.26' + 1.72%  
 122.26' + 1.72%

50' RADIUS  
 10' WIDE  
 10' WIDE  
 10' WIDE

RT. B 126+22.7  
 A = 43.86  
 Q = 580.0  
 E = 100.0  
 R = 115.5  
 SUBE = 0.5 PER FT

OLIVER DRIVE  
 76' + 10.0  
 76' + 10.0

FEDERAL AVENUE  
 120' + 0.0  
 120' + 0.0

RT. B 123+35.5  
 A = 34.0  
 Q = 500.0  
 E = 100.0  
 R = 115.5  
 SUBE = 0.5 PER FT

NET LENGTH = 4875'



NO.	DATE	BY	CHKD.
1	1974		
2	1974		

30' RADIUS  
 10' WIDE  
 10' WIDE  
 10' WIDE

RT. B 126+22.7  
 A = 43.86  
 Q = 580.0  
 E = 100.0  
 R = 115.5  
 SUBE = 0.5 PER FT

RT. B 123+35.5  
 A = 34.0  
 Q = 500.0  
 E = 100.0  
 R = 115.5  
 SUBE = 0.5 PER FT

RT. B 126+22.7  
 A = 43.86  
 Q = 580.0  
 E = 100.0  
 R = 115.5  
 SUBE = 0.5 PER FT

DOCUMENT NO.

1581603

VOL 970 PAGE 616

QUIT CLAIM DEED  
STATE OF WISCONSIN--FORM 13  
THIS SPACE RESERVED FOR RECORDING DATA

Office of Register of Deeds  
Dane County, Wisconsin

2

THIS INDENTURE, Made by the State of Wisconsin (Department of Transportation, Division of Highways), grantor,

Received for Record July 13, 1978 at 1:30 p.m. and recorded in vol. 970 of Recordson page 616. *Stanley K. Fiedler* Register

XXXX XX XXXXXXXXXXXX hereby quit-claims to Richard T. Whalen

grantee of Dane County, Wisconsin, for the sum of One Hundred Fifty (\$150.00) Dollars, to clear title in and to the following tract of land in Dane County, State of Wisconsin:

RETURN TO  
N. LONIELLO  
1202 S. PARK ST.  
MADISON, WI 53715

A tract of land in the City of Madison, Dane County, State of Wisconsin, described as a parcel of land in the NW 1/4-SW 1/4 of Section 25, T7N, R9E thereof, located from a highway reference line described as follows:

Commencing at a point on the west line of said Section 25, 88 feet north of its west quarter corner; thence S 73° 33' E, 792.1 feet to a point of curve; thence southeasterly on a curve to the right, radius 1910 feet, 350.1 feet to the point of beginning of said reference line; thence continuing southeasterly on said curve to the right, 293 feet. Said parcel includes all that land of the owner lying between lines located 50 feet and 100 feet northeasterly of and parallel to the above-described reference line as measured along said reference line.

Said parcel contains 0.28 acre, more or less.

It is expressly intended and agreed by and between the parties hereto that the following conditions and restrictions shall attach to this conveyance, and acceptance of this instrument by the grantee shall be construed as acceptance of each and all of said conditions and restrictions:

No advertising signs or billboards of any type shall be erected, located or maintained on the above-described lands.

The above-described lands shall not be used for the accumulation or storage of junked automobiles or farm machinery, or parts thereof, or other salvage materials, nor shall said lands be used for the storage of wrecked or inoperable motor vehicles or farm machinery.

The above-described lands shall be subject to all applicable zoning laws and/or ordinances.

These covenants, burdens and restrictions shall run with the land and shall forever bind the grantee, his heirs, successors and assigns, and, upon breach or failure of all or any part thereof, all right, title and interest in and to the above-described lands shall immediately vest in the grantor State of Wisconsin, the same as if this instrument had not been given.

IN WITNESS WHEREOF, the said grantor ha 5 hereunto set its and and seal this 5th day of July, A. D., 19 78.

SIGNED AND SEALED IN PRESENCE OF

*Beverly J. McCluskey*

Beverly J. McCluskey

*Vicki L. Brusky*

Vicki L. Brusky

FEE

# 2

EXEMPT

H. L. Fiedler, Acting Administrator, Division of Highways (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF WISCONSIN, Dane County, Wis.

Personally came before me, this 5th day of July, A. D., 19 78 the above named H. L. Fiedler, Acting Administrator, Division of Highways

to me known to be the person who executed the foregoing instrument and acknowledged the same.



*Lucille Schmalzer*  
Lucille Schmalzer

Notary Public Dane County, Wis.

This instrument drafted by Division of Highways FAP 268-C, Division Job 1029

My Commission (Expires) on August 17, 1980 Excess Parcel 61-A(2)

(Section 59.31 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have plainly printed or typewritten thereon the names of the grantor, grantee, witness and notary.)

QUIT CLAIM DEED--STATE OF WISCONSIN, FORM NO. 13

W. S. HILL CO., MILWAUKEE

EXHIBIT H

# PLAT OF SURVEY

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 9 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 25, T7N-R9E, WHICH BEARS S00°00'00"W ACCORDING TO OBSERVATIONS MADE USING THE WISCONSIN COORDINATE REFERENCE SYSTEM (WCRS) DANE COUNTY ZONE NAD 83 (2011).

CENTER 1/4 CORNER SECTION 25 FOUND BRASS CAP IN CONCRETE POST. WITNESS MONUMENTS FOUND AND VERIFIED.

WEST 1/4 CORNER SECTION 25 FOUND 1-1/4" DIA. STEEL ROD IN WATER BOX. WITNESS MONUMENTS FOUND AND VERIFIED.

### LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 9 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 25;

THENCE S85°00'00"E, 1200.18 FEET ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25;

THENCE S1°00'05"W, 88.55 FEET;

THENCE S31°46'49"W, 205.48 FEET TO THE POINT OF BEGINNING OF THE ARC OF A CURVE TO THE RIGHT, WHICH IS OFFSET 50.00 FEET NORTHEASTERLY FROM A REFERENCE LINE IDENTIFIED IN DOCUMENT 1581603;

THENCE 359.99 FEET ALONG SAID ARC, HAVING A RADIUS OF 1950.00 FEET, AND A CHORD WHICH BEARS S54°25'36"E, 359.49 FEET;

THENCE S31°38'32"W, 50.58 FEET TO THE NORTHEASTERLY LINE OF E. OLIN AVENUE;

THENCE 31.43 FEET ALONG SAID NORTHEASTERLY LINE, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 263.90 FEET AND A CHORD WHICH BEARS N50°20'25"W, 31.41 FEET;

THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE, N46°53'30"W, 172.62 FEET;

THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE, 159.80 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1087.49 AND A CHORD WHICH BEARS N51°10'43"W, 159.66 FEET;

THENCE N31°46'49"E, 16.49 FEET TO THE POINT OF BEGINNING.

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	359.99	1950.00	10°31'25"	S54°25'36"E	359.49
C2	31.43	263.90	5°49'25"	N50°20'25"W	31.41
	(11.37)	(263.90)	(6°49'53")	(N51°34'48"W)	(31.37)
	(31.38)	(262.57)	(6°51'39"W)	(N51°34'39"W)	(31.38)
C3	159.80	1087.49	8°23'16"	N51°10'43"W	159.66
	(154.20)	(1087.50)	(8°23'16")	(N51°10'43"W)	(159.67)
C4	6.49	1950.00	0°14'50"	N31°46'43"W	6.45

- LEGEND**
- = SECTION CORNER MON.
  - = FOUND MONUMENTATION AS NOTED
  - = 1-1/4" O.D. x 24" LONG. IRON PIPE SET, WEIGHING 1.68 LBS./FT.
  - ( ) = RECORDED AS PER 2000 AYRES SURVEY
  - [ ] = RECORDED AS PER DOCUMENT 5477719



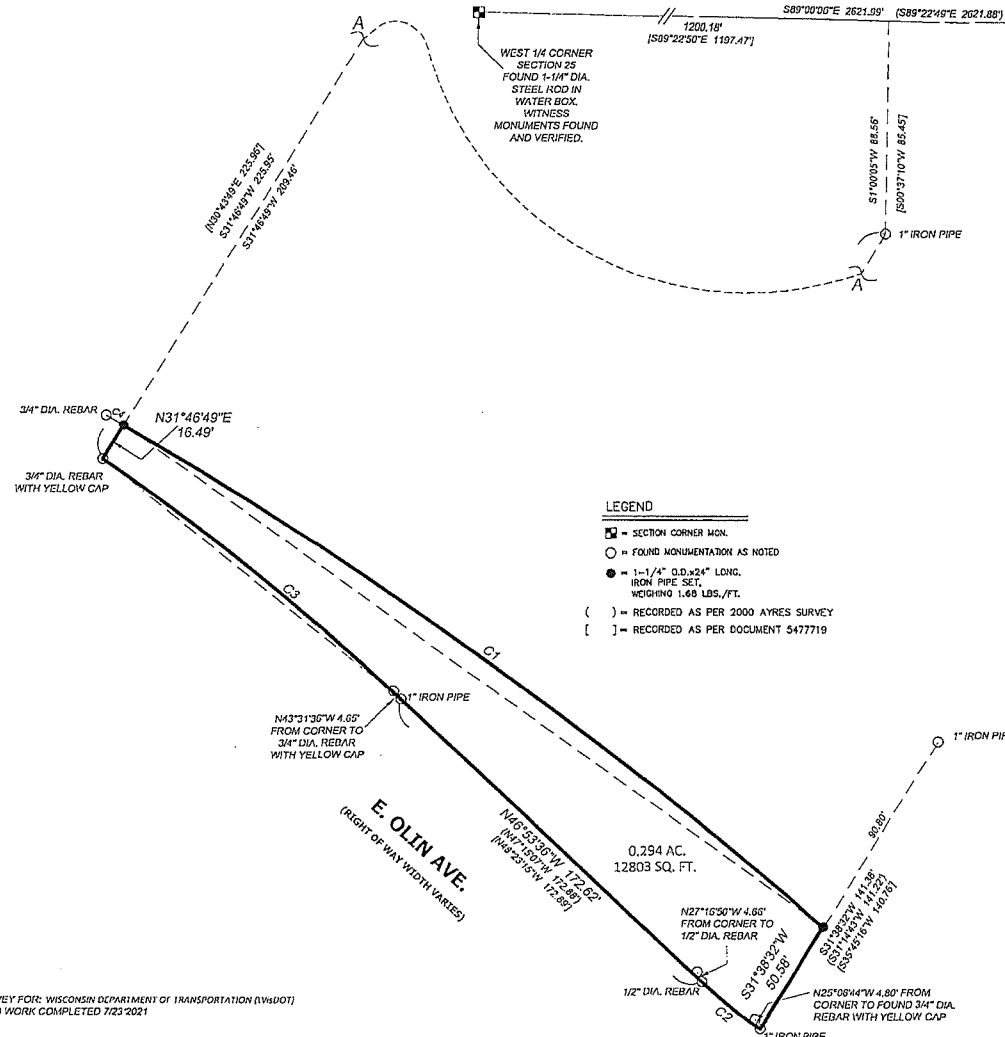
**PROFESSIONAL LAND SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT I HAVE MADE THIS SURVEY IN ACCORDANCE WITH THE PROMISIONS OF CHAPTER A-6 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 23rd DAY OF JULY, 2021

*Scott D. Warner*

Scott D. Warner, PROFESSIONAL LAND SURVEYOR, S-2524



SURVEY FOR: WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT)  
FIELD WORK COMPLETED 7/23/2021

REVISION DATE	DATE 7/22/2021	SCALE, FEET	E. OLIN AVE, MADISON, WI	STATE R/W PROJECT NUMBER 0632-01-00	PLAT SHEET 4.01
GRID FACTOR			COUNTY: DANE	CONSTRUCTION PROJECT NUMBER	PS&E SHEET E

and not otherwise under guardianship is not a person under disability for purposes of this subsection.

(a) Where the person under disability is a minor under the age of 14 years, summons shall be served separately in any manner prescribed in sub. (1) upon a parent or guardian having custody of the child, or if there is none, upon any other person having the care and control of the child. If there is no parent, guardian or other person having care and control of the child when service is made upon the child, then service of the summons shall also be made upon the guardian ad litem after appointment under s. 803.01.

(b) Where the person under disability is known by the plaintiff to be under guardianship of any kind, a summons shall be served separately upon the guardian in any manner prescribed in sub. (1), (5) or (6). If no guardian has been appointed when service is made upon a person alleged by the plaintiff to be incompetent to have charge of the person's affairs, then service of the summons shall be made upon the guardian ad litem after appointment under s. 803.01.

(3) STATE. Upon the state, by delivering a copy of the summons and of the complaint to the attorney general or leaving them at the attorney general's office in the capitol with an assistant or clerk.

(4) OTHER POLITICAL CORPORATIONS OR BODIES POLITIC. (a) Upon a political corporation or other body politic, by personally serving any of the specified officers, directors, or agents:

1. If the action is against a county, the chairperson of the county board or the county clerk;
2. If against a town, the chairperson or clerk thereof;
3. If against a city, the mayor, city manager or clerk thereof;
4. If against a village, the president or clerk thereof;
5. If against a technical college district, the district board chairperson or secretary thereof;
6. If against a school district or school board, the president or clerk thereof; and
7. If against any other body politic, an officer, director, or managing agent thereof.

(b) In lieu of delivering the copy of the summons to the person specified, the copy may be left in the office of such officer, director or managing agent with the person who is apparently in charge of the office.

(5) DOMESTIC OR FOREIGN CORPORATIONS OR LIMITED LIABILITY COMPANIES, GENERALLY. Upon a domestic or foreign corporation or domestic or foreign limited liability company:

(a) By personally serving the summons upon an officer, director or managing agent of the corporation or limited liability company either within or without this state. In lieu of delivering the copy of the summons to the officer specified, the copy may be left in the office of such officer, director or managing agent with the person who is apparently in charge of the office.

(b) If with reasonable diligence the defendant cannot be served under par. (a), then the summons may be served upon an officer, director or managing agent of the corporation or limited liability company by publication and mailing as provided in sub. (1).

(c) By serving the summons in a manner specified by any other statute upon the defendant or upon an agent authorized by appointment or by law to accept service of the summons for the defendant.

(d) If against any insurer, to any agent of the insurer as defined by s. 628.02. Service upon an agent of the insurer is not valid unless a copy of the summons and proof of service is sent by registered mail to the principal place of business of the insurer within 5 days after service upon the agent. Service upon any insurer may also be made under par. (a).

(6) PARTNERS AND PARTNERSHIPS. A summons shall be served individually upon each general partner known to the plaintiff by service in any manner prescribed in sub. (1), (2) or (5) where the claim sued upon arises out of or relates to partnership activities within this state sufficient to subject a defendant to personal juris-

dition under s. 801.05 (2) to (10). A judgment rendered under such circumstances is a binding adjudication individually against each partner so served and is a binding adjudication against the partnership as to its assets anywhere.

**History:** Sup. Ct. Order, 67 Wis. 2d 585, 602 (1975); 1975 c. 218; 1977 c. 339 s. 43; 1979 c. 89, 102, 177; 1983 a. 192 s. 303 (2); 1985 a. 225; Sup. Ct. Order, 130 Wis. 2d xix (1986); 1993 a. 112, 184, 265, 399, 491; 1997 a. 140; 1999 a. 32; 2005 a. 387.

**Cross-reference:** As to service on corporation, see also s. 180.0504.

**Judicial Council Note, 1986:** Sub. (1) (b) is amended to permit substituted service upon residents of other states. Service upon nonresidents may be made either as provided for Wisconsin residents or in accordance with the substituted service rule of the state wherein service is made. [Re Order eff. 7-1-86]

There is no requirement in cases of substituted service that the affidavit recite that the process server used "reasonable diligence" in attempting to make personal service, but substituted service after 2 calls when the defendant was not found, with no effort to learn where the defendant was, was not sufficient to support jurisdiction. *Heaston v. Austin*, 47 Wis. 2d 67, 176 N.W.2d 309 (1970).

When a village was a defendant, service was void when it was made upon the clerk's spouse in the clerk's absence. *Town of Washington v. Village of Cecil*, 53 Wis. 2d 710, 193 N.W.2d 674 (1972).

"Apparently in charge of the office" in sub. (5) (a) refers to what is apparent to the process server. When a receptionist referred the process server to her superior, who did not send the server to the proper office, the server could serve the superior, particularly since the superior had accepted service of process in other actions without objection by the company. *Keske v. Square D Co.* 58 Wis. 2d 307, 206 N.W.2d 189 (1973).

When personal jurisdiction is challenged under the "long arm" statutes, the burden is on the plaintiff to prove prima facie the facts supporting jurisdiction. A plaintiff who relies on sub. (5) is required to establish as a predicate that the defendant entered into some consensual agreement with the plaintiff that contemplated a substantial contact in Wisconsin. *Afram v. Balfour, Maclaine, Inc.* 63 Wis. 2d 702, 218 N.W.2d 288 (1974).

No presumption of due service was raised when an affidavit of service under sub. (5) (a) did not identify the person served as the one specified in sub. (5) (a). *Danielson v. Brody Seating Co.* 71 Wis. 2d 424, 238 N.W.2d 531 (1976).

The prerequisite "due diligence" for service by publication was not established, despite the sheriff's affidavit, when a husband could have ascertained his wife's address by contacting any one of several relatives or in-laws. *West v. West*, 82 Wis. 2d 158, 262 N.W.2d 87 (1978).

A county civil service commission is a "body politic" under sub. (4) (a) 7. *Watkins v. Milwaukee County Civil Service Comm.* 88 Wis. 2d 411, 276 N.W.2d 775 (1979).

The exact identity and job title of the person upon whom service was made was not critical to whether the person was "apparently in charge of office" under sub. (5) (a). *Horrigan v. State Farm Ins. Co.* 106 Wis. 2d 675, 317 N.W.2d 474 (1982).

"Reasonable diligence" under sub. (1) is discussed. *Welty v. Heggy*, 124 Wis. 2d 318, 369 N.W.2d 763 (Ct. App. 1985).

Indian tribal sovereignty is not infringed by service of process in a state action made on tribal lands. *Landerman v. Martin*, 191 Wis. 2d 788, 530 N.W.2d 62 (Ct. App. 1995).

Service of process on some of the partners in a general partnership is sufficient to commence a civil action against the partnership that will be binding on the partnership assets and the partners served. *CH2M Hill, Inc. v. Black & Veatch*, 206 Wis. 2d 370, 557 N.W.2d 829 (Ct. App. 1996), 95-2619.

The existence of a parent-subsidiary corporate relationship does not automatically establish the subsidiary as an agent of the parent for purposes of receiving process. *Prom v. Sumitomo Rubber Industries, Ltd.* 224 Wis. 2d 743, 592 N.W.2d 657 (Ct. App. 1999), 98-0938.

A corporation whose offices were located on the 23rd floor of an office building was not properly served under sub. (5) (a) when the papers were left with a security guard in the building lobby who stated that he was authorized to accept service. *Bar Code Resources v. Ameritech, Inc.* 229 Wis. 2d 287, 599 N.W.2d 872 (Ct. App. 1999), 98-1314.

Service on a limited partnership is governed by sub. (6), not ch. 179. Sub. (6) requires service upon all the general partners known to the plaintiff. When the only person served was a maintenance man, service was insufficient. *Carmain v. Affiliated Capital Corporation*, 2002 WI App 271, 258 Wis. 2d 378, 654 N.W.2d 265, 01-3077.

Neither s. 801.02 (1) nor s. 801.11 allows a defendant who is being sued in a dual capacity, personally and officially, to be served in only one of those capacities. When an officer of a company received service on behalf of the company, receiving one copy of a summons and complaint, but was not served as an individual, although named individually, there was no jurisdiction over the officer as an individual. *Useni v. Boudron*, 2003 WI App 98, 264 Wis. 2d 783, 662 N.W.2d 672, 02-1475.

Personal jurisdiction over a body politic may be obtained by service of the summons and complaint on an officer, director, or managing agent, or substitute service on a "person who is apparently in charge of the office." Service on a nonparty, even when it occurs erroneously in reliance on the mistaken direction of a person in the office of the defendant, does not constitute service on the defendant. *Hagen v. City of Milwaukee Employee's Retirement System Annuity and Pension Board*, 2003 WI 56, 262 Wis. 2d 113, 663 N.W.2d 268, 01-3198.

Sub. (1) (d) permits substituted service on a natural person's agent who has actual express authority to accept service of summons for the principal. Apparent authority does not satisfy the requirement that the agent be "authorized by appointment" to accept service of summons. *Mared Industries, Inc. v. Mansfield*, 2005 WI 5, 277 Wis. 2d 350, 690 N.W.2d 835, 03-0097.

"Managing agent" as it appears in sub. (5) relates to an agent having general supervision of the affairs of the corporation. "Superintendent" and "managing agent" have corresponding meanings in the statute. Both terms relate to a person possessing and exercising the right of general control, authority, judgment, and discretion over the business or affairs of the corporation, either everywhere or in a particular branch or district. *Richards v. First Union Securities, Inc.* 2006 WI 55, 290 Wis. 2d 620, 714 N.W.2d 913, 04-1877.