

Prusak, Sydney

From: Jacob Harlow <jacob@centuryhouseinc.com>
Sent: Monday, February 25, 2019 3:04 PM
To: Prusak, Sydney
Subject: 3009 University - objection to the easement.
Attachments: 3AV0057-08-25-16 Robert Kuehling response ltr. from JIS re Kuehling 08-01-16 ltr. to Century House.PDF; ATT00001.htm

Hello Sidney,

Thanks so much for your time today.

I am attaching the letter that was sent to Duke's lawyers at the time of their assertion of the easement across our property.

If a person were to visit the property today, one can easily see how this access has not existed for many years.

There is a large elevation change with landscaping, trees and a retaining wall that all make this inaccessible.

We do object to any inclusion of this easement in any CSMs or planning documents.

I would also very much appreciate a heads up if there are any changes to the planning that look to include any part of the property line retaining wall or this alleged easement.

Please let me know if there are any questions at all.

thank you,

Jacob Harlow
The Century House
3029 University Ave.
Madison, WI 53705
[REDACTED]
www.centuryhouseinc.com

James I. Statz

222 West Washington Avenue, Suite 900
P.O. Box 1784
Madison, WI 53701-1784
jstatz@staffordlaw.com
~~608.259.2600~~

August 25, 2016

Mr. Robert W. Kuehling
Kuehling & Kuehling LLC
131 West Wilson Street
Madison, WI 53703-3268

BY EMAIL AND U.S. MAIL
Email at: rkuehling@gmail.com

Re: Access Easement to University Avenue

Dear Bob:

This office represents Century House Real Estate, LLC. We are in receipt of your letter dated August 1, 2016. The purpose of this letter is to correct the factual assertions made in your letter. There has never been any use made of the purported easement referred to in your letter. Your client abandoned the easement many, many years ago when it built a retaining wall to enclose and support the parking area. Further, my client was not aware of any purported easement rights. My client has used all areas subject to the purported easement exclusively and to the exclusion of anyone else, your client included. Any attempt to assert any supposed rights under this abandoned easement will be vigorously defended.

We are also quite disappointed to receive this letter. In recent months my client and your client had seemingly developed a better working relationship. In furtherance of that relationship we urge you to withdraw the letter immediately.

Very truly yours,


James I. Statz

JIS:nmg

cc: Mr. Jacob Harlow (by electronic mail)

L:\DOCS\026556\000001\CORR\3AS5564.DOCX
0825161618

Madison Office

222 West Washington Avenue
P.O. Box 1784
Madison, Wisconsin
53701-1784
~~608.259.2626~~
~~608.259.4752~~
Fax 608.259.2600
www.staffordlaw.com

Milwaukee Office

1200 North Mayfair Road
Suite 430
Milwaukee, Wisconsin
53226-3282
~~414.982.2850~~
~~608.655.4752~~
Fax 414.982.2889
www.staffordlaw.com

KUEHLING & KUEHLING LLC

ATTORNEYS AT LAW

131 WEST WILSON STREET

MADISON, WISCONSIN 53703-3268

~~(608) 257-1908~~

ROBERT W. KUEHLING
ADMITTED TO PRACTICE
WISCONSIN AND FLORIDA
WARREN E. KUEHLING
(1922-1996)

FACSIMILE
(608) 257-1908
E-MAIL
rkuehling@gmail.com

August 1, 2016

Via Certified Mail: 7015 0640 0002 6623 0992

Century House Real Estate LLC
3033 University Avenue
Madison, WI 53705

Re: Access Easement to University Avenue

Dear Ladies and Gentlemen:

My law firm represents Shorewood House LLP, which is the owner of the large white apartment building to the west of your property.

You may be aware, there is an 11-foot wide vehicular and pedestrian ingress and egress easement extending from the northwesterly corner of the Shorewood House property along the westerly side of your property, to University Avenue. I am enclosing a survey map which depicts that easement.

My client has over the years made occasional use of the easement. However, it has sometimes been a little awkward as there is a steep embankment and retaining wall to be traversed. Also, in recent years, there have often been cars parked over the easement. Yet, due to its limited use of that area, it does not create a significant problem.

My client wishes to confirm his continuing permission for periodic parking of customer vehicles over the easement area. However, he reserves the right at any time in the future to insist that any obstructions of the easement be terminated.

My client would also like to alert you that it is anticipating excavating in the northwesterly corner of the property appurtenant to the easement area. This will likely involve removal of the tree located there. Shorewood House anticipates installing a stairway to better access the easement area. In that process, it expects to be respectful of your business operations.

5-7

Thank you for your attention to this matter. If you have any questions or comments concerning the situation, please direct them to the under-signed attorney.

Yours truly,

KUEHLING & KUEHLING LLC



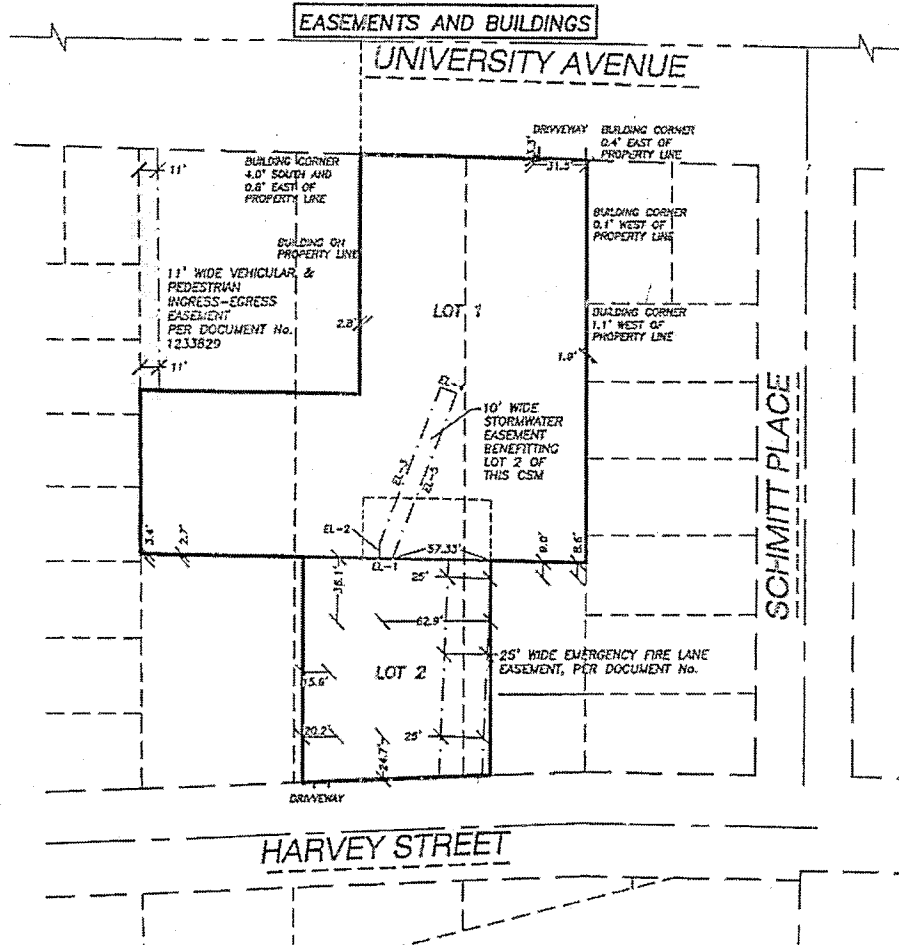
Robert W. Kuehling

RWK/rm

cc: Shorewood House LLP

CERTIFIED SURVEY MAP NO. _____

PART OF LOTS 3, 4 AND 5, QUARRY TOWN, LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 07 NORTH, RANGE 09 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN



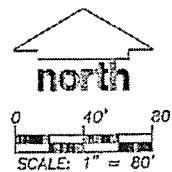
LEGEND

- GOVERNMENT CORNER
- CHISELED "X" FOUND
- 1" IRON PIPE FOUND
- 3/4" REBAR FOUND
- PARCEL BOUNDARY
- SECTION LINE
- RIGHT-OF-WAY LINE
- CENTERLINE
- PLATTED LOT LINE
- EASEMENT LINE
- FENCE LINE

NOTES

1. BEARINGS FOR THIS SURVEY AND MAP ARE BASED ON THE WISCONSIN COUNTY COORDINATE SYSTEM, (WCCS), DANE COUNTY, THE NORTH LINE OF THE NORTHWEST QUARTER, BEARS S 89°35'34" E.
2. FIELD WORK PERFORMED BY JSD PROFESSIONAL SERVICES, INC. ON NOVEMBER 05, 2013.

| EASEMENT LINE TABLE | | |
|---------------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| EL-1 | N 88°41'44" W | 7.53' |
| EL-2 | N 01°18'16" E | 8.69' |
| EL-3 | N 20°48'51" E | 97.47' |
| EL-4 | S 69°11'09" E | 10.00' |
| EL-5 | S 20°48'43" W | 103.14' |



L:\2010A\104352\dwg\104352-P-CSM.dwg

| | | | |
|---|--|---|--|
| PREPARED BY: 161 HORIZON DRIVE, SUITE 101 VERONA, WISCONSIN 53593 PHONE: (608)248-5250 | PREPARED FOR: DUKE DYKSTRA 3009 UNIVERSITY AVENUE MADISON, WI 53705 | PROJECT NO: 10-4352 FILE NO: 8-249 FIELDBOOK/PG: 273/75 SHEET NO: 3 OF 5 | SURVEYED BY: JH DRAWN BY: JK CHECKED BY: JJB APPROVED BY: HPU |
| VOL. _____ PAGE _____ | | DOC. NO. _____ | |
| | | C.S.M. NO. _____ | |