

**DECLARATION OF
PUBLIC BUS SHELTER EASEMENT**

This Declaration of Public Bus Shelter Easement (“Declaration”) is made this ____ day of _____, 2018, by the **City of Madison**, a Wisconsin municipal corporation (the “City”).

WITNESSETH:

WHEREAS, the City is the owner of a parcel of land located at 2425 Monroe Street in the City of Madison, commonly known as Wingra Park & Boat Livery (the “Park”); and

WHEREAS, Madison Metro Transit (“Metro”) desires to use a portion of the Park (the “Easement Area”) for the installation and operation of a public bus shelter facility (the “Facility”); and

WHEREAS, the Easement Area is legally described on Exhibit A and depicted on Exhibit B, which Exhibits are attached and made a part of this Declaration; and

WHEREAS, the City wishes to formally establish, by easement, the right of the Metro to use the Easement Area for the installation and operation of the Facility.

NOW, THEREFORE, the City does hereby grant, declare and establish, for the benefit of the Metro, a non-exclusive easement for public bus shelter purposes, on the following terms and conditions:

1. This Declaration is made in accordance with City of Madison Engineering Project No. 10251 and Contract No. 7974.
2. This Declaration shall include, but not be limited to, the rights of Metro to ingress from and egress to the Easement Area; to excavate, construct, operate, repair, replace, and/or maintain the Facility in the Easement Area; and to perform all work incidental thereto.
3. The City reserves the right of reasonable use and occupation of the Easement Area, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the Facility.
4. All areas affected by any work performed by Metro will be promptly restored to original grade and vegetation or surface condition, including repair or replacement of pavement and concrete, by and at the expense of Metro after completion of said work (or as soon thereafter as weather reasonably permits) and in a manner satisfactory to the City Engineer and City Parks Superintendent.

Return To: City of Madison
Office of Real Estate Services
P.O. Box 2983
Madison, WI 53701-2983

Tax Parcel No: 251-0709-281-1620-5 (part of)

5. This Declaration may not be amended, modified, terminated, or released without the written consent of the City of Madison Metro Transit, City Engineer and City Parks Superintendent.
6. This Declaration shall run with the land described herein and shall be binding upon the City, as the owner of the Park, and its successors in interest.

IN WITNESS WHEREOF, the City has entered into this Declaration of Public Bus Shelter Easement as of the date first set forth above.

CITY OF MADISON,
a Wisconsin municipal corporation

By: _____
Paul R. Soglin, Mayor

By: _____
Maribeth Witzel-Behl, City Clerk

State of Wisconsin)
) ss.
County of Dane)

Personally came before me this _____ day of _____, 2018, the above named Paul R. Soglin, Mayor 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, State of Wisconsin

Print or Type Name
Commission expires: _____

State of Wisconsin)
) ss.
County of Dane)

Personally came before me this _____ day of _____, 2018, the above named Maribeth L. Witzel-Behl, City Clerk of the City of Madison, acting in said capacity and known to me to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

Print or Type Name

Commission expires: _____

Execution of this Declaration is authorized by Resolution Enactment No. RES-17-00796, File ID No. 48763, adopted by the Common Council of the City of Madison on October 3, 2017.

Drafted by the City of Madison Office of Real Estate Services

Real Estate Project No. 11646
Engineering Project No. 10251

EXHIBIT A

Description of the Public Bus Shelter Easement Area

CITY OF MADISON PARKS
251-0709-281-1620-5
2425 MONROE STREET

Part of Government Lot 1, being located in part of the Northeast Quarter (1/4) of Section 28, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the NW Corner of Block 2, Edgewood Park, recorded in Volume 4, of Plats, on page 1 (transferred to Vol. 5 of Plats, pg. 55A), as Document No. 279273; thence S 47°37'08" W, along the Southeasterly right-of-way of Monroe Street, 92.03 feet, to the **Point of Beginning**; thence S 42°22'52" E, 6.00 feet; thence S 47°37'08" W, 12.00 feet; thence N 42°22'52" W, 6.00 feet, to the said right-of-way of Monroe Street; thence N 47°37'08" E, along the said right-of-way, 12.00 feet, to the **Point of Beginning**.

Containing: 72 square feet, more or less.

EXHIBIT B

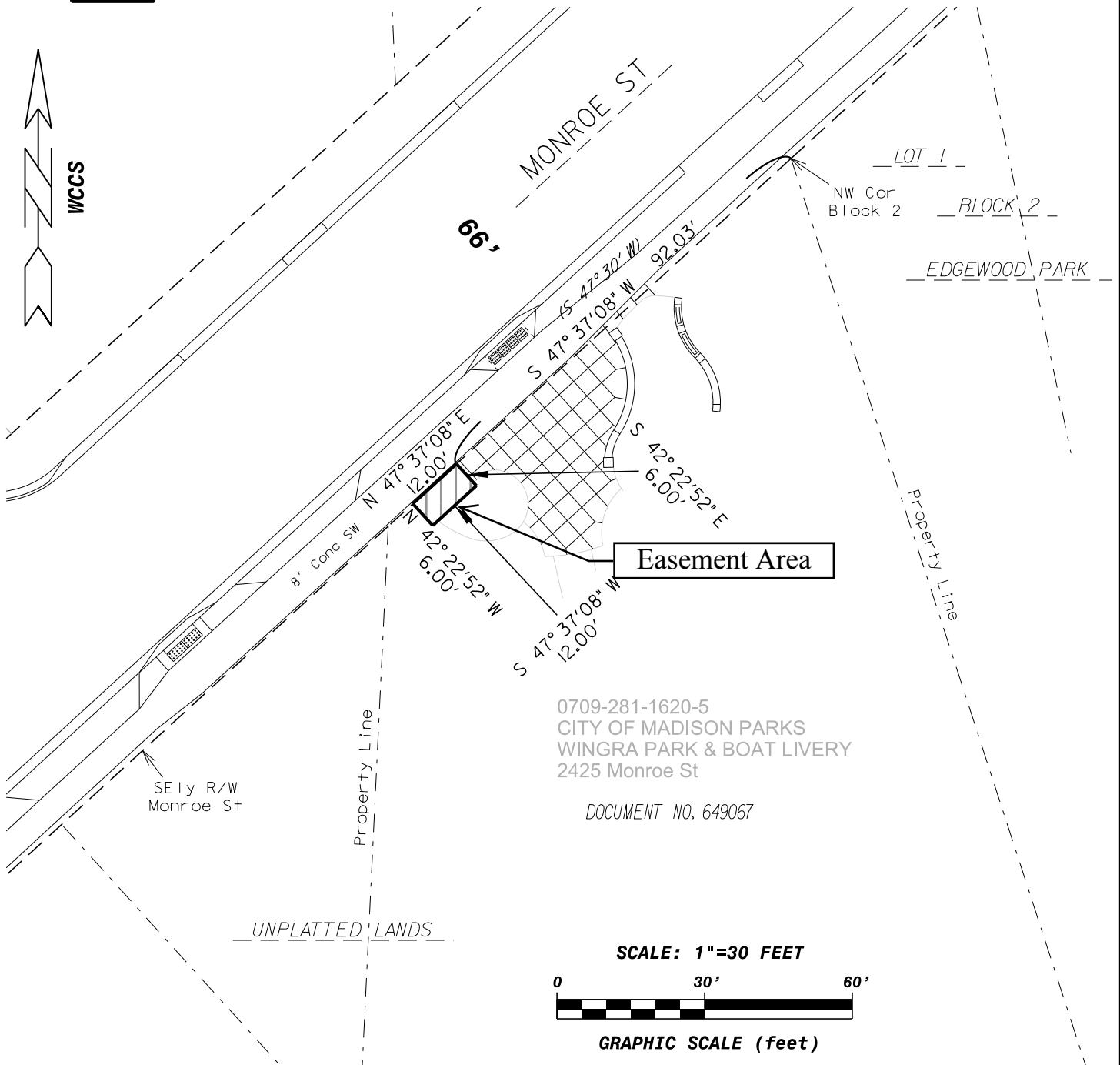
PUBLIC BUS SHELTER EASEMENT

DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION
MADISON, WISCONSIN

PROPERTY OWNER:
CITY OF MADISON PARKS
251-0709-281-1620-5
2425 MONROE ST



ESMT AREA: 72 Sq. Ft.



FILENAME:
M:\DESIGN\Projects\10251\Survey\Drawings\Easement Bus Shelter\10251EN-Easement Shelter.dgn
DATE: 6/26/2018
ENGR. PROJ. NO. 10251
ORES PROJ. NO. 11646
REVISED: