

RESOLUTION



8 8 7 0 8 8 8  
Tx:8674279

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
5161887

06/22/2015 3:50 PM  
Trans. Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 25

Use black ink

At the (City) / Village / Town) of Madison  
*Circle one*

official meeting held on May 5, 2015, the following resolution was adopted concerning land in Dane County described as: See Attached.

(Give the legal description of the affected property or, if attached, say "see attached.")

Vacation/Discontinuance of a portion of Evan Acres Road and a portion of Savannah Road and repealing RES-12-00227.

File #: 37610  
Resolution #: RES-15-00352

A copy of the resolution is attached.

Recording area

CITY CLERK  
210 MARTIN LUTHER KING JR. BLVD RM 103  
MADISON, WI 53703

PARCEL IDENTIFICATION NUMBER\*  
(\*Not required for road right of ways)

Maribeth Witzel-Behl June 22, 2015  
Signature of City/Village/Town official Date

Maribeth Witzel-Behl  
Name printed

City Clerk of Madison  
Title

STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on June 22, 2015 by the above named person(s).

Signature of notary or other person authorized to administer an oath

Jean K. Phelps  
(as per s. 706.06, 706.07)

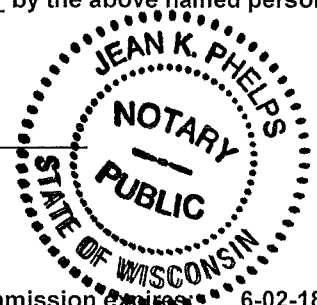
Print or type name: Jean K Phelps

Title WI Certified Municipal Clerk Date commission expires 6-02-18

This document was drafted by:  
(print or type name below)

Jean Phelps

Names of persons signing in any capacity must be typed or printed below their signature.  
DCROD 3/1/2002





# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Certified Copy

Resolution: RES-15-00352

File Number: 37610

Enactment Number: RES-15-00352

Vacation/Discontinuance of a portion of Evan Acres Road and a portion of Savannah Road and repealing RES-12-00227.

**WHEREAS**, on September 10, 1998 the City of Madison (the "City") and the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe, (the "Nation") entered into an Intergovernmental Service and Development Agreement (the "IGA") regarding the development of the facility now known as Ho-Chunk Gaming Madison on lands held in trust for the Nation by the United States of America (the "trust parcel"), along with the development of surrounding lands owned by the Nation in fee (the "fee lands"); and,

**WHEREAS**, the IGA contained numerous recitals and terms relating to the construction of necessary public infrastructure to serve this proposed development; and,

**WHEREAS**, Section 8 of the IGA required the City to relocate and expand the intersection of Evan Acres Road and Savannah Road on lands dedicated to the City by Nation, which dedications were made by the Nation in Doc. No. 3135154 and which improvements were made by the City in City Contract No. 5078 / Engineering Project No. 53B0037 in 1999; and,

**WHEREAS**, following the improvement of these right-of-ways, the IGA called for the City to vacate the surplus lands created by the relocation and expansion of the Evan Acres Road and Savannah Road right-of-ways and intersection and assign the property to the abutting land owners; and,

**WHEREAS**, the Nation has brought it to the attention of various city departments that this street vacation called for by the IGA had never been completed by the City; and,

**WHEREAS**, the City Engineering Division has determined that the Nation and the City have completed all public street and infrastructure improvements and satisfied all conditions required for the City to move forward with this partial street vacation; and,

**WHEREAS**, the City previously conditionally vacated these lands in RES-12-00227 (file ID No. 25360, Doc. No. 4931918), but that resolution was incomplete; and,

**WHEREAS**, a precondition of the City's vacation of these lands is that it not result in the trust parcel being landlocked, which condition has been satisfied with the Nation's granting of a permanent access easement over the fee lands for the purpose of providing pedestrian and vehicular access between the trust land and the public right-of-way, which easement is attached hereto as Exhibit 13; and,

**WHEREAS**, subject to the reservations set forth in Sec. 66.1005(2), it is in the public's interest that the following portions of the Evan Acres Road and Savannah Road right-of-ways should be vacated pursuant to the terms of the IGA and Wis. Stat. Sec. 66.1003(4):

Vacated Street Portion East, as described on Exhibit 1 and depicted on Exhibit 2 to this resolution;

- Vacated Street Portion West, as described on Exhibit 3 and depicted on Exhibit 4 to this resolution; and,
- Vacated Street Portion North, as described on Exhibit 5 and depicted on Exhibit 6 to this resolution;

Which Exhibits are incorporated herein by reference; and,

**WHEREAS**, following the vacation of the above lands, pursuant to Wis. Stat. Sec. 66.1005(1), the vacated lands shall attach to the Nation's fee lands as follows:

- Vacated Street Portion East shall be attached to the Nation's property at 4001 Savannah Rd. (tax parcel ID no. 0710-264-0103-5), the resulting parcel, Combined Parcel East, being described on Exhibit 7 and depicted on Exhibit 8;
- Vacated Street Portion West shall be attached to the Nation's property at 3938 Evan Acres Rd. (tax parcel ID no. 0710-264-0101-9), the resulting parcel, Combined Parcel West, being described on Exhibit 9 and depicted on Exhibit 10;
- Vacated Street Portion North shall be attached to the Nation's property at 3922 Evan Acres Rd. (tax parcel ID no. 0710-261-0301-1), the resulting parcel, Combined Parcel North, being described on Exhibit 11 and depicted on Exhibit 12;

Which Exhibits are incorporated herein by reference.

**NOW THEREFORE BE IT RESOLVED**, that, RES-12-00227 (File ID No. 25360) is hereby repealed; and,

**BE IT FURTHER RESOLVED**, that, pursuant to Wis. Stat. Sec. 66.1003(4), the City Of Madison finds that, based upon the terms of the IGA with the Nation, it is in the public's interest to discontinue and vacate those portions of Evan Acres Road and Savannah Road as described and depicted on Exhibits 1 through 6 to this resolution; and,

**BE IT FURTHER RESOLVED**, that, under Wis. Stat. Sec. 66.1005(2), all easements and rights incidental to the easements that belong to any county, school district, town, village, city, utility, or person that relate to any underground or overground structures, improvements, or services and all rights of entrance, maintenance, construction, and repair of the structures, improvements, or services shall continue, unless as otherwise provided by statute; and,

**BE IT FURTHER RESOLVED**, that, pursuant to Wis. Stat. Sec. 66.1005(1), the vacated lands shall attach to the Nation's fee lands as set forth above, and as described and depicted on Exhibits 7 through 12 to this resolution; and,

**BE IT FURTHER RESOLVED**, that all supplemental exhibits attached to Legistar and made part of this resolution shall be attached by the City Clerk to the final resolution that is to be recorded with the Dane County Register of Deeds; and,

**BE IT FINALLY RESOLVED**, that following adoption of this resolution and the City Clerk recording said resolution with the Dane County Register of Deeds, effectively conveying title of the vacated street right-of-ways to abutting properties, the City of Madison Assessor's Office will include the vacated lands with the adjacent properties currently owned by the Nation as set forth herein.

I, City Clerk Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. 37610, passed by the COMMON COUNCIL on 5/5/2015.

Maribeth Witzel-Behl

June 22, 2015  
Date Certified

## EXHIBIT 1

### Description of Vacated Street Portion East

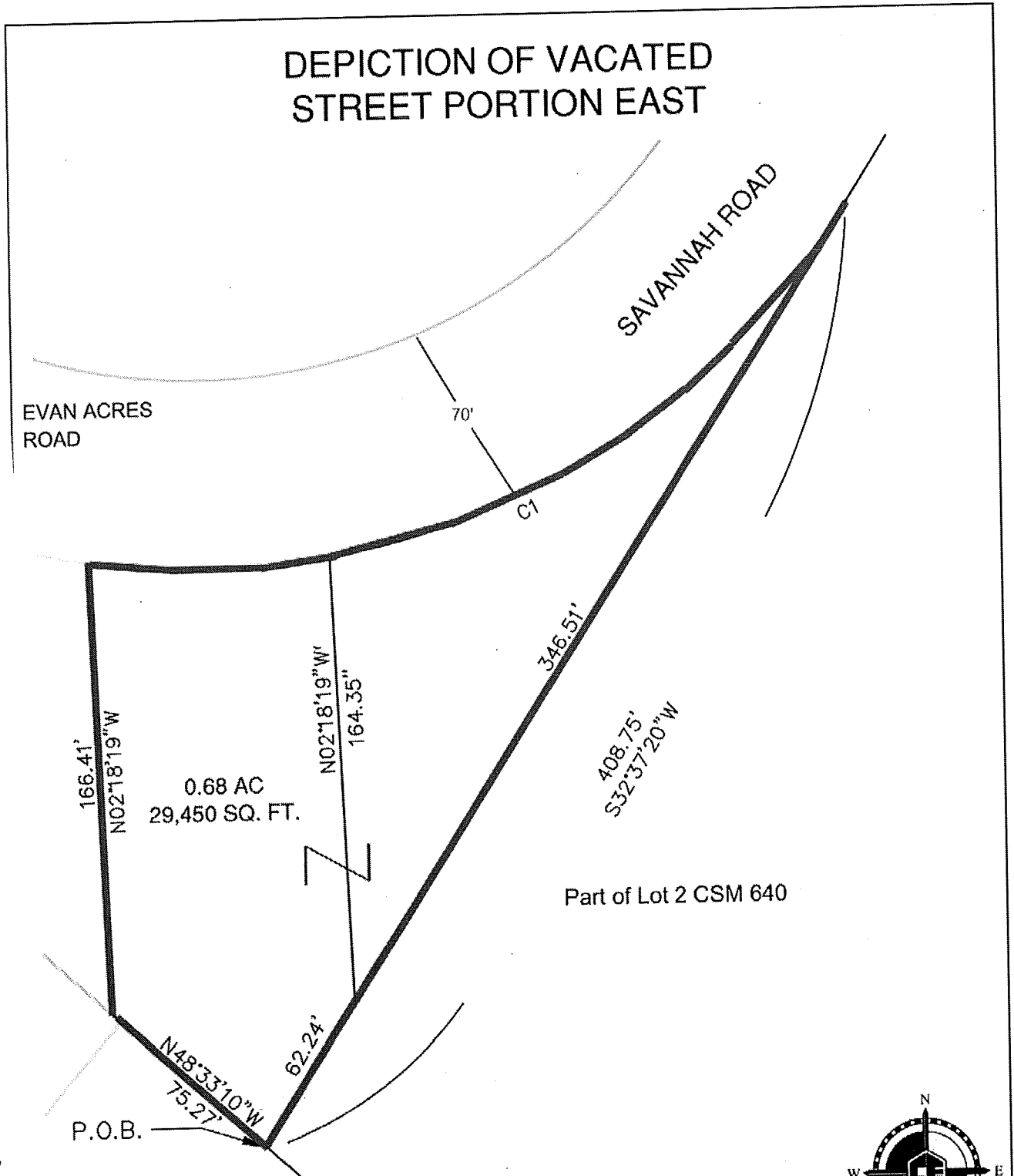
That part of the Evan Acres Road right-of-way and the Savannah Road right-of-way conditionally discontinued and vacated by Resolution dated November 12, 2012 and recorded in the Office of the Register of Deeds for Dane County, Wisconsin ("Register's Office") on November 12, 2012 as Document Number 4931918 ("Vacation"), including a portion of the real property previously deeded to the City of Madison for street purposes pursuant to that certain Warranty Deed dated January 5, 1999 and recorded in the Register's Office on February 1, 1999 as Document Number 3077053 and re-recorded (to correct typographical errors) in the Register's Office on July 16, 1999 as Document Number 3135154, all being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the former Southerly intersection of the Evans Acres Road right-of-way and the Savannah Road right-of-way as such intersection is shown in Certified Survey Map Number 640 recorded in the Register's Office on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document Number 1303026 ("CSM 640"), said intersection being the POINT OF BEGINNING:

Thence N48°33'10"W, a distance of 75.27 feet along that portion of the former right-of-way of Evan Acres Road forming the Northeast boundary of Lot 2 CSM 640; thence N02°18'19"W, a distance of 166.41 feet to the southern right-of-way of Evan Acres Road (as relocated pursuant to the Vacation ("Relocated")); thence 329.07 feet on a curve to the left, having a radius of 285.00 feet, central angle of 66°09'19", a chord bearing of N65°40'14"E, a distance of 311.09 feet along the Relocated right-of-way of Evans Acres Road and Relocated right-of-way of Savannah Road; thence S32°37'20"W, along that portion of the former right-of-way of Savannah Road forming the Northwest boundary line of Lot 2 of CSM 640 a distance of 408.75 feet to the POINT OF BEGINNING.

The above said parcel contains 0.68 acres, 29,450 square feet more or less.

**EXHIBIT 2**  
 Depiction of Vacated Street Portion East

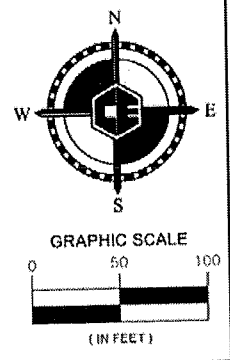


NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl  
 Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

Date: 6-22-15

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	329.07'	285.00'	66°09'19"	N65°40'14"E	311.09'



 <b>COLEMAN ENGINEERING COMPANY</b> 635 CIRCLE DRIVE • IRON MOUNTAIN, MI 49801 • PHONE: 906-774-3440 200 EAST AYER STREET • IRONWOOD, MI • PHONE: 906-932-5049	DATE 10/14/13 PAGE 1 OF 2 JOB NO 10297 CADD FILE BASE_LOTS-SURVEY.DWG
---	---

### EXHIBIT 3

#### Description of Vacated Street Portion West

That part of the Evan Acres Road right-of-way conditionally discontinued and vacated by Resolution dated November 12, 2012 and recorded in the Office of the Register of Deeds for Dane County, Wisconsin ("Register's Office") on November 12, 2012 as Document Number 4931918 ("Vacation"), including a portion of the real property previously deeded to the City of Madison for street purposes pursuant to that certain Warranty Deed dated January 5, 1999 and recorded in the Register's Office on February 1, 1999 as Document Number 3077053 and re-recorded (to correct typographical errors) in the Register's Office on July 16, 1999 as Document Number 3135154, all being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of Lot 2 of Certified Survey Map Number 640 recorded in the Register's Office on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document Number 1303026 ("CSM 640"), said point being on the Northeast right-of-way line of Interstate Highway I-90; thence  $N72^{\circ}07'56''E$  a distance of 394.19 feet to the Northerly corner of said Lot 2 CSM 640 and the POINT OF BEGINNING:

Thence  $N72^{\circ}07'56''E$ , a distance of 14.90 feet to the Southwesterly right-of-way of Evans Acres Road (as relocated pursuant to the Vacation ("Relocated")); thence 217.98 feet on a curve to the left having a radius of 285.00 feet, a central angle of  $43^{\circ}49'21''$ , a chord bearing of  $S59^{\circ}20'27''E$ , a distance of 212.71 feet along said Relocated right-of-way of Evans Acre Road and Relocated right-of-way of Savannah Road; thence  $S02^{\circ}18'19''E$  a distance of 166.41 feet; thence  $N48^{\circ}33'10''W$ , a distance of 46.66 feet along that portion of the former right-of-way of Evan Acres Road forming the Northeast boundary of Lot 2 CSM 640; thence 295.53 feet on a curve to the right having a radius of 634.64 feet, a central angle of  $26^{\circ}40'51''$ , a chord bearing of  $N35^{\circ}12'44''W$ , a distance of 292.87 feet along that portion of the former right-of-way of Evan Acres Road forming the Northeast boundary of Lot 2 CSM 640 to the POINT OF BEGINNING.

The above said parcel contains 0.44 acres, 19,220 square feet more or less.

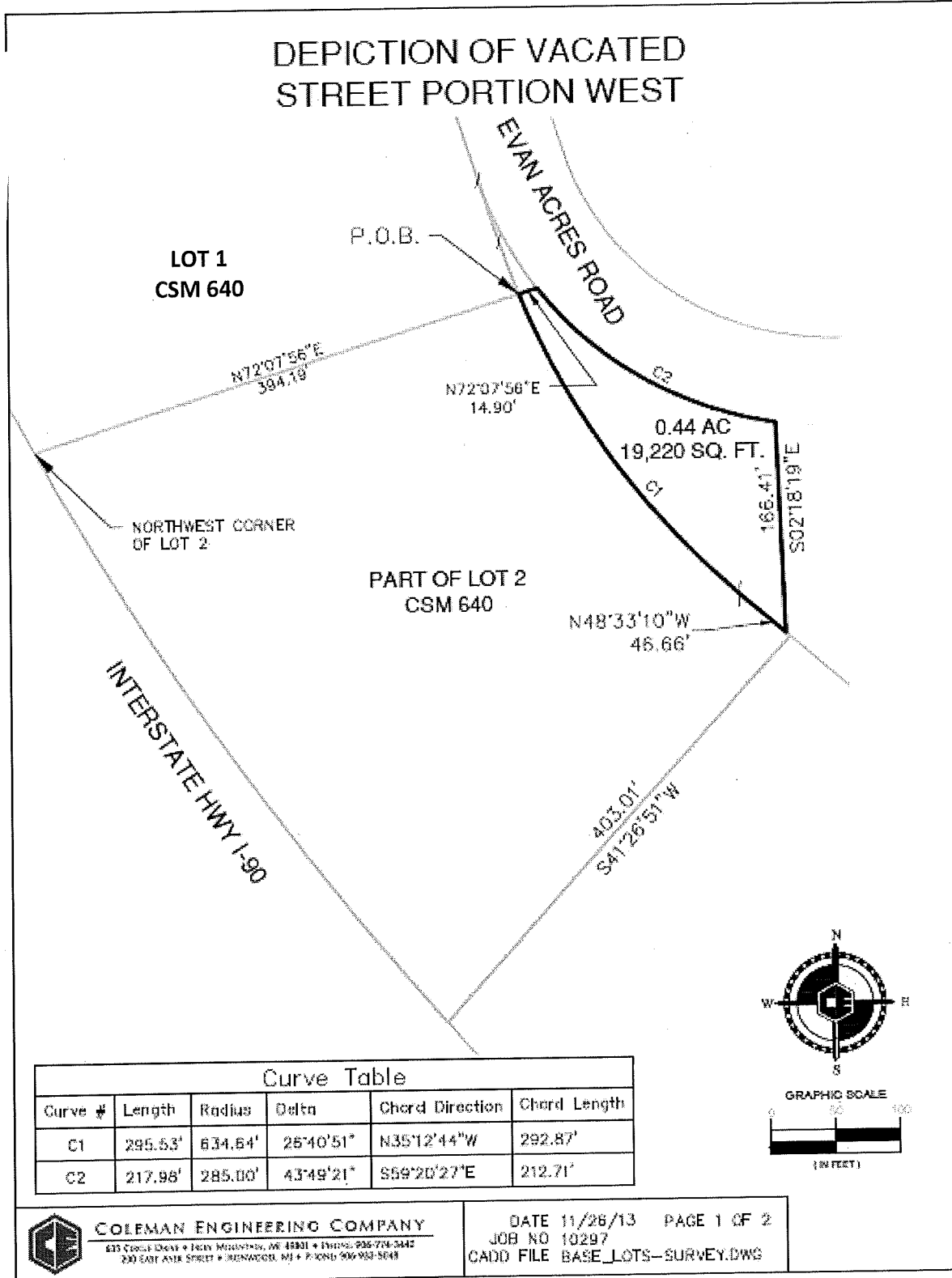
**EXHIBIT 4**

Depiction of Vacated Street Portion West

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl  
 Date: 6-22-15

Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl





## EXHIBIT 5

### Description of Vacated Street Portion North

That part of the Evan Acres Road right-of-way conditionally vacated and discontinued by Resolution dated November 12, 2012 and recorded in the Office of the Register of Deeds for Dane County, Wisconsin ("Register's Office") on November 12, 2012 as Document Number 4931918 ("Vacation"), being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of Lot 1 of Certified Survey Map Number 640 recorded in the Register's Office on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document Number 1303026 ("CSM 640"), which is located on the Northeast right-of-way of Interstate Highway I-90, thence  $N72^{\circ}07'56''E$ , a distance of 394.19 feet along the south boundary line of Lot 1 CSM 640 to the POINT OF BEGINNING:

Thence 44.33 feet on a curve to the right having a radius of 634.64 feet, a central angle of  $04^{\circ}00'09''$ , a chord bearing of  $N19^{\circ}52'14''W$ , a distance of 44.32 feet along that portion of the former right-of-way of Evan Acres Road forming the east boundary of Lot 1 CSM 640; thence  $N17^{\circ}52'10''W$  along that portion of the former right-of-way of Evan Acres Road forming the east boundary of Lot 1 CSM 640 a distance of 51.19 feet to the West right-of-way of Evan Acres Road; thence 97.38 feet on a curve to the left having a radius of 285.00 feet, a central angle of  $19^{\circ}34'35''$ , a chord bearing of  $S27^{\circ}38'28''E$ , a distance of 96.90 feet along the right-of-way of Evan Acres Road (as relocated pursuant to the Vacation); thence  $S72^{\circ}07'56''W$  a distance of 14.90 feet to the POINT OF BEGINNING.

The above said parcel contains 0.01 acres, 494 square feet more or less.

**EXHIBIT 6**

Depiction of Vacated Street Portion North

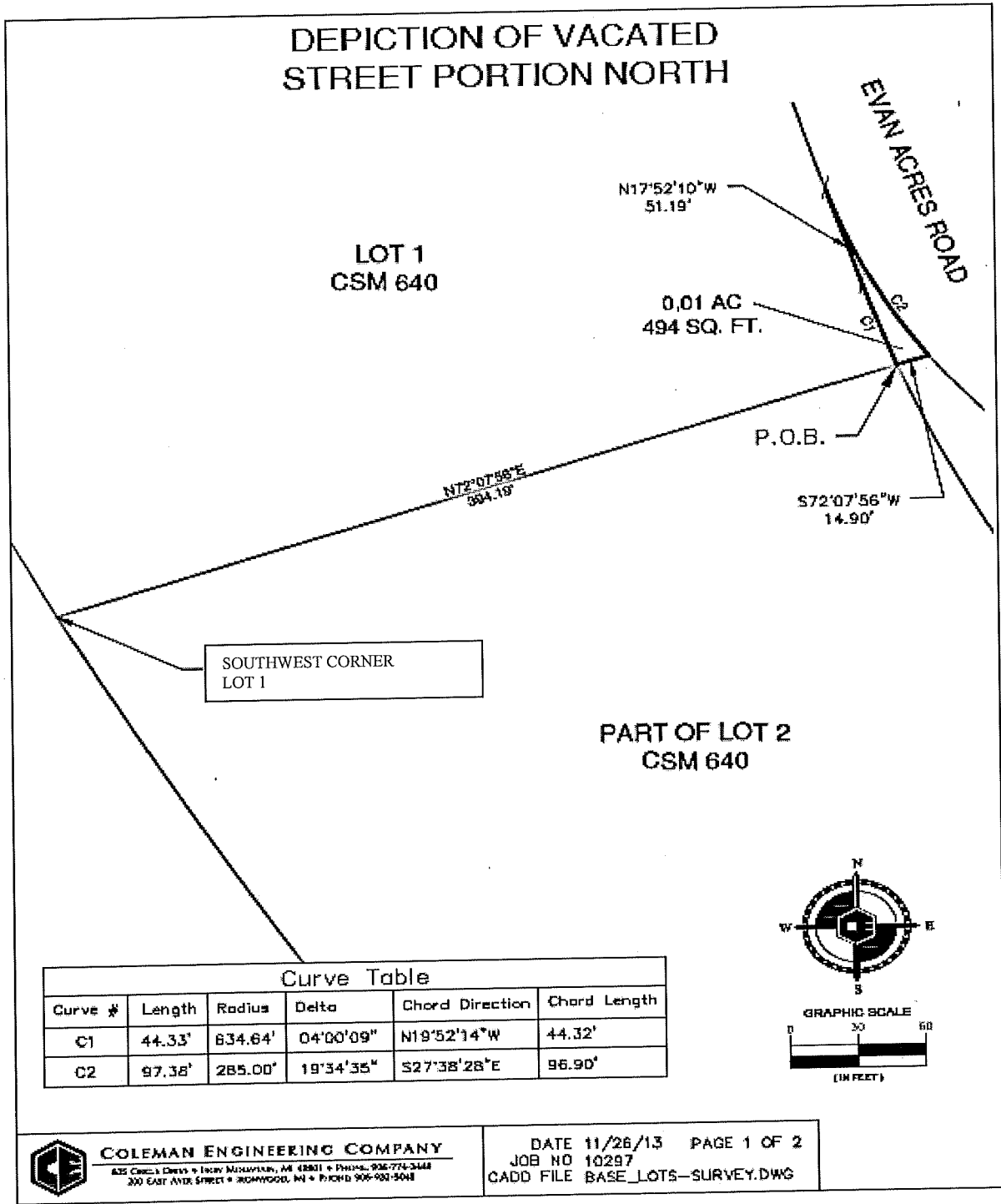
**DEPICTION OF VACATED STREET PORTION NORTH**

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Date: 6-22-15

Signed by grantor(s) or grantor(s) agent: Maibeth Witzel-Behl

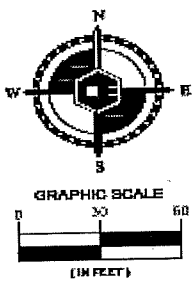
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



SOUTHWEST CORNER LOT 1

PART OF LOT 2 CSM 640

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	44.33'	634.64'	04°00'09"	N19°52'14"W	44.32'
C2	97.38'	285.00'	19°34'35"	S27°38'28"E	96.90'



**COLEMAN ENGINEERING COMPANY**  
 435 CHICKS DRIVE • TROY, MICHIGAN, MI 48061 • PHONE: 936-774-3448  
 200 EAST AYER STREET • BIRMINGHAM, MI • PHONE: 936-931-5048

DATE 11/26/13 PAGE 1 OF 2  
 JOB NO 10297  
 CADD FILE BASE\_LOTS-SURVEY.DWG

## EXHIBIT 7

### Description of Combined Parcel East

**PARCEL A:**

Part of Lot 2 of Certified Survey Map Number 640, recorded in the Office of the Register of Deeds for Dane County, Wisconsin ("Register's Office") on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document Number 1303026 ("CSM 640"), being part of Lot 11 of Assessor's Plat Number 10 of the Town of Blooming Grove, also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin more particularly described as follows:

Commencing at the Northerly corner of said Lot 2 CSM 640, said point being on the Southeast right-of-way line of Savannah Road, also being the POINT OF BEGINNING ("POB A"); thence S57°22'40"E, 350.00 feet along the Northeast-most boundary line of Lot 2 CSM 640; thence S32°37'20"W, 653.19 feet along the Southeast boundary line of Lot 2 of CSM 640; thence N48°33'10"W, 354.19 feet to POB B (as defined below); thence N32°37'20"E, 598.85 feet along the boundary of Lot 2 of CSM 640, to the POB A.

AND

**PARCEL B:**

That part of the Evan Acres Road right-of-way and the Savannah Road right-of-way conditionally vacated and discontinued by Resolution dated November 12, 2012 and recorded in the Register's Office on November 12, 2012 as Document Number 4931918 ("Vacation"), including a portion of the real property previously deeded to the City of Madison for street purposes pursuant to that certain Warranty Deed dated January 5, 1999 and recorded in the Register's Office on February 1, 1999 as Document Number 3077053 and re-recorded (to correct typographical errors) in the Register's Office on July 16, 1999 as Document Number 3135154, also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the Southerly intersection of the former Evans Acres Road right-of-way and former Savannah Road right-of-way as such intersection is shown on CSM 640, and being the POINT OF BEGINNING ("POB B");

Thence N48°33'10"W, a distance of 75.27 feet along that portion of the former Evan Acres Road right-of-way forming the Northeast boundary of Lot 2 CSM 640; thence N02°18'19"W, a distance of 166.41 feet to the Southern right-of-way of Evan Acres Road (relocated pursuant to the Vacation ("Relocated")), thence 329.07 feet on a curve to the left, having a radius of 285.00 feet, central angle of 66°09'19", a chord bearing of N65°40'14"E, a distance of 311.09 feet along the Southern right-of-way of Relocated Evan Acres Road and Relocated Savannah Road; thence S32°37'20"W, a distance of 408.75 feet along that portion of the former Savannah Road right-of-way forming the Northwest boundary of Lot 2 CSM 640 to the POB B.

NOW KNOWN AS:

Part of Lot 2 of Certified Survey Map Number 640, recorded in the Office of the Register of Deeds for Dane County, Wisconsin ("Register's Office") on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document Number 1303026 ("CSM 640"), being part of Lot 11 of Assessor's Plat Number 10 of the Town of Blooming Grove, together with that part of the Evan Acres Road right-of-way and the Savannah Road right-of-way conditionally vacated and discontinued by Resolution dated November 12, 2012 and recorded in the Register's Office on November 12, 2012 as Document Number 4931918 ("Vacation"), including a portion of the real property previously deeded to the City of Madison for street purposes pursuant to that certain Warranty Deed dated January 5, 1999 and recorded in the Register's Office on February 1, 1999 as Document Number 3077053 and re-recorded (to correct typographical errors) in the Register's Office on July 16, 1999 as Document Number 3135154, also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, being more particularly described as follows:

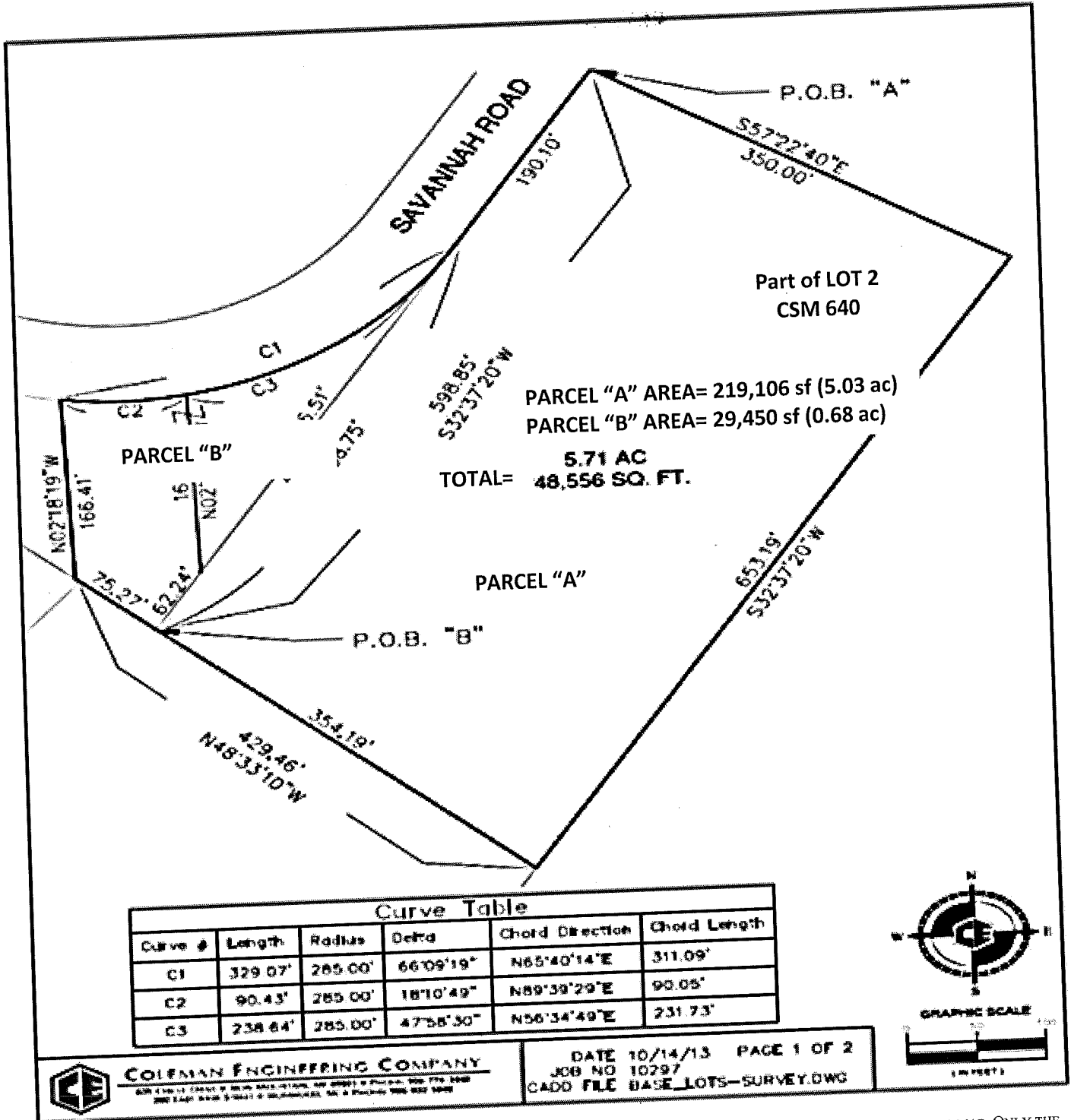
Commencing at the Northerly corner of Lot 2 CSM 640, also being the POINT OF BEGINNING (**POB A**); thence S57°22'40"E, 350.00 feet along the Northeast-most boundary line of Lot 2 CSM 640; thence S32°37'20"W, 653.19 feet along the Southeast boundary line of Lot 2 CSM 640; thence N48°33'10"W, 354.19 feet to the former Southerly intersection of the Evan Acres Road right-of-way and Savannah Road right-of-way as shown in CSM 640; thence N48°33'10"W, a distance of 75.27 feet along that portion of the former right-of-way of Evan Acres Road forming the Northeast boundary of Lot 2 CSM 640; thence N02°18'19"W, a distance of 166.41 feet to the Southern right-of-way of Evan Acres Road (as relocated pursuant to the Vacation ("Relocated")); thence 329.07 feet on a curve to the left, having a radius of 285.00 feet, central angle of 66°09'19", a chord bearing of N65°40'14"E, a distance of 311.09 feet along the right-of-way of Relocated Evan Acres Road and Relocated Savannah Road; thence N32°37'20"E, 190.10 feet along the South right-of-way of Savannah Road, to the POB A.

The above said parcel contains 5.71 acres, 48,556 square feet more or less

Street Address: 4001 Savannah Road, Madison, Wisconsin  
Tax Parcel Number: 0710-264-0103-5

**EXHIBIT 8**

Depiction of Combined Parcel East



NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: 6-22-15  
 Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

## EXHIBIT 9

### Description of Combined Parcel West

#### **PARCEL A:**

That part of the Evan Acres Road right-of-way conditionally vacated and discontinued by Resolution dated November 12, 2012 and recorded in the Office of the Register of Deeds for Dane County, Wisconsin ("Register's Office") on November 12, 2012 as Document Number 4931918 ("Vacation"), including a portion of the real property previously deeded to the City of Madison for street purposes pursuant to that certain Warranty Deed dated January 5, 1999 and recorded in the Register's Office on February 1, 1999 as Document Number 3077053 and re-recorded (to correct typographical errors) in the Register's Office on July 16, 1999 as Document Number 3135154, also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of Lot 2 of Certified Survey Map Number 640 recorded in the Register's Office on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document Number 1303026 ("CSM 640"), said point being on the Northeast right-of-way line of Interstate Highway I-90; thence  $N72^{\circ}07'56''E$  a distance of 394.19 feet to the Northerly corner of Lot 2 CSM 640 and the POINT OF BEGINNING ("POB A");

Thence  $N72^{\circ}07'56''E$ , a distance of 14.90 feet to the Southwesterly right-of-way of Evan Acres Road (as relocated pursuant to the Vacation ("Relocated")); thence 217.98 feet on a curve to the left having a radius of 285.00 feet, a central angle of  $43^{\circ}49'21''$ , a chord bearing of  $S59^{\circ}20'27''E$ , a distance of 212.71 feet along said Relocated right-of-way; thence  $S02^{\circ}18'19''E$  a distance of 166.41 feet; thence  $N48^{\circ}33'10''W$ , a distance of 46.66 feet along that portion of the former right-of-way of Evan Acres Road forming the Northeast boundary of Lot 2 CSM 640; thence 295.53 feet on a curve to the right having a radius of 634.64 feet, a central angle of  $26^{\circ}40'51''$ , a chord bearing of  $N35^{\circ}12'44''W$ , a distance of 292.87 feet along that portion of the former right-of-way of Evan Acres Road forming the Northeast boundary of Lot 2 CSM 640 to the POB A.

AND

#### **PARCEL B:**

Part of Lot 2 of CSM 640, being part of Lot 11 of Assessor's Plat Number 10 of the Town of Blooming Grove, also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of said Lot 2 CSM 640, said point being on the Northeast right-of-way line of Interstate Highway I-90, also being the POINT OF BEGINNING ("POB B");

Thence  $N72^{\circ}07'56''E$ , along the Northwest boundary of Lot 2 CSM 640 a distance of 394.19 feet to the former Southwest right-of-way of Evan Acres Road as shown in CSM 640; thence 295.53 feet on a curve to the left having a radius of 634.64 feet, a central angle of  $26^{\circ}40'51''$ , a chord bearing of  $S35^{\circ}12'44''E$ , a distance of 292.87 feet along that portion of the former right-of-way of Evan Acres Road forming the Northeast boundary of Lot 2 CSM 640; thence  $S48^{\circ}33'10''E$ , a distance of 51.09 feet along that portion of the former right-of-way of Evan Acres Road forming the Northeast boundary of Lot 2 CSM 640; thence  $S41^{\circ}26'51''W$ , a distance of 403.01 feet to the Northeast right-of-way line of Interstate Highway I-90; thence 554.01 feet on a curve to the right having a radius of

2784.76 feet, a central angle of  $11^{\circ}23'55''$ , a chord bearing of  $N34^{\circ}47'21''$  W, a distance of 553.10 feet along the Northeast right-of-way line of Interstate Highway I-90 to the POB B.

NOW KNOWN AS:

Part of Lot 2 of Certified Survey Map Number 640, recorded in the Office of the Register of Deeds for Dane County, Wisconsin ("Register's Office") on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document Number 1303026 ("CSM 640"), being part of Lot 11 of Assessor's Plat Number 10 of the Town of Blooming Grove, together with that part of the Evan Acres Road right-of-way conditionally vacated and discontinued by Resolution dated November 12, 2012 and recorded in the Office of the Register's Office on November 12, 2012 as Document Number 4931918 ("Vacation"), including a portion of the real property previously deeded to the City of Madison for street purposes pursuant to that certain Warranty Deed dated January 5, 1999 and recorded in the Register's Office on February 1, 1999 as Document Number 3077053 and re-recorded (to correct typographical errors) in the Register's Office on July 16, 1999 as Document Number 3135154, also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of Lot 2 of CSM 640, said point being on the Northeast right-of-way line of Interstate Highway I-90, also being the POINT OF BEGINNING ("POB B"); thence  $N72^{\circ}07'56''$ E a distance of 394.19 feet along the Northwest boundary of Lot 2 of CSM 640; thence  $N72^{\circ}07'56''$ E, a distance of 14.90 feet to the Southwest right-of-way of Evan Acres Road (relocated pursuant to the Vacation ("Relocated")); thence 217.98 feet on a curve to the left having a radius of 285.00 feet, a central angle of  $43^{\circ}49'21''$ , a chord bearing of  $S59^{\circ}20'27''$ E, a distance of 212.71 feet along said Relocated right-of-way; thence  $S02^{\circ}18'19''$ E a distance of 166.41 feet; thence  $S48^{\circ}33'10''$ E, a distance of 4.43 feet along that portion of the former right-of-way of Evan Acres Road forming the Northeast boundary of Lot 2 CSM 640; thence  $S41^{\circ}26'51''$  W, a distance of 403.01 feet to the Northeast right-of-way line of Interstate Highway I-90; thence 554.01 feet on a curve to the right having a radius of 2784.76 feet, a central angle of  $11^{\circ}23'55''$ , a chord bearing of  $N34^{\circ}47'21''$  W, a distance of 553.10 feet along the Northeast right-of-way line of Interstate Highway I-90 to the POB B.

The above said parcel contains 4.39 acres, 191,228 square feet more or less.

Street Address: 3938 Evan Acres Road, Madison, Wisconsin  
Tax Parcel Number: 0710-264-0101-9

**EXHIBIT 10**

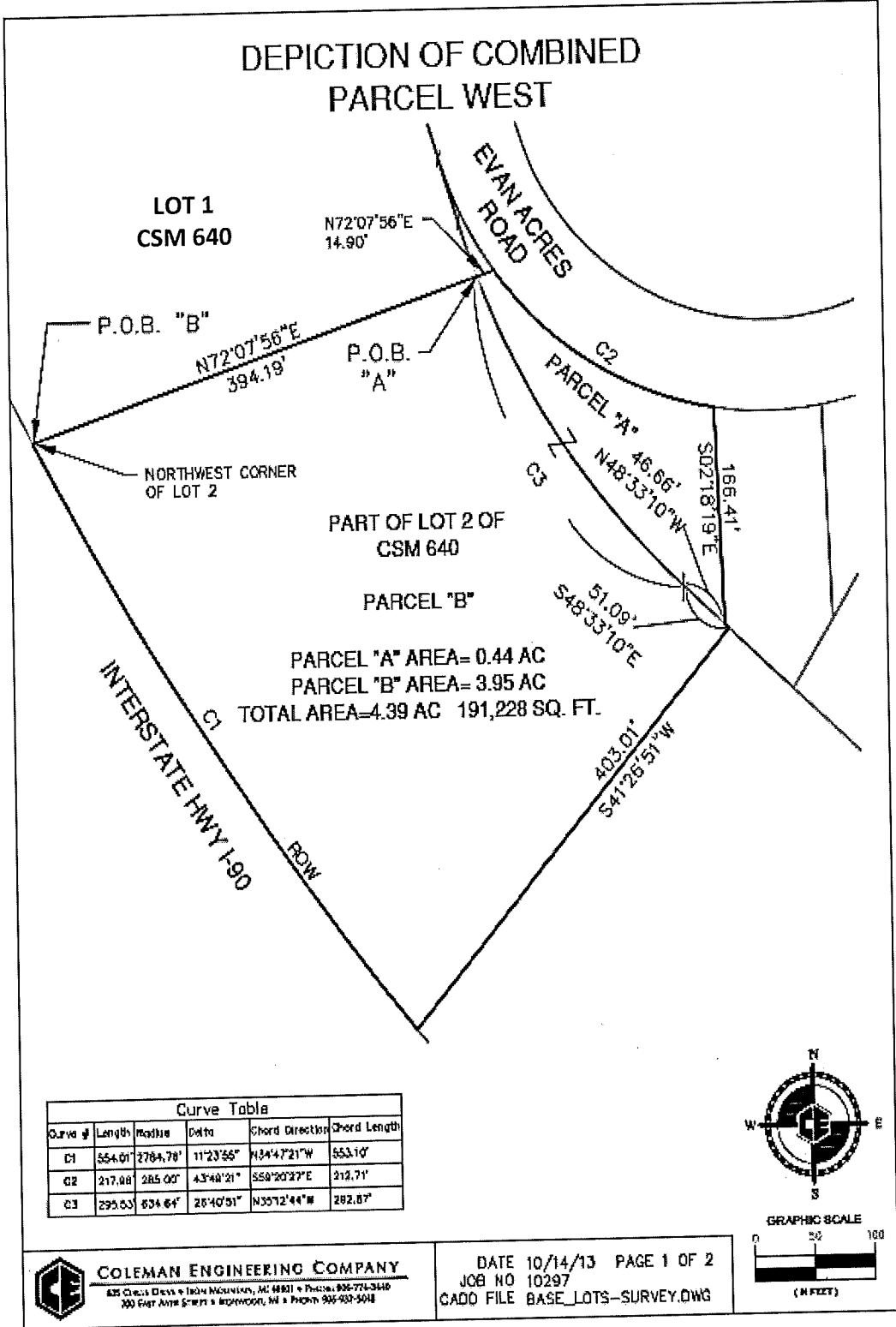
Depiction of Combined Parcel West

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Date: 6-22-15

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl

Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl





## EXHIBIT 11

### Description of Combined Property North

**PARCEL A:**

That part of the Evan Acres Road right-of-way conditionally vacated and discontinued by Resolution dated November 12, 2012 and recorded in the Office of the Register of Deeds for Dane County, Wisconsin ("Register's Office") on November 12, 2012 as Document Number 4931918 ("Vacation"), also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of Lot 1 of Certified Survey Map Number 640 recorded in the Register's Office on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document Number 1303026 ("CSM 640") , said point being on the Northeast right-of-way line of Interstate Highway I-90, thence  $N72^{\circ}07'56''E$ , a distance of 394.19 feet along the South boundary of Lot 1 CSM 640 to the POINT OF BEGINNING ("POB A");

Thence 44.33 feet on a curve to the right having a radius of 634.64 feet, a central angle of  $04^{\circ}00'09''$ , a chord bearing of  $N19^{\circ}52'14''W$ , a distance of 44.32 feet along that portion of the former right-of-way of Evan Acres Road forming the east boundary of Lot 1 CSM 640; thence  $N17^{\circ}52'10''W$ , a distance of 51.19 feet to the West right-of-way of Evan Acres Road; thence 97.38 feet on a curve to the left having a radius of 285.00 feet, a central angle of  $19^{\circ}34'35''$ , a chord bearing of  $S27^{\circ}38'28''E$ , a distance of 96.90 feet along the right-of-way of Evan Acres Road (as relocated pursuant to the Vacation); thence  $S72^{\circ}07'56''W$  a distance of 14.90 feet to the POB A.

AND

**PARCEL B:**

Lot 1 of CSM 640, being part of Lot 11 of Assessor's Plat Number 10 of the Town of Blooming Grove, also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of said Lot 1 of CSM 640, said point being on the Northeast right-of-way line of Interstate Highway I-90, also being the POINT OF BEGINNING ("POB B")

Thence 278.06 feet on a curve to the right, along said Northeast right-of-way line of Interstate Highway I-90 having a radius of 2784.76 feet, a central angle of  $05^{\circ}43'15''$ , a chord bearing of  $N26^{\circ}13'46''W$ , a distance of 277.94 feet; thence  $N72^{\circ}07'50''E$ , along the Northern boundary of Lot 1 CSM 640 a distance of 433.05 feet to the Southwest right-of-way line of Evan Acres Road; thence  $S17^{\circ}52'10''E$ , a distance of 230.70 feet along the Southwest right-of-way of Evan Acres Road and the East boundary of Lot 1 CSM 640; then Easterly 44.33 feet on a curve to the left having a radius of 634.64 feet, a central angle of  $04^{\circ}00'09''$ , a chord bearing of  $S19^{\circ}52'14''E$ , a distance of 44.32 feet along that portion of the former right-of-way of Evan Acres Road forming the East boundary of Lot 1 CSM 640; thence  $S72^{\circ}07'56''W$ , a distance of 394.19 feet along the South boundary of Lot 1 of CSM 640 to the POB B.

NOW KNOWN AS:

Part of Lot 1 of Certified Survey Map Number 640, recorded in the Office of the Register of Deeds for Dane County, Wisconsin (“Register’s Office”) on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document Number 1303026 (“CSM 640”), being part of Lot 11 of Assessor’s Plat Number 10 of the Town of Blooming Grove, together with that part of the Evan Acres Road right-of-way conditionally vacated and discontinued by Resolution dated November 12, 2012 and recorded in the Register’s Office on November 12, 2012 as Document Number 4931918 (“Vacation”), also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of said Lot 1 CSM 640, said point being on the Northeast right-of-way line of Interstate Highway I-90, also being the POINT OF BEGINNING (“POB B”)

Thence 278.06 feet on a curve to the right, along said Northeast right-of-way line of Interstate Highway I-90 having a radius of 2784.76 feet, a central angle of 05°43’15”, a chord bearing of N26°13’46”W, a distance of 277.94 feet; thence N72°07’50”E along the North boundary of Lot 1 of CSM 640, a distance of 433.05 feet to the Southwest right-of-way of Evan Acres Road; thence S17°52’10”E, a distance of 179.51 feet along the Southwest right-of-way of Evan Acres Road; thence 97.38 feet on a curve to the left having a radius of 285.00 feet, a central angle of 19°34’35”, a chord bearing of S27°38’28”E, a distance of 96.90 feet along the Southwest right-of-way of Evan Acres Road (as relocated pursuant to the Vacation); thence S72°07’56”W a distance of 14.90 feet; thence S72°07’56”W, a distance of 394.19 feet along the Southern boundary of Lot 1 of CSM 640 to the POB B.

The above said parcels contain 2.63 acres, 114,693 square feet more or less.

Street Address: 3922 Evan Acres Road, Madison, Wisconsin

Tax Parcel Number: 0710-261-0301-1

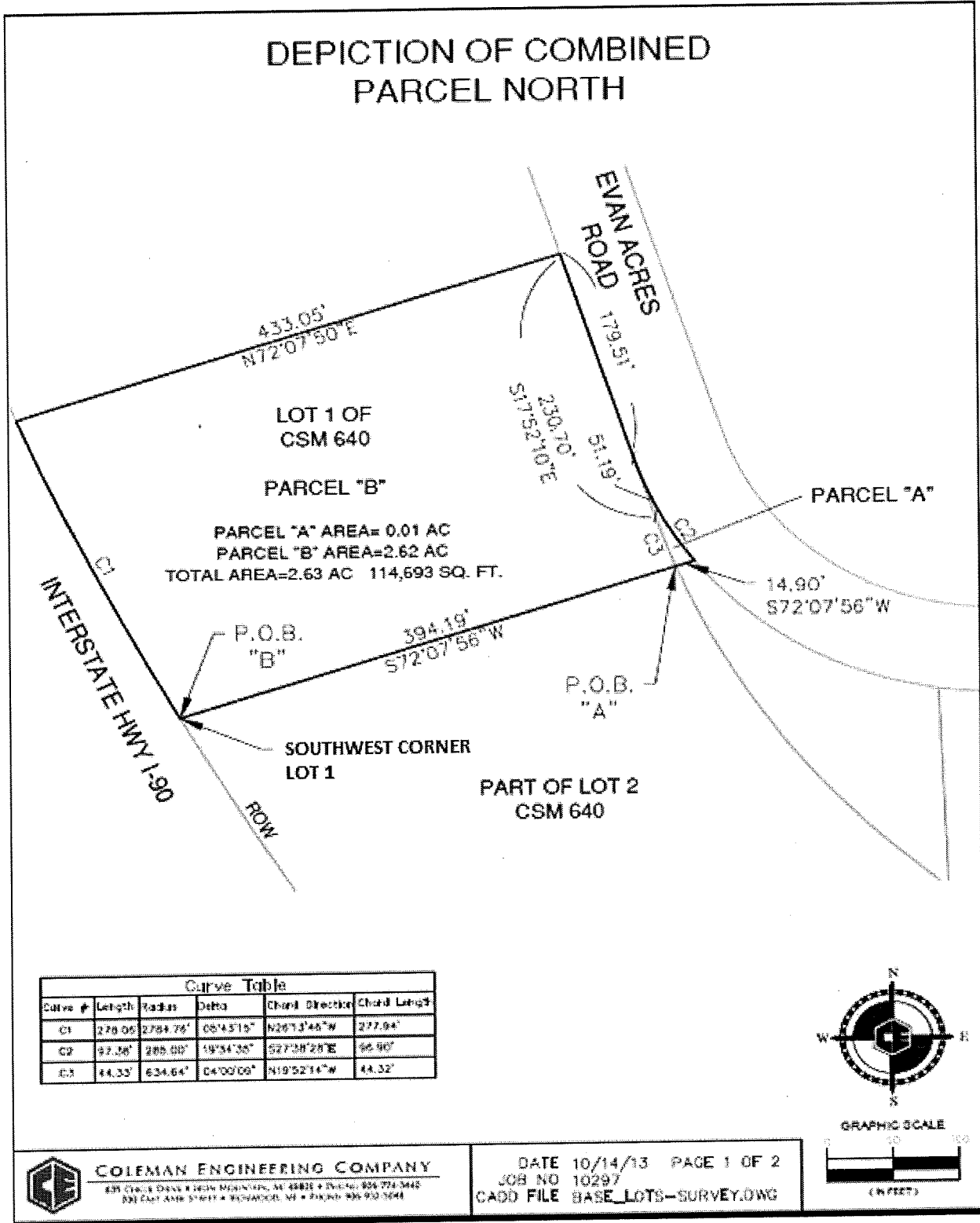
**EXHIBIT 12**

Depiction of Combined Property North

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Date: 6-22-15

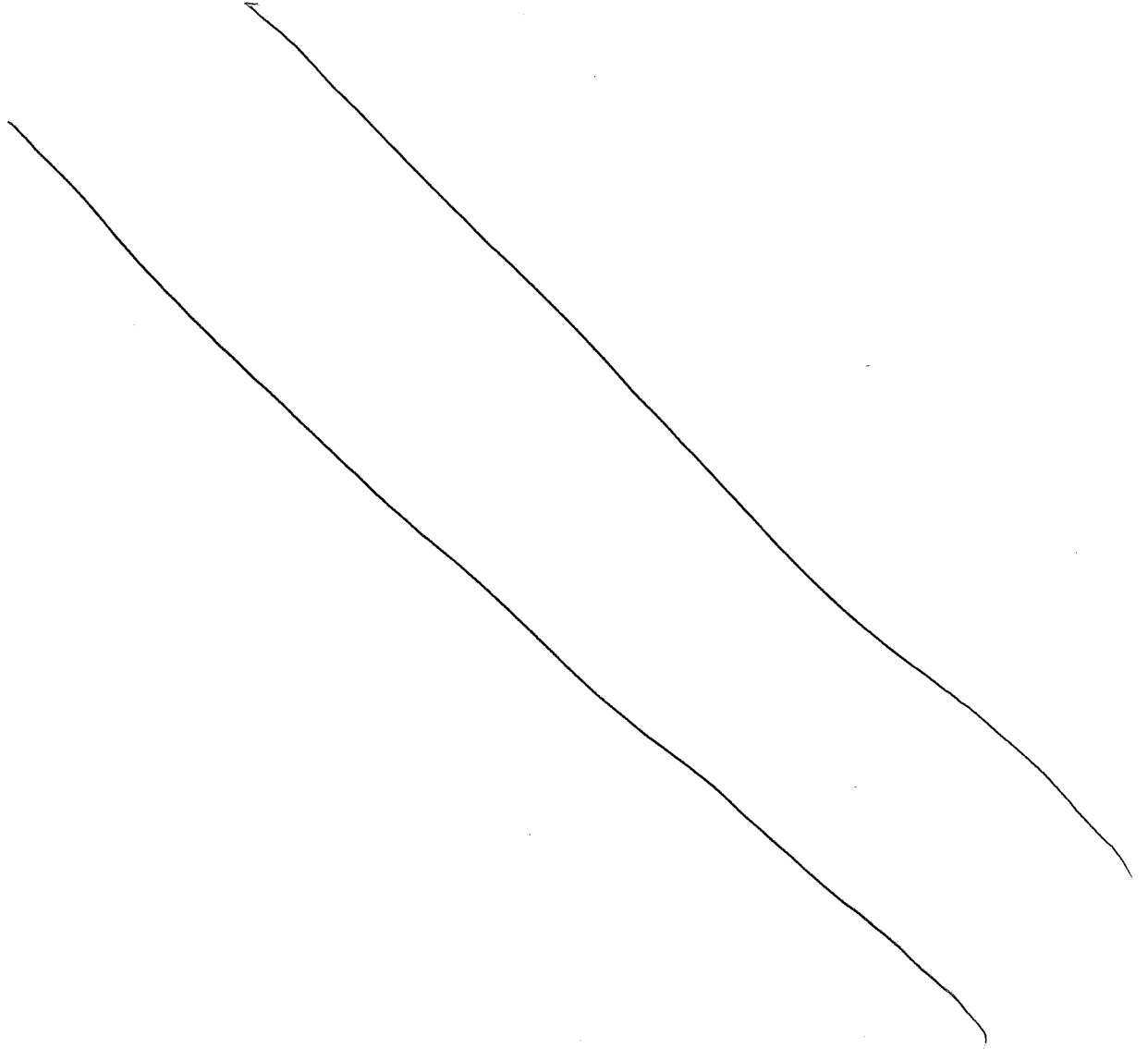
Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl  
 Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



**EXHIBIT 13**

Recorded Declaration

*(begins on next page)*





8 8 0 0 8 5 2  
Tx:8624793

**KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS**

**DECLARATION OF EASEMENT**

*Document Number*

**DOCUMENT #**

**5121759**

**01/07/2015 3:17 PM**

**Trans. Fee:**

**Exempt #:**

**Rec. Fee: 30.00**

**Pages: 5**

*Recording Area*

*Drafted by and Return to:*

Brian D. Anderson

Whyte Hirschboeck Dudek S.C.

P.O. Box 1379

Madison, WI 53701-1379

**PIN: 0710-264-0102-7**

**0710-264-0103-5**

THIS DECLARATION OF EASEMENT (this "Declaration") is made this 23rd day of December 2014 ("Effective Date") by the Ho-Chunk Nation, a federally recognized Indian Tribe ("Declarant").

The United States of America in trust for the Wisconsin Winnebago Tribe is the benefitted, federal trust owner of the real property also described on the attached and incorporated **Exhibit A** ("Benefitted Property"). Declarant owns the real property described on the attached and incorporated **Exhibit B** ("Burdened Property"). Declarant wishes to declare certain easements benefitting the Benefitted Property and burdening the Burdened Property.

The Declarant covenants and declares as follows:

1. Declaration. Declarant declares a permanent, non-exclusive easement ("Easement"), benefitting the Benefitted Property and burdening the Burdened Property, for the purpose of providing pedestrian and vehicular access between the Benefitted Property and the public roads (i.e., Savannah Road) over those portions of the Burdened Property improved from time to time with roads and walkways, for use by the Benefitted Property owner and its successors, assigns, agents, invitees, customers, employees, occupants and tenants.
2. No Merger. Declarant does not intend for the Easement to merge out of existence by virtue of common ownership by Declarant of any real property or of any of the burdens and benefits of the Easement.

simple owner of the Benefitted Property and the Burdened Property, and their respective successors-in-interest and assigns. The benefits and burdens declared under this Declaration are appurtenant to the Benefitted Property and Burdened Property, respectively, and may not be separated from and transferred or assigned apart from fee ownership therein.

4. No Grant of Easement to the Public. Nothing contained in this Declaration shall, or shall be deemed to, constitute a gift or dedication of any portion of the Burdened Property to the general public or for the benefit of the general public or for any public purpose whatsoever, it being the intention of the Declarant that this Declaration will be strictly limited to and for private purposes.

5. Severability. If any term or provision of this Declaration shall, to any extent, be held invalid or unenforceable, the remaining terms and provisions of this Declaration shall not be affected thereby, but each remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

*(Signature on next page)*

Declarant has executed this Declaration as of the Effective Date.

DECLARANT:

Ho-Chunk Nation

By: Heather Cloud  
Heather Cloud, Vice President

ACKNOWLEDGMENT

STATE OF WISCONSIN            )  
  ) SS  
COUNTY OF JACKSON            )

Personally came before me this December 23, 2014 the above-named Heather Cloud, in her capacity as the Vice-President of the Ho-Chunk Nation, to me known to be the person who executed the foregoing instrument in such capacity and acknowledged the same.

Michael P. Murphy  
Name: Michael P. Murphy  
Notary Public, State of Wisconsin  
My Commission: is permanent

**EXHIBIT A**

**DESCRIPTION OF BENEFITTED PROPERTY**

Part of Lot 2 Certified Survey Map No. 640, recorded in the Dane County Register of Deeds Office on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document No. 1303026, being part of Lot 11 of Assessor's Plat No. 10 of the Town of Blooming Grove, also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, said property being located in the City of Madison, Dane County, Wisconsin, more particularly described as follows:

Beginning at the Southeast corner of said Lot 2 of CSM No. 640 (said point being on the Northeast right-of-way line of Interstate Highway I-90); thence North 48° 50' 30" West, 96.03 feet; thence 397.17 feet along a circular curve to the right (along the Northeasterly right-of-way line of Interstate Highway I-90) having a radius of 2784.76 feet of a chord length of 396.82 feet, and a chord bearing of North 45° 00' 10" West; thence North 41° 02' 00" East, 403.11 feet to the Southeasterly line of Evan Acres Road; thence South 48° 58' 00" East, 425.03 feet; thence South 32° 12' 30" West, 435.91 feet to the point of beginning.

Street Address: 4002 Evan Acres Road, Madison, Wisconsin  
Retired Tax Key No.: 0710-264-0102-7



**EXHIBIT B**

**DESCRIPTION OF BURDENED PROPERTY**

Part of Lot 2 Certified Survey Map No. 640, recorded in the Dane County Register of Deeds Office on September 8, 1971 in Volume 3 of Certified Survey Maps, Page 156, as Document No. 1303026, being part of Lot 11 of Assessor's Plat No. 10 of the Town of Blooming Grove, also being a part of the East 1/2 of Section 26, Town 7 North, Range 10 East, said property being located in the City of Madison, Dane County, Wisconsin, more particularly described as follows:

Beginning at the Northerly corner of said Lot 2 of CSM 640, said point being on the Southeast right-of-way line of Savannah Road, also being the POINT OF BEGINNING; thence S57°22'40"E, 350.00 feet; thence S32°37'20"W, 653.19 feet; thence N48°33'10"W, 354.19 feet; thence N32°37'20"E, 598.85 feet along the Southeast right-of-way line of Savannah Road to the Point of the Beginning.

Street Address: 4001 Savannah Road, Madison, Wisconsin  
Tax Parcel Number: 0710-264-0103-5