

Document No.

DRAFT AS OF 1/6/11

**PARTIAL TERMINATION AND RELEASE OF PUBLIC
EASEMENT RIGHTS**

Return to:

Matthew C. Carlson, Esq.
Michael Best & Friedrich LLP
P.O. Box 1806
Madison, WI 53701-1806

See Exhibit B attached hereto
Parcel Numbers

PARTIAL TERMINATION AND RELEASE OF PUBLIC EASEMENT RIGHTS

THIS PARTIAL TERMINATION AND RELEASE OF PUBLIC EASEMENT RIGHTS (the "Release") is executed this ____ day of _____, 2010, by the City of Madison (the "City").

RECITALS:

A. The City is the beneficiary of an easement for the benefit of the public for a strip of land to be used for a public sidewalk that was granted pursuant to that certain Easement for Sidewalk Purposes dated as of June 12, 1973 and recorded with the Dane County Register of Deeds in Volume 458, Page 318 as Document No. 1372814, a copy of which is attached hereto at Exhibit A (the "1973 Easement Document").

B. The City, as of the date hereof, is no longer in need of its rights and benefits under the 1973 Easement Document with regard to the specific parcel of land described on Exhibit B attached hereto and incorporated herein (the "Property").

C. The City desires to release its rights under the 1973 Easement Document and terminate the 1973 Easement Document with respect to the specific Property described herein, although the City's rights and interests under the 1973 Easement Document shall remain with

regard to the remaining real property described therein that does not include and incorporate the Property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby terminates and releases all of its and the public's rights, titles, interests and benefits in and to the 1973 Easement Document with regard to the Property and agrees that the 1973 Easement Document shall no longer encumber the Property in any respect whatsoever. Notwithstanding anything to the contrary set forth herein, the City's rights, title and interests in the 1973 Easement Document hereby remain in full force and effect with regard to the real property described in the 1973 Easement Document that does not include and incorporate the Property described in this Release.

[Signatures on next page following.]

THIS DOCUMENT PREPARED BY:
Matthew C. Carlson, Esq.
Michael Best & Friedrich LLP
One South Pinckney Street, Suite 700
P.O. Box 1806
Madison, WI 53701-1806
(608) 257 - 3501

EXHIBIT A

Copy of 1973 Easement Document

[ATTACH COPY OF RECORDED PUBLIC DOCUMENT]

EXHIBIT B

Legal Description of Property

Part of Block Two Hundred Sixty-three (263), Madison, according to the recorded plat thereof, in the City of Madison, Dane County, Wisconsin, described as follows: Beginning at the most southerly corner of Block 94, said point being the point of intersection of the Northwest line of East Gilman Street with the Northeast line of Wisconsin Avenue; thence Northwesterly along said Northeasterly line of Wisconsin Avenue 383.6 feet to the point of beginning of this description; thence N44°22'39"E, 45.32 feet; thence N44°12'40"W, 234.4 feet more or less to the shore of Lake Mendota; thence Northeasterly, 65 feet more or less, along the shore of Lake Mendota; thence S44°12'40"E, 263.8' feet more or less; thence S45°47'23"W, 105.00 feet; thence N44°32'43"W, 53.52 feet along said Northeasterly line of Wisconsin Avenue to the point of beginning.

026544-0003\8030731.1