

Document No.

DRAFT AS OF 1/6/11

**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

**TERMINATION AND RELEASE OF PUBLIC EASEMENT RIGHTS**

THIS 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 certain easements for the benefit of the public granted pursuant to that certain Easement for Public Sidewalk and Parking Purposes dated as of January 29, 1975 and recorded with the Dane County Register of Deeds in Volume 553, Pages 715 – 717 as Document No. 1419537, a copy of which is attached hereto at Exhibit A (the "1975 Easement Document").

B. The easements granted pursuant to the 1975 Easement Document include (i) an easement for a six (6) foot wide public pedestrian walkway along the shore of Lake Mendota, (ii) an easement for a six (6) foot wide public pedestrian walkway to the Lake Mendota shoreline and (iii) an easement for public parking (collectively, the "1975 Easements")

C. The 1975 Easement Document and 1975 Easements encumbered the property described at Exhibit B attached hereto (the "Property").

D. The City, as of the date hereof, is no longer in need of its rights and benefits under the 1975 Easement Document and 1975 Easements.

E. The City desires to release its rights under the 1975 Easement Document and 1975 Easements and terminate the 1975 Easement Document and 1975 Easements with respect to 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 1975 Easement Document and the 1975 Easements and agrees that the 1975 Easement Document and the 1975 Easements shall no longer encumber the Property in any respect whatsoever.

[Signatures on next page following.]

IN WITNESS whereof, this document was executed by the undersigned as of the date first above written.

**CITY:  
CITY OF MADISON**

By: \_\_\_\_\_  
David J. Cieslewicz, Mayor

By: \_\_\_\_\_  
Maribeth Witzel-Behl, City Clerk

**ACKNOWLEDGMENT**

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF DANE        )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named **David J. Cieslewicz**, who acknowledged himself to be the **Mayor of the City of Madison**, and to me known to be the person who executed the foregoing instrument with such authority of such entity, and acknowledged the same.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF DANE        )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named **Maribeth Witzel-Behl**, who acknowledged herself to be the **Clerk of the City of Madison**, and to me known to be the person who executed the foregoing instrument with such authority of such entity, and acknowledged the same.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission: \_\_\_\_\_

THIS DOCUMENT PREPARED BY:  
Matthew C. Carlson, Esq.  
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P.O. Box 1806  
Madison, WI 53701-1806  
(608) 257 - 3501

**EXHIBIT A**

Copy of 1975 Easement Document

[ATTACH COPY OF RECORDED PUBLIC DOCUMENT]

## **EXHIBIT B**

### **Legal Description of Property**

#### **PARCEL 1:**

All that part of Lot Five (5), lying Northwest of the Southeast 126 feet thereof, in Block Seventy-eight (78), Madison, according to the recorded plat thereof, in the City of Madison, Dane County, Wisconsin.

#### **PARCEL 2:**

All of that portion of vacated Wisconsin Avenue, in the City of Madison. Dane County, Wisconsin, lying Northwesterly of a line parallel to the Northwesterly line of Langdon Street extended Northeasterly and 126 feet Northwesterly from such extended line of Langdon Street.

#### **PARCEL 3:**

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 Northeasterly at right angles to last described line 45.0 feet; thence Northwesterly parallel with the Northeast line of Wisconsin Avenue (now vacated) 186.4 feet to an iron stake, on a meander line, which is 36.0 feet more or less Southeasterly from the low water mark of Lake Mendota; thence Southwesterly along said meander line 45.0 feet to an iron stake on the Northeast line of Wisconsin Avenue which is 48.6 feet Southeasterly from the low water mark of Lake Mendota and also 186.4 feet Northwesterly from the point of beginning; thence Southeasterly along said line 186.4 feet to the point of beginning. Also, all land lying Northwesterly of above described meander line to the low water mark of Lake Mendota.

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