

Easements & Restrictions

s. 236.29,
Wis. Stats

EASEMENTS & RESTRICTIONS CREATED BY PLAT

Any restriction or grant of easement shown on the plat becomes valid upon recording of the plat.

EXISTING EASEMENTS, RESTRICTIONS, OTHER ENCUMBRANCES

s. 236.20 (2)(c),
Wis. Stats

All easements affecting the lands within the subdivision, whether created by the plat, existing by other instrument, or apparent, must be shown. The Surveyor must exercise due diligence when performing title research and in the field to account for all encumbrances on the subdivided land.

Types of Easements & Restrictions

There is no limitation on the types or purposes of easements/restrictions that may be placed on the plat. Some examples:

- Public/private utilities
- Storm Drainage
- Vision corners
- Well setbacks
- Highway setbacks
- Water and wetlands setbacks and restrictions
- Floodplain limits
- Avigation easements
- Ingress/egress easements
- Building envelopes
- Environmental corridors and restrictions
- Signage easements
- Access restrictions

Depiction of Easements

Easement boundaries must be drawn with a dashed, dotted, or otherwise broken linetype. The use or purpose and grantee should be indicated. Easement boundaries must be retraceable in the field with the data provided by the plat:

s. 236.20 (2)(c),(f),
Wis. Stats

- **Easements that parallel lot boundaries:** It is sufficient to only show the width of the easement. If the easement does not run the full length of the lot line, the length of the easement must be shown.

Easements & Restrictions

Depiction of Easements (continued)

s. 236.20 (2)(c),
Wis. Stats

- **Easements that do not parallel lot boundaries:** The bearing and length of the easement boundaries, tied to an adjacent lot corner must be shown. If the easement is uniform in width, it is sufficient to show the centerline bearing and length, tied to an adjacent lot corner.
- **Existing easements:** Easements not created by the plat must be shown as above; however, it is acceptable to show only the recording data for an existing easement that does not have defined boundary bearings and distances.
- **Apparent Easements:** If there is physical evidence of an easement with no record, such as an underground gas line, overhead utility, access tracks, etc., then the location of the evidence must be shown on the plat.

Easements that are uniform throughout the subdivision may be shown in the LEGEND or in a separate “typical” drawing. Be sure to indicate which lots are affected, the size of the easement, the use or purpose, and designate a grantee.

Depiction of Restrictions

Restriction boundaries must be drawn with a dashed, dotted, or otherwise broken linetype.

- **Fixed and permanent restrictions**, such as pre-planned septic areas, vision corners, areas of restricted access to a street, fixed driveway locations, etc. should be delineated and locatable the same as an easement.
- **Restricted areas that are approximate or non-fixed**, and are not delineated by bearing and distance such as wetlands, wetland setbacks, environmental preservation areas, floodplains, etc. should be labeled as “approximate”. The source of the depicted area (i.e. “field located by_____” or “scaled from aerial photo”, etc.) should be noted.
- **Building setbacks** and envelopes shown on the plat must be retraceable. Building setbacks often change; the plat should note that the setbacks shown are those in effect at the time of recording.

Easements & Restrictions

GRANT OF EASEMENT

Language that defines the grantor/grantee, conditions, uses, maintenance, etc. of the easement may be included on the plat, or may be filed or recorded as a separate document. If recorded separately, reference to the document should be noted on the plat.

RELEASE OF EASEMENTS AND RESTRICTIONS

Easements/restrictions for public benefit

Restrictions or grants of easement required by a public body for plat approval, or which names a public body or public utility as grantee, gives said public body or utility the right of enforcement of such restrictions or grants of easement. Such restrictions or grants of easement may be released in writing only by the public body or utility having the right of enforcement. The release should be incorporated into a correction affidavit filed and referenced to the plat.

Some examples of easements/restrictions that may only be released or modified by public bodies are:

- Setbacks from roads, highways, public waters.
- Access restrictions to a public street or highway.
- Utility and stormwater drainage easements.
- Private on site wastewater treatment restrictions
- Building setbacks and envelopes.
- Restrictions related to environmentally sensitive areas.

Easements/restrictions for private use

Unless grant language on the plat states otherwise, easements or restrictions granted with the plat for private use, such as ingress/egress, signage, bridle trails, etc. may only be released by a separate instrument executed by the grantee. The release should be incorporated into a correction affidavit filed and referenced to the plat.

s. 236.293,
Wis. Stats

EXAMPLES RELATED TO THIS SECTION

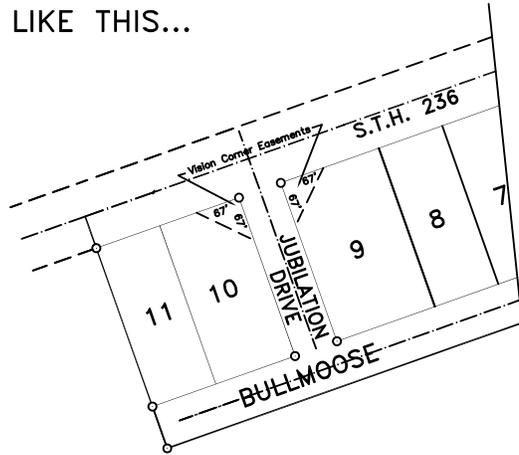
Depiction of vision corner easement

Grant of easement language

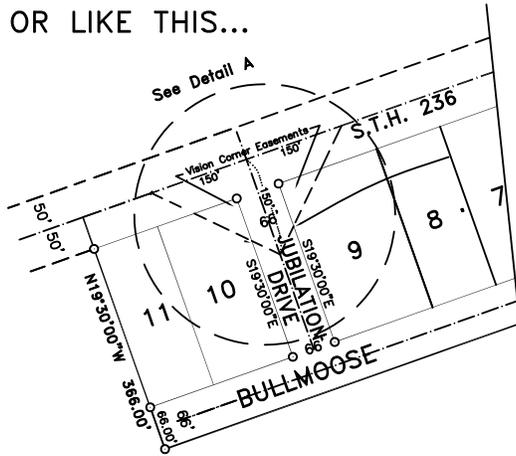
Release of utility easement by public utility

Release of utility easement by municipality

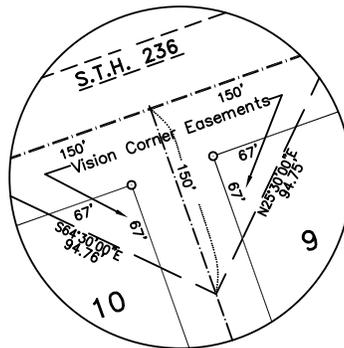
SHOW VISION CORNER
LIKE THIS...



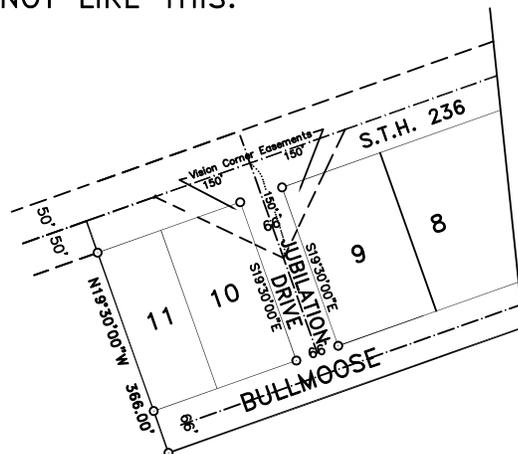
OR LIKE THIS...



Detail A



NOT LIKE THIS.



SAMPLE GRANT OF EASEMENT

Language such as this should be placed on the plat to define the rights, limitations, and other conditions of any easements created with the plat.

UTILITY EASEMENT PROVISIONS

An easement for electric and communications service is hereby granted by

[COUNTRY CLUB ESTATES DEVELOPMENT, LLC.], Grantor, to

WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin Corporation doing business as WE Energies
Grantee

WISCONSIN BELL, INC., d/b/a AT&T WISCONSIN, a Wisconsin Corporation, Grantee

and **TIME WARNER ENTERTAINMENT COMPANY, L.P.**, Grantee,

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonable required incident to the rights herein given, and the right to enter upon the subdivided property of all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonable possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities or communication facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

SAMPLE RELEASE OF EASEMENT

Document recorded by utility to release rights to easement created by plat. Reference to this document should be incorporated into a correction instrument per s. 236.295, Wis. Stats., to ensure that the release is duly approved when required, and noted on the recorded plat.

Document Number | PARTIAL QUIT CLAIM OF
EASEMENT RIGHTS

Document #: 379110



Register of Deeds
Calumet County, WI

Received for Record
Date: 6/17/04 14:26
Ellen Propson

WHEREAS

TIME WARNER

CABLE, hereinafter referred to as "grantee", its successors and assigns, certain easement rights, which easement rights are set forth in that certain document recorded in the Office of the Register of Deeds in Calumet County Wisconsin.

WHEREAS, grantee has been requested and is willing to release the following rights from the force and effect of the aforesaid easement, to-wit:

The area to be released is as follows

A release of a 6ft. utility easement located along the interior boundary lines of Outlot 4 of State Park Estates and a 6ft utility easement located along the north Line of Lot 94 of State Park Estates III located in the SW1/4 of Section 19, Town 20 North Range 19 East Village of Sherwood, Calumet County, Wisc. All other existing easements recorded as for State Park Estates shall remain In effect and standing.

Return to: & Prepared BY:
Time Warner Cable *EPN*
1001 Kennedy Avenue
Kimberly, WI

(Parcel Identification Number)

NOW, THEREFORE, for and in consideration of the sum of \$1.00 to it paid, the receipt whereof is hereby acknowledged, **TIME WARNER CABLE** does hereby release, discharge and abandon only those specific easement rights heretofore mentioned in the immediately preceding paragraph. It is expressly understood and agreed that all other easement rights as set forth in the aforesaid document recorded in the Office of the Register of Deeds in and of Brown County, Wisconsin, as Document No. 428386 shall remain in full force and effect.

IN WITNESS WHEREOF, said **TIME WARNER CABLE** has caused these presents to be executed on its behalf by its duty authorized Manager of Property Management this 17 day of June, 2004



TIME WARNER CABLE
Bruce Catter
Bruce Catter, Vice President of Engineering
Time Warner Cable

STATE OF WISCONSIN)
:SS
OUTAGAMIE COUNTY)

Personally came before me this 17 day of June 2004 Bruce Catter, Vice President of Engineering, of the above named corporation, **TIME WARNER CABLE**, known to me to be the person who executed the foregoing instrument and to me known to be such Vice President of Engineering of Time Warner Cable of said corporation, and acknowledged that he executed the foregoing instrument as such Vice President of Engineering of Time Warner Cable, as the deed of said corporation, by its authority.

Notary Public State of Wisconsin

SAMPLE RELEASE OF EASEMENT Document recorded by utility to release rights to easement created by plat. Reference to this document should be incorporated into a correction instrument per s. 236.295, Wis. Stats., to ensure that the release is duly approved when required, and noted on the recorded plat.

Document No.

RELEASE OF UTILITY EASEMENTS

1. The undersigned, Charter Communications hereby releases all right, title and interest which it may have a certain public utility easements and/or a storm and utility easement, being described as part of Lots 254, 255, 257, 258, 260, and 261 of Third Addition to Swan Creek of Nine Springs, Recorded in Volume 58-054B, Pages 292-293, as Document Number 3955987, located in the NW 1/4 and in the NE 1/4 of the NW 1/4 of Section 11, Township 6 North; Range 9 East, Dane County, Wisconsin, more particularly described as follows:

That portion that lies 5 feet west of the easterly line of and running the entire length of Lot 254 and 5 feet east of the westerly line of and running the entire length of Lot 255 and 5 feet west of the easterly line of and running the entire length of Lot 257 and 5 feet east of the westerly line of and running the entire length of Lot 258 and 10 feet west of the easterly line of and running the entire length of Lot 260 and 10 feet east of the westerly line of and running the entire length of Lot 261.

2. Attached hereto as Exhibit A is a map showing the portion of the public utility easements to which the undersigned is relinquishing its rights.

Dated this 27th day of August, 2007.

By: [Signature]

Name: Matt Brown

Title: Project Supervisor

STATE OF WISCONSIN)
)
COUNTY OF Dane) ss.

Personally came before me this 27th day of August, 2007, the above-named Matt Brown to me known to be the Project Supervisor of Charter Communications agent who executed the foregoing instrument and acknowledge the same on behalf of said Charter Communications

Name: [Signature]
Notary Public, State of Wisconsin
My Commission 2-15-09

This document was drafted by:
Mayo Corporation
600 Grand Canyon Drive
Madison, WI 53719

M:\FL1304\SURVEASE-RELEASE 08-20-07.DOC



* 4 3 6 4 3 1 4 2 *
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
4364314

10/09/2007 10:32AM

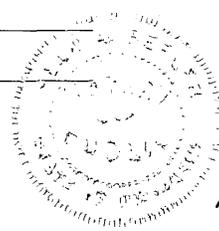
Exempt #:

Rec. Fee: 13.00
Pages: 2

Return to:

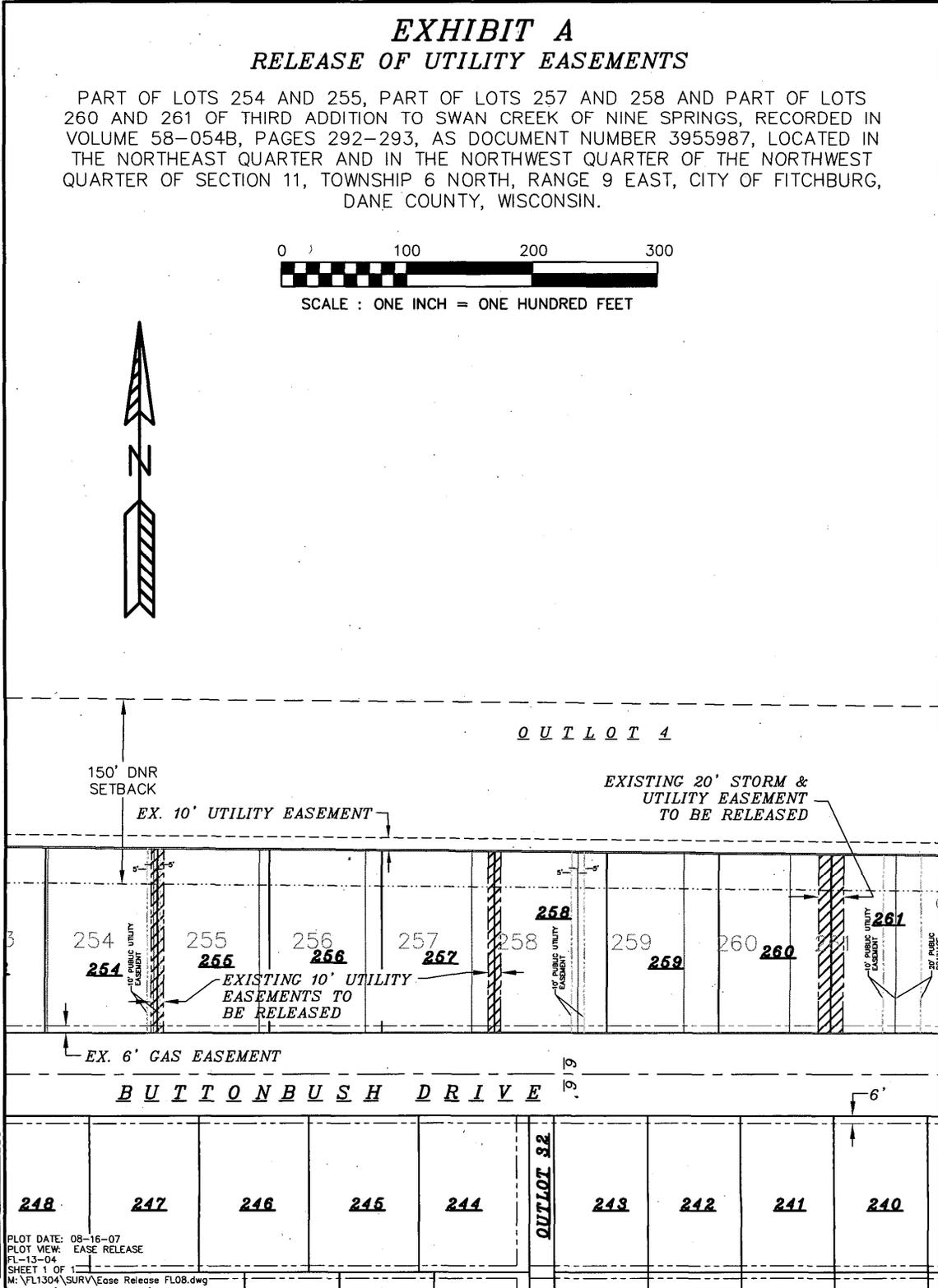
Mayo Coporation
600 Grand Canyon Drive
Madison, WI 53719

- Parcel Number 0609-112-1234-2 (Lot 254)
- Parcel Number 0609-112-1245-2 (Lot 255)
- Parcel Number 0609-112-1267-2 (Lot 257)
- Parcel Number 0609-112-1278-2 (Lot 258)
- Parcel Number 0609-112-1300-2 (Lot 260)
- Parcel Number 0609-112-1311-2 (Lot 261)



2/B

SAMPLE RELEASE OF EASEMENT Document recorded by utility to release rights to easement created by plat. Reference to this document should be incorporated into a correction instrument per s. 236.295, Wis. Stats., to ensure that the release is duly approved when required, and noted on the recorded plat.



MAYO corporation
 Engineers - Surveyors - Architects - Planners, 600 Grand Canyon Dr, Madison, Wisconsin 53719 (608) 833-0628

SAMPLE RELEASE OF EASEMENT

Resolution by municipality to release rights to easement created by plat, to be recorded and incorporated into a correction instrument per s. 236.295, Wis. Stats.

Release of Utility Easement

RE: Lots 83, 84, 85, 86 and 87 9th Addition to Park Towne, City of Madison, Dane County Wisconsin. Tax Parcels: Lot 83-0708-252-0702-4; Lot 84-0703-2; Lot 85-0704-0; Lot 86-0705-8; Lot 87-0706-

6

Pursuant to Wis. Stat. 236.293, the undersigned, City of Madison, hereby releases all right, title and interest which it may have in two twelve (12) foot utility easements, platted as part of the Ninth Addition to Park Towne, more particularly described as follows:

Two 12 foot wide utility easements located in the Plat of the Ninth Addition to Park Towne located in the NW 1/4 of Section 25, T7N, R8E, City of Madison Dane County, Wisconsin. Recorded in Volume 50 of Plats on Pages 24 and 25 Dane County Registry.

Easement "A" - A 12 foot wide utility easement, the centerline of which is described as follows: Commencing at the most Easterly corner of Lot 85 of the said Ninth Addition to Park Towne; thence N47° - 39'-54" W, along the lot line between Lots 85 and 83, 6.00 feet to the point of beginning; thence continuing N 47°-39'-54" W, 204.00 feet; thence S 89°-00'-06" W, 100.63 feet to the point of termination of this easement which is also the Northwest corner of said Lot 85.

Easement "B" - A 12 foot wide utility easement described as follows: Beginning at the Northwest corner of Lot 87; thence N 00°-59'-54" W, 6.00 feet; thence N 89°-00'-06" E, 205.83 feet; thence S 01°-57'-46" E, 12.00 feet; thence S 89°-00'-06" W, 206.03 feet; thence N 00°-59'-54" W, 6.00 feet to the point of beginning.

Authorized by Resolution Number 37,580, file 5114-81 adopted by the City of Madison Common Council on December 8, 1981.

City of Madison

Handwritten signatures of Joel Skornicka, Mayor and Eldon L. Hoel, City Clerk.

State of Wisconsin)
County of Dane } ss.

Personally came before me this 15 day of December, 1981 the above named Joel Skornicka, Mayor and Eldon L. Hoel, City Clerk to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin IRENE
My Commission: 12-4-1981 M.

