

**RESOLUTION # 18-2016**

Resolution offered by the **Land Records** Committee.

**Resolved by the Board of Supervisors of Oneida County, Wisconsin:**

**WHEREAS**, the City of Rhinelander will be doing extensive infrastructure improvements in the downtown area and Wisconsin Public Service and other utility providers will be involved in upgrading or re-routing some of their utilities during construction; and,

**WHEREAS**, Wisconsin Public Service has initiated a request for an easement from Oneida County across lands located in Lot 1 & 2 of Certified Survey Map No. 4288, which is the property where the Department on Aging and Public Health Department is located at 100 W Keenan ST, Rhinelander; and,

**WHEREAS**, the easement would be for electrical and gas and also include communications for Frontier North, Inc and Charter Communications.

**WHEREAS**, the Building and Grounds Committee has determined that the location of the easement to run from Courtney St to the existing utilities serving the County property, will not adversely affect the use of the County property, and the Committee does not object to granting such easement as described in Exhibit A below for no charge; and,

**WHEREAS**, the Land Records Committee recommends the easement be granted since it will be enhancing service to the County property and throughout the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Oneida County hereby approve granting an easement for no costs, across those lands as described in Exhibit A below to Wisconsin Public Service, Frontier North, Inc and Charter; and,

**BE IT FURTHER RESOLVED**, that the County Clerk is authorized to sign and place the county seal upon the easement document and other documents necessary to complete such transaction, and that Wisconsin Public Service pay for the recording fee(s).

Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ 3/4 Majority = \_\_\_\_\_

The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by the Corporation Counsel, \_\_\_\_\_, Date: \_\_\_\_\_

Approved by the Land Records Committee this 8th day of March, 2016.

Consent Agenda Item:  YES  NO

Offered and passage moved by: \_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

52 \_\_\_\_\_ Ayes

53  
54 \_\_\_\_\_ Nays

55  
56 \_\_\_\_\_ Absent

57  
58 \_\_\_\_\_ Abstain

59  
60 \_\_\_\_\_ Adopted

61  
62 by the County Board of Supervisors this \_\_\_\_\_ day \_\_\_\_\_, 2016.

63  
64 \_\_\_\_\_ Defeated

65  
66 \_\_\_\_\_  
67 Mary Bartelt, County Clerk                      David Hintz, County Board Chair

68  
69  
70 **See Exhibit A , Pages 3 through 6 for easement document and map.**

<b>58400</b>	DOCUMENT NUMBER
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UNDERGROUND UTILITY EASEMENT / CORPORATION

THIS INDENTURE is made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between **ONEIDA COUNTY, a Municipal Corporation** ("Grantor") and **WISCONSIN PUBLIC SERVICE CORPORATION**, a Wisconsin corporation, along with its successors and assigns, and **Frontier North, Inc. and Charter Communications** (collectively, "Grantee"). For One Dollar and No/100 (\$1.00) and/or for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant unto said Grantee the perpetual right, permission, authority, privilege and easement, to construct, install, operate, maintain, inspect, remove, replace or abandon in place all equipment ("Facilities") necessary or useful for the purpose of transmitting electrical energy and/or gas for light, heat and power or for such other purpose as electric energy and/or gas is now or may hereafter be used, and for communication upon, over, across, within and/or beneath certain "Easement Area(s)" as shown below, or on attached Exhibit "A", on land owned by said Grantor in the **City of Rhinelander, County of Oneida, State of Wisconsin**, described as follows, to-wit:

Return to: Wisconsin Public Service Corp. Real Estate Dept. P.O. Box 19001 Green Bay, WI 54307-9001
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Parcel Identification Number (PIN)  
**RH 329-2**  
**RH 9106-1309**

Part of Lots 1 and 2 of Certified Survey Map No. 4288 Recorded in the Oneida County Register of Deeds Volume 19 of Certified Survey Maps on Page 4288 as Document 744070; being part of Government Lot 3 of Section 6, Township 36 North, Range 9 East, as shown on the *attached Exhibit "A"*.

Grantor acknowledges that the measurements used in the above description or shown on the attached Exhibit "A" are approximate. Grantor agrees that the actual location of grantee's facilities as built and installed will be controlling as to the location of the easement granted.

Grantor grants to the Grantee the perpetual right, privilege and easement to enter upon the Easement Area for the purpose of constructing, installing, operating, maintaining, inspecting, removing, replacing or abandoning in place the Facilities. The Grantee shall have the right to enter on and across any of the Grantor's property outside of the Easement Area as may be reasonably necessary to gain access to the Easement Area and as may be reasonably necessary for the installation, operation, maintenance, inspection, removal or replacement of the Grantee's Facilities. Except in the event of an emergency, Grantee shall make reasonable efforts to notify the Grantor before going upon Grantor's property outside of the Easement Area.

Should Grantee's work on its Facilities require excavation, the Grantee shall restore the surface of the Easement Area to its condition prior to Grantee's work. All work performed by the Grantee pursuant to this Easement will be performed in a safe and proper workmanlike manner.

The Grantee shall have the right to control all brush and trees within the Easement Area by cutting, trimming and/or other means as may be reasonably necessary, within Grantee's exclusive judgment, to prevent interference with or damage to Grantee's Facilities.

In order to insure the use of the Easement Area conforms with the (Wisconsin Gas Safety Code) (Wisconsin Electrical Code) and the Grantee's construction standards, the Grantor shall not permit any of the following to occur within the Easement Area without first securing the written consent of the Grantee: (i) construction of any improvements, including buildings or other structures; (ii) placement of any other objects, or (iii) change the grade more than four (4) inches.

Grantee shall indemnify and hold Grantor harmless from and against any liability associated with Grantee's use or occupation of the Easement Area, except where such liability arises from the negligence or willful misconduct of Grantor.

The covenants herein contained shall bind the parties hereto and their respective heirs, executors, administrators, successors, and assigns. No failure or delay of either Party in enforcing its rights hereunder shall act as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right set forth herein. This Easement may be executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

WITNESS the hand and seal of the Grantor the day and year first above written.

**Oneida County**

Corporate Name \_\_\_\_\_

Sign Name above \_\_\_\_\_

Print Name & Title above \_\_\_\_\_

Sign Name above \_\_\_\_\_

Print Name & Title above \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )SS

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the above-named \_\_\_\_\_, to me known to be the Grantor(s) who executed the foregoing instrument on behalf of said Grantor(s) and acknowledged the same.

Sign Name \_\_\_\_\_  
 Print Name \_\_\_\_\_

Notary Public, State of \_\_\_\_\_  
 My Commission expires: \_\_\_\_\_

This instrument drafted by: Todd W. Schroeder  
 INTEGRYS BUSINESS SUPPORT, LLC

Date	County		Municipality	Site Address	Parcel Identification Number
March 8, 2016	Oneida		City of Rhinelander	100 W. Keenan Street	RH 329-2 RH 9106-1309
Real Estate No.	WPSC District		WR#	WR Type	IFRIS
58400	77	Rhinelander	2166086	GMAP Gas Mains in Advance of Paving	Gas Systems-Non Flat Rate



**EXHIBIT "A"**

Sheet 2 of 2  
LINE TABLE

Id	Direction	Distance in Feet
L1	S 42-29-28 E	37.02
L2	S 17-25-17 W	66.44
L3	S 34-8-6 W	50.19
L4	S 21-46-41 W	18.31
L5	S 49-39-47 W	35.06
L6	N 70-33-15 W	17.35
L7	N 19-26-46 E	31.00
L8	S 70-33-15 E	20.01
L9	N 21-46-41 E	19.75
L10	N 34-8-6 E	49.71
L11	N 17-25-17 E	55.59
L12	N 42-29-28 W	17.71
L13	N 12-6-41 E	18.40