

DOCUMENT NO.

**DISCLAIMER OF INTEREST
IN REAL PROPERTY**

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* Return To:
* Sherry Grant
* Village Clerk
* Village of Shorewood
* 3930 N. Murray Avenue
* Shorewood, WI 53211
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DISCLAIMER OF INTEREST IN REAL PROPERTY

THIS DISCLAIMER OF INTEREST IN REAL PROPERTY (the "Disclaimer") is made and entered into as of this ____ day of _____, 2014, by **MILWAUKEE COUNTY**, a body corporate, organized and existing under the laws of the State of Wisconsin (the "County"), whose address is 901 N. 9th Street, Milwaukee, WI 53233, **VILLAGE OF SHOREWOOD**, a municipal corporation organized and existing under the laws of the State of Wisconsin (the "Village"), whose address is 3930 N. Murray Avenue, Shorewood, WI 53211, and **HARBOR RETIREMENT ASSOCIATES, LLC**, a limited liability company, organized and existing under the laws of the State of Florida ("Harbor Retirement Associates"), with an address of 1440 Highway A1A, Vero Beach, FL 32963.

WITNESSETH:

The County does hereby release, remise and forever disclaim any and all right, title and interest in and to any portion of a certain parcel of real property, which may otherwise arise by way of the vacation and discontinuance of a public way commonly known as N. Sherburn Place by the Village pursuant to Village of Shorewood Resolution 2014-03, a copy of which is attached as **Exhibit A**; and, by way of the operation of Wis. Stats. § 66.1003 and 66.1005, which parcel is drawn and described in the attached **Exhibit B** and which is legally described as follows:

Being all that part of the vacated North Sherburn Place right of way located in part of the Northwest Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 22 East, Village of Shorewood, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the northwest corner of the Northeast ¼ of said Section 9; thence North 88°51'15" East along the north line of said Northeast ¼, 375.96 feet to the vacated east right of way line of North Sherburn Place as extended northerly; thence South 35°10'45" East along said east line, 104.98 feet to the northeast corner of said vacated North Sherburn Place and the point of beginning (said point being 87.00 feet south of the north line of said Northeast ¼ as measured perpendicular);

Thence South 35°10'45" East along the vacated east right of way line of North Sherburn Place, 233.38 feet to the southeast corner of said vacated North Sherburn Place; thence South 54°51'15" West along the vacated south right of way line of North Sherburn Place, 35.00 feet; thence North 35°10'45" West, 257.00 feet to the vacated north right of way line of North Sherburn Place; thence North 88°51'15" East along said vacated north right of way line, 42.23 feet to the point of beginning.

Containing in all 8,582 square feet (0.1970 acres) of land, more or less.

(the "Parcel").

Through this Disclaimer, Village of Shorewood Resolution 2014-03, and the operation of Wis. Stats. § 66.1003 and 66.1005; and in conformity with each, right title and interest in and to the Parcel will revert to Harbor Retirement Associates.

IN WITNESS WHEREOF, MILWAUKEE COUNTY, the VILLAGE OF SHOREWOOD and HARBOR RETIREMENT ASSOCIATES, LLC have executed this Disclaimer as of the date first above written.

SIGNATURES ON FOLLOWING PAGE(S)

MILWAUKEE COUNTY, a body
corporate organized and existing under the
laws of the State of Wisconsin

ATTEST:

Joseph J. Czarnezki, County Clerk

By: _____
Chris Abele, County Executive

STATE OF WISCONSIN }
COUNTY OF MILWAUKEE }

SWORN to and subscribed freely and voluntarily for the purposes therein expressed
before me by Chris Abele, as County Executive, and Joseph J. Czarnezki, as County Clerk, of
Milwaukee County, a body corporate, organized and existing under the laws of the State of
Wisconsin known to me to be the persons described in and who executed the foregoing this
____ day of _____, 2014, who are [] personally known to me or [] produced
_____ as identification and [] did, [] did not take an oath.

Print Name: _____
Notary Public, State of _____
Commission No.: _____
My commission expires:

VILLAGE OF SHOREWOOD, a municipal Corporation organized and existing under the laws of the State of Wisconsin

ATTEST:

Sherry Grant, Village Clerk

By: _____
Guy Johnson, Village President

STATE OF WISCONSIN }
COUNTY OF MILWAUKEE }

SWORN to and subscribed freely and voluntarily for the purposes therein expressed before me by Guy Johnson as President, and Sherry Grant, as Village Clerk, of the **VILLAGE OF SHOREWOOD**, a municipal corporation organized and existing under the laws of the State of Wisconsin known to me to be the persons described in and who executed the foregoing this ____ day of _____, 2014, who are [] personally known to me or [] produced _____ as identification and [] did, [] did not take an oath.

Print Name: _____
Notary Public, State of _____
Commission No.: _____
My commission expires: _____

HARBOR RETIREMENT ASSOCIATES,
LLC, a limited liability company, organized
and existing under the laws of the State of
Florida

By: _____
Its duly authorized representative

STATE OF _____ }
COUNTY OF _____ }

SWORN to and subscribed freely and voluntarily for the purposes therein expressed
before me by _____ as the duly authorized representative of Harbor
Retirement Associates, LLC, a limited liability company, organized and existing under the laws
of the State of Florida known to me to be the persons described in and who executed the
foregoing this ____ day of _____, 2014, who are [] personally known to me or
[] produced _____ as identification and [] did, [] did not take an oath.

Print Name: _____
Notary Public, State of _____
Commission No.: _____

RESOLUTION 2014 - 03

A Resolution approving the vacation and discontinuance of North Sherburn Place located in part of the Northwest 1/4 of the Northeast 1/4 of Section 9, Township 7 North, Range 22 East, Village of Shorewood, Milwaukee County, Wisconsin.

WHEREAS, on the 21st day of January 2014, the Village of Shorewood entered into a development agreement with Harbor Retirement Associates for the development of parcels located at 1111 E. Capitol Drive (275-8993-000) and 3907-09 N. Sherburn Place (275-8992-002), bordered by E. Capitol Drive, N. Sherburn Place and the Milwaukee River.

WHEREAS, the approved plan for the development of a senior assisted and memory care facility at 3907-09 N. Sherburn Place and 1111 E. Capitol Drive includes the discontinuance of North Sherburn Place.

WHEREAS, the public interest requires that said North Sherburn Place be vacated and discontinued, in accordance with the provisions of Section 66.1003(4) of the Wisconsin Statutes.

WHEREAS, on the 17th day of December 2013, the Village Plan Commission recommended to the Village Board to vacate the public right of way North Sherburn Place.

WHEREAS, a new public road will be constructed within the River District as part of the project, giving accessibility to parcels served by North Sherburn Place.

WHEREAS, the Village has investigated prior property ownership of the section and the adjacent parcels to determine the proper reversion of Title per section 66.1005 of the Wisconsin Statutes.

WHEREAS, the development agreement includes that the Title to the Bluff Parcel shall be conveyed to the Village of Shorewood in keeping with the Village's 2009 River Riparian Restoration and Trail Plan to improve and expand on its green spaces.

NOW THEREFORE, BE IT RESOLVED by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin that a public hearing was held on the 3rd day of February, 2014 at 7:30 P.M. at the Shorewood Village Hall, 3930 N. Murray Avenue, Shorewood Wisconsin, to consider the proposed vacation and discontinuance of North Sherburn Place, consistent with its previous Resolution 2013- 25 dated December 16, 2013.

BE IT FURTHER RESOLVED that the Village Clerk has published a Class 3 Notice of said public hearing under the provisions of Chapter 985 of the Wisconsin Statutes before the date of said hearing.



BE IT FURTHER RESOLVED that the Village Clerk has duly served a copy of the notice to all of the owners of the property abutting North Sherburn Place to be vacated and discontinued at least forty (40) days before said date of hearing.

BE IT FURTHER RESOLVED by the Village Board of the Village of Shorewood, that the public interest requires the vacation and discontinuance of all rights of the Village of Shorewood of North Sherburn Place, located south of Capitol Drive, east of the Milwaukee River and west of the Milwaukee County Oak Leaf Trail, within the Village of Shorewood, Milwaukee County, Wisconsin, as shown in the attached Exhibit A and as described as follows:

Being all that part of the vacated North Sherburn Place right of way located in part of the Northwest Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 22 East, Village of Shorewood, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the northwest corner of the Northeast $\frac{1}{4}$ of said Section 9; thence North $88^{\circ}51'15''$ East along the north line of said Northeast $\frac{1}{4}$, 375.96 feet to the vacated east right of way line of North Sherburn Place as extended northerly; thence South $35^{\circ}10'45''$ East along said east line, 104.98 feet to the northeast corner of said vacated North Sherburn Place and the point of beginning (said point being 87.00 feet south of the north line of said Northeast $\frac{1}{4}$ as measured perpendicular);

Thence South $35^{\circ}10'45''$ East along the vacated east right of way line of North Sherburn Place, 233.38 feet to the southeast corner of said vacated North Sherburn Place; thence South $54^{\circ}51'15''$ West along the vacated south right of way line of North Sherburn Place, 35.00 feet; thence North $35^{\circ}10'45''$ West, 257.00 feet to the vacated north right of way line of North Sherburn Place; thence North $88^{\circ}51'15''$ East along said vacated north right of way line, 42.23 feet to the point of beginning.

Containing in all 8,582 square feet (0.1970 acres) of land, more or less.

BE IT FURTHER RESOLVED that the proof having been filed with the Village Board, that all notices have been published, served and filed as required by Section 66.1003 of the Wisconsin Statutes, the hearing on the passage of this resolution having been duly held in accordance with the provisions of Section 66.1003, and the Village Plan Commission having recommended the vacation and discontinuance, the described section for the North Sherburn Place right of way, be and the same is hereby vacated and discontinued pursuant to the authority vested in the Village Board of the Village of Shorewood by Sec. 66.1003 of the Wisconsin Statutes.

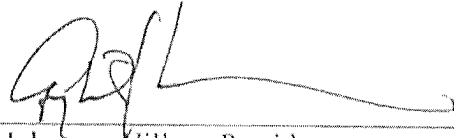
BE IT FURTHER RESOLVED that pursuant to the Village's investigation into the property ownership of the section and abutting properties, Title may revert to abutting

properties and that there be attached to this resolution and made a part hereof as if fully set forth herein a map (attached as Exhibit B) showing the land affected by said vacation and sections shall revert to the properties in accordance with the provisions of Section 66.1005 of Wisconsin Statutes.

BE IT FURTHER RESOLVED that said vacation and discontinuance shall not terminate the easements and rights incidental thereto in any underground or overground structures, improvements or services as may be existing and as may be shown in Exhibit C and all rights of entrance, maintenance, construction of the same will continue as if the right of way had not been vacated.

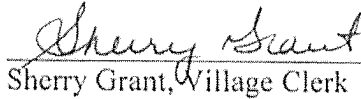
BE IT FURTHER RESOLVED that this resolution shall be final and take effect from and after its passage and recording by the Village of Shorewood pursuant to law.

PASSED AND ADOPTED by the Village Board of the Village of Shorewood, Milwaukee County Wisconsin this 3rd day of February, 2014.



Guy Johnson, Village President

Countersigned:



Sherry Grant, Village Clerk

Exhibit A

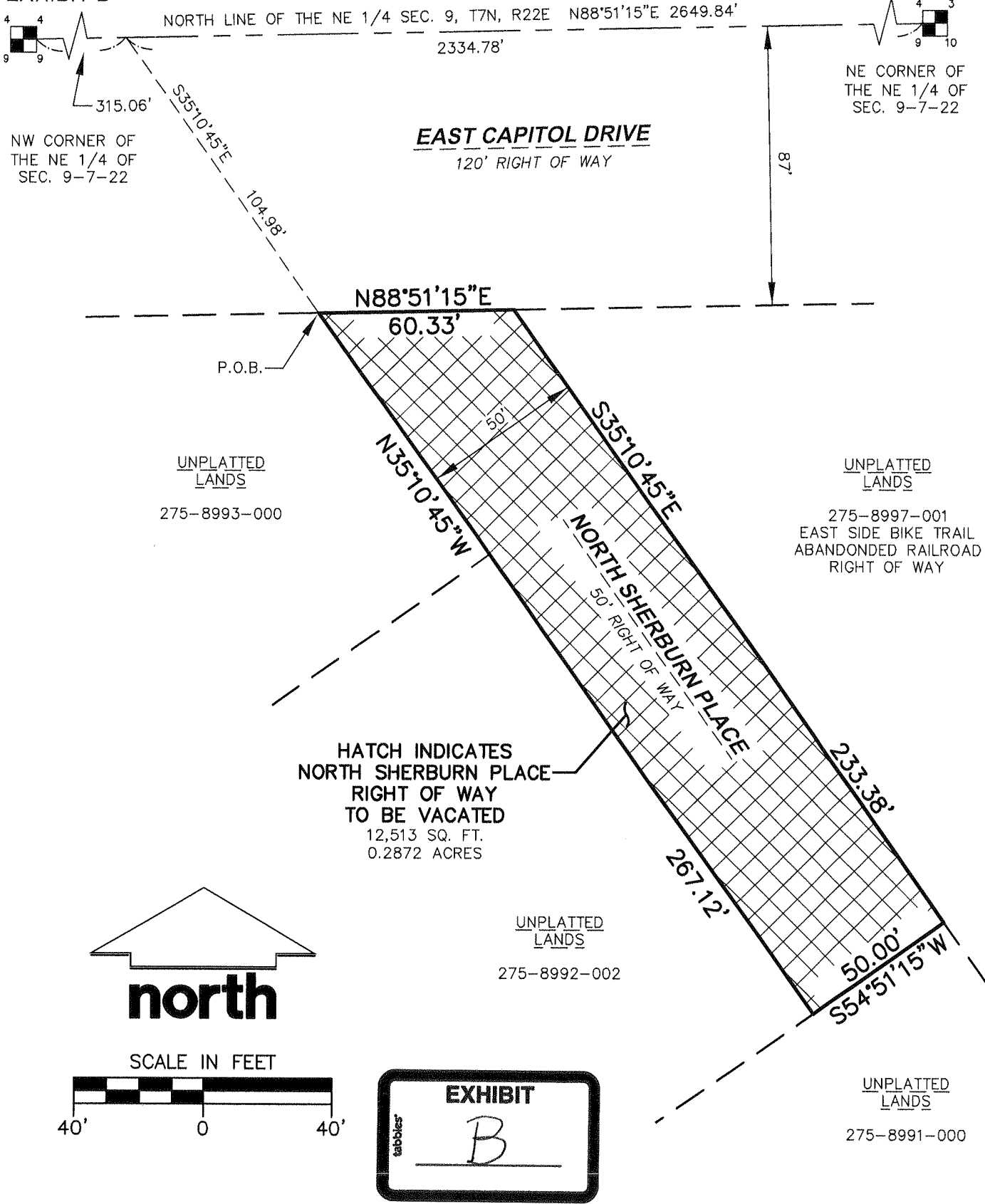
Attached map of land vacated and discontinued

Exhibit B
Attached Survey of reverted parcels

Exhibit C

Attached map of utilities within vacated and discontinued land

EXHIBIT B



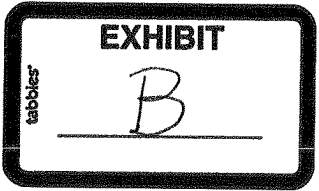
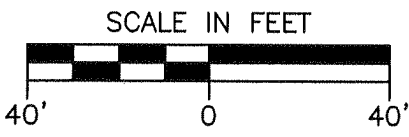
UNPLATTED LANDS
275-8993-000

UNPLATTED LANDS
275-8997-001
EAST SIDE BIKE TRAIL
ABANDONED RAILROAD
RIGHT OF WAY

UNPLATTED LANDS
275-8992-002

UNPLATTED LANDS
275-8991-000

HATCH INDICATES
NORTH SHERBURN PLACE
RIGHT OF WAY
TO BE VACATED
12,513 SQ. FT.
0.2872 ACRES



JSD Professional Services, Inc.
• Engineers • Surveyors • Planners
MILWAUKEE REGIONAL OFFICE
N22 W22931 NANCY'S COURT SUITE 3
WAUKESHA, WISCONSIN 53186
262.513.0666 PHONE | 262.513.1232 FAX
www.jsdinc.com

PROJECT:
HARBORCHASE OF SHOREWOOD
NE 1/4 OF SEC. 9, T7N, R22E
VILLAGE OF SHOREWOOD - MILWAUKEE COUNTY, WI

SHEET TITLE:
NORTH SHERBURN PLACE - RIGHT OF WAY VACATION

JSD PROJECT NUMBER:
13-5604
DRAWN BY: JPK
CHECKED BY: CWR
DATE:
11-27-13

SHEET NUMBER:
EX-2 OF 2