

FLOODING EASEMENT

Document Number

Document Title

FLOODING EASEMENT

Regarding the Following Lands that Abut the Kinnickinnic River:

OWNER	ADDRESS	T.I.N.
City of Milwaukee ("City")	107 Adj. E. Lincoln Ave. ("City Parcel")	498-9998-100
Milwaukee County ("County")	2472 S. 1 st St. ("County Parcel")	498-0002-000

Recording Area

Name and Return Address

Gregg C. Hagopian
Assistant City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

498-9998-100
498-0002-000

Parcel Identification Number (PIN)

DRAFTED BY:

Gregg C. Hagopian
Assistant City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

FLOODING EASEMENT

WHEREAS, the City owns the City Parcel, and the County owns the County Parcel; and

WHEREAS, the respective addresses and tax key numbers of the two parcels are identified in the table above. Both parcels are in the City and County of Milwaukee, Wisconsin. The legal descriptions of the parcels are set forth in **EXHIBIT A** attached; and

WHEREAS, the City Parcel and County Parcel are depicted on **EXHIBIT B** attached; and

WHEREAS, both parcels abut the Kinnickinnic River; and

WHEREAS, the City wishes to make improvements to the South 1st Street Bridge, which bridge traverses the Kinnickinnic River and is near the intersection of South 1st Street and Lincoln Avenue (the “**Bridge Project**”); and

WHEREAS, the State of Wisconsin, Department of Natural Resources (“**DNR**”), determined that the Bridge Project will create **(i)** backwater at or near the City Parcel and County Parcel (and from Mile Markers 2.03 to 2.19 inclusive along the river), and **(ii)** an increase in the regional flood elevation of approximately 0.01 feet at or near the City Parcel and County Parcel, which is in excess of the acceptable increase permitted in the absence of appropriate legal arrangements under Wis. Admin. Code Chapter NR 116; and

WHEREAS, the DNR has indicated that a flooding easement concerning the parcels granted to the CITY OF MILWAUKEE is a necessary part for the Bridge Project to be approved.

NOW, THEREFORE, the City and the County, as respective owners of the City Parcel and County Parcel, hereby convey to the CITY OF MILWAUKEE, a flooding easement in and to their respective parcels, to permit surface water from the Kinnickinnic River to go upon their respective parcels, should the same become necessary to accommodate backwater resulting from the Bridge Project and its effect on the Kinnickinnic River waterway.

This flooding easement shall be recorded in the Milwaukee County Register of Deeds Office to give notice of the same. Said increase in backwater shall be included as part of the City’s records.

This document may be executed in one or more counterparts which, when taken together, shall constitute one and the same document.

Dated effective as of _____, 2014.

**COUNTY:
MILWAUKEE COUNTY**

By: _____
Chris Abele, County Executive

By: _____
Joseph Czarnecki, County Clerk

**COUNTY CORPORATION COUNSEL
APPROVAL & AUTHENTICATION**

The undersigned, as a member in good standing of the State Bar of Wisconsin, hereby (i) approves this document as to form, and (ii) also authenticates the signatures of the County representatives above per Wis. Stat. § 706.06, so this document may be recorded in the Milwaukee County Register of Deeds Office per Wis. Stat. § 706.05 (2)(b).

Milwaukee County Corporation Counsel

By: _____

Name Printed: _____

State Bar Number: _____

Date: _____

**REVIEWED BY MILWAUKEE
COUNTY RISK MANAGEMENT:**

By: _____

Name Printed: _____

Title: _____

Date: _____

**CITY:
CITY OF MILWAUKEE**

By: _____
Ghassan Korban, Commissioner
Department of Public Works

COUNTERSIGNED:

By: _____
Martin Matson, Comptroller

City Common Council Resolution File No. _____, adopted on _____, 2014.

**CITY ATTORNEY APPROVAL &
AUTHENTICATION**

Gregg C. Hagopian, Assistant City Attorney, as a member in good standing of the State Bar of Wisconsin, hereby (i) approves the signatures of the City representatives above per MCO 304-21, and (ii) also authenticates those signatures per Wis. Stat. § 706.06, so this document may be recorded in the Milwaukee County Register of Deeds Office per Wis. Stat. § 706.05 (2)(b).

By: _____
Gregg C. Hagopian, Asst. City Attorney
State Bar Number: 1007373

Date: _____

CAO Doc 199542

EXHIBIT A

LEGAL DESCRIPTIONS

The following abbreviated descriptions are from the City of Milwaukee's website. The City Parcel and the County Parcel are in the NE ¼ of Sec. 8, T6N, R22E, in the City and County of Milwaukee, State of Wisconsin. The parcels are also depicted on **EXHIBIT B** attached.

City Parcel

107 Adj. East Lincoln Avenue
Milwaukee, WI, 53207
498-9998-100

LANDS IN NE 1/4 SEC 8-6-22 LAND BETW E LINCOLN AVE-ROW OF C&NWRYCO-S CHASE AVE & KINNICKINNIC RIVER LANDS BETW E LINCOLN AVE-1764' S OF E LINCOLN AVE-ROW OF C & NW RY CO-ELY LI KINNICKINNIC RIVER & S 1ST ST EXC PART BEING 260' S OF S LI E LINCOLN AVE & 10' WLY OF CL SPUR TRACK ICC NO 1045 AN EAS'MT AS REC IN DOC NO 70151

County Parcel

2472 South 1st Street
Milwaukee, WI 53207
498-0002-000

CHASE'S PARTITION IN NE 1/4 SEC 8-6-22 (AS PLATTED BY ORDER OF CIRCUIT COURT) LOT A EXC N 17' & TRIA LAND ADJ & LOTS B-C-D-E-F-G-H-I-J-K-L & M & VAC ST ADJ

