

HIGHWAY EASEMENT

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11/14/2012 12:30PM

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REC FEE: \$30.00

Return Address:

Green Lake County Clerk
Grant, Snow & Snow, S.C.
Post Office Box 591
Waupun, WI 53963
(920) 324-4711

VOL. 862 OF Rec. PG. 627

[Signature]
REGISTER OF DEEDS
GREEN LAKE, WI
TRANSFER FEE:

Parcel ID Number:

006-00973-0000 and
006-00974-0000

THIS HIGHWAY EASEMENT is granted by DAVID AFFELDT and SHIRLEY RADTKE LIVING TRUST (land contract vendee and vendor, respectively, and collectively "Landowners") to Green Lake County, Wisconsin.

Landowners are the owner and land contract vendee of real estate located in Green Lake County ("the David Affeldt property"), which is legally described as follows:

SEE ATTACHED LEGAL DESCRIPTION EXHIBIT A

This real estate is not the homestead property of David Affeldt or Shirley Radtke Living Trust.

The parties intend to establish the terms of an easement for highway purposes in to Green Lake County, Wisconsin over a portion of the David Affeldt property as described below. Therefore, in consideration of the mutual agreements contained here, the parties agree as follows:

- 1. Easement Description: The real estate subject to this easement ("the easement lands") is described as follows:

SEE ATTACHED LEGAL DESCRIPTION EXHIBIT B

This description describes that portion of land owned by the Landowners that is contained within a 66' segment of land within which the existing County Highway B is

located. Remaining land within this 66' wide segment is owned by Walter Alan and Joyce Affeldt. The legal description was created by Jason M. Ingram of Ayers Associates, Inc., as an agent of Green Lake County.

2. Easement Purpose: The purpose of this easement is to provide the public and Green Lake County with a perpetual nonexclusive easement across the easement lands solely for the purpose of use as a right-of-way for a public highway, including maintaining, repairing, replacing and reconstructing the existing highway.

3. Easement Grant and Restrictions: The Landowners grant to Green Lake County, Wisconsin and all others acting under or on its behalf, a perpetual easement across the easement lands for the purposes identified above. Neither party shall obstruct usage of the easement lands, nor shall they permit others to do so, except as may be necessary to fulfill the purposes of this easement. Landowners shall not take any action, nor permit others to take action, which might interfere with the usage granted pursuant to this easement. However, Landowners reserve the right to use the easement lands for purposes which do not interfere with this grant, but Landowners may not place any fences, posts, structures ~~or improvements~~ within the easement lands, nor plant or place any trees, shrubs, bushes ~~or other vegetation~~ within the easement lands. Green Lake County has the right to trim or remove any trees, shrubs, bushes ~~or other vegetation~~ within the road right-of-way.

John MRB 10/12 DA.

John MRB 10/12 DA.
10-18-12

John MRB 10/12 DA.
10-18-12

4. Servicing and Restoration Costs: All expenses connected with maintaining, repairing, replacing and reconstructing the existing highway and the easement lands for highway purposes shall be paid by Green Lake County, Wisconsin, and no portion of such expenses shall be charged or assessed to Landowners. To the extent that any portion of the easement lands are disturbed through servicing the highway, those lands

shall be reasonably restored to their original condition at the expense of Green Lake County, Wisconsin, and no portion of such expenses shall be charged or assessed to Landowners.

5. Mortgage Subordination: Any mortgages encumbering all or any portion of the easement lands shall at all times be subordinate to the terms of this easement and any party foreclosing any such mortgage, or acquiring title by deed in lieu of foreclosure or trustee's sale, shall acquire title subject to all of the terms and provisions of this easement.

6. Provisions to Run with Land: All rights and obligations provided here shall run with the land and shall be binding on and are for the benefit of the parties to this Easement, together with their respective heirs, executors, administrators, successors, assigns and legal representatives. Green Lake County, Wisconsin may record this Easement with the Register of Deeds for Green Lake County to provide public notice of its terms.

7. Settlement. This easement is being executed pursuant to an agreement reached in Green Lake County Circuit Court Case No. 08-CV092 between David Affeldt, Walter Alan Affeldt, Joyce Affeldt and Green Lake County, Wisconsin. Landowners are conveying rights to a highway easement for County Highway B, which is contiguous to these parties' real estate so that the width of the right-of-way for County Highway B will be 4 (four) rods wide. Shirley J. Radtke, Trustmaker of the Shirley Radtke Living Trust dated July 28, 2008 is also signing this easement as there currently exists a Land Contract between said Trust and David Affeldt with said Land Contract being recorded on August 15, 2005, Vo. 714 of records on Page 484, as Document No. 340267.

EXHIBIT A

The West Half (W ½) of the Southeast Quarter (SE 1/4) of Section 27, R15N, R12E, Town of Green Lake, Green Lake County, Wisconsin.

EXCLUDING that part conveyed for highway purposes in Vol. 124 of Records, Page(s) 29.

ALSO EXCLUDING land conveyed in Warranty Deed in Volume 316 of Records, Page(s) 415, document No. 227305.

ALSO EXCEPTING: Part of NW 1/4 SE 1/4, Section 27, T15N, R12E, Town of Green Lake, Green Lake County, Wisconsin, described as follows: Commencing at the SE Corner of said Section 27; thence S88° 48'28"W along the South line of the SE 1/4 1339.07'; thence N00°45'40"W 2007.26' to the Point of Beginning thence N87°01'36"W 222.53'; thence N01°02'30"W 212.77' thence N88°54'16"E 222.81' to a point on a curve to the right having a central angle of 00°40'30" and a radius of 4247.60'; thence Southerly 50.05' along the arc of said curve whose chord bears S01°06'01"E 50.05'; thence S00°45'40"E along the West right-of-way line of S.T.H. "73" 178.51' to the point of Beginning. Subject to all easements and restrictions of record.

Part of the West Half of the Southeast Quarter of Section 27, Township 15 North, Range 12 East, Town of Green Lake, Green Lake County, Wisconsin, described as:

Commencing at the East Quarter Corner of said Section 27;

Thence S 89°27'44" W along the North Line of the Southeast Quarter of said Section 27, a distance of 1334.77 feet to the westerly right-of-way line of State Trunk Highway (STH) 73 being the POINT OF BEGINNING;

Thence along an arc 52.72 feet in length being along said westerly right-of-way line of STH 73 and curving to the right, having a radius of 4247.60 feet and having a chord of which is S 06°47'41" E for a distance of 52.72 feet;

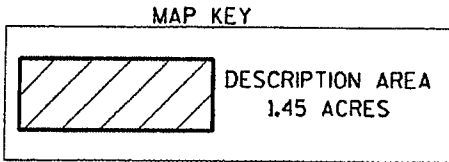
Thence S 89°39'55" W, a distance of 1261.58 feet to the west line of the West Half of the Southeast Quarter of said Section 27;

Thence N 01°03'43" W along said west line, a distance of 47.94 feet to the North Line of the Southeast Quarter of said Section 27;

Thence N 89°27'44" E along the North Line of the Southeast Quarter of said Section 27, a distance of 1256.27 feet to the POINT OF BEGINNING.

The above described parcel contains 1.45 acres of land, more or less.

DESCRIPTION EXHIBIT MAP



Curve Data C.L. STH 73

Δ = 36° 57'08" (LT)
 D = 1°20'00"
 T = 1435.96
 L = 2771.69
 R = 4297.60
 DB = N 1° 07'10" W
 DA = N 38°04'18" W

SW-NE
SEC. 27

NORTH LINE SE 1/4
SECTION 27

S89°27'44"W
1334.77'

E1/4 COR
SEC 27
T15N, R12E

W1/4 COR
SEC 27
T15N, R12E

POINT OF
BEGINNING

N89°27'44"E

33'

1256.27'

S89°39'55"W

33'

1261.58'

N01°03'43"W
47.94'

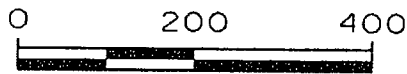
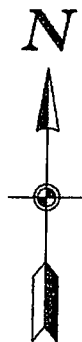
CURVE DATA

WEST R/W
LINE STH 73
L = 52.72'
R = 4247.60'
LC = S 6°47'41" E
52.72'

CENTERLINE OF CTH B
N 89°39'55" E

W 1/2 - SE 1/4
SEC. 27

SCALE: 1"=200'



NORTH IS REFERRED TO A STRAIGHT LINE INTERSECT
 BETWEEN THE W1/4 CORNER AND THE EAST 1/4 CORNER
 OF SECTION 27, T15N, R12E, TOWN OF GREEN LAKE
 AND MARQUETTE, GREEN LAKE COUNTY,
 WISCONSIN, WHICH BEARS N 89° 27' 44" E

AYRES ASSOCIATES

3376 PACKERLAND DRIVE
 DE PERE, WI 54115
 (920) 498-1200

REVISIONS:

LEGEND

- SECTION 1/4 LINE
- SECTION 1/4 - 1/4 LINE
- EXISTING RIGHT OF WAY LINE
- DESCRIPTION BOUNDARY



GOVERNMENT CORNER

Drawn: JMI / Ayres Associates

Date: 7/1/2012

Scale: 1" = 200'

SHEET NUMBER 1 OF 1

Dated this 15 day of October, 2012.

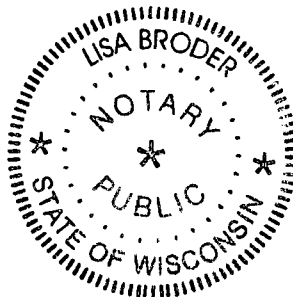
David Affeldt
David Affeldt

SHIRLEY RADTKE LIVING TRUST

Shirley J. Radtke
Shirley J. Radtke, Trustmaker

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss:
Green Lake COUNTY)



Personally came before me on 10-15-, 2012 the above-named David Affeldt and Shirley Radtke to me known to be the persons who executed this easement and acknowledged the same.

Lisa Broder

Notary Public, Wisconsin
My Commission: 1-18-2015

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Dated this 6 day of November, 2012.

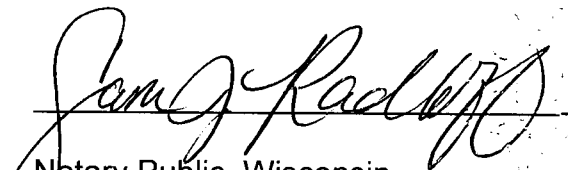
Green Lake County, Wisconsin

By: John R. Meyers / Margaret R. Bostelman
Title: County Chair / County Clerk

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss:
Green Lake COUNTY)

Personally came before me on this date the above-named John R. Meyers / Margaret R. Bostelman authorized representative of Green Lake County, Wisconsin, to me known to be the persons who executed this easement and acknowledged the same.


Notary Public, Wisconsin
My Commission: 10/19/2014

This easement was drafted by Attorney Kristine A. Snow