CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

Date: September 27, 2019

To: Finance Committee

From: Rodney J. Scheel
Director of Planning & Development

Subject: American Transmission Company Easement Request

The City has received a request from the American Transmission Company (ATC) to implement a new easement on two parcels of land owned by the City. They currently have an easement on these parcels dating back to 1921. They are willing to pay $1,500 per parcel if the City voluntarily executes an updated easement. The updated easement is intended to clearly identify the scope and location of the easements.

Their request along with the proposed easement document is included for your review.

It is our recommendation to proceed with execution of the revised easement document for the proposed $3,000 offer.

If you have any questions, please contact me.

ELECTRIC TRANSMISSION LINE EASEMENT
Not subject to Wis. Stat. § 77.22(1)

Document Number

The undersigned Grantor,
City of Stoughton, (hereinafter called the "Grantor"), in consideration in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto **American Transmission Company LLC, a Wisconsin limited liability company, its manager ATC Management Inc., a Wisconsin corporation, (hereinafter jointly referred to as "Grantee")**, their successors, assigns, licensees and managers, the perpetual right and easement to construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol a line of structures, comprised of wood, concrete, steel or of such material as Grantee may select, and wires, including associated appurtenances for the transmission of electric current, together with communication signals and equipment restricted solely for the purpose of electric utility communication, upon, in, over and across property owned by the Grantor in the **City of Stoughton, County of Dane, State of Wisconsin, described as follows:**

Name and Return Address
Steigerwaldt Land Services
Attn: Real Estate Department
856 North 4th Street
Tomahawk, WI 54487

Parcel Identification Number(s)
051109271502, 051109322742

A part of the Grantor's land located the Greenway as contained in the plat of HOM Addition to Kegonsa Ridge, being located in the SE 1/4 NW 1/4 of Section 9, T05N, R11E, City of Stoughton and Greenways as contained in the plat of Stoughton Industrial Park South, being located in the NW 1/4 SW 1/4 and a part in the NE 1/4 SW 1/4 of Section 9, T05N, R11E, City of Stoughton, all in Dane County, Wisconsin

The legal description and location of the Perpetual Easement Strip is as shown on the Exhibit A, attached hereto and incorporated by reference in this easement document

The Grantee is also granted the associated necessary rights to:

1) Enter upon the easement strip for the purposes of exercising the rights conferred by this easement. 2) Construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol the above described facilities and other appurtenances that the Grantee deems necessary. 3) Trim, cut down and remove any or all brush, trees and overhanging branches now or hereafter existing on said easement strip. 4) Cut down and remove such dead, dying, diseased, decayed, leaning trees or tree parts now or hereafter existing on the property of the Grantor located outside of said Perpetual Easement Strip that in Grantee's judgment, may interfere with Grantee's full use of the Perpetual Easement Strip for the purposes stated herein or that pose a threat to the safe and reliable operation of the Electric Transmission Facilities; together with the right, permission and authority to enter in a reasonable manner upon the property of the Grantor adjacent to said Perpetual Easement Strip for such purpose.

The Grantee shall pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields and field tile (other than brush and trees trimmed or cut down and removed), caused by the construction, maintenance, replacement or removal of said facilities.

Grantor, for itself, its successors and assigns, agrees that it will not locate any dwelling or mobile home intended for residential occupancy within the limits of the easement strip. Grantor, for itself, its successors and assigns, further agrees that within the limits of the easement strip it will not construct, install or erect any structures or fixtures, including but not limited to swimming pools, construct any non-residential type buildings or store any inflammable goods or products, plant trees or shrubs, place water, sewer or drainage facilities, or change the grade more than one (1) foot without first securing the prior written consent of the Grantee.

It is understood and agreed that the Grantor shall have the right to maintain the present existing shed, 6' chain link fence with barb wire, and vent pipe within the perpetual easement strip. However, the Grantor agrees not to enlarge or improve said shed, 6' chain link fence with barb wire, and vent pipe or install any antennae or other appendages that will cause Grantee's facilities to be in violation of any applicable laws, rules, or regulations, including, without limitation, those dealing with safe work practices and the operation of equipment near electrical lines and equipment, and the provisions of the Wisconsin State Electrical Code and any amendments thereto. Grantor also agrees not to perform any work on shed, 6' chain link fence with barb wire, and vent pipe within the perpetual easement strip other than normal maintenance. It is understood and agreed, however, that the Grantor has the right to repair the existing shed, 6' chain link fence with barb wire, and vent pipe within its present boundaries in the event of destruction, damage or deterioration.

This easement is intended to supersede and replace the existing easement recorded on the 13th day of May, 1921, as Document Number 401624a in the office of the Register of Deeds, Dane County, Wisconsin and further assigned to American Transmission Company recorded on the 25th of January, 2001 as Document Number 3282844 in the office of the Register of Deeds, Dane County, Wisconsin.

SIN-STO0200

Grantor warrants and represents that Grantor has clear, merchantable, fee simple title to said property, and that Grantor knows of no claim, pending contract for sale, or negotiation for such contract of sale for any of the lands described herein.

This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

WITNESS the signature(s) of the Grantor this _____ day of _____, 20___.

Grantor
City of Stoughton

By:_____ By:_____

Name: _____ Name: _____

Title: _____ Title: _____

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____, the above named _____ as _____, and to the above named _____ as _____ of the **City of Stoughton**, to me known to be the person who executed the foregoing instrument in such capacity and acknowledged the same.

_____
Signature of Notary

_____
Printed Name of Notary

Notary Public, State of Wisconsin

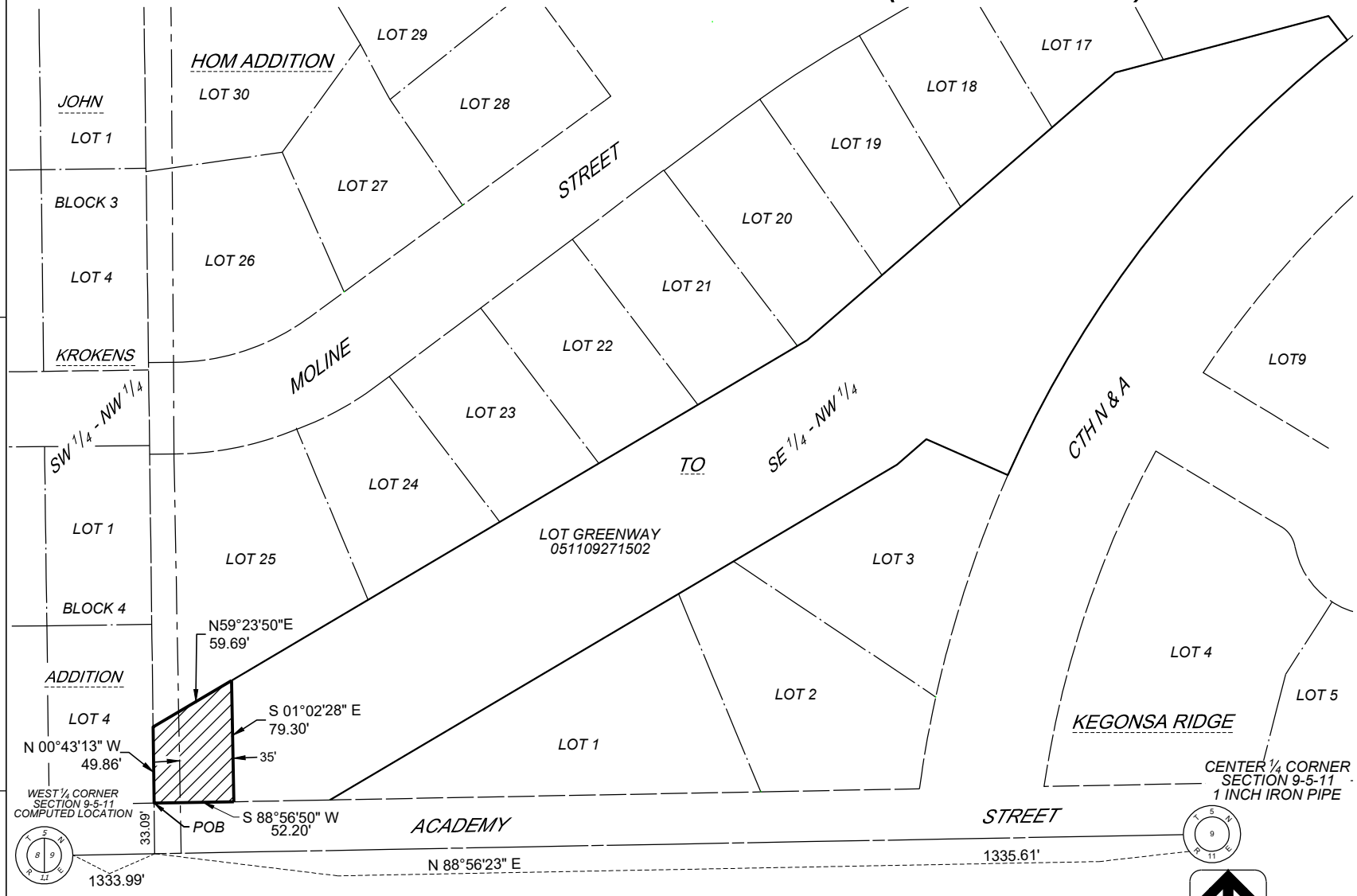
My Commission expires (is) _____

This instrument was drafted by Debra Zimmermann and checked by Carol Ahles on behalf of American Transmission Company, PO Box 47, Waukesha, WI 53187-0047.

Drafted on: 9/11/2019, Rev. 9/19/2019, Rev. 9/27/2019

SIN-STO0200

EASEMENT DESCRIPTION MAP (EXHIBIT "A")



LEGEND

- SECTION LINE
- QUARTER LINE
- SIXTEENTH LINE
- RIGHT OF WAY LINE
- PROPERTY LINE
- MUNICIPAL BOUNDARY
- OWNER'S PROPERTY LINE
- REFERENCE LINE OF TRANSMISSION LINE EASEMENT
- TRANSMISSION LINE EASEMENT

MAP KEY

ATC TRANSMISSION LINE EASEMENT

TAX KEY 051109271502 TOTAL AREA = 3,360 SF - 0.08 ACRES

CITY OF STOUGHTON, DANE COUNTY

NOTES:
BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD83(2011). DISTANCES ARE GROUND.
THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES, AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDARIES OF THE RIGHT OF WAY HEREIN GRANTED.

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ATC ID:SIN-STO0200
PARCEL NO.
051109271502

REVISIONS

Drawn: BJL

Date: 06/28/2019

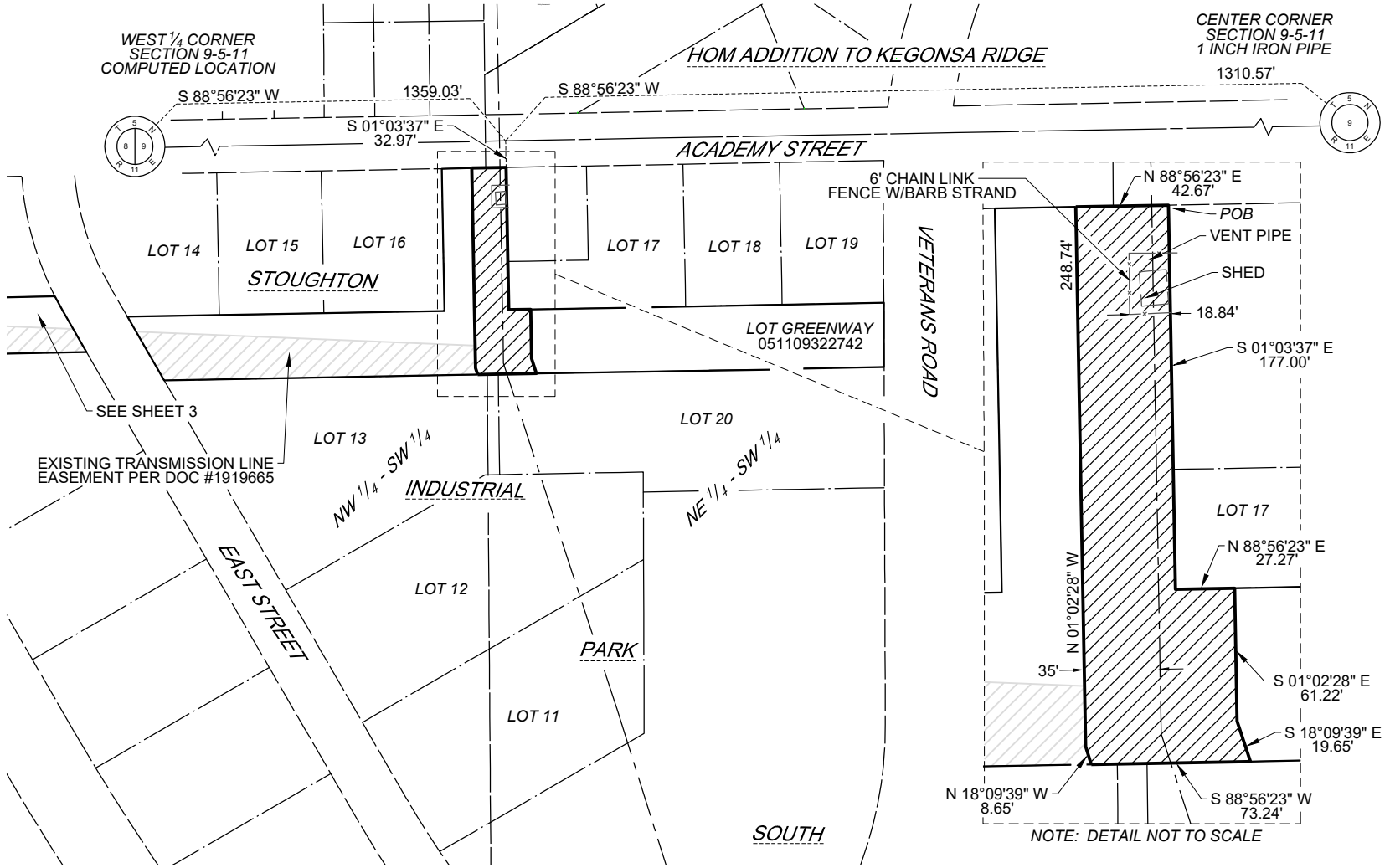
Scale: 1" = 100'

AYRES ASSOCIATES

SHEET NUMBER 1 OF 4

©AMERICAN TRANSMISSION COMPANY 2019

EASEMENT DESCRIPTION MAP (EXHIBIT "A")



LEGEND

- SECTION LINE
- QUARTER LINE
- SIXTEENTH LINE
- RIGHT OF WAY LINE
- PROPERTY LINE
- MUNICIPAL BOUNDARY
- OWNER'S PROPERTY LINE
- REFERENCE LINE OF TRANSMISSION LINE EASEMENT
- TRANSMISSION LINE EASEMENT
- SECTION CORNER

MAP KEY

ATC TRANSMISSION LINE EASEMENT

TAX KEY 051109322742 TOTAL AREA = 13,202 SF - 0.30 ACRES

CITY OF STOUGHTON, DANE COUNTY

NORTH

100 50 0 100 200FT

SCALE IN FEET

NOTES:
BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD83(2011). DISTANCES ARE GROUND.
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ATC ID: SIN-STO0200
PARCEL NO.
051109322742

REVISIONS

AYRES ASSOCIATES

Drawn: CJS

Scale: 1" = 200'

Date: 06/28/2019

SHEET NUMBER 2 OF 4

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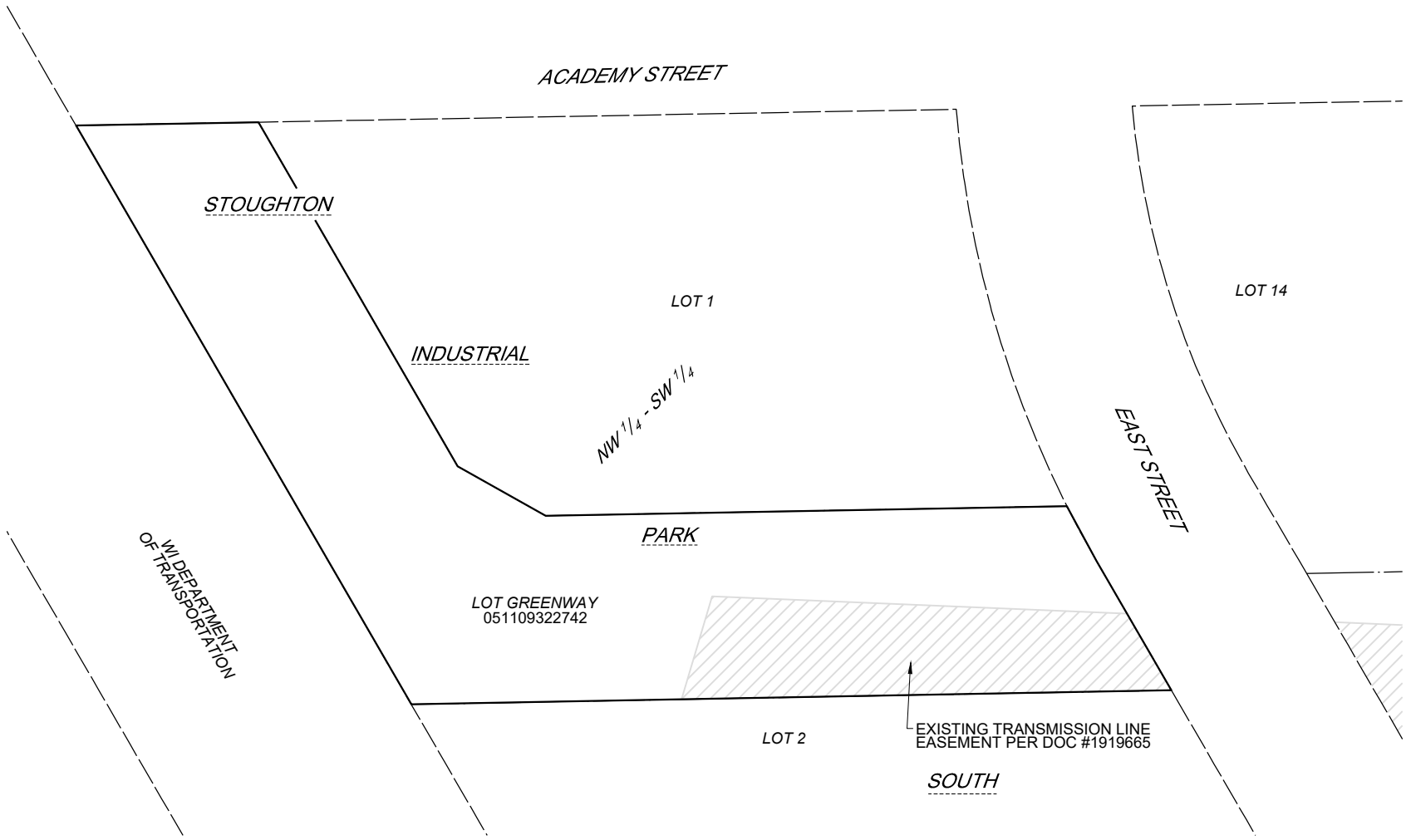
EASEMENT DESCRIPTION MAP (EXHIBIT "A")



CITY OF STOUGHTON, DANE COUNTY

NORTH

30 15 0 30 60FT

SCALE IN FEET

LEGEND

- SECTION LINE
- QUARTER LINE
- SIXTEENTH LINE
- RIGHT OF WAY LINE
- PROPERTY LINE
- MUNICIPAL BOUNDARY
- OWNER'S PROPERTY LINE
- REFERENCE LINE OF TRANSMISSION LINE EASEMENT
- TRANSMISSION LINE EASEMENT
- SECTION CORNER

NOTES:
BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD83(2011). DISTANCES ARE GROUND.
THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES, AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDARIES OF THE RIGHT OF WAY HEREIN GRANTED.

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ATC ID: SIN-STO0200
PARCEL NO.
051109322742

REVISIONS

AYRES ASSOCIATES

Drawn: CJS

Scale: 1" = 60'

Date: 06/28/2019

SHEET NUMBER 3 OF 4

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EASEMENT DESCRIPTION MAP (EXHIBIT "A")

TAX PARCEL 051109271502 EASEMENT LEGAL DESCRIPTION:
A variable width easement which crosses a part of the grantor's premises, being a part of Lot Greenway of HOM Addition to Kegonsa Ridge, recorded in Volume 57-009A of Subdivision Plats on page 27 as Document Number 2645121, being located in the Southeast Quarter of the Northwest Quarter of Section 9, Township 5 North, Range 11 East, City of Stoughton, Dane County, Wisconsin described as:

Beginning at the Southwest corner of said Lot Greenway;
thence North 00°43'13" West, along the West line of said Lot Greenway , 49.86 feet to the Southwest corner of Lot 25 of said HOM Addition to Kegonsa Ridge and the Northwest Corner of said Lot Greenway;
thence North 59°23'50" East along the North line of said Lot Greenway, 59.69 feet;
thence South 01°02'28" East, 79.30 feet to the South line of said Lot Greenway and the North right of way line of Academy Street;
thence South 88°56'50" West along said South line and said North right of way line, 52.20 feet to the **Point of Beginning.**

The described land as, shown on Sheet 1 of 4 hereof, contains 3,360 square feet or 0.08 acres, more or less, and is subject to restrictions, reservations, rights-of-way and easements of records.

TAX PARCEL 051109322742 EASEMENT LEGAL DESCRIPTION:
A variable width easement which crosses a part of the grantor's premises, being a part of Lot Greenway of Stoughton Industrial Park South, recorded in Volume 55 of Subdivision Plats on page 4 as Document Number 1847233, being located in the Northwest Quarter of the Southwest Quarter and a part in the Northeast Quarter of the Southwest Quarter of Section 9, Township 5 North, Range 11 East, City of Stoughton, Dane County, Wisconsin described as:

Commencing at the Center Quarter Corner of said Section 9;
thence South 88°56'23" West along the North line of said Northeast Quarter of the Southwest Quarter, 1310.57 feet;
thence South 01°03'37" East, 32.97 feet to the North line of said Lot Greenway also being the South right of way line of Academy Street and the **Point of Beginning.**
thence South 01°03'37" East, along the East line of said Lot Greenway , 177.00 feet to the Southwest corner of Lot 17 of said Stoughton Industrial Park South and the North line of said Lot Greenway;
thence North 88°56'23" East along the South line of said Lot 17 and the North line of said Lot Greenway, 27.27 feet;
thence South 01°02'28" East, 61.22 feet;
thence South 18°09'39" East, 19.65 feet to the South line of said Lot Greenway;
thence South 88°56'23" West along said South line, 73.24 feet;
thence North 18°09'39" West, 8.65 feet;
thence North 01°02'28" West, 248.74 feet to the North line of said Lot Greenway also being the South right of way line of Academy Street;
thence North 88°56'23" East, 42.67 feet to the **Point of Beginning**.

The described land as, shown on Sheet 2 of 4 hereof, contains 13,202 square feet or 0.30 acres, more or less, and is subject to restrictions, reservations, rights-of-way and easements of records.

AMERICAN TRANSMISSION COMPANY	ATC ID:SIN-STO0200 PARCEL NOS. 051109271502 & 051109322742			AYRES ASSOCIATES	
				Drawn: BJL	Scale: N/A
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AMERICAN TRANSMISSION COMPANY®

STEIGERWALDT
Your confidence lands here.

September 13, 2019

Via Certified Mail Tracking No. 9489 0090 0027 6087 5202 60

RECEIVED
SEP 16 2019
By

City of Stoughton
Mr. Rodney Scheel, Director of Planning & Development
207 S. Forrest Street
Stoughton, WI 53589

RE: Y12 Rebuild Project/ATC Tract No. SIN-STO0200

Dear Mr. Scheel:

American Transmission Company (ATC) has previously communicated with you regarding our Y12 Rebuild Project, which is scheduled to have initial construction activities begin this fall. You may recall that this project has ATC rebuilding the transmission line with monopole structures.

Y12 was originally built in the early 1920's and easement rights were granted to Wisconsin River Power Company to erect and maintain the transmission line. These rights were further assigned to ATC in 2001 and give ATC sufficient rights to rebuild this transmission line and trim or remove any trees that may interfere with or endanger the line. The original easement is included in this package for your review.

For a limited time, ATC is offering landowners $1,500.00 per parcel for VOLUNTARY easements on properties along the transmission line. The difference between the existing and new easement is that the new easement will clearly designate where ATC rights are located on your property by including a survey exhibit (see enclosed proposed easement); the existing easement for the transmission line does not identify a limit to the easement width. Exhibit "A" of the enclosed easement document shows the right-of-way on your property.

If you decide not to accept the $3,000.00 and sign the new voluntary easement, ATC's construction and maintenance activities will continue as planned, as ATC has existing easement rights for its facilities. All voluntary easements are required to be signed, notarized and returned to the address below no later than 60 days from delivery of documents for payment.

Thank you for your consideration of this proposal. This is a lot of information and we welcome the opportunity to answer any questions you may have by phone or arranging a personal meeting. ATC hopes that you will take advantage of this proposal.

Sincerely,

Debra Zimmermann

Debra Zimmermann

ATC Real Estate Contractor
262-224-2839

Return signed document to:
Steigerwaldt Land Services, Inc.
856 North 4th Street
Tomahawk, WI 54487

Enclosures:
Easement
Original easement
Compensation summary
Return envelope

AMERICAN TRANSMISSION COMPANY®

COMPENSATION SUMMARY

ATC File Number: SIN-STO0200 **Line Designation:** Voluntary Y-12 **Date:** 09/13/2019

LANDOWNER INFORMATION:

OWNER: City of Stoughton

Address: 207 S. Forrest Street, Stoughton, WI 53589

Phone #: 608-873-6619 **Contact:** Rodney Scheel, Director of Planning & Development

P&P Sheet(s): Page 1 **of P&P Dated:** 06/05/2019

Structure(s): 144887

Legal Description: Greenway as contained in the plat of HOM Addition to Kegonsa Ridge, being located in the SE 1/4 NW 1/4 of Section 9, T05N, R11E, City of Stoughton and Greenways as contained in the plat of Stoughton Industrial Park South, being located in the NW 1/4 SW 1/4 and a part in the NE 1/4 SW 1/4 of Section 9, T05N, R11E, City of Stoughton, all in Dane County, Wisconsin

Easement	$3,000.00
Other Compensation:	
Total Compensation	$3,000.00

the foregoing instrument and acknowledged the same.

B.T. Oftelie,
Notary public, Dane County Wisconsin
My commission expires Sept 30. 1923.

(Notarial seal)

Recorded May, 13, A. D. 1921 at 4. P.M.

#401624a

Easement Number 54 Tower Numbers 169-170-171-172-173

Andrew A. Bergum and Martha Bergum, his wife, Elmer Bergum and Minda His wife. Grantors in consideration of one dollars ($1.00) to him paid by Wisconsin River Power Company, a Wisconsin corporation, grantee, receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto said Wisconsin River Power Company, its successors and assigns, the perpetual right and easement to erect and maintain a line of towers and wires for the transmission of electrical current, upon, over and across the land owned by the grantor, in Township of Dunkirk, county of Dane state of Wisconsin, on and along the following described line to-wit; Beginning at a point 12 feet east of the northwest corner of the NE ¼ of the NW¼ of Sec. 9, thence south parallel to the east line of the west half of the NW¼ of sec. 9 to the south line of the said NW¼.

TOGETHER with the right to enter upon said premises for the purpose of erecting such towers and stringing said wires and repairing or removing the same, and the right to trim and remove such trees as may now or hereafter interfere with or endanger said line. said grantee, however, expressly agrees that it will pay all reasonable damage to crops that may be caused by its employes in the building and repairing of said towers and wires.

The number of towers so to be erected shall not exceed five and shall be located on said line substantially at the following points.

The first tower 60 feet from point of beginning above described, second tower 600 feet from first tower, third tower 450 feet from second tower, fourth tower 580 feet from third tower, fifth tower 430 feet from fourth tower, sixth tower---feet from fifth tower.

Said grantee shall not have the right to erect any fence or other structure on such land other than said towers and wires, and the right is hereby expressly reserved to said grantor, his heirs and assigns of every use and enjoyment of said land not inconsistent with the maintenance, operation, repair and removal of such towers and wires, and the trimming and removal of such trees as aforesaid.

WITNESS the hand and seal of the grantors this 1st day of November, A. D. 1919

In presence of

Wm. Horton

Leonard W. Gay,

Andrew Bergum (seal)

Mrs Martha Bergum (seal)

Elmer Bergum (seal)

Minda Bergman (seal)

State of wisconsin }
County of Dane } ss

Personally came before me this 1st, day of November, A. D. 1919 the above named Andrew A. Bergum, Martha his wife, and Elmer Bergum, and Minda his wife. to me known to be a person who executed the foregoing instrument and acknowledged the same.

Leonard W. Gay,
Notary Public, Dane County, Wisconsin
My commission expires May 17, 1921.

(Notarial seal)

Recorded May, 13, A. D. 1921 at 4:00 P.M.