

## EXHIBIT D



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Doc# 1161607

## GRANT OF ACCESS AND EASEMENT

STATE OF WI - MTWC CO  
 PRESTON JONES REG/DEEDS  
 RECEIVED FOR RECORD  
 10/23/2015 2:57:00 PM

Name & Return Address: CITY OF MANITOWOC  
 Central Brown County Wa CITY CLERK'S OFFICE  
 Attn: David Vaelavik, Asst 900 QUAY ST  
 3400 Eaton Road  
 Bellevue, WI 54814 : MANITOWOC, WI 54220

Parcel Id. No: 052-820-103-090.00

GRANT OF ACCESS AND EASEMENT ("Easement") made by City of Manitowoc ("Owner") to the Central Brown County Water Authority, a Wisconsin joint local water authority and separate municipal corporation located in Brown County, Wisconsin (the "Authority").

Owner is the fee simple owner of the real property described in the attached Exhibit A (the "Property"). Owner is willing to grant to the Authority a permanent easement, shown in the attached Exhibit B and described in the attached Exhibit C (the "Permanent Easement Area"), over a portion of the Property for the purposes of allowing the placement of certain facilities upon and access to the Permanent Easement Area.

## AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, and intending to be bound, the parties agree as follows:

1. Grant of Easement. Owner hereby grants to the Authority, and the Authority's successors and assigns, a perpetual, non-exclusive easement in, on, under and over the Permanent Easement Area for the construction, installation, reconstruction, replacement, supplementation, operation, repair, maintenance and safeguarding of:
  - (a) a subterranean water pipeline and related water supply facilities, and
  - (b) a subterranean fiber optic cable.

All of the property described in this paragraph 1 will be called the "Facilities".
2. Right of Access. Owner hereby grants to the Authority this Easement with full rights of ingress and egress on and over the Property for the purpose of obtaining access to the Permanent Easement Area. The Authority shall exercise its right of access with the least inconvenience practical to Owner.
3. Terms and Conditions. This Easement is made upon the conditions and limitations set forth below:
  - a. The Authority and its contractors, invitees, and agents shall have the right to enter upon that part of the Property located outside and adjacent to the Permanent Easement Area, as necessary for the purpose of exercising its rights under this Easement, after prior notification of the Owner.



THE AUTHORITY:  
CENTRAL BROWN COUNTY WATER AUTHORITY

By: *Sarah Burdette*  
Sarah Burdette, President

By: *Randy Tremi*  
Randy Tremi, Secretary

STATE OF WISCONSIN            )  
  ) ss  
BROWN COUNTY                    )

Personally came before this 29<sup>th</sup> day of April, 2015, the above-named Sarah Burdette and Randy Tremi, to me known to be the persons who executed the foregoing instrument in the capacities indicated and acknowledged the same.

*Charlotte K. Nelson*  
Notary Public, State of Wisconsin  
My commission: 10-18-15

This document drafted by Lawrie Kobza, Boardman & Clark LLP

# EXHIBIT A

Description per Volume 147 on Page 155 as Document No. 174860:

All of lot Number Six (6) of the subdivision of government lots one (1) and two (2), Section number twenty (20) of township number nineteen (19) north of range number twenty-four (24) east, excepting therefrom the following described parcel: Beginning at the northwest corner of said lot number six (6); thence northeasterly along the southeasterly line of Cleveland Avenue a distance of three hundred nineteen (319) feet; thence southeasterly and parallel to the southwesterly line of lot number six (6) one hundred (100) feet; thence southwesterly and parallel to Cleveland Avenue three hundred nineteen (319) feet to the southwesterly line of lot number six (6); thence northwesterly along the southwesterly line of said lot number six (6) one hundred (100) feet to the point of beginning, and excepting said Cleveland Avenue, in City of Manitowoc, in Manitowoc County, Wisconsin.

Description per Volume 200 on Page 534 as Document No. 255851:

Lot Four (4), Block Three (3) of the City of Manitowoc, Wisconsin, according to the recorded plat thereof.

Lot Five (5), Block Three (3) of the City of Manitowoc, Wisconsin, according to the recorded plat thereof.

That part of Lot Seven (7) of the Subdivision of Government Lot Two (2), of Section Twenty (20), Township Nineteen (19) North, Range Twenty-four (24) East, lying southerly of a line which is 150 feet southeasterly of, and parallel to, the southeasterly line of Cleveland Avenue, and which lies between the east line and the west line of Lot Four (4), in Block Three (3), of the original plat of the City of Manitowoc, extended northerly and lying just north of the said Lot Four (4), Block Three (3), in the City of Manitowoc, Wis.

That part of Lot Seven (7) of the Subdivision of Government Lot Two (2), of Section Twenty (20), Township Nineteen (19) North, Range Twenty-four (24) East, lying southerly of a line which is 150 feet southeasterly of, and parallel to, the southeasterly line of Cleveland Avenue, and which lies between the east line and the west line of Lot Five (5), in Block Three (3), of the original plat of the City of Manitowoc, extended northerly and being just north of the said Lot Five (5), Block Three (3), in the City of Manitowoc, Wis.

Parcel No.: 052-820-103-090.00



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**McMAHON**  
ENGINEERS ARCHITECTS

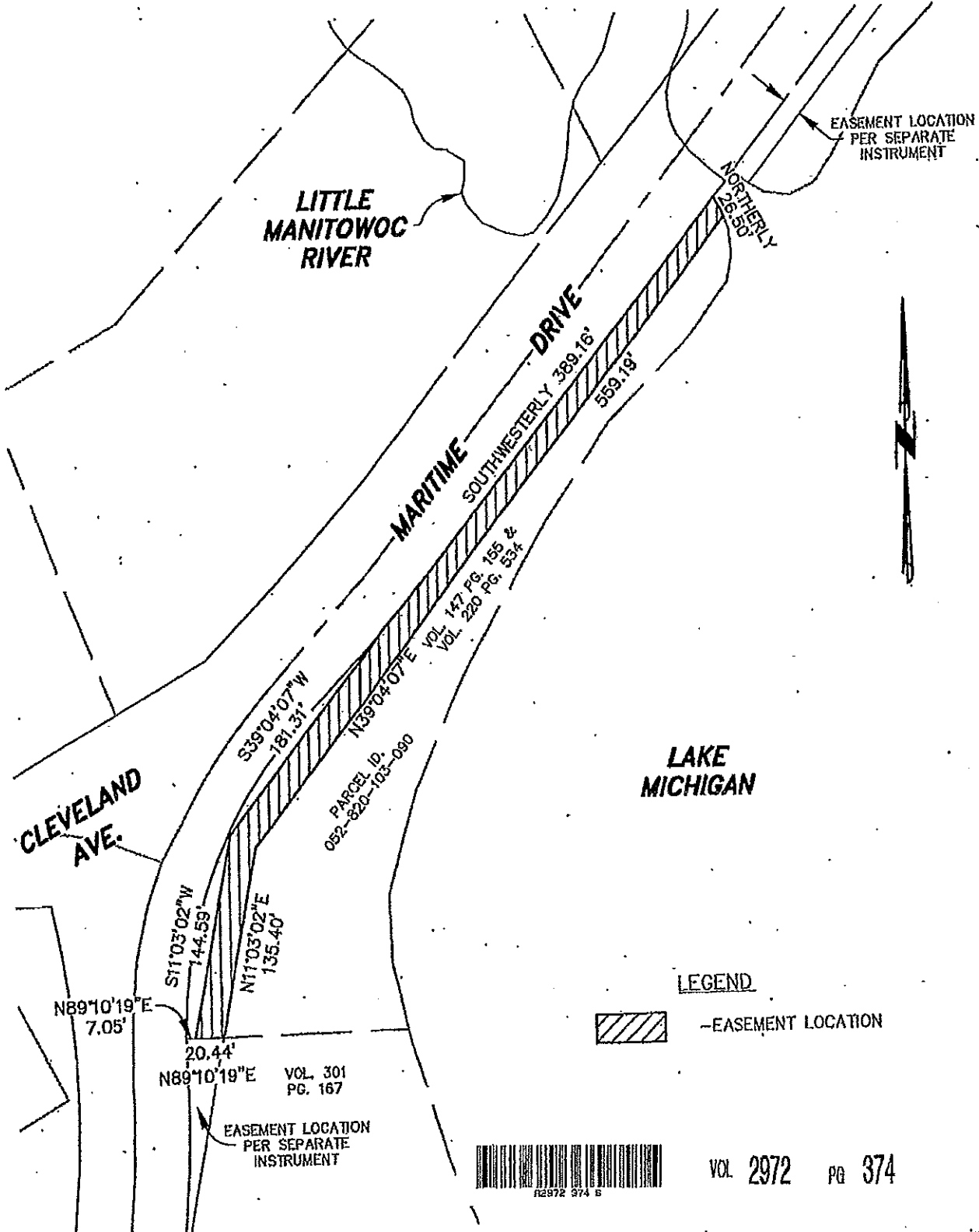
Project No. C0027 24102.00 Date MARCH, 2015 Scale \_\_\_\_\_

Drawn By CWK Field Book \_\_\_\_\_ Page \_\_\_\_\_

1445 McMAHON DRIVE-NEENAH, WI 54958  
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025  
Tel: (920) 761-4200 Fax: (920) 761-4284

File No.

# EXHIBIT B



C:\projects\0027\240102\00\MANITOWOC COUNTY EXHIBITS\CITY OF MANITOWOC-820703090-EXHIBIT B & C.dwg, model, Plot Date: 6/17/2015 3:10 PM, xrefs:none



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**McMAHON**  
ENGINEERS ARCHITECTS

Project No. 00027 240102.00 Date JUNE, 2015 Scale 1"=100'  
 Drawn By CWK Field Book          Page           
 1445 McMAHON DRIVE NEENAH, WI 54958  
 Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025  
 Tel: (920) 751-4200 Fax: (920) 751-4284

File No.

# EXHIBIT C

## DESCRIPTION OF PERMANENT EASEMENT AREA

A part of Lots 6 & 7 in the subdivision of Government Lots One and Two and a part of Lots 4 & 5, Block 3 of the City of Manitowoc, Wisconsin, according to the recorded plat thereof, all in Section 20, Township 19 North, Range 24 East, City of Manitowoc, Manitowoc County, Wisconsin more fully described as follows;

Commencing at the Northwest corner of Lands described in Volume 301 on Page 167, on the Easterly right-of-way line of Maritime Drive;

thence N 89° 10' 19" E a distance of 7.05 feet along the North line of said Lands to the point of beginning;

thence N 89° 10' 19" E for a distance of 20.44 feet along said North line;

thence N 11° 03' 02" E for a distance of 135.40 feet;

thence N 39° 04' 07" E for a distance of 559.19 feet to the Southerly bank of the Little Manitowoc River;

thence Northerly for a distance of 26.50 feet along the Southerly bank of the Little Manitowoc River to the Southeasterly right-of-way line of Maritime Drive;

thence Southwesterly for a distance of 389.16 feet along said Southeasterly right-of-way line;

thence S 39° 04' 07" W for a distance of 181.31 feet;

thence S 11° 03' 02" W for a distance of 144.59 feet to the point of beginning.

containing 12,448 square feet, more or less.



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ENGINEERS ARCHITECTS

Project No. C0027 240102.00 Date JUNE, 2015 Scale 1"=100'  
Drawn By CWK Field Book \_\_\_\_\_ Page \_\_\_\_\_  
1445 McMAHON DRIVE NEENAH, WI 54956  
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025  
Tel: (920) 761-4200 Fax: (920) 761-4284

File No.