

**PERMANENT EASEMENT**

For good and valuable consideration which, **City of West Allis**, hereinafter referred to as "Grantor", owner of land, acknowledges receipt of, grants and warrants to **Time Warner Entertainment Co., L.P., and its affiliates and licenses, successors and assigns**, hereinafter collectively referred to as "Grantee", a permanent easement upon, within and beneath a part of grantor's land hereinafter referred to as "the easement area".

The entire property is legally described as: SEE EXHIBIT "A",

Recording Area

Name and Return Address

Time Warner Cable  
1320 N. Martin Luther King Drive  
Milwaukee, WI 53212

Part of 478.0030.001  
Parcel Identification Number

Property Address: 8435-37 West National Avenue & 1981 South 84<sup>th</sup> Street

The location of the easement area, with respect to the Grantor's land, is shown on the attached drawing, marked Exhibit "B", incorporated into and made a part hereof by reference.

1. **Purpose:** The purpose of this easement is to construct, reconstruct, operate, maintain, repair, replace, and/or remove fiber optic cable in a 2 inch duct for the transmission of signals used in the provision of cable television, communication, audio, video and/or information services or uses for which such facilities may be used including but not limited to cables, ground connections, appurtenances, provided all of these items are underground.  
This easement does not permit the removal of any trees, bushes, or branches, which may be within grantee's easement area.
2. **Access:** Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area. Grantee does not have permission to do boring pits in or on the stamped colored concrete walks on Grantors property.
3. **Buildings or Other Above Ground Facility Improvements:** Grantee shall not construct or place any above ground buildings or other facility improvements in the Easement Area without the written consent of the Grantor. Grantor agrees to review and render a decision on any request of the Grantee, to construct above ground improvements or in the easement area within 120 days of said Grantees written request. Said approval for above ground items may require landscaping/screening per direction of Grantor.
4. **Elevation:** Grantee agrees that the elevation of the ground surface existing as of the date of the initial installation of grantee's facilities, within the easement area will not be altered by more than 4 inches without the written consent of the grantor.
5. **Restoration:** Grantee agrees to restore or cause to have restored the grantor's land as nearly as is reasonably possible to the condition existing prior to such entry by the grantee or its agents. This restoration however, must be done within the growing season that the work was completed by Grantee.

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- 6. **Exercise of Rights:** It is agree that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future and that none of the rights herein granted shall be lost by non-use.
- 7. This grant of easement shall be binding upon and inure to the benefits of the heirs, successors and assigns of all parties hereto.

**Grantor: City of West Allis**

\_\_\_\_\_  
**Print Name & Title** Dan Devine, Mayor

\_\_\_\_\_  
**Print Name & Title** Paul M. Ziehler, City Administrative Officer, Clerk/Treasurer

State of Wisconsin     )  
   ) ss  
 Milwaukee County     )

Personally came before this \_\_\_\_ day of \_\_\_\_\_, 2011, the above-named Dan Devine and Paul M. Ziehler, to me known to be the Mayor and City Administrative Officer, Clerk/Treasurer of the City of West Allis, respectively, a Wisconsin Municipal Corporation, and the persons who executed the foregoing instrument and acknowledged that they executed the same as such officers on behalf of the City.

\_\_\_\_\_  
 ( \_\_\_\_\_ )  
 Notary Public, State of Wisconsin  
 My Commission Expires: \_\_\_\_\_

Approved as to form by the City Attorney's Office  
 this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
 City Attorney

This instrument was drafted on behalf  
 of the City of West Allis by:  
 Scott E. Post, Esq.  
 City Attorney  
 7525 West Greenfield Avenue  
 West Allis, WI 53214

DD/Time Warner Cable Easement

# EXHIBIT "A"

The following described premises being located in the City of West Allis,

County of Milwaukee, State of Wisconsin

to-wit: Part of the South West 1/4 of Section 4, Township 6 North of Range 21 East in the 4th Ward of the City of West Allis, bounded and described as follows: Commencing at a point in the East line of the South West 1/4 of Section 4, 1827.9 feet North of the South East corner of said 1/4 Section, running thence North on and along the East line of the South West 1/4 of Section 4, 156.39 feet to a point in the South line of the Honey Creek Cemetery Grounds; thence Westery on and along the South line of the Cemetery Grounds, 115.5 feet to a point; thence North on and along the Westery side of the Cemetery Grounds, 547.17 feet to a point in the center line of National Avenue; thence South 85° & 30' West on and along the center line of National Avenue, 264.71 feet to a point (said point being 356.2 feet West of the East line of said 1/4 Section) thence South on and along a line which is 356.2 feet West of and parallel with the East line of said 1/4 Section, 443.8 feet to a point in the North Bank of Honey Creek, thence South 88°45' East on and along the North Bank of Honey Creek, 166.40 feet to a point; thence South 40°6' East on and along the North Bank of Honey Creek 178.6 feet to a point; thence South 67° 38' East on and along the North Bank of Honey Creek, 72 feet to the point of commencement.

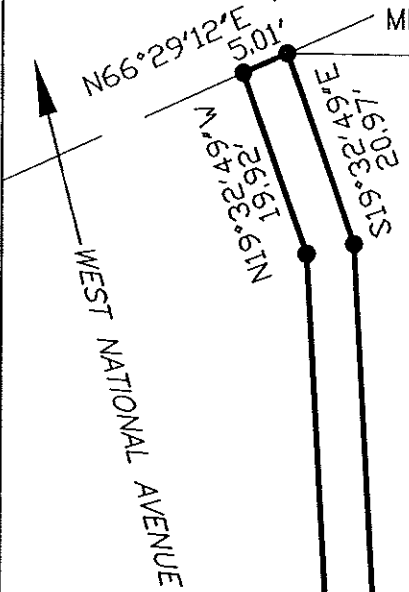
and also

That part of the Southwest one quarter (S.W.1/4) of Section four (4), Township numbered six (6) North, Range twenty one (21) East, in the fourth ward of the City of West Allis, Milwaukee County, Wisconsin, bounded and described as follows, to-wit:

Commencing at a point in the center line of South 85th Street extended, said point being seven hundred forty nine (749) feet North of the North line of West Becher Street and three hundred fifty six and twenty hundredths (386.20) feet West of the East line of said one quarter section; thence South 88° 46' West and parallel to the North line of West Becher Street ninety two and twenty one hundredths (92.21) feet to a point; thence North 21° 36' West two hundred forty one (241) feet to a point in the Southerly line of West National Avenue; thence North 65° 24' East along the Southerly line of West National Avenue one hundred ninety nine and fifteen hundredths (199.15) feet to a point in the center line of South 85th Street extended; thence South along the center line of South 85th Street extended three hundred fiye and eight hundredths (305.08) feet to the place of beginning.

# EXHIBIT "B" FOR EASEMENT

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 04, TOWNSHIP 06 NORTH, RANGE 21 EAST, CITY OF WEST ALLIS, MILWAUKEE COUNTY, WISCONSIN.



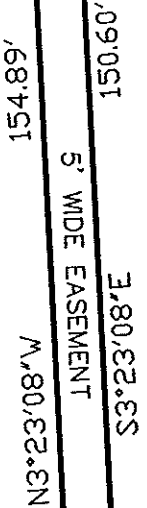
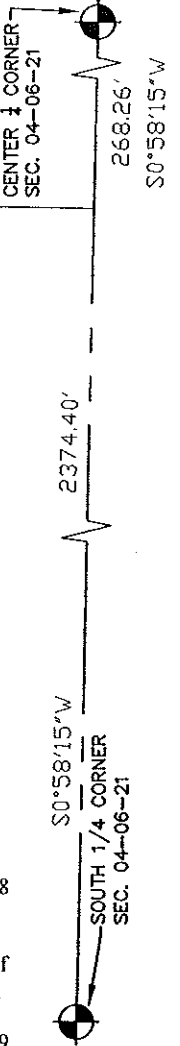
- LEGEND**
- MARKED FOR EASEMENT CORNER
  - ⊙ SECTION CORNER MONUMENT



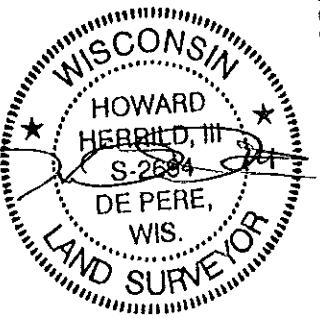
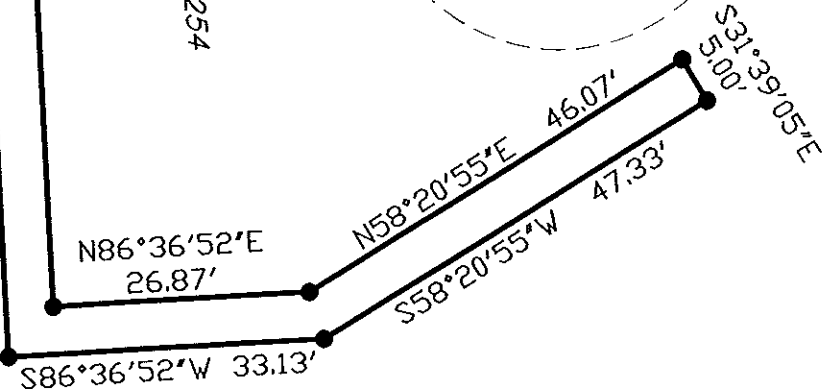
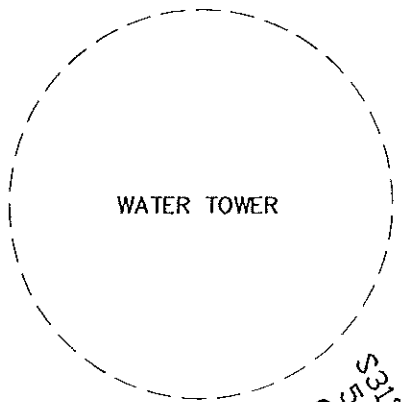
**Legal Description of Easement:**

Located in part of the Northeast Quarter of the Southwest Quarter of Section 04, Township 06 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Commencing at the Center of said Section 04; thence, on an assumed bearing along the east line of the Southwest Quarter of said Section 04, South 00 degrees 58 minutes 15 seconds West a distance of 268.26 feet; thence North 89 degrees 01 minutes 45 seconds West a distance of 364.69 feet to the point of beginning; thence South 19 degrees 32 minutes 49 seconds East a distance of 20.97 feet; thence South 03 degrees 23 minutes 08 seconds East a distance of 26.87 feet; thence North 86 degrees 36 minutes 52 seconds East a distance of 46.07 feet; thence South 31 degrees 39 minutes 05 seconds East a distance of 5.00 feet; thence South 58 degrees 20 minutes 55 seconds West a distance of 47.33 feet; thence South 86 degrees 36 minutes 52 seconds West a distance of 33.13 feet; thence North 03 degrees 23 minutes 08 seconds West a distance of 154.89 feet; thence North 19 degrees 32 minutes 49 seconds West a distance of 19.92 feet to the Southerly right-of-way line of West National Avenue; thence, along said southerly line, North 66 degrees 29 minutes 12 seconds East a distance of 5.01 feet to the point of beginning.



LOT 2, BLOCK 2  
ASSESSOR'S PLAT NO. 254



MARCH 30, 2011



1700 Industrial Drive  
Green Bay, WI 54302  
920.465.8018