

Resolution No. 37-13

Resolution to Grant Gas Distribution and Regulator Easement to Wisconsin Gas, LLC (We Energies) To Serve the Polk County Fairground 4-H Building

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

Ladies and Gentlemen:

WHEREAS Polk County owns and operates the Polk County Fairground lands located in the City of St. Croix Falls, Wisconsin; and

WHEREAS, it is necessary to extend gas service to the 4-H Building situated on the Fairground Lands and legally described as follows:

“A parcel of land being a part of Outlot 67 of the Assessor’s Plat of the City of St. Croix Falls, also being located in the SW ¼ of the SW ¼ of section 20, Town 34 North, Range 18 West, City of St. Croix Falls, Polk County, Wisconsin”

NOW THEREFORE BE IT RESOLVED that, pursuant to ss. 59.01 and 59.52(6)(c), Wis. Stats., the Polk County Board of Supervisors authorizes and grants an easement to Wisconsin Gas, LLC., (We Energies), for the purpose of extending gas service to said building on the Fairground lands consistent with the terms of the Gas Distribution and Regulator Easement, attached hereto and incorporated herein.

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors directs the County Clerk to execute and to tender a conveyance to effectuate the easement authorized herein.

Funding Amount and Source: Not Applicable
Date Finance Committee Advised: Not Applicable
Finance Committee Recommendation: Not Applicable
Effective Date: Upon Passage

Submitted and Sponsored By:	

Review by County Administrator:	Review By Corporation Counsel
<input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only Dana Frey, County Administrator	<input checked="" type="checkbox"/> Approved as to Form <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only Jeffrey B. Fuge, Corporation Counsel

October 15

County Board Action

At its regular business meeting on ~~August 20~~, 2013, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution No. 37-13: Resolution to Grant Gas Distribution and Regulator Easement to Wisconsin Gas, LLC (We Energies) To Serve the Polk County Fairground 4-H Building, by a ~~simple majority~~ vote of unanimous in favor and voice against.



unanimous voice vote

Dated: 10-22-13

William Johnson, IV, County Board Chairperson

Attest: 
Carole Wondra, Polk County

Dated: 10-22-13

Document Number

**GAS DISTRIBUTION
AND REGULATOR EASEMENT**

WR NO. 3470749

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **Polk County**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN GAS LLC, a Wisconsin limited liability company doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within and beneath a part of Grantor's land hereinafter referred to as "easement area".

The **20' wide easement** area is described as :

A parcel of land being a part of Outlot 67 of Assessor's Plat of the City of St. Croix Falls, also being located in the SW 1/4 of the SW 1/4 of Section 20, T. 34 N., R. 18 W, City of St. Croix Falls, Polk County, Wisconsin.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

Grantor agrees to comply with the Addendum - General Construction Requirements and Restrictions for We Energies Gas Regulator Site Easement Areas which is attached hereto, marked Exhibit "B", consisting of two pages, and made a part hereof by this reference.

RETURN TO:
We Energies
PROPERTY RIGHTS & INFORMATION GROUP
231 W. MICHIGAN STREET, ROOM A252
PO BOX 2046
MILWAUKEE, WI 53201-2046

281-01058-0000
(Parcel Identification Number)

- 1. Purpose:** The purpose of this easement is to install, operate, maintain repair, replace and extend underground utility facilities, pipeline or pipelines with valves, tieovers, main laterals and service laterals, together with all necessary and appurtenant equipment under and above ground, including cathodic protection apparatus used for corrosion control, as deemed necessary by Grantee and to install, operate, maintain, repair, replace a gas regulator together with and including the necessary foundations, fencing, protective barriers, piping, valving, regulators, filters, and gas process heating equipment and other related appurtenant under and above ground of such design and material as Grantee may deem necessary in the construction and operation of a gas regulator and gas facilities by Grantee, for the transmission and distribution of natural gas and all by-products thereof, or any liquids, gases, or substances which can or may be transported or distributed through a pipeline, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
- 2. Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
- 3. Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin gas codes and any amendments thereto.
- 4. Elevation:** Grantor 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 Grantee.
- 5. Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
- 6. Exercise of Rights:** It is agreed 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. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Grantor:

Polk County

By: _____

(Print name and title): _____

By: _____

(Print name and title): _____

Acknowledged before me in _____ County, State of Wisconsin, on _____,
by _____, the _____,
and by _____, the _____.
of Polk County, on behalf of the corporation.

Notary Public Signature, State of Wisconsin

Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires _____

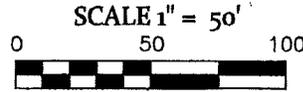
This instrument was drafted by Garski.Bill on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.

EXHIBIT "A"
EASEMENT SURVEY FOR WISCONSIN GAS LLC
 LOCATED IN PART OF OUTLOT 67 OF ASSESSORS PLAT OF THE CITY OF ST. CROIX FALLS,
 ALSO BEING LOCATED IN THE SW1/4-SW1/4 OF SECTION 20, T34N-R18W,
 CITY OF ST CROIX FALLS, POLK COUNTY, WISCONSIN.



- LEGEND**
- = COTTON GIN SPIKE FOUND
 - = LIGHT POLE
 - = EASEMENT AREA

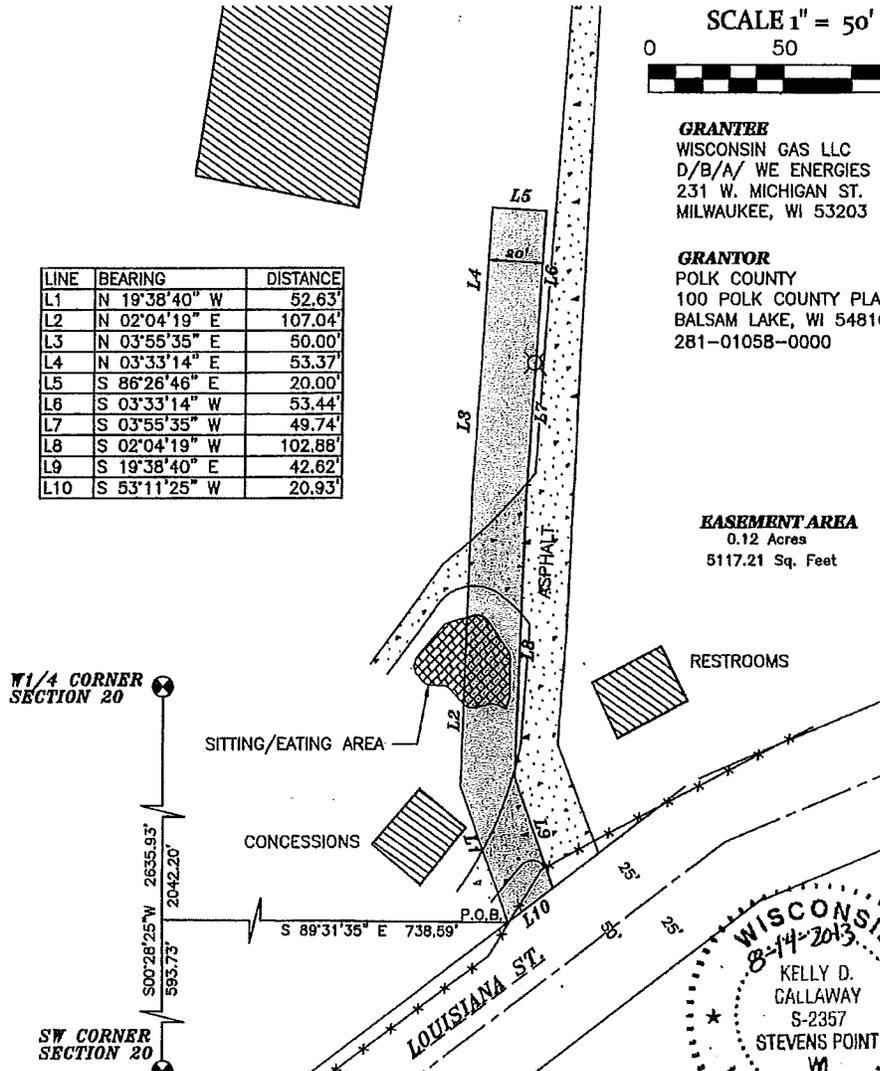
BASIS OF BEARINGS
 BEARINGS ARE BASED ON THE
 EAST LINE OF THE SW1/4 OF
 SECTION 20. (S00°28'25"W)



GRANTEE
 WISCONSIN GAS LLC
 D/B/A/ WE ENERGIES
 231 W. MICHIGAN ST.
 MILWAUKEE, WI 53203

GRANTOR
 POLK COUNTY
 100 POLK COUNTY PLAZA
 BALSAM LAKE, WI 54810
 281-01058-0000

LINE	BEARING	DISTANCE
L1	N 19°38'40" W	52.63'
L2	N 02°04'19" E	107.04'
L3	N 03°55'35" E	50.00'
L4	N 03°33'14" E	53.37'
L5	S 86°26'46" E	20.00'
L6	S 03°33'14" W	53.44'
L7	S 03°55'35" W	49.74'
L8	S 02°04'19" W	102.88'
L9	S 19°38'40" E	42.62'
L10	S 53°11'25" W	20.93'



EASEMENT AREA
 0.12 Acres
 5117.21 Sq. Feet



SURVEYOR'S CERTIFICATE

I, Kelly D. Callaway, Registered Land Surveyor, Do hereby certify:
 That I have surveyed and mapped an easement across those lands being part of Outlot 67 of the Assessors Plat to the City of St. Croix Falls, also being located in the SW1/4-SW1/4 of Section 20, T34N-R18E, City of St. Croix Falls, Polk County, Wisconsin. Described as follows:
 Commencing at the West 1/4 corner of Section 20; thence S00°28'25"W 2042.20 feet, along the West line of Section 20; thence S88°31'36"E, 738.59 feet to the point of beginning; thence N19°38'40"W, 52.63 feet; thence N02°04'19"E, 107.04 feet; thence N03°55'35"E, 50.00 feet; thence N03°33'14"E, 53.37 feet; thence S86°26'46"E, 20.00 feet; thence S03°33'14"W, 53.44 feet; thence S03°55'35"W, 49.74 feet; thence S02°04'19"W, 102.88 feet; thence S19°38'40"E, 42.62 feet; thence S53°11'25"W, 20.93 feet along the Northerly right of way of Louisiana st. to the point of beginning.

Containing 0.12 acres of land. That said map is a true representation of those lands surveyed. That I made such map under the direction of Wisconsin Gas LLC. That I have complied with the provisions of Chapter A-67 of the Wisconsin Administrative Codes.

CALLAWAY LAND SURVEYING
 340 SECOND ST. NORTH
 STEVENS POINT, WI 54481
 OFFICE 715-345-6962 MOBILE 715-347-LAND
 EMAIL kelly@callawaylandsurveying.com

Kelly D. Callaway RLS # 2357 JOB NO.: 13-066
 SHEET 1 OF 1

EXHIBIT "B"

ADDENDUM

**General Construction Requirements and Restrictions
for We Energies Gas Regulator Site Easement Areas**

1. The easement area must be accessible to We Energies personnel or their agents.
2. Fill material, rubble, scrap, pavement or berms may not be placed within the easement area without We Energies' prior written approval.
3. The elevation/grade over the pipeline may not be altered without prior written approval from We Energies. This includes both excavation and fill. A minimum of 36 inches of cover over the gas pipeline must be maintained at all times. The grade within ten (10) feet of a regulator facility may not be altered.
4. Retention ponds and their inlets/outlets are not permitted within the easement area. However, a storm sewer might be permitted within the easement area upon prior written approval from We Energies as to the location of same.
5. No drainage ditches or drain tiles may be constructed within the gas pipeline easement area unless approved in writing by We Energies with proper cover and erosion protection. Plans must be submitted to We Energies for prior written approval.
6. Septic fields or mound systems may not be constructed within the easement area. Laterals to or from the field or mound may cross the gas pipeline, provided that they maintain an 18 inch separation from the gas pipeline. If it is necessary to locate and expose the gas pipeline, excavation must be done by hand-digging or vacuum excavation with a We Energies representative present. Plans must be submitted to We Energies for prior written approval.
7. Underground culverts, pipelines, cables, sewers or any utility must not be placed within 18 inches of the gas pipeline in any direction and must be hand dug or vacuum excavated when within 4 feet of the gas pipeline. We Energies must be notified when excavation is planned in proximity to the gas pipeline to view and inspect excavation activities. Plans must be submitted to We Energies for prior written approval. There will be no charge to Grantor for the We Energies representative to view and inspect any underground excavation.
8. Digger's Hotline must be contacted at least 3 days prior to any excavation or construction activities within the easement area. The current phone number for Digger's Hotline is 1-800-242-8511.
9. Structures or above ground improvements **are not** allowed within the easement area. These prohibited structures include but are not limited to: houses, garages, outbuildings, storage sheds, decks, swimming pools, gazebos, satellite dish antennas and dog kennels/runs.

EXHIBIT "B" – Page 2

10. Except landscaping around the regulator station as approved or provided by We Energies, landscaping, including trees and shrubs, **is not** permitted within fifteen (15) feet of the centerline of the pipeline.
11. The installation of future roadways must be supported by sound structural fill around the gas pipeline. We Energies may require soil borings to establish the subgrade load bearing characteristics of the site and prove that unstable soils are not present around the gas pipeline. Plans must be submitted to We Energies for prior written approval.
12. A paved/compacted surface, such as a driveway, is allowed within the easement area provided that a minimum cover of 48 inches is maintained over the gas pipeline. Plans must be submitted to We Energies for prior written approval.
13. Heavy earth moving equipment may not be routed over the gas pipeline without providing load bearing protection, such as temporary pavement, heavy mats, additional compacted cover or other adequate bridging methods. Prior notification to and written approval from We Energies are required.
14. **We Energies must be contacted at least three (3) working days prior to any excavation activity within the easement area to coordinate oversight or inspection, or to confirm compliance with these provisions. The current phone number for We Energies Gas Emergency Response is 1-800-261-5325.** There will be no charge to Grantor for any oversight, inspection, or compliance information.
15. Additional protective requirements may be necessary upon review of Grantor's construction plans submitted to We Energies as required by the Easement Agreement.

