

Resolution 23-09

To Authorizes an Easement to Polk-Burnett Electric Cooperative for Underground Electrical Lines at and across the DD Kennedy County Park

WHEREAS, Polk-Burnett Electrical Cooperative presently provides electrical service to the DD Kennedy County with overhead lines; and

WHEREAS, Polk-Burnett Electrical Cooperative has proposed to install two underground lines within DD Kennedy County Park to replace and retire the overhead line; and

WHEREAS, Polk-Burnett Electrical Cooperative has also proposed to install an underground line on the south-east corner of the park to upgrade the service that it provides to other customers in the area.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors authorizes an easement to Polk-Burnett Electric Cooperative for the purpose of installation and service of underground electrical wires at and across the DD Kennedy County Park across the lands having the legal description as follows:

~~W 1/2 of SW 1/4 of the NE 1/4 and the SE 1/4 of the NW 1/4, Section 3, Town 33 North, Range 17 West, Town of Garfield, County of Polk, Wisconsin.~~
see attached legal Desc. on ROW easement

Funding Amount: No Cost to the County
Funding Source: Not Applicable
Date Finance Committee Advised: Not Applicable
Finance Committee Recommendation: Not Applicable
Effective Date: Upon Passage

Approved as to form: *Jeffrey B. Fuge*
Jeffrey B. Fuge, Corporation Counsel

Dated Submitted to County Board: *April 21, 2009*

County Board Action: *adopted as amended*

Submitted by the Polk County Property, Forestry and Recreation Committee

By JL 4/6/09
Larry Jensen
Michael Larsen

Russell E. Howard 4-6-09
[Signature]

Attachments: Proposed Easement;
Proposal of Polk-Burnett Electrical Cooperative with PBEC Drawing

Correct legal Description

Document Number

POLK-BURNETT ELECTRIC COOPERATIVE
RIGHT-OF-WAY
EASEMENT
FOR ELECTRIC POWER LINES

Polk-Burnett Location #:
10H03001

This instrument drafted by Steve A. Glaim, General Manager

**This document is to be filled out in black ink only.
No modifications are acceptable. Must be signed and notarized.**

For a valuable consideration, and the mutual promises herein contained,

(hereinafter called the "Owner"), hereby grants, warrants and conveys to Polk-Burnett Electric Cooperative (hereinafter called the "Cooperative"), the right and easement to enter upon lands of the Owner in Polk County, Wisconsin, described as:

Please provide complete legal description.

Part of the NE 1/4 of the NW 1/4 described in V1 CSM/185 V588/264 V356/26; the W 40 rods of the NW 1/4 of the NE 1/4; the SE 1/4 of the NW 1/4; and the W 1/2 of the SW 1/4 of the NE 1/4 Section 3, T33N, R17W, Town of Garfield, Polk County, Wisconsin

Recording Area

Name and Return Address
Polk-Burnett

1001 State Road 35
Centuria, WI 54824
(715) 646-2191 • (800) 421-0283

024-00028-0000, 024-00024-0000,
024-00036-0000 & 024-00026-0000
Parcel Identification Number (PIN)

and to place, construct, operate, maintain, repair, relocate, replace on or under the surface thereof, a line or lines for the transmission of electric energy, including, but not limited to, cable, wire, poles, transformers, equipment and accessories necessary for that purpose. The specific length and location of this electric line easement shall be as built, and its width shall be as described below for an overhead or underground line. In addition, this easement includes existing secondary service and security light cables, wires, and facilities at Polk-Burnett location number 10H03001.

The Cooperative shall have the continuing right to keep the easement clear of any structure, vegetation, or any other obstruction that may, at the Cooperative's sole discretion, affect public safety or the safety of its employees; interfere with the Cooperative's exercise of its easement rights; threaten or endanger the operation and maintenance of the Cooperative's line, facilities or system; or cause any unnecessary economic burden to the Cooperative. The Owner may use the land subject to this easement for personal purposes. However, if those purposes cause or contribute to any loss of personal property, bodily injury, death or damage in relationship to the Cooperative's rights, the Owner shall hold the Cooperative harmless from and against all liability, claims, loss, costs (including reasonable attorney fees), personal or bodily injury, death or damage to any person or property related to the Cooperative's exercise of its easement rights.

For overhead lines, the Cooperative shall have the right to control the growth of any and all vegetation, using methods common to rights-of-way maintenance in the industry, within a distance of 20 feet on either side of the line. The Cooperative shall have the right to cut down any dead, weak or leaning tree that is tall enough to endanger the operation and maintenance of said line if said tree is outside the clear-cut area of 20 feet on either side of the lines. All trees cut by the Cooperative shall remain the property of the Owner.

For underground lines, the Cooperative shall have the right to control the growth of any and all vegetation, using methods common to rights-of-way maintenance in the industry, within a distance of 10 feet on either side of the line.

For the purpose of placement, construction, inspections, maintenance, repair, relocation, replacement and operation, the Cooperative has the right of reasonable access across lands of the Owner lying between said easement and any public street or highway.

This conveyance is to the Cooperative, its successors and assigns, shall run with the land, and shall be binding on the heirs, representatives, assignees and grantees of the Owner.

(Owner)

(Owner)

(Owner)

(Owner)

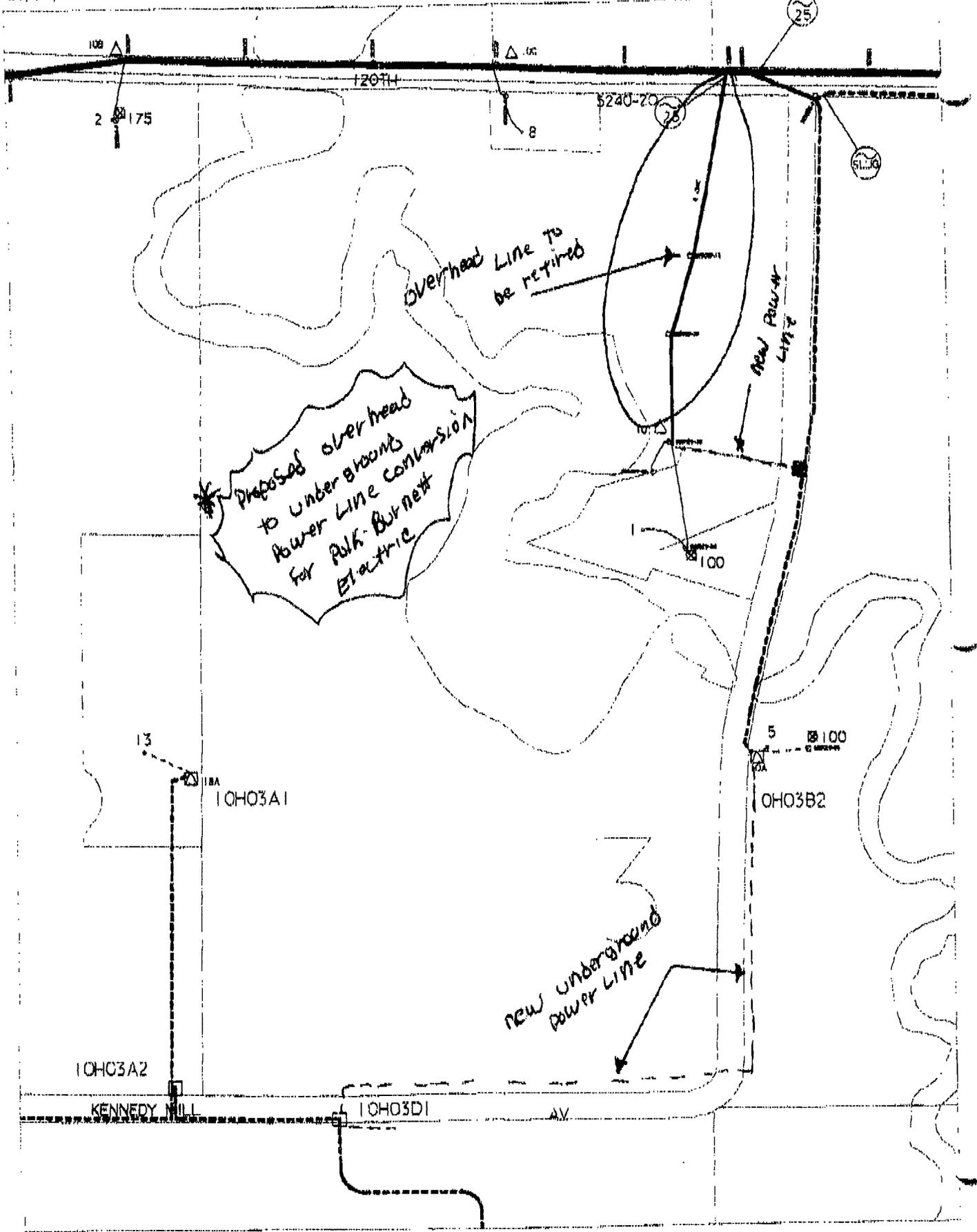
STATE OF _____)
County of _____)ss.

Personally came before me this _____ day of _____,
20____, the above named _____

Notary Public _____
Notary Printed Name _____

_____ known to me to be the person(s) who executed the foregoing My instrument and acknowledged the same.

_____ County, _____
commission expires: _____





POLK-BURNETT
 1000 Highway 35 • P.O. Box 310 • Centuria, WI 54824-0310
 (715) 646.2191 • (800) 421.0283 • FAX (715) 646.2404 • www.polk-burnett.org
 Branch Office: 7298 State Road 70 • P.O. Box 201 • Siren, WI 54877-0201

TO: Debra Peterson

FROM: Erick Vitalis

PHONE: 715-485-9294
FAX: 715-483-9110

PHONE: 715-646-2191
FAX: 715-646-2130

No. of Pages 4 (Including Cover Page)

REMARKS: URGENT FOR YOUR REVIEW REPLY ASAP PLEASE COMMENT

NOTES: Debra, Polk-Burnett Electric is proposing 2 (underground) power line installations within the Kennedy Mill park (sketch enclosed), in order to retire the overhead line that is currently installed in the park and replace it with a new underground line. Also to install a second underground power line on the south east corner of the park in order to provide better service reliability to our customers in that area.

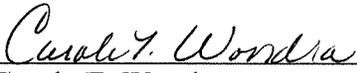
There is no cost to the county to have this change made, however Polk-Burnett Electric would need an updated Utility easement for each project (I have enclosed) to allow us to make the proposed installations.

This work would be done either in Nov. of 08, or in the spring of 2009, depending on weather conditions. Please call me if you have any questions regarding this project.

Erick Vitalis
Engineering Tech. Polk-Burnett Electric. 715-646-2191 Ext. 383

STATE OF WISCONSIN)
) SS
COUNTY OF POLK)

I, Carole T. Wondra, County Clerk for Polk County, do hereby certify that the attached is a true and correct copy of Resolution No. 23-09 that was adopted by the Polk County Board of Supervisors on April 21, 2009.



Carole T. Wondra
Polk County Clerk