

Resolution 38-09

To Authorizes a Right of Way to Dairyland Power Cooperative for an Electrical Utility Transmission Line Along U. S. Hwy. 8.

WHEREAS, Dairyland Power Cooperative has received approval by the Wisconsin Public Service Commission to construct and maintain a high voltage transmission line along U. S. Hwy 8; and

WHEREAS, as designed and approved, the transmission line would cross that property owned by Polk County within the Town of Apple River; and

WHEREAS, the title to specific Polk County property contains certain restrictions regarding the manner in which pines and hardwood trees may be removed; and

WHEREAS, the Polk County Property, Forestry and Recreation Committee recommends the granting of right of way to Dairyland Power Cooperative on terms consistent with the restrictions contained in the title..

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors authorizes a right of way to Dairyland Power Cooperative in, on, over and across property of Polk County situated all or partly within the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 32, T34N, R16W and the NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 33, T34N, R16W, Town of Apple River, Polk County, Wisconsin, and more particularly described as a strip of land approximately 1367 feet in length, eighty (80) feet in width, and forty (40) feet on each side of the following described centerline:

Commencing at the Northeast corner of Section 32, T34N, R16W; thence S01°18'28"W on and along the East line of the NE $\frac{1}{4}$ of said Section 32, a distance of 25.04 feet; thence N82°55'22"W, a distance of 407.72 feet; thence N86°26'06"W, a distance of 361.90 feet to the point of beginning of this centerline description; thence S86°26'06"E, a distance of 361.90 feet; thence S82°55'22"E, a distance of 467.20 feet; thence S89°07'28"E, a distance of approximately 538 feet to a point on the thread of the Apple River and there terminating.

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes the conveyance of a Right of Way Easement For Rural Electric Line to Dairyland Power Cooperative as described above, subject to the following conditions:

1. That Dairyland Power Cooperative acquire the further and express consent for cutting pine and hardwood trees from within the easement premises as described and located within that part of the NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 33, T34N, R16W, Town of Apple River, Polk County, Wisconsin, lying west of the Apple River, from the heirs of Amil Markee, a single man, Oscar Markee and Ellen Markee, his wife, Grantors of that certain Warranty Deed dated April 28, 1936 and recorded July 14, 1936 as Instrument Number

204311 in Volume 135 on Page 339 in the office of the Register of Deeds, Polk County, Wisconsin; and

2. That Dairyland Power Cooperative further agrees to indemnify and save Polk County harmless from all liability, suits, actions, claims, costs and legal fees brought because of the violation by Dairyland Power Cooperative of any prohibitions pertaining to or associated with cutting, removal or trimming of pine or hardwood trees from the easement premises.

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: 6-16-09

County Board Action: Adopted.

Submitted by the Polk County Property, Forestry and Recreation Committee

Mich Hansen [Signature]
[Signature] 6/1/09 Russell E. Orand 6-1-09
[Signature]

Attachments: Proposed Right of Way Easement For Rural Electric Line

DRAFTED BY: Dairyland Power Cooperative, P.O. Box 817,
La Crosse, WI 54602-0817 / Tel. #: 608/788-4000

RE-34 161/69KV DBL CIR
02/08

RIGHT OF WAY EASEMENT FOR RURAL ELECTRIC LINE

Know All Men By These Presents: That Polk County, Grantor(s), claiming title by Warranty Deed dated April 28, 1936 and recorded July 14, 1936, as Document Number 204311 in Volume 135 of Deeds on Page 339 in the Office of the Register of Deeds, Polk County, Wisconsin, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, do(es) hereby grant, warrant, and convey unto

Return to:
DAIRYLAND POWER COOPERATIVE
P.O. Box 817
La Crosse, Wisconsin 54602-0817
ATTN: RE/RW & Related Services Dept.

004-00906-0000
004-00867-0000

Parcel Identification Number

Line: Q24/N49
Parcel: 64

DAIRYLAND POWER COOPERATIVE

a Wisconsin non-stock cooperative association, its successors, licensees, lessees, tenants, subsidiaries or assigns, hereinafter called Grantee, the exclusive perpetual easement and right of way to enter upon the property of the Grantor(s), to survey, construct, reconstruct, replace, operate, maintain, renew and remove in, upon, over and across the hereinafter described right of way strip electric transmission, electric distribution and communication line system(s) or any combination thereof, overhead and underground and all devices appurtenant thereto, including without limitation by specification, structures, crossarms, transformers, splice boxes, conduits and such other appliances, accessories, footings, and supporting devices (which, if necessary, may be located outside of said right of way strip) as Grantee deems necessary for the purposes of transmitting and distributing electrical energy and communications, and for the exercise of the rights herein. The right, permission and authority to apportion and/or assign to third parties all or part of the rights granted to the Grantee, together with the right to cut down and remove all trees and bushes, or apply chemicals for purposes of controlling brush, now or hereafter, growing upon the right of way strip, including tall or leaning trees outside of the right of way strip which may endanger any of the facilities authorized hereunder, all with no future additional payment, and with the right of ingress and egress over said adjacent property of the Grantor(s) to and from the right of way strip along a route which will cause the least possible interference with existing land use.

Polk County authorizes the conveyance of a Right of Way Easement For Rural Electric Line to Dairyland Power Cooperative as described herein, subject however, to the condition that Dairyland Power Cooperative acquire the further and express consent for cutting pine and hardwood trees from within the easement premises as described and located within that part of the NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 33, T34N, R16W, Town of Apple River, Polk County, Wisconsin, lying west of the Apple River, from the heirs of Amil Markee, a single man, Oscar Markee and Ellen Markee, his wife, Grantors of that certain Warranty Deed dated April 28, 1936 and recorded July 14, 1936 as Instrument Number 204311 in Volume 135 on Page 339 in the office of the Register of Deeds, Polk County, Wisconsin.

Dairyland Power Cooperative further agrees to indemnify and save Polk County harmless from all liability, suits, actions, claims, costs and legal fees brought because of the violation by Dairyland Power Cooperative of any prohibitions pertaining to or associated with cutting, removal or trimming of pine or hardwood trees from the easement premises. Actual damage to crops, fences, improvements and soil of the Grantor(s), its successors, heirs, assigns, or tenants, caused by employees, agents, or contractors of the Grantee, will be promptly paid by the Grantee.

Grantor(s) expressly reserve(s) the use of the surface of the right of way strip for such purposes as, in the opinion of the Grantee, are not inconsistent with the rights herein granted. No structure(s) will be erected, or inflammable material placed or accumulated, or trees planted on said right of way strip by Grantor(s), who further covenant(s) and agree(s) that the elevation of the existing ground surface within the right of way strip will not be altered by more than one (1) foot without the written consent of Grantee, and that no fences, gates, signs, posters, or other attachments shall be placed on or attached to the supporting structures.

The aforesaid right of way is located in, on, over and across property of the Grantor(s) situated all or partly within the NE¼-NE¼, Section 32, T34N, R16W and the NW¼-NW¼, Section 33, T34N, R16W, Town of Apple River, Polk County, Wisconsin, and is more particularly described as a strip of land approximately 1367 feet in length, eighty (80) feet in width, and forty (40) feet on each side of the following described centerline:

Commencing at the Northeast corner of Section 32, T34N, R16W; thence S01°18'28"W on and along the East line of the NE¼ of said Section 32, a distance of 25.04 feet; thence N82°55'22"W, a distance of 407.72 feet; thence N86°26'06"W, a distance of 361.90 feet to the **point of beginning** of this centerline description; thence S86°26'06"E, a distance of 361.90 feet; thence S82°55'22"E, a distance of 467.20 feet; thence S89°07'28"E, a distance of approximately 538 feet to a point on the thread of the Apple River and there terminating.

Pursuant to Chapter 182.017(7)(a), Wisconsin Statutes, the number, type, and maximum height of all structures to be erected on said right of way strip will be:

Number of Structures	Type of Structures	Height of Structures
1	Steel	90.5
1	Steel	85.0
1	Steel	81.5

The right, permission, and authority is specifically granted to Grantee to string, install, operate, maintain, renew and replace two (2) line(s) (circuits) which are a total of seven (7) wires, consisting of six (6) conductor wires or cables and one (1) shield wire(s) (with or without fiber optic capabilities, as Grantee deems appropriate) on said transmission line structure(s), supported by the necessary crossarms and appliances, over and across the right of way strip for the purpose of transmitting electric energy. The conductors will carry a nominal voltage of 161,000 and 69,000 volts, respectively, and a maximum voltage of 169,000 and 72,500 volts, respectively. Conductors will be strung so as to have ground clearance not less than 26 feet above the presently existing ground level at all points.

It is understood and agreed that the attached document entitled Exhibit "A", being Chapter 182.017(7)(c) thru (i), Wisconsin Statutes, and form of waiver, consisting of two (2) pages, be incorporated herein by this reference as fully as though set out at length and shall, excepting as its terms are specifically waived by Grantor(s) (designated landowner thereupon) by designation at the bottom thereof, as thereon provided, be effective and binding on Grantee (designated utility thereupon).

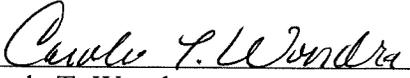
TO HAVE AND TO HOLD said easement, together with all and singular the rights and privileges appertaining thereto unto said Grantee forever. This conveyance will be binding on the respective heirs, representatives, successors, licensees, lessees, tenants, subsidiaries, or assigns of the Grantor(s) and Grantee.

The warranties contained herein are made subject only to the following delinquent taxes, mortgages, liens, or encumbrances: None.

And the undersigned owner(s) and holder(s) of _____ as to said property above described, for the consideration above stated, do(es) hereby join in and consent to said easement free and clear of said encumbrance(s), by their/its signature(s) below or by separate instrument.

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. 38-09 that was adopted by the Polk County Board of Supervisors on June 16, 2009.



Carole T. Wondra
Polk County Clerk