

**PUBLIC UTILITY EASEMENT**  
City of New Berlin

Document Number

THIS INDENTURE made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the undersigned, [OWNER], hereinafter referred to as the "Owner" and the CITY OF NEW BERLIN, located in Waukesha County, Wisconsin, hereinafter referred to as the "City".

WITNESSETH

WHEREAS, the Owner is the owner of a parcel of real estate located in the City of New Berlin, and;

WHEREAS, the City has requested from the Owner a permanent easement for the construction, maintenance, repair and reconstruction of [sanitary sewer, storm sewer, and water main and related appurtenances] across property owned by the Owner;

NOW, THEREFORE, the Owner, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby grant and convey unto the City, a permanent non-exclusive easement for the construction, operation, use, maintenance and repair (including reconstruction) of [sanitary sewer, storm sewer, and water main and appurtenances] in the City of New Berlin, Waukesha County, Wisconsin, for the following described real estate, to-wit:

Being all that part of the \_\_\_\_ 1/4 of the \_\_\_\_ 1/4 of Section \_\_\_\_, Town 6 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin; said Public Utility Easement is bounded and described as follows:

**LEGAL DESCRIPTION ATTACHED – EXHIBIT "A"**

CONDITIONS OF EASEMENT

USE OF LAND

It is an expressed condition of the granting of this easement that the surface or subsurface of the soil as may be disturbed in the construction, operation, use, maintenance and repair (including reconstruction) of such [sanitary sewer, storm sewer, and water main and appurtenances] at the expense of the City, be replaced in substantially the same condition as it is now (vacant land), and the acceptance of this easement by the Owner and the installation or construction of such [sanitary sewer, storm sewer, and water main and appurtenances] shall constitute an express acceptance by the Owner of this condition to the granting of this easement.

The Owner consents to the entry by the employees, workers, agents or independent contractors of the City for and incidental to the construction, operation, use, maintenance and repair (including reconstruction) of such [sanitary sewer, storm sewer, and water main and appurtenances], but reserves to itself the right to make such use of the land included in said easement, subject to the ordinances of the City of New Berlin and the Statutes of the State of Wisconsin as will not disturb or interfere with such [sanitary sewer, storm sewer, and water main and appurtenances] or prevent ingress and egress thereto for the purpose of construction, operation, use, maintenance and repair (including reconstruction) thereof.

ACKNOWLEDGMENT OF RIGHTS AND WAIVER

The Owner acknowledges and understands that they have rights under public law 91-646 and Chapter 32, Wis. Stats., but that they are hereby waiving those rights. The Owner further acknowledges that the compensation that they are receiving for this easement is in the nature of increasing the value of their property and they are satisfied with that compensation.

This indenture, upon its acceptance by both parties, shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, successors and assigns.

RETURN TO:

CITY CLERK  
City of New Berlin  
3805 South Casper Drive  
New Berlin, WI 53151

\_\_\_\_\_  
\_\_\_\_\_  
(Parcel Identification Number)





**EXHIBIT A**  
**LEGAL DESCRIPTION**