

NOTICE OF PUBLIC MEETING

CITY OF CHIPPEWA FALLS, WISCONSIN

IN ACCORDANCE with the provisions of Chapter 19, Subchapter IV of the Statutes of the State of Wisconsin, notice is hereby given that a public meeting of the:

Plan Commission XXX

(Reasonable accommodations for participation by individuals with disabilities will be made upon request. Please call 726-2736)

Will be held on **Monday, April 11, 2016** at **6:30 P.M.** in the City Hall **Council Chambers**, Chippewa Falls, Wisconsin. Items of business to be discussed or acted upon at this meeting are shown on the attached Agenda or listed below:

NOTE: If unable to attend the meeting, please notify the Engineering Dept. by calling 726-2736.

1. Approve the minutes of the March 7, 2016 Plan Commission Meeting. *(Attachment)*
2. Consider Final Plat for Wissota Shores Phase II. Make recommendation to the Common Council. *(Attachment)*
3. Conduct a Public Hearing to consider Conditional Use Permit Resolution No. 2016-01 allowing McDonell Area Catholic Schools to construct a 128' high multi-tenant communication tower with supporting equipment in an approximate 62 foot by 59 foot fenced enclosure. *(Attachment)*
4. Consider Conditional Use Permit Resolution No. 2016-01 allowing McDonell Area Catholic Schools to construct a 128' high multi-tenant communication tower with supporting equipment in an approximate 62 foot by 59 foot fenced enclosure. *(Attachment)*
5. Consider petition for a Conditional Use Permit from Haas Bros. LLC and Chippewa Commons LLC to construct a three-story apartment complex on Lot #2, Parcel #4432.09 located along Colome Street. *(Attachment)*
6. Adjournment

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY.

Please note that attachments to this agenda may not be final and are subject to change.
This agenda may be amended as it is reviewed.

CERTIFICATION

I hereby certify that a copy of this agenda was placed in the Chippewa Herald mail box, 1st Floor, City Hall and also posted on the City Hall Bulletin Board on Thursday, April 7, 2016 at 10:00 A.M. by Mary Bowe.

**MINUTES OF THE PLAN COMMISSION MEETING
CITY OF CHIPPEWA FALLS
MONDAY, MARCH 7, 2016 – 6:30 PM**

The Plan Commission met in City Hall on Monday, March 7, 2016 at 6:30 P.M. Present were Commissioners Dave Cihasky, Greg Misfeldt, Dennis Doughty, Mike Tzanakis, Dan Varga, Beth Arneberg, Jerry Smith, Alderperson Chuck Hull, Secretary Rick Rubenzer, Vice-Chairperson Tom Hubbard and Mayor Greg Hoffman. Also attending were Max Gehler, Shane Begley, Michael Sedlacek, Tim Holden, Pete Gartman, Doug Sharpe and City Planner Jayson Smith.

1. **Motion** by Hubbard, seconded by Tzanakis to approve the minutes of the January 11, 2016 Plan Commission meeting. **All present voting aye. Motion carried.**

2. Max Gehler appeared and presented the attached preliminary plat for subdivision of a parcel located at the Northeast corner of Old Eau Claire Road and Nelson Road extended easterly. Secretary Rubenzer noted that another preliminary plat from Mr. Gehler had been submitted in 2010 but that issues had been raised with the Archeological review and wetlands. He continued that stormwater treatment and access for lot #'s 4, 5, 6 and 7 and outlot #3 were conditions of the proposed preliminary plat. He continued that a 50 foot minimum right-of-way would be required for a public street and that an easement for the existing water utility 20 inch diameter water main would be required. A private driveway would be allowed pending emergency service review. Mr. Gehler stated an Indian burial mound had detained his previous preliminary plat submittal. He proposed he would provide a cul-de-sac on outlot #3 to allow for vehicle turnaround.

Motion by Tzanakis, seconded by Hubbard to recommend the Common Council approve the attached preliminary plat for Gehler Estates contingent on:

- 1) Submission and approval of a stormwater management plan.
- 2) Dedication of a minimum 50 foot wide public right-of-way for the Easterly extension of Nelson Road unless a private drive is utilized.
- 3) Inclusion of a forty foot wide easement on the easterly extension of Nelson Road for an existing water main.
- 4) A favorable review and approval of a private drive to serve lot #'s 4, 5, 6 and 7 and outlot #3 from Chippewa Falls Emergency Services (Fire and Police).
- 5) Receipt of the \$100 Plat review fee plus \$10 per lot.

All present voting aye. Motion carried.

3. Pete Gartman appeared to present the attached preliminary plat for Steve Frazier in the Town of Lafayette. Mr. Gartman stated that the Town of Lafayette had previously rezoned the parcel from R-3 to R-2 and R-1 and that the subdivision would be served with private sanitary sewer and water services. Secretary Rubenzer noted that the City had extraterritorial plat review for this plat but that Chippewa County had agreed to do the stormwater review plan for this project.

Motion by Hubbard, seconded by Varga to recommend the Common Council approve the attached preliminary plat for Steve Frazier in the Town of Lafayette contingent on:

- 1) Submission and approval of a stormwater management plan.
- 2) Receipt of the \$100 Plat review fee plus \$10 per lot.

All present voting aye. Motion carried.

4. The Plan Commission considered a Certified Survey Map from Chippewa Surveying for subdivision of a parcel in Emmerton's Addition. The parcel is located at the West dead end of Dover Street. The remnant of the parcel being subdivided will have frontage on Westwood Drive. Potential owner, Michael Sedlacek was present and stated he planned to build a new house on the subdivided parcel. The

Please note, these are draft minutes and may be amended until approved by the Common Council.

new house would be served by Chippewa Falls public utilities.

Motion by Smith, seconded by Hubbard to recommend the Common Council approve the attached Certified Survey Map from Chippewa Surveying for subdivision of a parcel and creation of Lot #1 in Emmerton's Addition in the City of Chippewa Falls. Said approval contingent on:

- 1) Submission and approval of a stormwater management plan.
- 2) Receipt of the \$100 Certified Survey review fee.

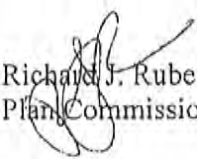
All present voting aye. Motion carried.

5. Shane Begley of Begley Wireless Consulting Services, LLC appeared on behalf of McDonell Area Catholic Schools and Verizon Wireless to support the attached petition for a Conditional Use Permit to construct a 128 ft. tall multi-tenant monopole communication tower and a 60' x 80' fenced compound at the West edge of the McDonell High School parking lot. Mr. Begley stated that he had attempted to get the cellular communication antennae mounted on the City of Chippewa Falls water tower on Westwood Drive which is approximately 1100' from and 3' (base elevation), higher than the proposed McDonell location. Verizon indicated that the tower was outside the search ring. Mr. Begley stated that he had proposed Christenson Florist and Our Savior's Lutheran Church as potential other locations in the search ring but both proposed locations didn't work out. He indicated that height wasn't as important in this location as was being able to meet capacity concerns at the schools in the vicinity. Secretary Rubenzer stated he had met with Attorney Ferg to discuss the application of state statute 66.0404 created in 2013 by the Wisconsin Legislature. The effect of the law was to severely limit local governments from regulating cell tower installations. Heights under 200 feet, aesthetics and collapse zones cannot be used as reasons to deny proposed cell tower locations. The applicant can, however, be asked to provide evidence why colocation on an existing structure can't be done. Secretary Rubenzer stated he didn't think it was fair or right that residents in existing neighborhoods didn't appear to have much say or control in placement of a proposed cell tower but that the argument would have to be made with the legislature. Verizon RF Engineer Mustafa Siamof provided a sworn statement saying the utility water tower was not in the search ring for the proposal. The Plan Commission discussed the aesthetics of the existing tower next to the County Sheriff's Office and jail and the need for better cell reception at Chi Hi, McDonell, Chippewa Falls Middle School and Notre Dame Middle School. Also, the ability to request additional information was discussed. Mr. Begley noted that McDonell Area Catholic Schools had already signed a contract to place a tower at the proposed location and the Verizon had spent roughly three quarters of a million dollars to get the cell tower application for its proposed location.
- Motion** by Cihasky, seconded by Tzanakis to conduct a public hearing to consider a request from McDonell Area Catholic Schools to construct a 128 ft. tall multi-tenant monopole communication tower and a 60' x 80' fenced compound at the West edge of the McDonell High School parking lot. Said public hearing to be scheduled contingent on:

- 1) Receipt of the \$300 advertising and processing fee.
- 2) Receipt of the search ring data for the proposal by March 21, 2016.
- 3) Proper notification of adjacent property owners.

All present voting aye. Motion carried.

6. **Motion** by Hubbard, seconded by Varga to adjourn. **All present voting aye. Motion carried.** The Plan Commission adjourned at 7:30 P.M.


Richard J. Rubenzer, P.E., Secretary
Plan Commission

PLAN COMMISSION ATTENDANCE SHEET

DATE: March 7, 2014

NAME	COMPANY REPRESENTING	ADDRESS	PHONE #	EMAIL
MAX GEHLER		12635 50TH AVE SPRING	715-3796163	
Shane Bergy	OST/VIC	14114 Stonyline	715-816-9176	Shaneberg@Centurytel.net
Michael Sellack		721 Waker St	715-828323	
Tim Helder		10927 W30th AVE	715-726-1982	
John Gans	R.I.S.	Alhonna	514-4116	
Doug Hoops		19112 75th AVE	715-577-9715	

**RESOLUTION FOR A CONDITIONAL USE PERMIT
FOR A MULTI-TENANT COMMUNICATION TOWER AND SUPPORTING EQUIPMENT
LOCATED AT #1316 BEL AIR BOULEVARD**

WHEREAS, on, March 7, 2016, the Plan Commission received a Conditional Use Permit application for construction of a 128' high multi-tenant cellular communication tower and supporting equipment in an approximate 62 foot by 59 foot fenced enclosure from McDonell Area Catholic Schools; and

WHEREAS, the Plan Commission, at its March 7, 2016 meeting, requested the following items be addressed or submitted in addition to the original submittal:

- a) Submittal of the search ring data and analysis for the proposed location; and

WHEREAS, the property at #1316 Bel Air Boulevard is presently zoned P-1 Public and Institutional District; and

WHEREAS, McDonell Area Catholic Schools has submitted engineering drawings (available for inspection in the City Engineer's Office); and

WHEREAS, the Plan Commission has evaluated the request of McDonell Area Catholic Schools to place a 128' high multi-tenant cellular communication tower and supporting equipment in an approximate 62 foot by 59 foot fenced enclosure located at #1316 Bel Air Boulevard; and

WHEREAS, the Plan Commission finds the following facts in regard to this Conditional Use Permit Application:

- 1) The search ring data submitted shows that colocation on the City water tower at 707 Westwood Drive is not feasible.
- 2) The application is deemed substantially complete as per Wisconsin state statute 66.0404; and

WHEREAS, the Plan Commission conducted a public hearing and heard all interested parties about this request on Monday, April 11, 2016, after publication of a Class 2 legal notice and mailing of said notice to adjacent property owners, as required by Chapter 17.47 (5) of the Code of Ordinances of the City of Chippewa Falls, Wisconsin.

NOW, THEREFORE, BE IT RESOLVED BY THE PLAN COMMISSION OF THE CITY OF CHIPPEWA FALLS, WISCONSIN pursuant to Chapters 17.35 (6) (h) and 17.47 of the Code of Ordinances of the City of Chippewa Falls, that the Conditional Use Permit for McDonell Area Catholic Schools located at #1316 Bel Air Boulevard be granted under the following conditions:

C.U.P. RESOLUTION NO. 2016-01

- a) That structural plans and record drawings for the tower and the building that have been drafted and sealed by a professional engineer be supplied to appropriate departments for review and approval.
- b) That the tower structural height be 128 feet.
- c) The proposed tower and equipment building shall be constructed according to the attached complete set of approved plans and specifications. The complete set of approved plans and specifications is part of this permit and full size copies will be available for inspection in the offices of the City Engineer and City Inspector.
- d) The proposed tower shall maintain a galvanized steel finish or other neutral color.
- e) No advertising materials or other signage shall be permitted on the proposed tower. Weather, warning and equipment signage is not prohibited.
- f) The proposed tower shall meet or exceed current regulations or standards of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) and any other agency of the State or Federal Government with the authority to regulate towers and antennae.
- g) That the monopole tower be enclosed in an approximate sixty-two foot (62') by fifty-nine foot (59') fenced enclosure.
- h) That provisions for two (2) additional cellular vendors on the tower be allowed.
- i) If the tower becomes abandoned, the most recent owner shall have six (6) months to remove the structure, base and compound and restore the site. If said removal is not done, the City may cause the said removal and restoration work to be done and be charged to the property owner as a lien against their property.
- j) That said permit and contracts be subject to the review of the City Attorney.
- k) Except as specifically provided herein, all regulations of the City Zoning Code shall apply.
- l) This permit shall become null and void upon application for any variance from Code requirements.
- m) Chapter 17.47 (12) shall apply and this permit shall lapse if construction has not commenced within one year.
- n) Chapter 17.47 (13) shall apply and this permit shall terminate if the use for which this permit is issued shall cease for a continuous two year period.
- o) Modifications or changes to this permit may be made only by the Plan Commission after an application for an amendment has been duly filed and notices and hearing requirements have been complied with.

MOTION: _____

SECONDED: _____

I hereby certify that the Plan Commission of the City of Chippewa Falls, Wisconsin, adopted the above Resolution on April 11, 2016, by a vote of _____ ayes, _____ nays, and _____ abstentions.

Richard J. Rubenzer, P.E., Secretary
Plan Commission

W/4 CORNER
SECTION 1
T.28N., R.9W.
(P.L. 146)

S89°36'27"W

EAST-WEST QUARTERLINE SECTION 1

1896.88'

5252.97'

E/4 CORNER
SECTION 1
T.28N., R.9W.
(P.L. 146)

Edge
Consulting Engineers, Inc.
2011 W. State Street
Chippewa Falls, WI 54729
Tel: 715/746-7400
Fax: 715/746-7401

SURVEYED FOR:

Verizonwireless

1515 WOODFIELD ROAD
SUITE 1400
SCHAUENBURG, IL 60173

MERIDIAN
SURVEYING, LLC
18774 Pavilion 1 Office: 920-993-0881
Mendota, WI 53552 Fax: 920-273-6037

SITE NAME: ST. PAUL ST.
SITE NUMBER: 298396
SITE ADDRESS: BEL AIR BLVD.,
CHIPPewa FALLS, WI 54729

PROPERTY OWNER:
CATHOLIC SCHOOLS INC.
CHIPPewa FALLS AREA
1316 BEL AIR BLVD.
CHIPPewa FALLS, WI 54729

PARCEL NO.: 22809-0142-010000000

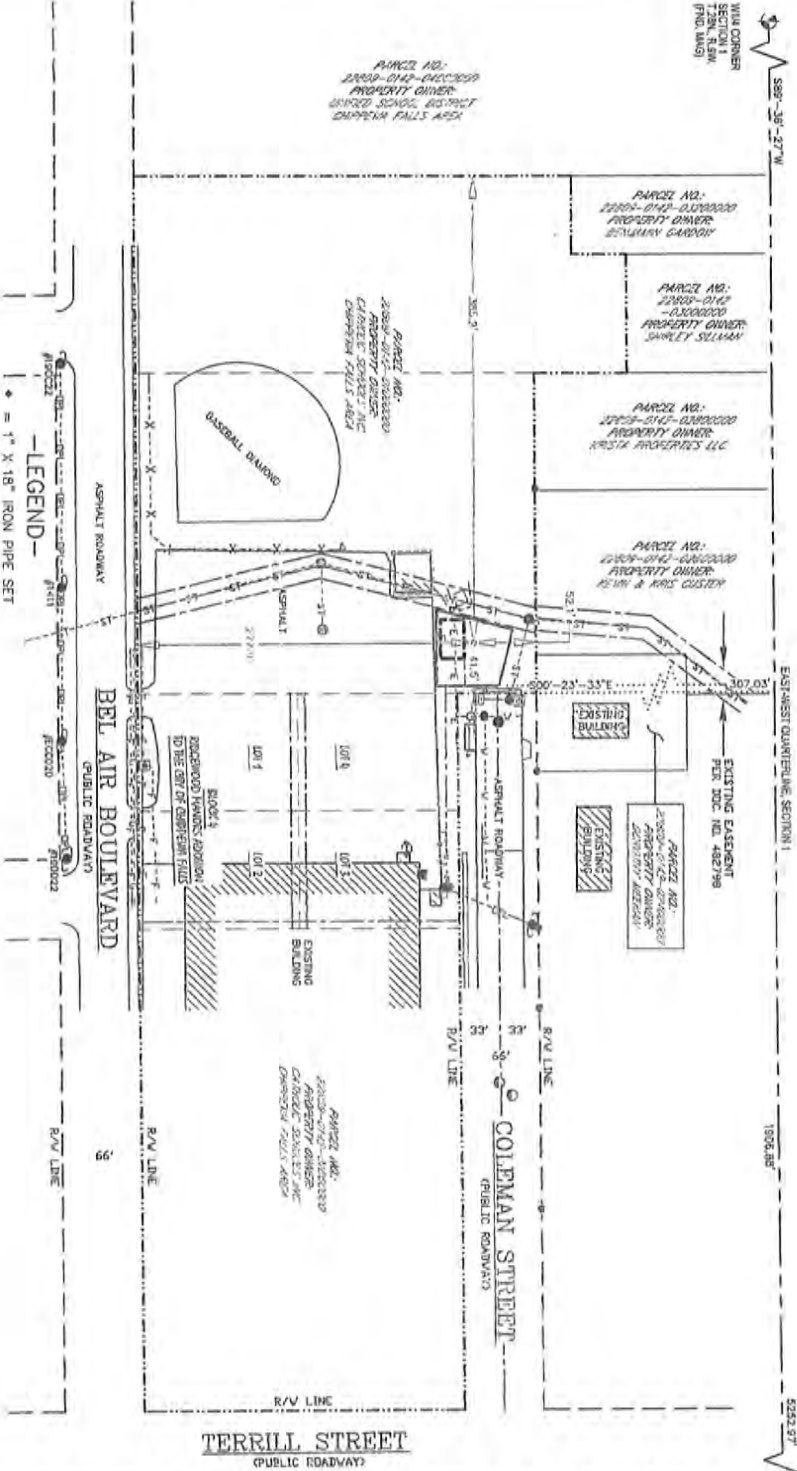
ZONED: P1-PUBLIC
DEED: DOCUMENT NO. 746265

LEASE EXHIBIT

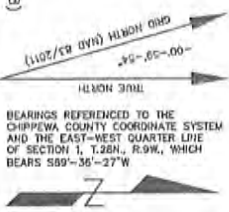
FOR
AERION WIRELESS PERSONAL
COMMUNICATIONS LP d/b/a Verizon WIRELESS
BEING A PART OF THE NW 1/4 OF THE
SE 1/4 SECTION 1, T.28N., R.9W., CITY
OF CHIPPewa FALLS, CHIPPewa
COUNTY, WISCONSIN

DATE	BY	DESCRIPTION	DATE	BY
2/11/12/15	JLB	Revised Lease Agreement		
1/9/23/15	JLB	Preliminary Survey		

DATE	BY	DESCRIPTION
08/20/11	JLB	FIELD BOOK M-31 AC66
08/20/11	JLB	FIELD BOOK M-31 AC66
08/20/11	JLB	FIELD BOOK M-31 AC66



PROPOSED TOWER BASE
(CENTRAL STATES TOWER III, LLC.)
LATITUDE: 44°56'09.58"
LONGITUDE: 91°24'55.32"
(Per North American Datum of 83/2011)
Ground Elevation: 912.9'
(Per North American Vertical Datum of 1988)



GRAPHIC SCALE
1 inch = 100 ft

0 50 100 150 200

STAKEOUT CERTIFICATE

I, Craig A. Keck, hereby certify that each of the property described hereon is with a flood plain as defined by FEMA.

STAKEOUT CERTIFICATE

I, Craig A. Keck, hereby certify that I am a duly licensed and qualified Professional Land Surveyor of the State of Wisconsin, and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

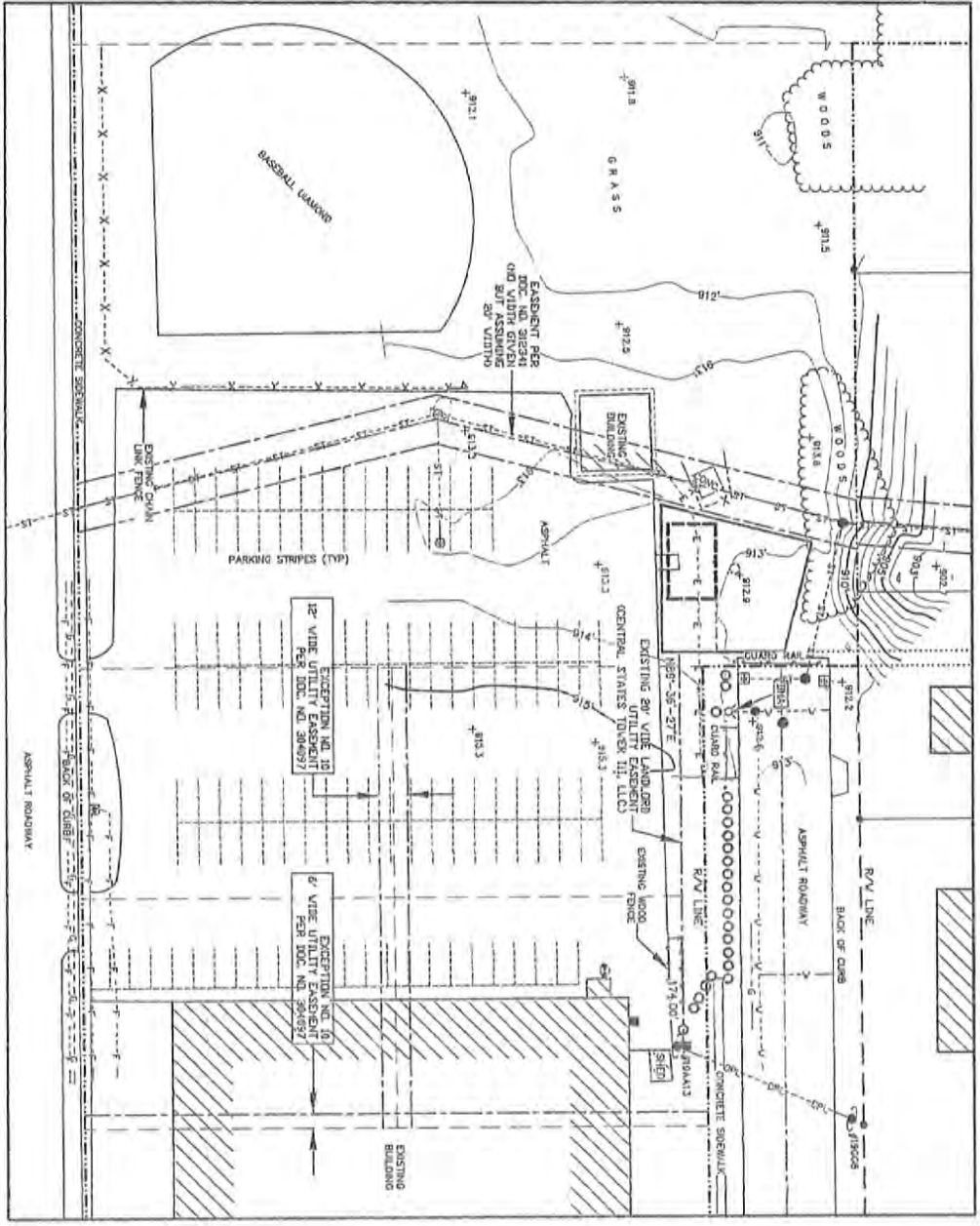
Dated this _____ day of _____, 2015.

WISCONSIN PROFESSIONAL LAND SURVEYOR
Craig A. Keck, S2333

1. Only a licensed surveyor can certify that the information shown on this plan is true and correct. The surveyor is not responsible for the accuracy of the information shown on this plan if it is not based on a survey conducted by the surveyor.

2. This plan is not a warranty of title or a representation of ownership. It is a statement of fact based on the survey conducted by the surveyor.

3. The surveyor is not responsible for the accuracy of the information shown on this plan if it is not based on a survey conducted by the surveyor.



-LEGEND-

- 1" X 18" IRON PIPE SET
- 1" IRON PIPE FOUND
- 6" MAIL SET
- COUNTY MONUMENT FOUND
- EXISTING POWER POLE
- ELECTRIC METER
- TELEPHONE PEDESTAL
- FIBER OPTIC VAULT
- GAS METER
- FIRE HYDRANT
- MANHOLE
- STORM INLET (ROUND)
- STORM INLET (SQUARE)
- STORM MANHOLE
- SAWTOOTH SEWER
- WOOD POST
- OVERHEAD ELECTRIC
- ST - STORM SENNER
- BURIED GAS
- BURIED FIBER OPTIC
- BURIED ELECTRIC
- WATER MAIN
- PROPERTY LINE

BEARINGS REFERENCED TO THE CHIPPEWA COUNTY COORDINATE SYSTEM AND THE EAST-WEST QUARTER LINE OF SECTION 1, T.28N., R.9W., WHICH BEARS 589-36-27'W

CALL SURVEYOR FOR TELL FINE
 525 S. 1ST ST. #204
 CHIPPewa FALLS, WI 54729



WETLAND NOTE:
 -THE PRESENCE AND LOCATION OF WETLANDS HAS NOT BEEN DETERMINED ON THIS PROJECT. FIELD SURVEYORS ARE ADVISED TO CONSULT WITH THE U.S. ARMY CORPS OF ENGINEERS AND/OR A QUALIFIED WETLAND SPECIALIST.

SURVEY NOTES:

- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN ON THIS PLAN, ARE APPROXIMATE ONLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ACTUAL LOCATION AND DEPTH OF ALL EXISTING UTILITIES. THE OWNER AND THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR ANY OMISSION OR VARIATION FROM THE LOCATION SHOWN.
- THIS IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL. THIS SURVEY REPRESENTS THE LEASE HOLD AND OCCUPANTS ONLY.
- PRIVATE UTILITIES MARKED ON 5-26-2015 BY PRIVATE LINES, INC. E1221 STATE ROAD 101, 100A, WI 54945

SURVEYED FOR:

Edge
 Consulting Engineers, Inc.
 207 W. C. Street
 Chippewa Falls, WI 54729
 Phone: 715.735.1100
 Fax: 715.735.1101
 www.edge-engineers.com

SURVEYED FOR:

verizonwireless
 1515 WOODFIELD ROAD
 SUITE 1400
 SCHWAUBURG, IL 60173

MERIDIAN
 SURVEYING, LLC
 18274 Franklin I
 Milwaukee, WI 53225
 Phone: 800-953-0251
 Fax: 520-273-6031

SITE NAME: ST. PAUL ST.
 SITE NUMBER: 2983596
 SITE ADDRESS: BEL AIR BLDG., CHIPPewa FALLS, WI 54729

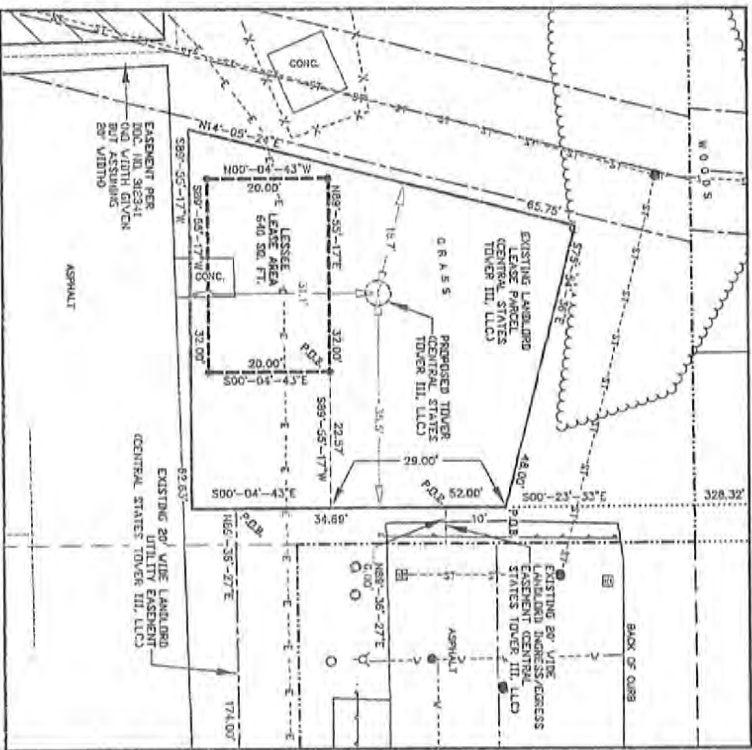
PROPERTY OWNER:
 CHIPPEWA WIRELESS PERSONAL COMMUNICATIONS LP d/b/a Verizon Wireless
 1316 BEL AIR BLDG.
 CHIPPewa FALLS, WI 54729

PARCEL NO.: 22809-0142-01000000
 ZONED: P1-PUBLIC
 DEED: DOCUMENT NO. 748285

LEASE EXHIBIT
 FOR
 VERIZON WIRELESS PERSONAL COMMUNICATIONS LP d/b/a Verizon Wireless
 BEING A PART OF THE NW 1/4 OF THE SE 1/4, SECTION 1, T.28N., R.9W., CITY OF CHIPPewa FALLS, CHIPPEWA COUNTY, WISCONSIN

DATE	REVISION	BY
2/11/12/15	Revised Lease Area	JB
1/9/23/15	Preliminary Survey	JB

DRAWN BY: JB
 CHECKED BY: C.A.K.
 DATE: 8-11-15
 FIELD BOOK: M-11 2666
 SHEET 2 OF 4



BEARINGS REFERENCED TO THE CHIPPEWA COUNTY COORDINATE SYSTEM AND THE EAST-WEST QUARTER LINE OF SECTION 1, T.28N., R.9W., WHICH BEARS S89°-36'-27"W

1. Craig A. Meach, hereby certifies that none of the property described herein is within a flood plain as defined by FEMA.

SURVEYOR'S CERTIFICATE

I, Craig A. Meach, Registered Land Surveyor of the State of Wisconsin, do hereby certify that I am the author of the above described plat and that the same is a true and correct representation thereof to the best of my knowledge and belief.

Dated this _____ day of _____, 2015.

WISCONSIN PROFESSIONAL LAND SURVEYOR
Craig A. Meach, S-4333

—LEGEND—

- = 1" X 18" IRON PIPE SET
- ◊ = 1" IRON PIPE FOUND
- ◻ = 6" NAIL SET
- ◻ = COUNTY MONUMENT FOUND
- ◻ = EXISTING POWER POLE
- ◻ = ELECTRIC METER
- ◻ = TELEPHONE PEDESTAL
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- ◻ = GAS METER
- ◻ = FIRE HYDRANT
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- ◻ = STORM INLET (SQUARE)
- ◻ = STORM MANHOLE
- ◻ = SANITARY SEWER
- ◻ = WOOD POST
- ◻ = OVERHEAD ELECTRIC
- ST— = BURIED GAS
- F— = BURIED FIBER OPTIC
- E— = BURIED ELECTRIC
- W— = WATER MAIN
- P— = PROPERTY LINE

SUBMITTED FOR:

Edge
Consulting Engineers, Inc.
500 West Street
21114 N. 22nd St., W 53198
608-221-0900
400 N. 15th Street
Waukesha, WI 53150
www.edge-engineers.com

SUBMITTED FOR:

Verizon Wireless
1515 WOODFIELD ROAD
SUITE 1400
SCHWAUBURG, IL 60173

MERIDIAN
SURVEYING, LLC
18474 Prosperity Blvd.
Madison, WI 53752
Office: 608-993-0881
Madison: 608-273-6037

SITE NAME: ST. PAUL ST.
SITE NUMBER: 298396
SITE ADDRESS: BEL AIR BLVD.,
CHIPPEWA FALLS, WI 54729

PROPERTY OWNER:
CATHOLIC SCHOOLS INC.
CHIPPEWA FALLS AREA
1315 BEL AIR BLVD.
CHIPPEWA FALLS, WI 54729
PARCEL NO.: 22809-0142-01000000
ZONED: P1-PUBLIC
DEED: DOCUMENT NO. 746265

LEASE EXHIBIT
FOR
VERIZON WIRELESS PERSONAL
COMMUNICATIONS LP d/b/a VERIZON WIRELESS
BEING A PART OF THE NW 1/4 OF THE
SE 1/4, SECTION 1, T28N., R9W., CITY
OF CHIPPEWA FALLS, CHIPPEWA
COUNTY, WISCONSIN

NO.	DATE	DESCRIPTION	BY
2	11/12/15	Revised Lease Agreement	J.B.
1	9/23/15	Preliminary Survey	J.B.
		DESCRIPTION	B.T.

DRAWN BY:	J.B.	FIELD WORK DATE:	8-11-15
CHECKED BY:	C.A.K.	FIELD BOOK NO.:	M-JL P666
JOB NO.:	8158	SHEET:	3 OF 4

LESSOR LEASE AREA

A part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section One (1), Township Twenty-eight (28) North, Range Nine (9) West, City of Chippewa Falls, Chippewa County, Wisconsin, containing 640 square feet (0.014 acres) and being described by:
 Commencing at the East Quarter Corner of said Section 1; thence S89°36'42"W 1912.98 feet along the East-West Quarter line of said Section 1; thence S09°23'37"E 328.32 feet; thence S09°04'43"E 29.00 feet; thence S89°55'17"W 21.57 feet to the point of beginning; thence S00°40'43"E 20.00 feet; thence S89°55'17"W 21.00 feet; thence N09°04'43"W 20.00 feet; thence S89°55'17"E 21.00 feet to the point of beginning, being subject to any and all easements and restrictions of record.

LANDLORD LEASE PARCEL (CENTRAL STATES TOWER III, LLC)

A part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section One (1), Township Twenty-eight (28) North, Range Nine (9) West, City of Chippewa Falls, Chippewa County, Wisconsin, containing 3,200 square feet (0.073 acres) of land and being described by:
 Commencing at the East Quarter Corner of said Section 1; thence S89°36'42"W 1912.98 feet along the East-West Quarter line of said Section 1; thence S09°23'37"E 328.32 feet to the point of beginning; thence S00°40'43"E 20.00 feet; thence S89°55'17"W 21.57 feet to the point of beginning, being subject to any and all easements and restrictions of record.

LANDLORD 20 FOOT WIDE UTILITIES/EASEMENT (CENTRAL STATES TOWER III, LLC)

A part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section One (1), Township Twenty-eight (28) North, Range Nine (9) West, City of Chippewa Falls, Chippewa County, Wisconsin, containing 120 square feet (0.002 acres) of land and being Ten (10) feet each side of and parallel to the following described line:

Commencing at the East Quarter Corner of said Section 1; thence S89°36'42"W 190.38 feet along the East-West Quarter line of Section 1; thence S09°23'37"E 328.32 feet; thence S00°40'43"E 20.00 feet to the point of beginning; thence N89°36'42"E 6.00 feet to a point on the west line of Columbia Street and the point of termination. The side lot lines of said easement are to be advanced or lengthened as termination on said west line of Columbia Street.

LANDLORD 20 FOOT WIDE UTILITY/EASEMENT (CENTRAL STATES TOWER III, LLC)

A part of Lot Three (3) and Lot Four (4) Block Five (5) of Ridgewood Mason, Addition to the City of Chippewa Falls and located in the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section One (1), Township Twenty-eight (28) North, Range Nine (9) West, City of Chippewa Falls, Chippewa County, Wisconsin, containing 3,480 square feet (0.079 acres) of land and being Ten (10) feet each side of and parallel to the following described line:

Commencing at the East Quarter Corner of said Section 1; thence S89°36'42"W 190.38 feet along the East-West Quarter line of Section 1; thence S09°23'37"E 328.32 feet; thence S00°40'43"E 20.00 feet to the point of beginning; thence N89°36'42"E 174.00 feet to the point of termination.

PARENT PARCEL

Parcel A:
 Part of the NW1/4 of the SE1/4 of Section 1, Township 28 North, Range 9 West, City of Chippewa Falls, Chippewa County, Wisconsin, described as follows:

Beginning at a point on the West line of Terrell Street, in the City of Chippewa Falls, Wisconsin, said point being 363 feet South of the Northeast corner of the said NW1/4 of the SE1/4 of Section 1; thence West and parallel with Mainfield Street 99 feet; thence South 204 feet; thence East 99 feet to the West line of Terrell Street; thence North 264 feet to the point of beginning.

Parcel B:
 Part of the NW1/4 of the SE1/4 of Section 1, Township 28 North, Range 9 West, City of Chippewa Falls, Chippewa County, Wisconsin, described as follows:

Beginning at a point which is 99 feet West of the East line of said NW1/4 of the SE1/4 of the South line of Columbia Street; thence West on the South line of Columbia Street 66 feet; thence South and parallel with the East line to the North line of Bad Air Boulevard; thence East along the North line of Bad Air Boulevard 66 feet; thence North to point of beginning.

Parcel C:
 A parcel of land in the NW1/4 of the SE1/4 of Section 1, Township 28 North, Range 9 West, City of Chippewa Falls, Chippewa County, Wisconsin, described as follows:

Beginning at a point which is 165 feet West of the East line of the NE corner of said NW1/4 of the SE1/4 of the South line of Columbia Street; thence West on the South line of Columbia Street 66 feet; thence South and parallel with the East line to the North line of Bad Air Boulevard; thence East along the North line of Bad Air Boulevard 66 feet; thence North and parallel with the East line to the point of beginning.

Parcel D:
 Part of the NW1/4 of the SE1/4 of Section 1, Township 28 North, Range 9 West, City of Chippewa Falls, Chippewa County, Wisconsin, described as follows:

Beginning at a point 211 feet West of the East line on the South line of Columbia Street; thence West on the South line of Columbia Street 89 feet; thence North and parallel with the East line to the North line of Bad Air Boulevard; thence East along the North line of Bad Air Boulevard 99 feet; thence North to point of beginning.

Parcel E:
 Part of the NW1/4 of the SE1/4 of Section 1, Township 28 North, Range 9 West, City of Chippewa Falls, Chippewa County, Wisconsin, described as follows:

Beginning at a point which is 330 feet West of the East line of said NW1/4 of the SE1/4 of the South line of Columbia Street; thence West on the South line of Columbia Street 66 feet; thence South and parallel with the East line to the North line of Bad Air Boulevard; thence East along the North line of Bad Air Boulevard 66 feet; thence North to point of beginning.

Parcel F:
 All of Block 4 Lots 1, 2, 3, and 4, Ridgewood Mason, Addition to the City of Chippewa Falls, City of Chippewa Falls, Chippewa County, Wisconsin, being a part of and located upon part of the NW1/4 of the SE1/4 of Section 1, Township 28 North, Range 9 West.

Parcel G:
 Part of the NW1/4 of the SE1/4 of Section 1, Township 28 North, Range 9 West, City of Chippewa Falls, Chippewa County, Wisconsin, described as follows:

Beginning at a point 290 feet West and 297 feet South of the NE corner of said NW1/4 of the SE1/4 of the South line of Columbia Street; thence West along the North line of Bad Air Boulevard 168 feet; thence North and parallel with the East line to a point 297 feet South of the North line; thence East 168 feet to the point of beginning.

Parcel H:
 A parcel of land in the NW1/4 of the SE1/4 of Section 1, Township 28 North, Range 9 West, City of Chippewa Falls, Chippewa County, Wisconsin, described as follows:

Beginning at a point which is 758 feet West and 297 feet South of the NE corner of said NW1/4 of the SE1/4 of the South line of Columbia Street; thence West along the North line of Bad Air Boulevard 90 feet; thence North and parallel with the East line to a point 297 feet South of the North line; thence East 90 feet to the point of beginning.

Parcel I:
 Part of the NW1/4 of the SE1/4 of Section 1, Township 28 North, Range 9 West, City of Chippewa Falls, Chippewa County, Wisconsin, described as follows:

Beginning at a point which is 953 feet West and 270 feet South of the NE corner of said NW1/4 of the SE1/4 of the South line of Columbia Street; thence West along the North line of Bad Air Boulevard 168 feet; thence North and parallel with the East line to a point 297 feet South of the North line; thence East 168 feet to the point of beginning.

TITLE REPORT REVIEW

TITLE REPORT: First American Title Insurance Company
 COMMITMENT NO. NCS-2329-M-KE
 EFFECTIVE DATE: August 2, 2015
 FEE SHARE TITLE VESTED IN: Chippewa Falls Area Catholic Schools, Inc.

NOTE: THE STATEMENT OF APPLICABILITY REFERS TO THE LEASE SITE AND ANY EASEMENTS PERTINENT THEREUNTO WHERE STRECHIC ENCUMBRANCES AFFECT THE LEASE SITE. AMBIGUOUS EASEMENTS, IF ANY, ARE IDENTIFIED AS SUCH.

SCHEDULE B-I

(1-9) These are general statements and not specific encumbrances.

(10) Easement granted by Patrimoniad and Post Home, incorporated, its successors and assigns, to Wisconsin Telephone Company and from the Northern States Power Company (Wisconsin) to their successors and assigns by an instrument dated August 25, 1961 and recorded on September 3, 1961 in Volume 239 of Records on pages 292-298 or Decree No. 340973. Tract F7 does apply and is granted and shown.

(11) Covenants, conditions and restrictions contained in Warranty Deed from David Reich to Chippewa Falls Area Catholic Schools dated July 14, 1961 and recorded July 30, 1967 in Volume 616 of Records on page 270 as Decree No. 469046. Tract F7 does apply and is granted and shown.

SUBMITTED FOR:

Edge

Consulting Engineers, Inc.

515 WOODFIELD ROAD
 SUITE 400
 SCHLAIBERURG, IL 60173

SUBMITTED FOR:

verizonwireless

1515 WOODFIELD ROAD
 SUITE 400
 SCHLAIBERURG, IL 60173

MERIDIAN
 SIREYING, LLC
 1877 1/2 FREDERICK STREET
 MADISON, WI 53705
 OFFICE: 608-893-0881
 PHONE: 608-273-0077
 FAX: 608-273-0077

SITE NAME: ST. PAUL ST.
 SITE NUMBER: 288336
 SITE ADDRESS: BEL AIR BLVD,
 CHIPPEWA FALLS, WI 54729

PROPERTY OWNER:
 CATHOLIC SCHOOLS INC.
 CHIPPEWA FALLS AREA
 1316 BEL AIR BLVD.
 CHIPPEWA FALLS, WI 54729
 PARCEL NO.: 22809-0142-01000000
 ZONED: P1-PUBLIC
 DEED: DOCUMENT NO. 746266

LEASE EXHIBIT
 FOR
 VERIZON WIRELESS PERSONAL
 COMMUNICATIONS LP d/b/a VERIZON WIRELESS
 BEING A PART OF THE NW1/4 OF THE
 SE1/4, SECTION 1, T28N., R9W., CITY
 OF CHIPPEWA FALLS, CHIPPEWA
 COUNTY, WISCONSIN

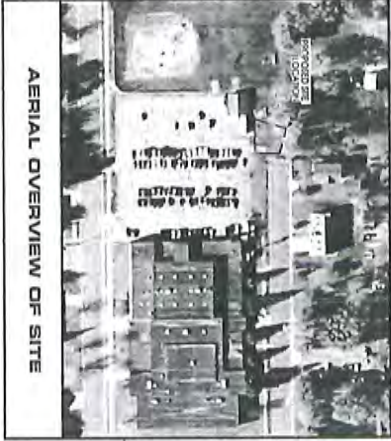
NO.	DATE	DESCRIPTION	LIB.	BY
2	11/12/15	Revised Lease Area	LIB	
1	9/23/15	Preliminary Survey	LIB	

DRAWN BY	DATE	FIELD BOOK	W-XI PG 69
ALB	8-11-15	FIELD BOOK	W-XI PG 69

JOB NO.	DATE	SHEET	OF
B759		4	4



NOTE:
 FRR COORDINATION IS NOT COMPLETE (PENDING FRR CONTACT).
 PRIOR TO CONSTRUCTION CONTACT DESIGNER FOR UPDATE.



AERIAL OVERVIEW OF SITE



BEL AIR BLVD

COLEMAN ST.

SHOWS CLEAR DISTANCE FROM PROPERTY LINE
 - TOWER ON SOUTH SIDE PROPERTY LINE = 4'-0"
 - TOWER ON NORTH SIDE PROPERTY LINE = 4'-0"



SITE PLAN

ST. PAUL ST. [298396]

CHIPPEWA FALLS, WISCONSIN

Edge
 Consulting Engineers, Inc.
 625 Water Street
 Plover, WI 53078
 608.644.1499 voice
 608.644.1549 fax
 www.edgeconsult.com

SHEET NUMBER	
C-1	C-1



PROPOSED LINE

EXISTING 20' WIDE EASEMENT FOR 100' OC. SIGN

PROPOSED LINE

EXISTING 20' WIDE EASEMENT FOR 100' OC. SIGN

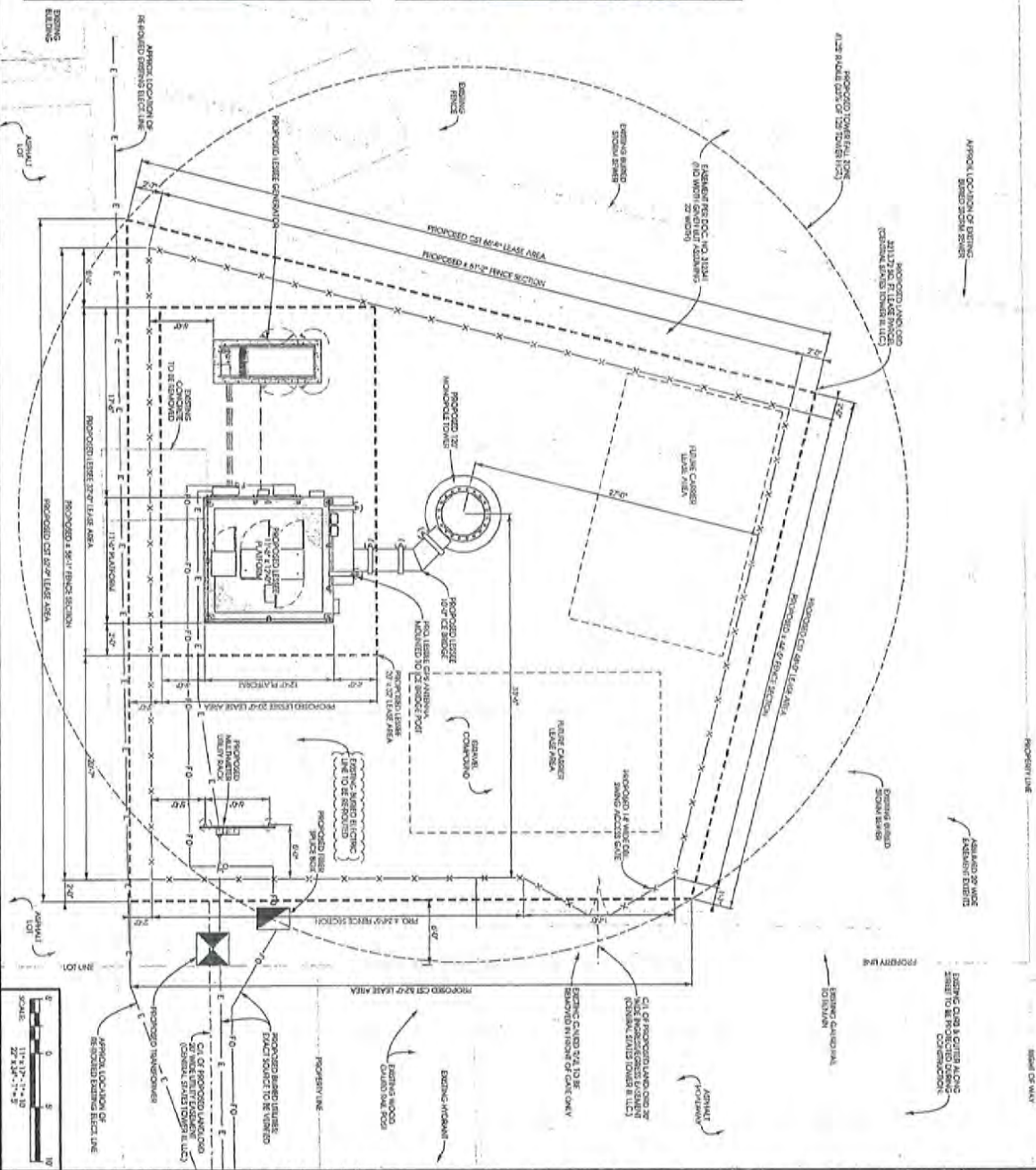
Edge
 Consulting Engineers, Inc.
 624 Water Street
 P.O. Box 1549
 53015-1549
 608.644.1549 fax
 www.edgeconllc.com



SITE OVERVIEW [LOOKING WEST]



PROPOSED LEASE AREA [LOOKING EAST]



COMPOUND PLAN
ST. PAUL ST. [298396]
CHIPPEWA FALLS, WISCONSIN

NO.	DESCRIPTION	DATE
1	PRELIMINARY DESIGN	10/20/11
2	FINAL DESIGN (100% PERMITS)	10/20/11
3	AS-BUILT	10/20/11
4	REVISIONS	10/20/11
5	REVISIONS	10/20/11
6	REVISIONS	10/20/11
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EXISTING PROPOSED
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PROPOSED RATCH COIL WINDING
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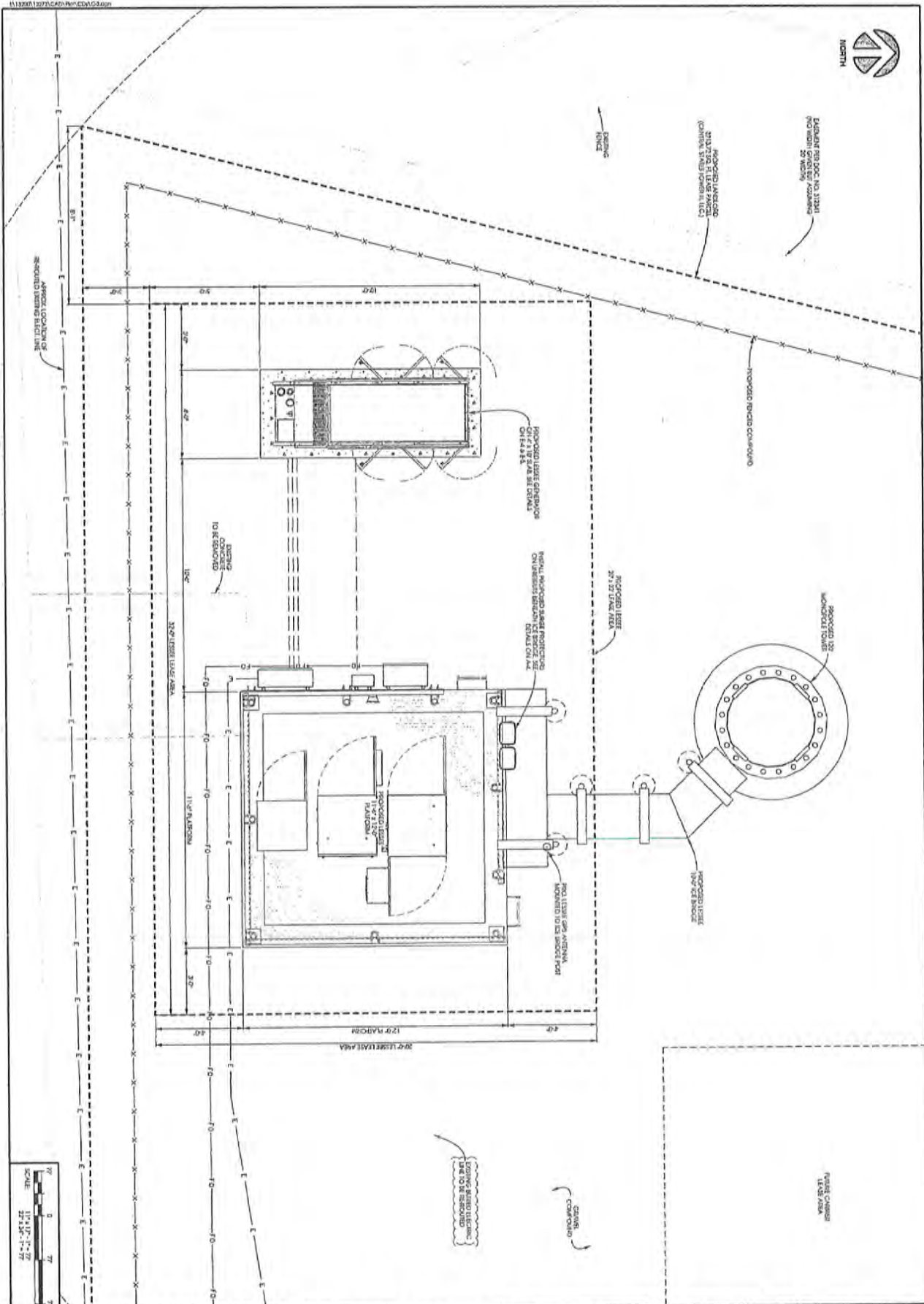
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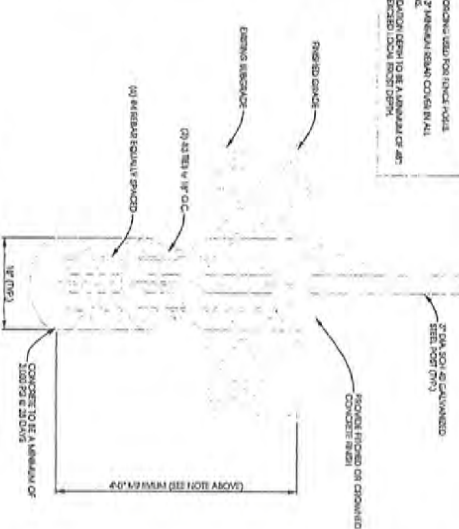


PROJECT NO.	298396
PROJECT NAME	ENLARGED COMPOUND PLAN
CLIENT	ST. PAUL ST. [298396]
LOCATION	CHIPPEWA FALLS, WISCONSIN
DATE	
DESIGNED BY	
CHECKED BY	
IN CHARGE	
DATE	
SCALE	1/8" = 1'-0"
PROJECT NO.	298396
PROJECT NAME	ENLARGED COMPOUND PLAN
CLIENT	ST. PAUL ST. [298396]
LOCATION	CHIPPEWA FALLS, WISCONSIN
DATE	
DESIGNED BY	
CHECKED BY	
IN CHARGE	
DATE	

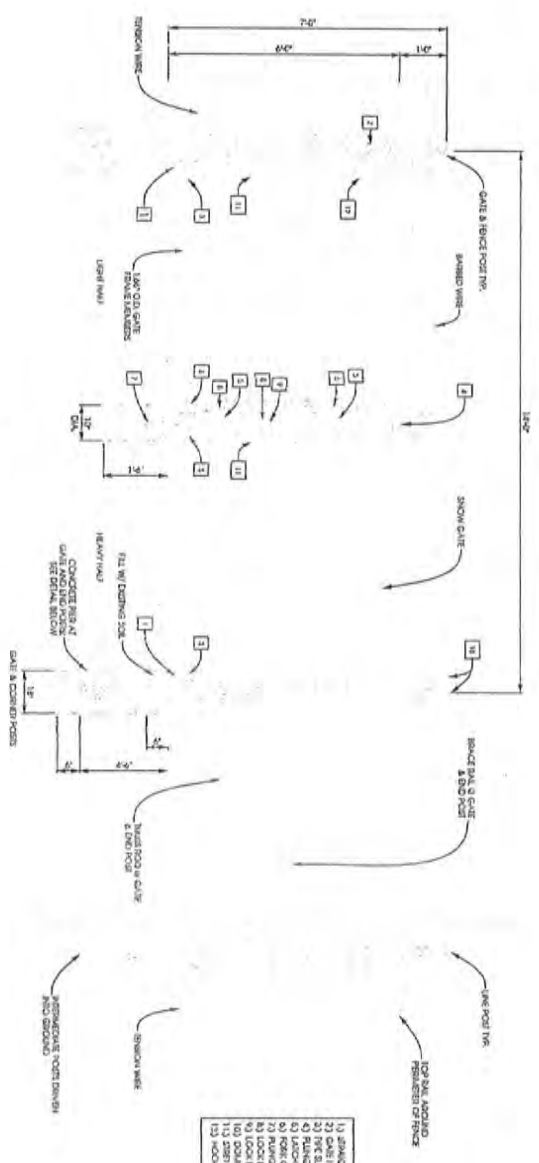
ENLARGED COMPOUND PLAN
ST. PAUL ST. [298396]
CHIPPEWA FALLS, WISCONSIN

Edge
 Consulting Engineers, Inc.
 424 Water Street
 P.O. Box 1149
 608.644.1449 voice
 608.644.1549 fax
 www.edgecon.com

NOTES:
 1. REVISIONS SHALL BE INDICATED BY A CIRCLE WITH A NUMBER IN ALL DIRECTIONS.
 2. PERMANENT SHALL BE INDICATED BY A TRIANGLE WITH A NUMBER IN ALL DIRECTIONS.
 3. PER FOUNDATION DETAIL TO BE A MINIMUM OF 48" DEPTH TO EXISTING (DO NOT EXCEED 72").



A VEHICLE GATE
 SCALE: 1/8" = 1'-0"



- 1) 3/4" DIA. RAIL
- 2) 2" DIA. RAIL
- 3) 2" DIA. RAIL
- 4) 2" DIA. RAIL
- 5) 2" DIA. RAIL
- 6) 2" DIA. RAIL
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- 11) 2" DIA. RAIL
- 12) 2" DIA. RAIL
- 13) 2" DIA. RAIL

FENCE DETAILS
 ST. PAUL ST. [298396]
 CHIPPEWA FALLS, WISCONSIN

Edge
 Consulting Engineers, Inc.
 424 Water Street
 P.O. Box 1449
 60844-1449
 608.44.1549 fax
 www.edgecons.com

PROJECT NO.	298396
DATE	11/20/05
REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMITS
2	ISSUED FOR CONSTRUCTION
3	ISSUED FOR AS-BUILT
4	ISSUED FOR RECORD
5	ISSUED FOR FINAL
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SITE OVERVIEW
LOOKING WEST FROM COLEMAN STREET



PROPOSED LEASE AREA
LOOKING EAST FROM PLAYGROUND



PROPOSED LEASE AREA
LOOKING NORTH FROM PARKING LOT



POWER POLE #19AA13
LOOKING EAST ALONG COLEMAN STREET

SITE PHOTOS
ST. PAUL ST. [298396]
CHIPPEWA FALLS, WISCONSIN

 **Edge**
Consulting Engineers, Inc.
621 Wolf Street
Prairie du Sac, WI 53578
608.666.1619 voice
608.666.1549 fax
www.edgecorp.com

PROJECT NAME:	ST. PAUL ST.
PROJECT ADDRESS:	
PROJECT NUMBER:	
PROJECT DATE:	
PROJECT LOCATION:	
PROJECT OWNER:	
PROJECT CONTACT:	
PROJECT PHONE:	
PROJECT FAX:	
PROJECT EMAIL:	
PROJECT WEBSITE:	

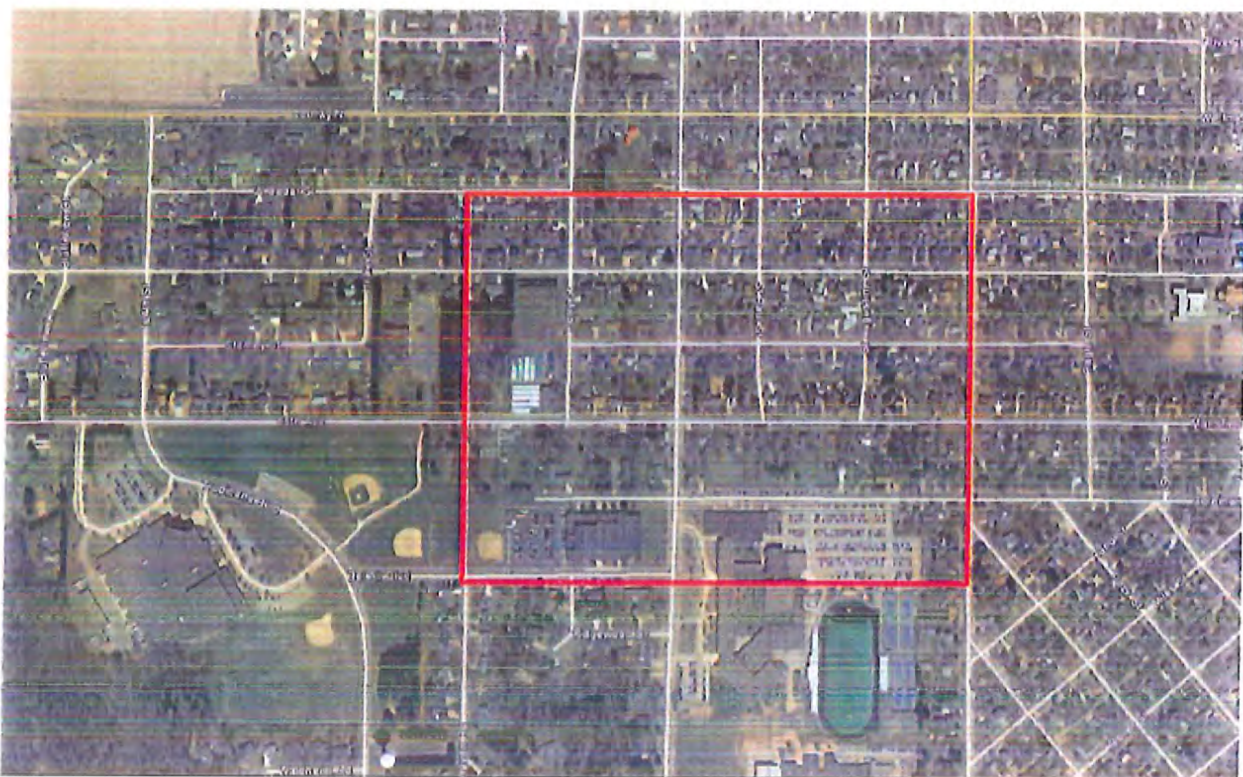
From: Siamof, Mustafa J [mailto:Mustafa.Siamof@VerizonWireless.com]
Sent: Tuesday, March 08, 2016 11:13 PM
To: Shane Begley
Subject: St Paul St Search ring

Shane,

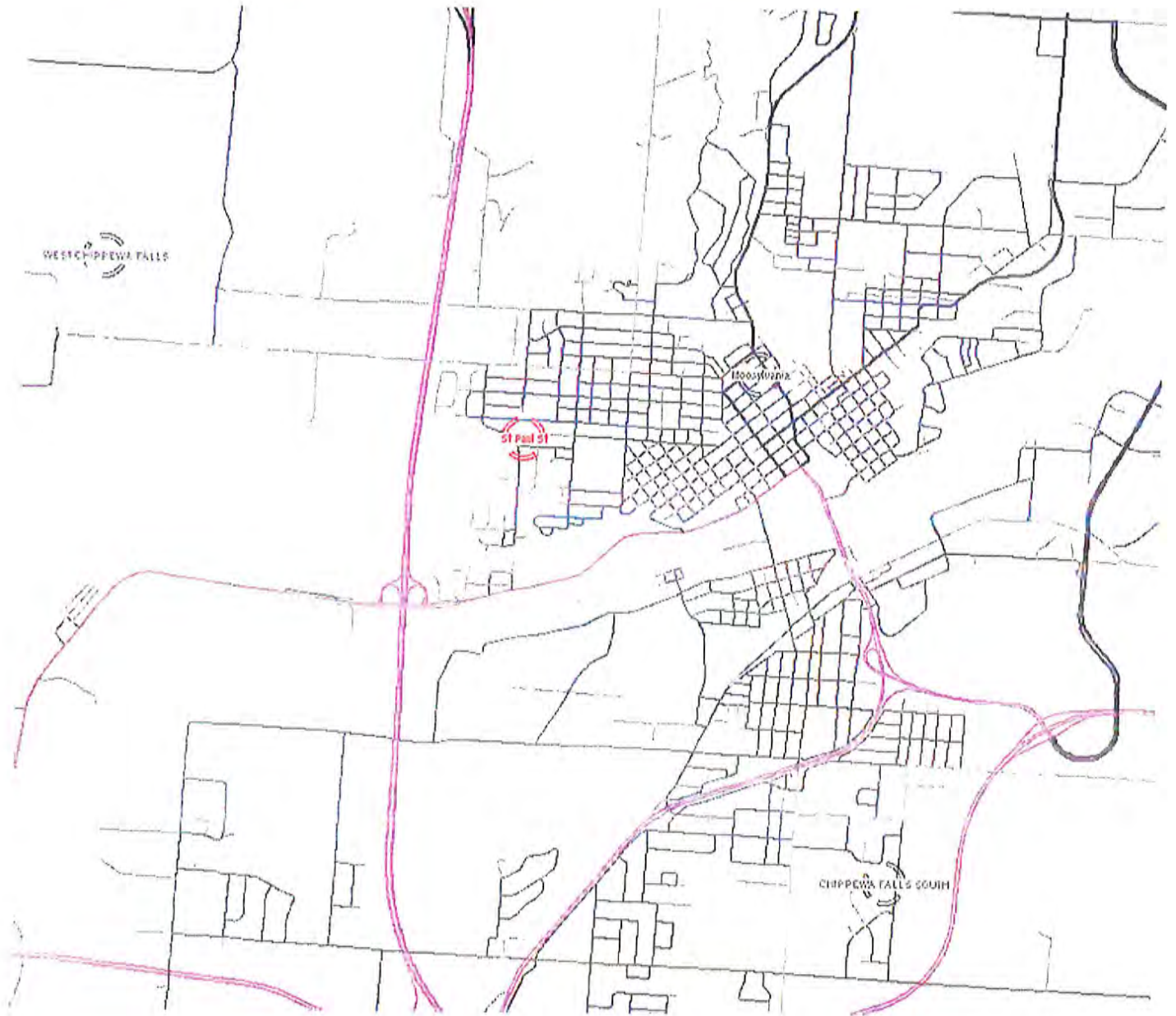
Per your request, this is from our meeting on 6/17/2015.

Below is the search ring for St. Paul St.

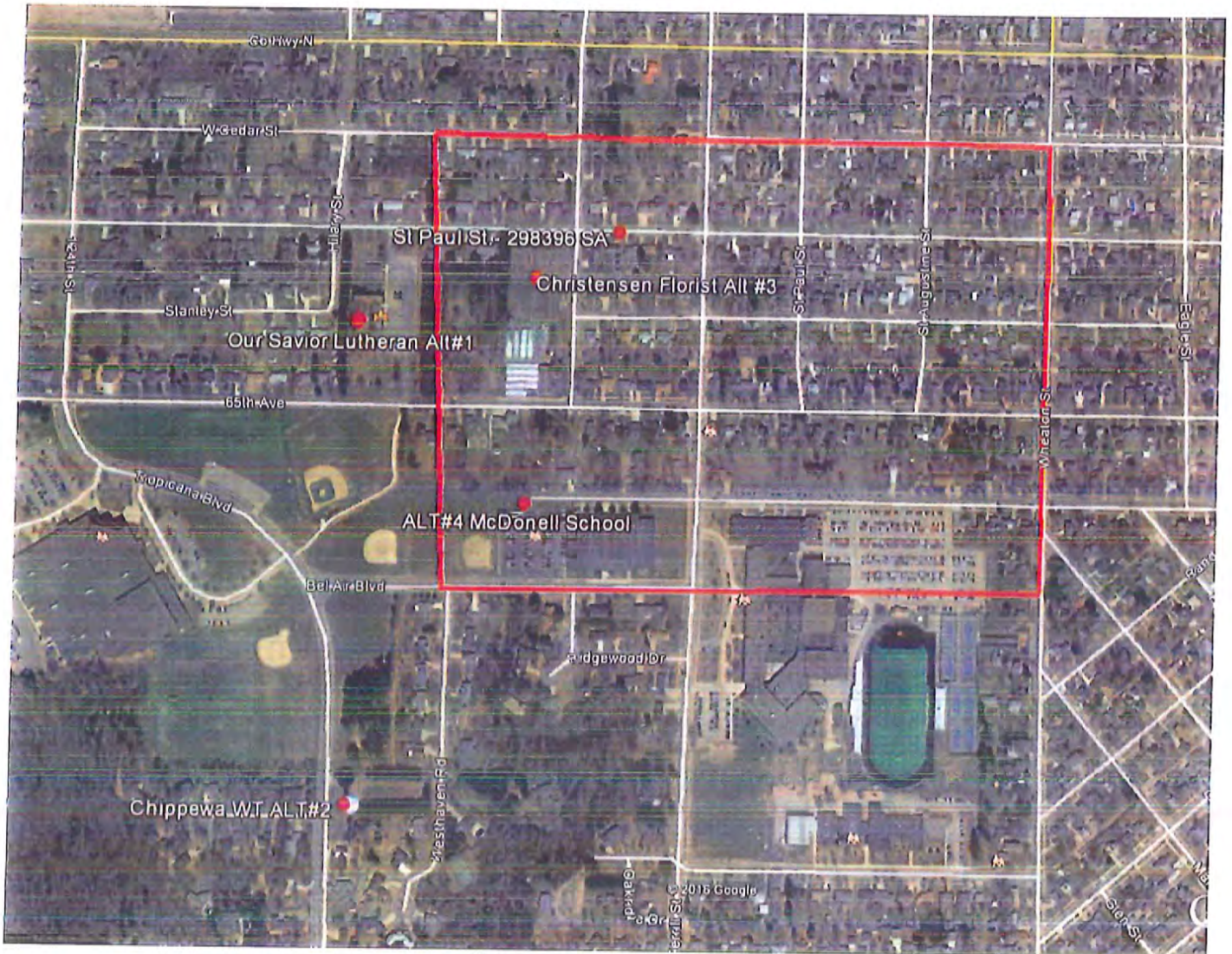
St. Paul St Search Ring



The objective of the site is to offload VZ's Moosylvania site located at 32 Spruce Street. The map below show St Paul St in relation to the Moosylvania site.



The below Aerial shows sites in relation to the search area that were submitted and reviewed for candidate selection. Alt #3 Christiansen Florist was my initial selected candidate as it best meets the need of the available candidates provided.



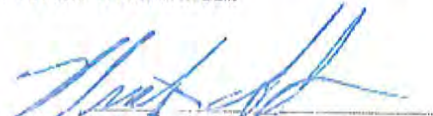
Per my sworn statement there are no suitable structures within the SA and in reviewing the water tank it does not meet Verizon's engineering needs.

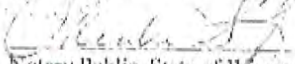
**SWORN STATEMENT OF MUSTAFA SIAMOF IN SUPPORT OF NEW TOWER CONSTRUCTION
PURSUANT TO WIS. STAT. §66.0404**

OUTAGAMIE COUNTY)
) ss.
STATE OF WISCONSIN)

MUSTAFA SIAMOF, being first duly sworn on oath, deposes and says that:

1. I am an adult resident of the State of Wisconsin and serve as RF Engineer at Verizon Wireless.
2. My job duties include responsibility over the placement of the mobile service support structure being proposed by Central States Tower (Site# WI-00-4968) and Verizon Wireless (298396), located at 1316 Bel Air Blvd., Chippewa Falls WI 54729.
3. This sworn statement is made pursuant to Wis. Stat. §66.0404(2)(b)6.
4. The Verizon Wireless Proposal is being submitted because collocation within Verizon Wireless search ring for the area covered by the Verizon Wireless Proposal is infeasible, as no existing structures of any kind currently exist which could be utilized for such collocation.
5. There is a Water Tank owned by the City of Chippewa Falls located at 707 West Wood Drive Chippewa Falls WI 54729 (44 55'58.73" N 791 25'1.66" W) that is outside the search area and was reviewed for possible collocation but it fails to meet Verizon Wireless needs.


 Mustafa Siamof

Subscribed and sworn to before me
 this day of April, 2016

 Notary Public, State of Wisconsin
 My commission: 4/23/2016

Date Filed: _____

Fee Paid: 325 Date: 3-22-16 TR#: 48673

Fee Paid: _____ Date: _____ TR#: _____

PETITION FOR A CONDITIONAL USE PERMIT

TO THE CITY OF CHIPPEWA FALLS, WISCONSIN:

I/We, the undersigned, hereby petition the Plan Commission of the City of Chippewa Falls, WI, for a Conditional Use Permit as authorized by the Chippewa Falls Zoning Code, Section 17.46, for the following described property:

Address of Property: None Assigned

Lot#: _____ Block#: _____ Subdivision: _____ Parcel# 22808-1722 -
72655002

Legal Description: Lot 2 of Certified Survey Map No. 2655 recorded
February 16, 2004, in Volume 12 of Certified Survey Maps on
Pages 91-93 and recorded as Document No. 681694.

Zoning classification of property: R-3A Multi-Family Residential District

Purpose for which this Permit is being requested: Utilize and intercept water/sewer facilities
per Water and Sewer Easement Agreement that was recorded
on February 21, 2001, for the purpose of constructing a
3-story apartment complex.

Existing use of property within 300 feet of subject property: (List or attach map)
West/North: C-2 General Commercial/Retail
East: R-3-m Multiple Family Residence.

Recite any facts indicating that the proposed use will not be detrimental to the general public's interest, the purposes of this Chapter and the general area in which it is located:

Conforms to zoning designation surrounding and proposed use

Operational plans of the proposed use:

Hours of Operation: N/A

Days of Operation: N/A

Number of Employees: 1 Part-time 1 Full-time

Capacity:

Number of Units: 60-72 (depends on site layout, storm water requirements, etc)

Size: Approximately +/- 71,400 s.f. total area w/ +/- 23,800 per floor

Number of Residents/Children: 96-124 residents

Ages: _____

Other: _____

Building plans:

Existing buildings: None

Proposed buildings: Apartment Building (in design phase)

Use of part of building: _____

Proposed additions: None

Future additions: None

Change in use: No

Outside appearance: _____

Number of buildings: 1 with possibility of accessory garages.

Planting & Landscaping:

Type: TBD

Timetable: TBD

Screening:

Type: TBD

Fences: TBD

Type: _____

Height: _____

Location: _____

Earth Bank:

Planting: _____

Maintenance: _____

Other: _____

Lights:

Number of lights: TBD

Location: TBD

Hours: _____

Type: _____

Signs:

Type: TBD

Lighted: _____

Size: _____

Location: _____

Setbacks: _____

Drives:

Number of: TBD - One from Colame St

Location: _____

Width: _____

Parking:

Number of stalls: 1.5 stalls per unit minimum

Location of stalls: TBD

Setbacks: _____

Surfacing: _____

Screening: _____

Drainage:

Storm sewer: _____

Rock beds: _____

Detention pond: _____

Retention pond: 145 x 165 existing pond

Submit site plan showing property line, buildings and other structures.

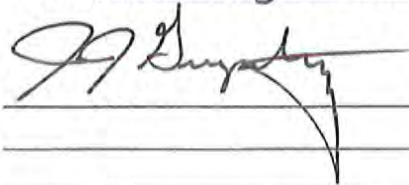
List any additional information being submitted with this permit application: _____

- ① Rick Pendergast Legal Opinion
- ② Water Sewer Easement Agreement
- ③ Certified Survey Map No. 2655
- ④ Tentative/Draft Site Plan

IN ORDER FOR THIS PETITION TO BE CONSIDERED, THE OWNER(S) OF THE PROPERTY MUST SIGN BELOW:

Owner(s)/Address(es):

Hess Bros., LLC
 902 Water Street
 Eau Claire, WI 54703
 Phone #: 715-225-1923
 Email: boomerangrealestate@gmail.com



Phone #: _____
 Email: _____

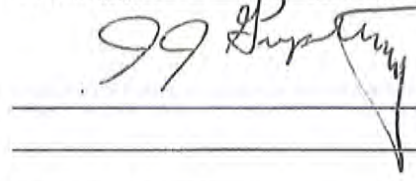
Phone #: _____
 Email: _____

Petitioner(s)/Address(es):

~~_____~~

 Phone #: _____
 Email: _____

Chippewa Commons, LLC
 902 Water Street
 Eau Claire, WI 54703
 Phone #: 715-225-1923
 Email: boomerangrealestate@gmail.com



Phone #: _____
 Email: _____

PENDERGAST LAW OFFICE

RICK L. PENDERGAST
Attorney-at-Law
rick@pendergastlawoffice.com

LUCIE A. MCGEE
Attorney-at-Law
lucie@pendergastlawoffice.com

February 8, 2016

Jason Griepentrog
c/o Boomerang Real Estate, LLC
902 Water Street
Eau Claire, WI 54703

[Via email only to boomerangrealestate@gmail.com](mailto:boomerangrealestate@gmail.com)

Re: Use of Easement Crossing Lot 2 of CSM 2655

Dear Jason:

It is my legal conclusion that you have the right to use the utility facilities that cross Lot 2 of CSM 2655. I enclose a copy of the CSM that shows the layout of the Easement. It is the cross-hatched section.

I reviewed the Conditional Use Permit, C.U.P. Resolution #00-05, which states that as a condition of issuance (Paragraph L) the owner is to provide the City a permanent easement that's provided for joint construction, operation, use, maintenance, repair, and replacement of the facilities that serve the premises covered by the C.U.P., the adjacent premises also served by the C.U.P., and the premises "to be served" by the C.U.P. You are in the last category of "to be served".

I also reviewed the Water and Sewer Easement Agreement which was recorded on February 21, 2001 as Document No. 618112. This was recorded in compliance with the C.U.P. It provides for a "non-exclusive" right-of-way and Easement for facilities. It is a permanent easement that runs with the land and is binding upon the current parties, their heirs, successors, and assigns. You fall into the later "successor" category. Pursuant to Paragraph 7 of the Easement, the owner of a parcel burdened by the easement (you) may enforce the easement. It is my legal opinion that this gives you the right to use to facilities that cross your properties. Further, if MSP Housing attempts to block your use of the facilities, you may enforce this in Court and recover your attorney fees and costs according to the document.

In reviewing the Title Commitment from All Title Service, Inc., it shows that the property that you purchased is subject to the water and Sewer Agreement previously mentioned. I asked the title company to illustrate how that affects the property that you purchased. This Easement runs along the east 30 feet of the property.

February 4, 2016


Re: Use of Easement Crossing Lot 2 of CSM 2655

Page Two

Accordingly, my legal conclusion is that you have the right to use this facility and that you may enforce in Court if necessary. I would recommend that you proceed along the lines of Mr. Rubenzer's email to you dated September 10, 2014 with regards to amending the C.U.P., revising the map and description and having the Plan Commission approve it.

Please let me know if you need anything further.

Sincerely,



Rick L. Pendergast

RLP:jal

Ellen Pendergast, Litigation Assistant
ellen@pendergastlawoffice.com

Jena Pendergast-Lewison, Business Assistant
jena@pendergastlawoffice.com

130 South Barstow Street, Suite 2C, Eau Claire, WI 54701 • Phone: (715) 835-8895 • Fax: (715) 835-8896

Recorded
FEB. 16, 2004 AT 12:30PM

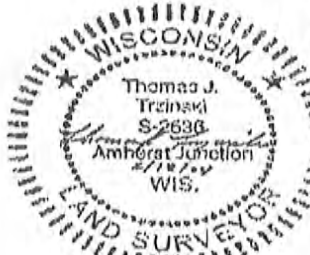
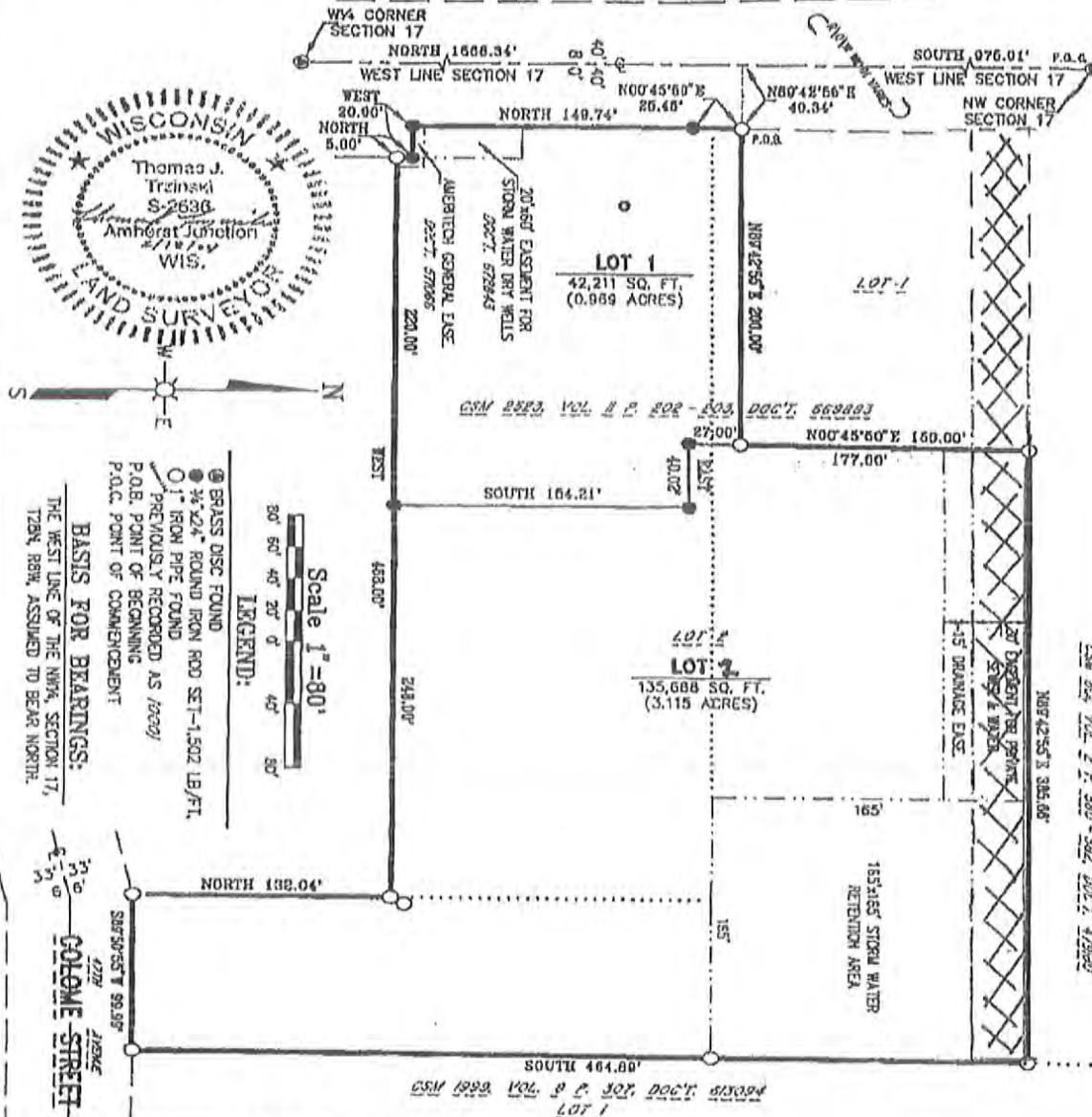
Marge L. Geissler

MARGE L. GEISSLER
REGISTER OF DEEDS
CHIPPewa COUNTY, WI
Fee Amount: 115.00



CHIPPewa COUNTY CERTIFIED SURVEY MAP NO. 2655
RECORDED IN VOL. 12 OF CERTIFIED SURVEY MAPS PAGE (S) 91-93
DOC'T. _____ REGISTER *Marge L. Geissler*
FOR
Kimley-Horn and Associates
All of Lot 2, CSM 2523, Being part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 17, T28N, R8W, City of Chippewa Falls,
Chippewa County, Wisconsin

WOODWARD AVENUE



Scale 1"=80'

LEGEND:

- BRASS DISC FOUND
- 1/2" IRON PIPE FOUND
- PREVIOUSLY RECORDED AS /2009/
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

BASIS FOR BEARINGS:
THE WEST LINE OF THE NW $\frac{1}{4}$, SECTION 17,
T28N, R8W, ASSUMED TO BEAR NORTH.

Dwg. No. A-8898-C-1	145
Project No. 03-214	
Drawn By: Jim Brasel	
Date: January 12, 2004	
Sheet 1 of 3 Sheets	

ESP GROUP, INC.
LAMPERT-LEE & ASSOCIATES
ENGINEERS • SURVEYORS • PLANNERS
10958 State Hwy. 54 East • Wisconsin Rapids, WI 54494-8718
715-424-3131 or 715-344-0068 • FAX 715-423-8774

Document Number

**WATER AND SEWER
EASEMENT AGREEMENT**

DOCUMENT# 618112

Recorded
FEB. 21, 2001 AT 12:55PM

Signed: *Marge L. Geissler*
MARGE L. GEISSLER
REGISTER OF DEEDS
CHIPPEWA COUNTY, WI
Fee Amount: \$22.00



THIS WATER AND SEWER EASEMENT AGREEMENT (this "Agreement") is entered into as of the 23rd day of January, 2001, but effective December 5, 2000, by and between **CHARLES E. WARD, JR. and KATHRYN A. WARD** (together, "Grantor") and the **CHIPPEWA SENIOR APARTMENTS, LLC** (the "Company"), a Wisconsin limited liability company, and **MILO S. PINKERTON** ("Pinkerton") (together, the Company and Pinkerton are hereinafter referred to as "Grantees").

WITNESSETH:

WHEREAS, the Grantor is the owner in fee simple of the property more particularly described on the attached Exhibit B (the "Grantor Property");

WHEREAS, Grantor is conveying the Real Estate more particularly described as "Parcel 1," "Parcel 2," and "Parcel 3" on the attached Exhibit C (together, Parcel 1, Parcel 2 and Parcel 3 are referred to as the "Grantee Property");

WHEREAS, the Grantor desires to convey and the Grantees desires to accept for the benefit of the Grantee Property a permanent, non-exclusive, right of way and easement over that part of the Grantor Property being a strip of land thirty (30) feet in width more particularly described on the attached Exhibit A (the "Easement Area").

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor and the Grantee agree as follows:

1. The Grantor gives, grants and conveys to the Grantees for the benefit of the Grantee Property a perpetual non-exclusive right of way and easement in, under, upon and across the Easement Area for the following purposes and uses:

a. To construct, operate, maintain, repair and replace sewer and water mains (the "Mains") and other utilities in the Easement Area.

b. To provide ingress and egress for the service vehicles of the Grantee and its agents and employees used in performing the activities set forth in Paragraph 1(a) above.

2. The construction, operation, maintenance, repair, replacement and removal of the Mains shall be performed by or on behalf of the Grantees at their sole expense. The Grantees shall, at their sole expense and in a timely fashion, restore and maintain the surface of the Easement Area and any additional part of the Grantor Property disturbed by the Grantee in performing the activities set forth in Paragraph 1(a) above as nearly as possible to the condition as existed immediately prior to commencement of such activities.

Drafted by and after recording return to:

Atty. Christopher L. Kopecky

Foley & Lardner

P. O. Box 1497

Madison, WI 53701-1497

F. L. Title Co.

CHP 830,865.81

See attached Exhibit A

Parcel Identification Number (PIN)

3. Grantor hereby warrants that it has good and indefeasible fee simple title to the Grantor Property, subject only to municipal and zoning ordinances; and easements, covenants, restrictions, liens and leases of record; and that it has full power and authority to convey the rights granted herein.

4. If the Grantee Property is ever divided into two or more parts by separation of ownership or by lease, all parts shall enjoy the benefit of the Easement Area hereby created.

5. Except as otherwise provided herein, this Agreement may be amended by a writing executed by all of the owner(s) of the Grantor Property and the Grantee Property and any mortgagees thereof, and the consent of no other parties shall be required. Any such writing shall be recorded with the Register of Deeds of Chippewa County, Wisconsin.

6. In addition to the right of the Grantor to use the Easement Area in a manner which does not interfere with the Grantees use, Grantor may construct a driveway or parking area in the Easement Area which use shall not be considered inconsistent with the use granted to the Grantee hereunder. However, Grantor shall be responsible for any replacement cost of said driveway or parking area necessitated by repair or replacement of said water and sewer lines.

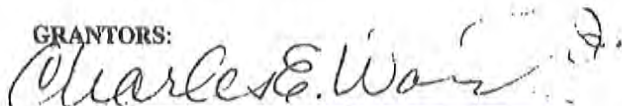
7. Any party benefited or burdened by the Easement Area may enforce this instrument by appropriate action, and should it prevail in such litigation, it shall recover as part of its costs reasonable attorneys' fees.

8. This Agreement and the burdens and benefits herein contained shall run with the land and be binding upon and inure to the benefit of the parties hereto, and their respective successors and assigns.

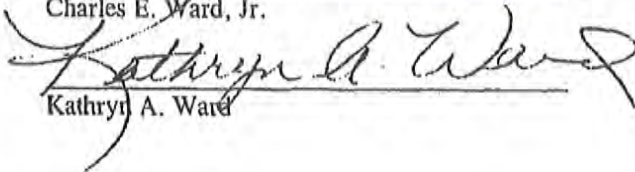
9. This Agreement is being recorded to amend and replace that certain Water and Sewer Easement Agreement recorded on December 8, 2000, as Document No. 615637 in the office of the Register of Deeds for Chippewa County. This document omits the words "or terminated" from paragraph 5 of that original Easement and amends the legal descriptions in Exhibit C attached hereto.

IN WITNESS WHEREOF, this Agreement has been made, executed and delivered as of the date above written.

GRANTORS:



Charles E. Ward, Jr.



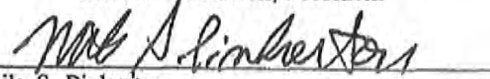
Kathryn A. Ward

GRANTEES:

CHIPPEWA SENIOR APARTMENTS, LLC

By: MSP Real Estate, Inc., Managing Member

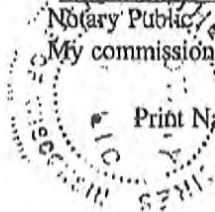
By: 
Milo S. Pinkerton, President


Milo S. Pinkerton

STATE OF WISCONSIN)
) ss.
COUNTY OF Eau Claire)

Personally came before me this 23rd day of January, 2001, the above-named Charles E. Ward, Jr. and Kathryn A. Ward, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Katherine A. Sires
* Katherine A. Sires,
Notary Public, Eau Claire County, Wisconsin
My commission expires: 7-4-04



Print Name of Notary Public

Minnesota
STATE OF WISCONSIN)
) ss.
COUNTY OF Hennepin)

Personally came before me this 26th day of January, 2001, the above-named Milo S. Pinkerton, to me known to be the President of MSP Real Estate, Inc., known to me to be the Managing Member of Chippewa Falls Senior Apartments, LLC, and Milo S. Pinkerton, individually, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Teresa Frances Burnham
* Teresa Frances Burnham
Notary Public, Hennepin County, Wisconsin
My commission expires: 1-31-05 MN



* Print Name of Notary Public

EXHIBIT A

Easement Area
LEGAL DESCRIPTION

That part of the NW1/4 of the NW1/4 of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin more fully described as follows:

Beginning at a point 825.08 feet south and 33 feet east of the northwest corner of said Section 17, being the southwest corner of Certified Survey Map No 801;

thence N 89°42'55" E along the south line of CSM No. 801, a distance of 595.00 feet to the west line of Certified Survey Map No. 1999;

Thence S 00°00'00" W along said CSM No. 1999. A distance of 30.00 feet;

Thence S 89°42'55" W 595.00 feet to the easterly right of way of Woodward Avenue;

Thence N 00°00'00" E 30.00 feet to the point of beginning.

All bearings contained in the above described parcel are oriented to the west line of the NW1/4 of Section 17-28-8 assumed to bear N 00°00'00" E.

22808-1722-71999 001
22808-1722-71999 002
22808-1722-0550-0000
22808-1722-0950-0000
22808-1722-0700-0000
22808-1722-08000000

EXHIBIT B

Grantor Property

That part of the NW1/4 of the NW1/4 of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin more fully described as follows:

Beginning at a point 825.08 feet south and 33 feet east of the northwest corner of said Section 17, being the southwest corner of Certified Survey Map No 801;

thence N 89°42'55" E along the south line of CSM No. 801, a distance of 595.00 feet to the west line of Certified Survey Map No. 1999;

Thence S 00°00'00" W along said CSM No. 1999 a distance of 165.00 feet;

Thence S 89°42'55" W 595.00 feet to the easterly right of way of Woodward Avenue;

Thence N 00°00'00" E 165.00 feet to the point of beginning.

All bearings contained in the above described parcel are oriented to the west line of the NW1/4 of Section 17-28-8 assumed to bear N 00°00'00" E.

EXHIBIT C
Grantee Property

LOT 1 of Chippewa County Certified Survey Map No. 1999 recorded in Volume 8 of Certified Survey Maps, on page 307, as Document No. 613094.

That part of the NW 1/4 of the NW 1/4 of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin more fully described as follows:

Commencing at the northwest corner of said Section 17;
 Thence S 00°00'00" W along the west line of said Section 17, a distance of 1321.70 feet;
 Thence N 89°50'15" E, 1358.43 feet to the southeast corner of said NW 1/4 of the NW 1/4;
 Thence N 00°29'55" E along the east line of said NW 1/4 of the NW 1/4 a distance of 33.00 feet;
 Thence S 89°50'55" W along the north line of 47th Avenue, a distance of 497.39 feet to the point of beginning;
 Thence S 89°50'55" W 233.25 feet;
 Thence N 00°00'00" E 629.82 feet;
 Thence N 89°42'55" E 438.00 feet;
 Thence S 00°00'00" W 296.34 feet;
 Thence S 89°50'55" W 140.50 feet;
 Thence S 00°00'00" W 138.50 feet;
 Thence S 89°50'55" W 64.25 feet;
 Thence S 00°00'00" W 196.00 feet to the point of beginning.

Said parcel contains 216493 square feet more or less.

LOT 2 of Chippewa County Certified Survey Map No. 1999 recorded in Volume 8 of Certified Survey Maps, on page 307, as Document No. 613094.

That part of the NW 1/4 of the NW 1/4 of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin more fully described as follows:

Commencing at the northwest corner of said Section 17;
 Thence S 00°00'00" W along the west line of said Section 17, a distance of 1321.70 feet;
 Thence N 89°50'15" E, 1358.43 feet to the southeast corner of said NW 1/4 of the NW 1/4;
 Thence N 00°29'55" E along the east line of said NW 1/4 of the NW 1/4 a distance of 33.00 feet;
 Thence S 89°50'55" W along the north line of 47th Avenue, a distance of 248.89 feet to the point of beginning;
 Thence S 89°50'55" W 248.50 feet;
 Thence N 00°00'00" E 196.00 feet;
 Thence N 89°50'55" E 64.25 feet;
 Thence N 00°00'00" E 138.50 feet;
 Thence N 89°50'55" E 165.00 feet;
 Thence S 00°00'00" W 148.50 feet;
 Thence N 89°50'55" E 19.25 feet;
 Thence S 00°00'00" W 186.00 feet to the point of beginning.

Said parcel contains 71366 square feet more or less.

LOT 3

That part of the NW 1/4 of the NW 1/4 of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin more fully described as follows:

Commencing at the northwest corner of said Section 17;

Thence S 00°00'00" W along the west line of said Section 17, a distance of 1321.70 feet;

Thence N 89°50'15" E, 1358.43 feet to the southeast corner of said NW 1/4 of the NW 1/4;

Thence N 00°29'55" E along the east line of said NW 1/4 of the NW 1/4 a distance of 33.00 feet to the point of beginning;

Thence S 89°50'55" W 248.89 feet;

Thence N 00°00'00" E 186.00 feet;

Thence S 89°50'55" W 19.25 feet;

Thence N 00°00'00" E 148.50 feet;

Thence S 89°50'55" W 24.50 feet;

Thence N 00°00'00" E 296.34 feet;

Thence N 89°42'55" E 298.14 feet;

Thence S 00°29'55" W 631.57 feet to the point of beginning.

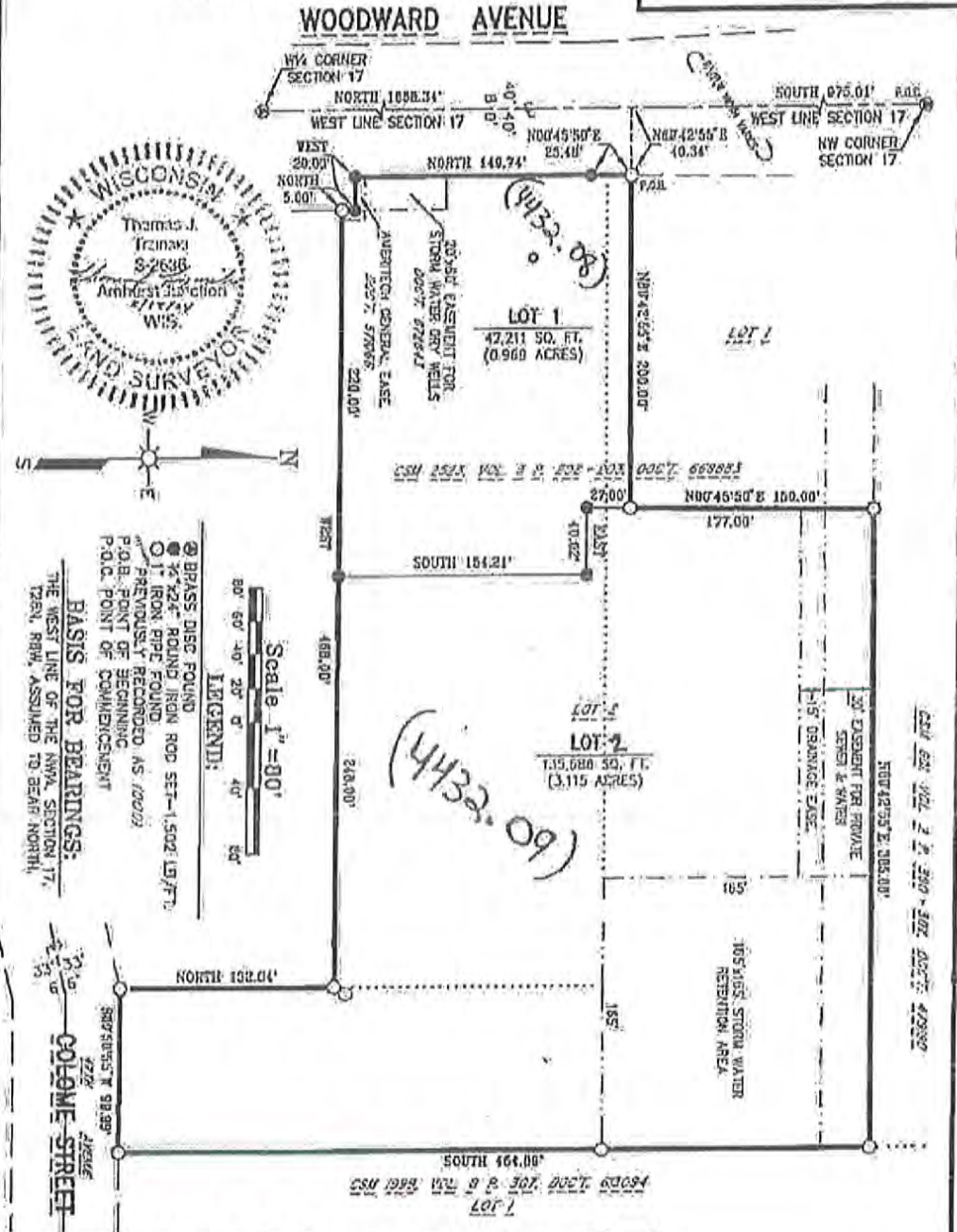
Said parcel contains 174666 square feet more or less.

Recorded
FEB. 16, 2004 AT 12:30PM

Marge L. Heintz

CHIPPEWA COUNTY CERTIFIED SURVEY MAP NO. 2655
 RECORDED IN VOL. 12 OF CERTIFIED SURVEY MAPS PAGE (S) 41-43
 DOC'T. _____ REGISTER Marge L. Heintz
 FOR
Kimley-Horn and Associates
 All of Lot 2, CSM 2523, Being part of the NW1/4NW1/4,
 Section 17, T28N, R5W, City of Chippewa Falls,
 Chippewa County, Wisconsin

MARGE L. BEISSLER
 REGISTER OF DEEDS
 CHIPPEWA COUNTY, WI
 Fee Account: 415.00



Dwg. No. A-8098-C-1 145
 Project No. 03-214
 Drawn By: Jim Brandt
 Date: January 12, 2004
 Sheet 1 of 3 Sheets

LAMPERT-LEE & ASSOCIATES
 ENGINEERS • SURVEYORS • PLANNERS
 10955 State Hwy. 54 East • Wisconsin Rapids, WI 54484-8718
 715-424-3131 or 715-344-0908 • FAX 715-423-8774

S-466

