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DECLARATION OF SANITARY SEWER EASEMENT

001010

Return to:
Jesse S. Ishikawa
Reinhart Boerner Van Deuren s.c.
P.O. Box 2018
Madison, WI 53701-2018

251-0708-344-2401-5; 251-0708-344-2402-3
Parcel Numbers

DECLARATION OF SANITARY SEWER EASEMENT

THIS DECLARATION OF SANITARY SEWER EASEMENT (the "Declaration") is executed this 8 day of September, 2005, by W.C. DEVELOPMENT, CORP. ("Owner").

RECITALS:

A. Owner is the fee holder of Lots 90 and 91, Second Addition to Midtown Commons, located in the City of Madison, County of Dane, State of Wisconsin (respectively "Lot 90" and "Lot 91").

B. Owner desires to create a permanent sanitary sewer easement (the "Easement") for the benefit of Lot 91 over the portion of Lot 90 more particularly described on Exhibit A attached hereto and made a part hereof (the "Easement Property").

NOW THEREFORE, Owner does hereby declare:

1. The Easement Property shall be, and hereby is made subject to, a perpetual easement and right-of-way to allow the owner of Lot 91 to construct, reconstruct, maintain, operate, inspect, repair, replace, supplement and/or remove any and all facilities relating to

the provision of sanitary sewer service, including, without limitation, conduits, mains, laterals, pipes, and other related fixtures, equipment and appurtenances which may from time to time be required, with the right of ingress and egress for the purpose of this Declaration, over the Easement Property.

2. The owner of Lot 90 shall not be allowed to construct structures within the Easement Property or to otherwise interfere with the rights granted under this Declaration. The owner of Lot 90 shall have the right to use the Easement Property for purposes which will not interfere with the full enjoyment by the owner of Lot 91 of the easement rights granted hereby.

3. Following any construction or maintenance within the Easement Property, the owner of Lot 91 shall restore that portion of the surface disturbed by any such construction or maintenance.

4. All the terms, conditions, covenants and other provisions contained in this Declaration, including the benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of and be enforceable by the owners of Lot 90 and Lot 91 and their respective successors and assigns.

5. This Declaration shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.

6. If any term, covenant, or condition of this Declaration or the application thereof to any person or circumstance shall be deemed invalid or unenforceable, the remainder of this Declaration, or the application of such term, covenant or condition to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby, and each term, covenant and condition shall be valid and enforceable to the fullest extent permitted by law.

[Execution pages follow]

001012

IN WITNESS WHEREOF, Owner has executed this Declaration as of the date first above written.

W.C. DEVELOPMENT, CORP.

By: *Peter W. Frautschi*
Peter W. Frautschi, President

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Personally came before me this *6th* day of September, 2005, the above named Peter W. Frautschi, President, to me known, who executed the foregoing instrument.

Julie Suzanne Rasmussen
Name: JULIE SUZANNE RASMUSSEN
Notary Public, State of Wisconsin
My Commission: 6-24-07

[Execution page continues on next page]

CONSENT

First Business Bank, the holder of a mortgage secured by Lot 90 and Lot 91, hereby consents to the above Declaration and agrees that its right, title and interest in and to the Lot 90 and Lot 91 shall be subject to the terms thereof.

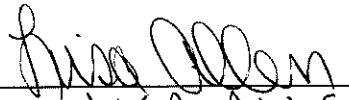
FIRST BUSINESS BANK

By: 
 Dennis J. Sampson, First Vice President

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
 COUNTY OF DANE)

Personally came before me this _____ day of September, 2005, Dennis J. Sampson, as FIRST VICE PRESIDENT of First Business Bank, who executed the above instrument and acknowledged the same.


 Name: LISA ALLEN
 Notary Public, State of Wisconsin
 My Commission: MARCH 12, 2006

This document was drafted by:

 Jesse S. Ishikawa
 Reinhart Boerner Van Deuren s.c.
 22 East Mifflin Street
 P.O. Box 2018
 Madison, WI 53701-2018
 (608) 229-2200

EXHIBIT A

001014

**Legal Description of the
Easement Property**

A private sanitary sewer easement over, under and across part of Lot 90, SECOND ADDITION TO MID TOWN COMMONS, as recorded in Volume 58-076A of Plats, on pages 383-384, as Document Number 4064709, Dane County Registry and located in the Southeast Quarter of the Southeast Quarter of Section 34, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. The centerline of said easement more fully described as follows:

Commencing at the Northwest corner of said Lot 90, thence South 01 degree 02 minutes 59 seconds West, along the West line of said Lot 90, 260.94 feet to the point of beginning of this description; thence South 65 degrees 39 minutes 34 seconds East, 82.11 feet; thence South 51 degrees 47 minutes 17 seconds East, 146.87 feet; thence North 89 degrees 50 minutes 22 seconds East, 87.23 feet; thence South 89 degrees 25 minutes 51 seconds East, 15.00 feet to the Westerly right-of-way line of Waldorf Boulevard and said centerline there terminating. The sidelines of said easement to be prolonged or shortened to terminate at the most Westerly line of said Lot 90 and the Westerly right-of-way line of said Waldorf Boulevard.

CITY OF MADISON PRIVATE SANITARY SEWER EASEMENT

