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Subject: FW: Release of HOVMSD Easement
From: Brian Helminger <Brian.Helminger@hvmsd.org>
Date: Thu, Sep 29, 2022 10:24 am
To: "scotts@strategicmunicipal.com" <scotts@strategicmunicipal.com>
Attach: image001.jpg
Draft CSM (06839234x9CC42).PDF
Release of Easement Rights (06839232x9CC42).PDF
Maps (06839230x9CC42).PDF
Brad Werner Email (06839233x9CC42).PDF
1975 Easement (06839229x9CC42).PDF

I will follow up with a phone call to discuss

Brian

From: Chuck Koehler <CKoehler@herrlingclark.com>
Sent: Thursday, September 29, 2022 12:08 PM
To: Brian Helminger <Brian.Helminger@hvmsd.org>; wcole@axley.co
Cc: adannhoff@vokimberly.org; Corey Kalkofen <CKalkofen@mcmgrp.com>
Subject: Release of HOVMSD Easement

Good morning Brian and Bill,

As I explained to both of you the Village of Kimberly is selling property to Wilson Place LLC. A copy of the draft CSM for this sale is attached for your information, but its probably of minor significance for this request.

This closing has now been postponed from tomorrow until Tuesday, October 4th, in part due to the discovery of an old HOVMSD Easement dating back to May 21, 1975. See copy attached.

I am also attaching a draft Release of this Easement that we need for closing for your review.

We understand this easement was for infrastructure for a 'HOVMSD sewage treatment plant' that was located under the bridge. It is our understanding this HOVMSD plant is obviously gone, does not exist and the related infrastructure thereby negating HOVMSD's need for this easement to continue.

Attached are two aerial photos showing the approximate location of this Easement, along with a matching map we obtained from Corey Kalkofen of McMahon & Associates.

I am also attaching an email I sent this morning at 8:41 a.m. to Corey Kalkofen which was responded to by Brad Werner of McMahon stating that "The HOV has no lines in this area..."

? Kimberly west trunk sewer to paper mill

Allyn Dannhoff, Director of Operations for the Village of Kimberly, has also confirmed to me the Village has no sewer lines in this Easement area. He believes this Easement was created when the Village had a sewage treatment plant at that location which no longer exists.

Brian and Bill, we understand why HOVMSD has to verify that this Easement no longer serves any purpose for HOVMSD before you can have the Release signed, notarized, and returned.

Please let me know if you can have this reviewed, approved, signed, and returned to me on or before next Tuesday which is the delayed closing date.

Thank you.

Attorney Charles D. Koehler
HERRLING CLARK LAW FIRM LTD.
800 North Lynndale Drive
Appleton, WI 54914
Phone: 920/882-3227
Facsimile: 920/739-6352



IF YOU HAVE ANY PROBLEMS WITH RECEIVING THIS INFORMATION, PLEASE CALL 920/882-3221 IMMEDIATELY AND ASK FOR CAROL. THE INFORMATION CONTAINED IN THIS E-MAIL IS INTENDED FOR PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. This message may be an attorney/client communication, and as such is privileged and confidential. If the reader(s) of this message is not the intended recipient(s) or agent(s) responsible for delivering it to the intended recipient(s), you are hereby notified that you have received this message in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us by telephone and delete the original message. Thank you.

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**RELEASE OF
EASEMENT RIGHTS**

Document Number

WHEREAS

Heart of the Valley Metropolitan Sewage District referred to as "Grantee", its successors and assigns, has **casement rights** for **sanitary sewer**, which easement rights are set forth in Volume 1003 of Records on Page 297, recorded in the Office of the Register of Deeds in Outagamie County, Wisconsin as Document No. 705831. ✓

WHEREAS, Grantee has been **requested** and is willing to **release** the following rights from the force and effect of the aforesaid easement, to-wit:

The **area** to be released is as follows:

All that portion of the following described easement located Northwesteryly of the Northerly right-of-way line of Washington Street (C.T.H. "N")

Parcel No. 250089300

A parcel of land located in Government Lot 4, Section 26, Town 21 North, Range 18 East, Village of Kimberly, Outagamie County, Wisconsin, described as follows:

All that part of a **20 foot** strip of land which lies Northwest (recorded as Northeast) of the Grantor's Southeast (recorded as Southwest) property line, the **centerline** of said strip being described as follows:

? where

Commencing at the **intersection** of the East (recorded as West) line of said Government Lot 4 with the centerline of the existing railroad tracks of the Chicago and Northwestern Transportation Company "Kimberly Loop" Line, said line being **parallel** to the south line of the Fox River; thence northerly along said East (recorded as West) government lot line, 22 feet to the **point of beginning**; thence north 39 degrees 32 minutes west, 146.66 feet; thence north 32 degrees 00 minutes west, 119.63 feet to the point of terminus. **Excepting** therefrom **all** lands dedicated to the public for road purposes and also excepting therefrom all areas of permanent improvements.

It is **intended** at the point of beginning that the **entire width** of the above described strip be **bounded by** the government lot line.

Bearings are referenced to Grid North, Wisconsin Coordinate System - Central Zone.

NOW, THEREFORE, for and in consideration of the sum of \$1.00 to it paid, the receipt whereof is hereby acknowledged, Heart of the Valley Metropolitan Sewage District **does** hereby **release**, discharge and abandon **only those** specific easement rights heretofore mentioned in the immediately preceding paragraph. It is expressly understood and agreed that **all other** easement rights as set forth in the aforesaid document recorded in the Office of the Register of Deeds in and of Outagamie County, Wisconsin, **shall remain in** full force effect.

Recording Area

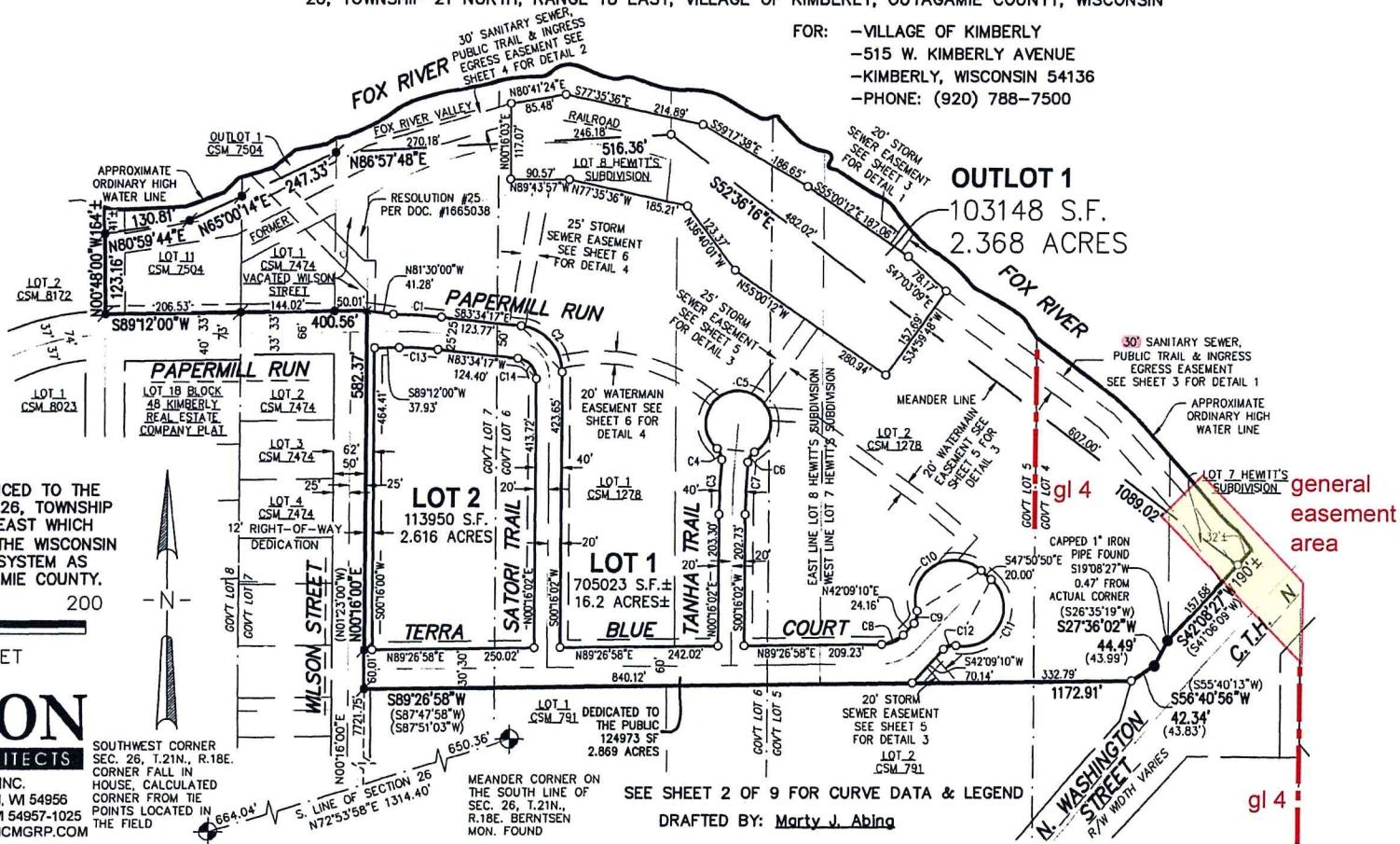
Maggie Mahoney
Village Administrator
515 W. Kimberly Avenue
Kimberly, WI 54136

CERTIFIED SURVEY MAP NO. _____

SHEET 1 OF 10

ALL OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP No. 1278, RECORDED IN VOLUME 7 OF MAPS ON PAGE 1278, AS DOCUMENT No. 1039393, AND ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 7474, RECORDED IN VOLUME 45 OF MAPS ON PAGE 7474, AS DOCUMENT No. 2121785, AND ALL OF OUTLOT 1 AND LOT 11 OF CERTIFIED SURVEY MAP No. 7504, RECORDED IN VOLUME 45 OF MAPS ON PAGE 7504, AS DOCUMENT No. 2128429 AND A PART OF LOTS 7 AND 8 OF HEWITT'S SUBDIVISION, AND PART OF THE FORMER FOX RIVER VALLEY RAILROAD AND VACATED WILSON STREET, ALL LOCATED IN GOVERNMENT LOTS 4, 5, 6, 7 AND 8 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN

FOR: -VILLAGE OF KIMBERLY
 -515 W. KIMBERLY AVENUE
 -KIMBERLY, WISCONSIN 54136
 -PHONE: (920) 788-7500



BEARINGS ARE REFERENCED TO THE SOUTH LINE OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 18 EAST WHICH BEARS N72°53'58"E PER THE WISCONSIN COUNTY COORDINATE SYSTEM AS PUBLISHED FOR OUTAGAMIE COUNTY.

200 100 0 200



SCALE - FEET

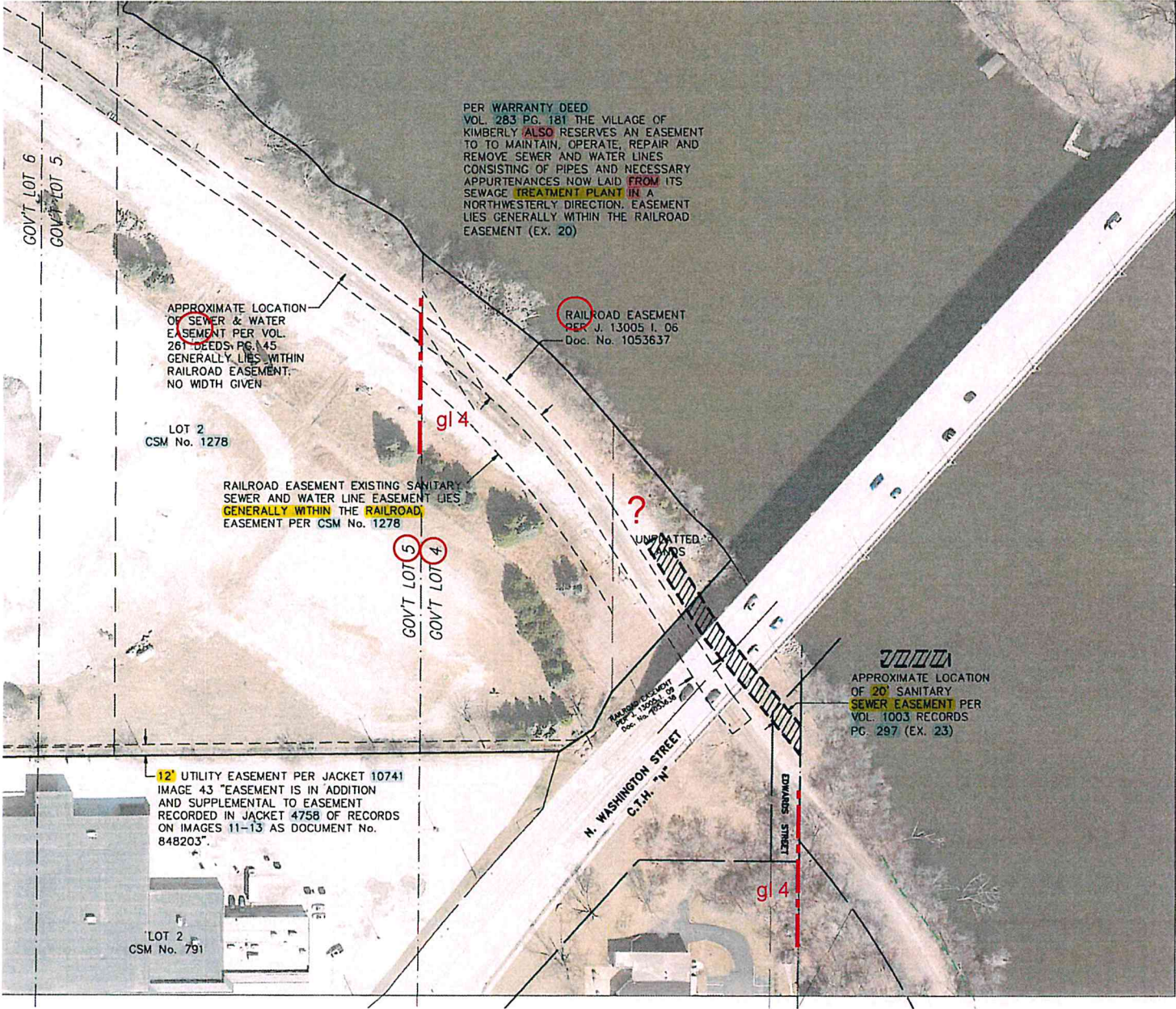
McMAHON
 ENGINEERS ARCHITECTS

McMAHON ASSOCIATES, INC.
 1445 McMAHON DRIVE NEENAH, WI 54956
 Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
 PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

SOUTHWEST CORNER SEC. 26, T.21N., R.18E. CORNER FALL IN HOUSE. CALCULATED CORNER FROM THE POINTS LOCATED IN THE FIELD

SEE SHEET 2 OF 9 FOR CURVE DATA & LEGEND

DRAFTED BY: Marty J. Abing



PER WARRANTY DEED
VOL. 283 PG. 181 THE VILLAGE OF
KIMBERLY ALSO RESERVES AN EASEMENT
TO MAINTAIN, OPERATE, REPAIR AND
REMOVE SEWER AND WATER LINES
CONSISTING OF PIPES AND NECESSARY
APPURTENANCES NOW LAID FROM ITS
SEWAGE TREATMENT PLANT IN A
NORTHWESTERLY DIRECTION. EASEMENT
LIES GENERALLY WITHIN THE RAILROAD
EASEMENT (EX. 20)

APPROXIMATE LOCATION
OF SEWER & WATER
EASEMENT PER VOL.
281 DEEDS PG. 145
GENERALLY LIES WITHIN
RAILROAD EASEMENT.
NO WIDTH GIVEN

RAILROAD EASEMENT
PER J. 13005 I. 06
Doc. No. 1053637

LOT 2
CSM No. 1278

RAILROAD EASEMENT EXISTING SANITARY
SEWER AND WATER LINE EASEMENT LIES
GENERALLY WITHIN THE RAILROAD
EASEMENT PER CSM No. 1278

UNPAVED
LANS

APPROXIMATE LOCATION
OF 20' SANITARY
SEWER EASEMENT PER
VOL. 1003 RECORDS
PG. 297 (EX. 23)

12' UTILITY EASEMENT PER JACKET 10741
IMAGE 43 "EASEMENT IS IN ADDITION
AND SUPPLEMENTAL TO EASEMENT
RECORDED IN JACKET 4758 OF RECORDS
ON IMAGES 11-13 AS DOCUMENT No.
848203".

LOT 2
CSM No. 791

N. WASHINGTON STREET
C.T.H. "N"

DWARDS STREET