

156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

December 3, 2018

CALL OF MEETING TO THE MEMBERS OF THE COUNCIL OF THE CITY OF NEW RICHMOND

Notice is hereby given there will be a Special Session of the Council of the City of New Richmond on Wednesday, December 5, 2018, at 12:00 p.m. in the Council Chambers of the Civic Center, 156 East First Street, New Richmond, WI, 54017.

AMENDED AGENDA:

- 1) Call to Order
- 2) Clerk's Roll Call
- 3) Pledge of Allegiance
- 4) Adoption of Agenda
- 5) Kwik Trip Development Agreement *
- 6) Resolution #121801 - Release of Recorded Easements *
- 7) Trail Easement *
- 8) Communications and Miscellaneous
- 9) Adjournment

**denotes amended item(s)*

Fred Horne, Mayor

cc: The New Richmond News
Northwest Communications
City Website



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

MEMORANDUM

TO: Mayor Horne and City Council

FROM: Noah Wiedenfeld, Director of Planning

DATE: December 4, 2018

SUBJECT: Development Agreement – Kwik Trip, Inc.

BACKGROUND

A development agreement shall be signed by both Kwik Trip, Inc., and the City of New Richmond to ensure that required public improvements are made, the City's financial interests are protected, and the conditions that were approved by the Plan Commission as part of the conditional use permit are met.

City staff will provide an overview of the development agreement at the meeting.

RECOMMENDATION

The City Council should consider a formal motion to approve the development agreement.



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

MEMORANDUM

TO: Mayor Horne and City Council

FROM: Noah Wiedenfeld, Director of Planning

DATE: December 4, 2018

SUBJECT: Resolution No. 121801 – Release of Recorded Easements

BACKGROUND

The certified survey map for Kwik Trip, Inc., was approved by the City Council with a condition that all existing internal easements shall be vacated. The City Attorney has prepared a release of recorded easements and corresponding resolution (Resolution No. 121801). These materials have been reviewed by Kwik Trip, Inc. Also included in the packet are the approved certified survey map and the existing easements.

RECOMMENDATION

The City Council should consider a formal motion to approve Resolution No. 121801.

RESOLUTION NO. 121801

**CITY OF NEW RICHMOND
ST. CROIX COUNTY, WISCONSIN**

**A RESOLUTION AUTHORIZING THE RELEASE OF
CERTAIN EASEMENTS LOCATED ON
REAL PROPERTY OWNED BY KWIK TRIP, INC.**

WHEREAS, Kwik Trip, Inc. has entered into a purchase agreement to acquire certain real property lying and being situated in the City of New Richmond located at the southeast quadrant of Knowles Avenue and North Shore Drive and shown as "Lot 1" on the approved CMS attached as **Exhibit A** (the "Kwik Trip Parcel") upon which the City has utility easement interests arising under the following (collectively, the "Easements"):

- (i) Easement dated March 23, 1979, recorded March 30, 1979, in Vol. 591, pg. 465, as Document No. 355936
- (ii) Combined Easement dated April 30, 1991, recorded April 15, 1992, in Vol. 945, pg. 281, as Document No. 481987
- (iii) Combined Easement dated April 30, 1991, recorded April 15, 1992, in Vol. 945, pg. 282, as Document No. 481988

WHEREAS, upon acquisition of the real property, Kwik Trip, Inc. contemplates development of the Kwik Trip Parcel for a Kwik Trip convenience gas station and car wash; Kwik Trip Inc.'s obligation to close on the purchase of the real property is conditioned upon, among other things, all necessary and requisite governmental approvals, including the release of the Easements; and accordingly, Kwik Trip, Inc. has requested the City release the Kwik Trip Parcel from the Easements; and

WHEREAS, the Plan Commission has reviewed the request for the release of the Kwik Trip Parcel from the Easements and approves and recommends release of the Easements pursuant to the Release of Recorded Easements attached as **Exhibit B**; and

WHEREAS, the Common Council desires to authorize the release of the Easements and the City Administrator to execute the Release of Recorded Easements and such other documents as are necessary to release the Easements.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL FOR THE CITY OF NEW RICHMOND, AS FOLLOWS:

The Common Council hereby authorizes the release of the Easements and execution by the City Administrator of the Release of Recorded Easements attached as **Exhibit B**.

This Resolution shall be in full force and effect from and after its passage and approved as provided by law.

Passed and adopted by the City Council for the City of New Richmond this ____ day of December, 2018.

Fred Horne, Mayor

ATTEST:

Lori Brinkman, Deputy Clerk

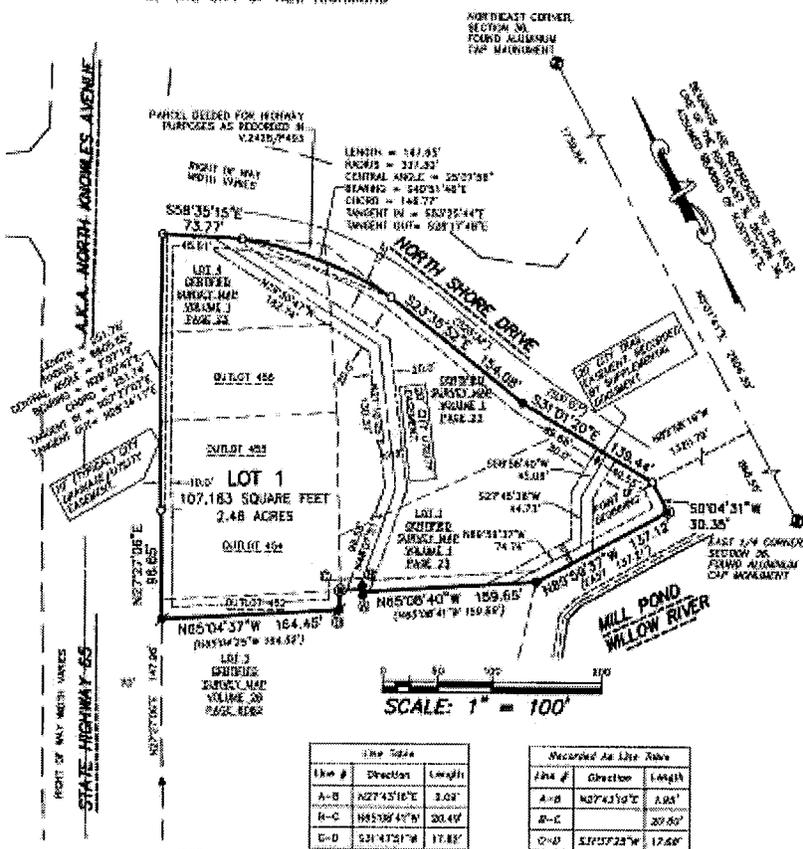
EXHIBIT A

APPROVED CSM

CERTIFIED SURVEY MAP

LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4,
SECTION 36, TOWNSHIP 31 NORTH, RANGE 18 WEST,
CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN

INCLUDING LOTS 1-4 OF CERTIFIED SURVEY MAP, VOLUME 1 OF
CERTIFIED SURVEY MAP, PAGE 23 AND INCLUDING OUTLOTS
456-454 AND PART OF OUTLOT 452 OF THE ASSESSOR'S PLAT
OF THE CITY OF NEW RICHMOND



- LEGEND**
- ▲ ----- FOUND PK NAIL
 - ----- FOUND 3/4" REBAR
 - ⊙ ----- FOUND 1-1/4" OUTSIDE DIAMETER IRON PIPE
 - ----- SET 1" OUTSIDE DIAMETER x 18" IRON PIPE WEIGHING 1.13 POUNDS PER LINEAR FOOT
 - () ----- RECORDED AS

REAL LAND SURVEYING, LLC
1280 INTERNATIONAL DRIVE
2411 20th ST. W. #200

FIELD WORK WAS COMPLETED ON NOVEMBER 1, 2018

EXHIBIT B

FORM OF RELEASE OF RECORDED EASEMENTS

SEE ATTACHED.

**RELEASE OF
RECORDED EASEMENTS**

Document Number	Document Name
	<p>Drafted By/Return to: Nicholas J. Vivian Eckberg Lammers, P.C. 430 Second Street Hudson, WI 54016 715-386-3733</p>
	<p>XXXX</p> <hr/> <p>Parcel Identification Number (PIN)</p> <p>This is not homestead property.</p>

THIS RELEASE OF RECORDED EASEMENTS ("Release") is dated and effective as of _____, 2018, by and between the CITY OF NEW RICHMOND, a Wisconsin municipal corporation (the "City") and KWIK TRIP, INC., a Wisconsin corporation ("Kwik Trip").

WHEREAS, Kwik Trip is the fee owner of the real property legally described as follows (the "Kwik Trip Property")

Lot 1 of Certified Survey Map ____, filed _____ in Vol. __ of C.S.M., pg. ____, as Document No. _____, City of New Richmond, St. Croix County, Wisconsin.

WHEREAS, the City has utility easement interests in the Kwik Trip Property arising under, and described in, the following (the "Easements"):

- (i) Easement dated March 23, 1979, recorded March 30, 1979, in Vol. 591, pg. 465, as Document No. 355936
- (ii) Combined Easement dated April 30, 1991, recorded April 15, 1992, in Vol. 945, pg. 281, as Document No. 481987
- (iii) Combined Easement dated April 30, 1991, recorded April 15, 1992, in Vol. 945, pg. 282, as Document No. 481988

WHEREAS, the Owner has requested, and the City has agreed, to release the Easements.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Release. The City hereby releases all of its right, title, and interest in the Property arising under the Easements.

2. Miscellaneous. This Release of Easement shall be binding upon and shall inure to the benefit of both parties, and their successors and assigns. This Release of Easement is entered into in and shall be governed by and construed in accordance with the internal laws of the State of Wisconsin.

IN WITNESS WHEREOF, the City and Kwik Trip have executed this Release to be effective as of the date first above written.

CITY:

CITY OF NEW RICHMOND,
a Wisconsin municipal corporation

By: Mike Darrow
Its: City Administrator

STATE OF WISCONSIN)
) ss.
COUNTY OF ST. CROIX)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Mike Darrow, the City Administrator of the City of New Richmond, a Wisconsin municipal corporation, on behalf of said municipal corporation.

Notary Public
My commission expires: _____

KWIK TRIP:

KWIK TRIP, INC.,
a Wisconsin corporation

By:
Its:

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___ day of _____, 2018,
by _____, the _____ of Kwik Trip, Inc., a Wisconsin
corporation, on behalf of said corporation.

Notary Public
My commission expires: _____

COMBINED EASEMENT

A perpetual easement to the New Richmond City Utilities, City of New Richmond, St. Croix County, Wisconsin for the purpose of construction, maintenance, operation, replacement, and upgrading of overhead and/or underground utilities and appurtenances thereto upon the following described real estate:

The Southeally 20' and the Westerly 20' of Lot 2 of DSM #272654 being a part of Outlot 457 of Assessor's Plat to the City of New Richmond.

All easements shall include the following where applicable:

- 30 ft width for overhead primary and secondary circuits.
- * 20 ft width for underground primary and secondary circuits.
- 20 ft width for underground commercial service.
- 10 ft width for underground residential service.
- 10 ft width for underground streetlight service.
- right of ingress and egress to the area of the easement.
- right to trim or remove all trees on or adjacent to the easement strip necessary to maintain proper service.
- right to keep easement strip free of any structure or obstacle which the City Utilities deems a hazard to the line.
- right to prohibit excavation within 5 ft of any buried line or any change of grade which interferes with any line.
- right to install overhead/underground wiring for streetlights requested or required, but no more than 5 ft from any lot line.

IN WITNESS WHEREOF, the grantors have here unto set their hands and seals this 30 day of April, 1991.

Witnesses:

Signed:

[Signature]

[Signature]

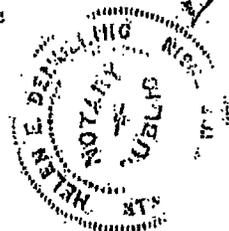
Elaine M. Kocian

Subscribed and sworn to before me this 30 day of April, 1991, personally appeared _____ the person(s) who signed this easement.

[Signature]

Notary Public

My commission expires 5-24-92



REGISTER'S OFFICE

ST. CROIX CO., WI

Rec'd for Record

APR 15 1992

01 8:45 A.M.

[Signature]
Register of Deeds

355936

Vol. 581 p. 165

REGISTERS OFFICE
ST. CROIX CO., WIS.

Rec'd. for Record this 20th
day of March A.D. 1979
at 1:00 P.M.

James O. Conall
Register of Deeds

ASSUMPTION

FOR THE SOLE CONSIDERATION of the Dollar and other valuable consideration paid to us by the City of New Richmond, St. Croix County, Wisconsin, we, for ourselves, our heirs, representatives, and assigns agree to permit said City to excavate and lay out and to do whatever is necessary in the construction of a sanitary sewer system, said City shall also have the rights of ingress and egress to service and repair said sewer and to perpetually service, repair, and operate said sewer.

IT IS UNDERSTOOD AND AGREED that no assessment shall be made against the property through which said sewer shall extend unless and until connections are made with said sewer by the owner of the property upon which said sewer is located.

The above easement shall extend for a distance of 20 feet in width, of which the following is the description of said property.

West 20 feet of:

Lot 1- Certified Survey Document #272654 filed 6/7/63, page 23
City of New Richmond, Wis.

IN WITNESS WHEREOF, the grantors have hereunto set their hands and seals this 23 day of March, 1979.

In presence of:

David E. Pohl

Alan O. Howe (SEAL)
Alan O. Howe

William E. Dunning
Notary Public
St. Croix County
My Commission Expires 12-31-80

COMBINED EASEMENT

A perpetual easement to the New Richmond City Utilities, City of New Richmond St. Croix County, Wisconsin for the purpose of construction, maintenance, operation, replacement, and upgrading of overhead and/or underground utilities and appurtenances thereto upon the following described real estate:

The Westerly 20' of lot 1 of CSM #272634 being part of Outlot #37 of Assessor's Plat to the City of New Richmond.

All easements shall include the following where applicable:

- 30 ft width for overhead primary and secondary circuits.
- 20 ft width for underground primary and secondary circuits.
- 20 ft width for underground commercial service.
- 10 ft width for underground residential service.
- 10 ft width for underground streetlight service.
- right of ingress and egress to the area of the easement.
- right to trim or remove all trees on or adjacent to the easement strip necessary to maintain proper service.
- right to keep easement strip free of any structure or obstacle which the City Utilities deems a hazard to the line.
- right to prohibit excavation within 5 ft of any buried line or any change of grade which interferes with any line.
- right to install overhead/underground wiring for streetlights requested or required, but no more than 5 ft from any line.

IN WITNESS WHEREOF, the grantors have here unto set their hands and seals this 30 day of April, 1991.

Witnesses:

Signed:

[Signature]

[Signature]
Alan Hove

[Signature]
LaVonne Hove

Subscribed and sworn to before me this 30 day of April, 1991, personally appeared _____ the person(s) who signed this easement.

[Signature]
Notary Public

My commission expires 5-24-92

REGISTER'S OFFICE

ST. CROIX CO., WI

Rec'd for Record

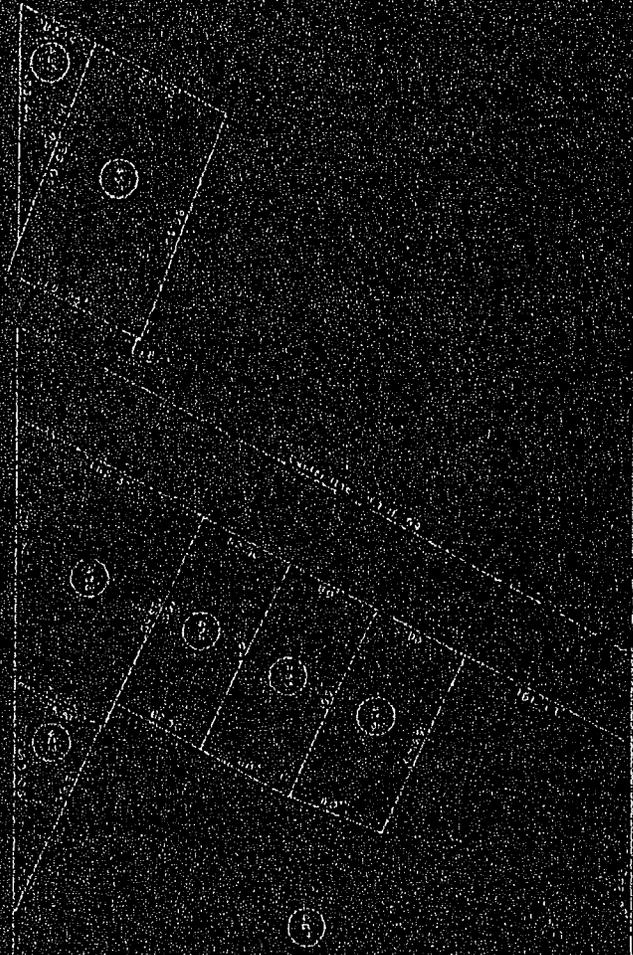
APR 15 1992

at 8:45 A. M.

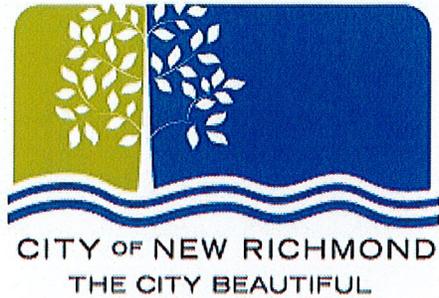
[Signature]
Register of Deeds



SMITHSONIAN INSTITUTION



1000



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

MEMORANDUM

TO: Mayor Horne and City Council

FROM: Noah Wiedenfeld, Director of Planning

DATE: December 4, 2018

SUBJECT: Trail Easement – Kwik Trip, Inc.

BACKGROUND

Per the conditions approved by the Plan Commission, Kwik Trip is required to grant an easement and construct a trail along the Willow River on the east side of their property. In the future, this would connect to the rest of the riverwalk along the Willow River when it is constructed to the south.

The trail easement provided in the agenda packet was prepared by Kwik Trip, Inc. and has been reviewed by both the Director of Public Works and the City Attorney.

RECOMMENDATION

The City Council should consider a formal motion to approve the trail easement.

TRAIL EASEMENT

This Agreement made this ____ day of _____, 2018 by and between Kwik Trip, Inc., a Wisconsin corporation ("Grantor") and the City of New Richmond, Wisconsin, a Wisconsin municipal corporation ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the fee holder of certain property located in the City of New Richmond, St. Croix County, Wisconsin, as legally described on attached Exhibit A ("Grantor's Property"); and

WHEREAS, Grantee has requested an easement for the purpose of a public bicycle/pedestrian trail that travels across a portion of Grantor's Property, as legally described and depicted on attached Exhibit B ("Easement Property").

NOW, THEREFORE, for valuable consideration acknowledged by each party, the parties agree as follows:

1. **Grant of Easement.** Grantor does hereby grant to Grantee a perpetual, non-exclusive easement in and upon the Easement Property for the purpose of public use of the bicycle/pedestrian trail ("Trail Easement"), provided however, that such use of the Easement Property shall not unreasonably interfere with Grantor's use and enjoyment of Grantor's Property, including the Easement Property. Grantee reserves the right to use the Easement Property for purposes that will not interfere with Grantee's full enjoyment of Grantee's rights granted in this Trail Easement.
2. **Construction/Maintenance.** Grantor shall be responsible for the initial construction of the Easement Property and shall be responsible for future maintenance and repair of the Easement Property.
3. **Indemnification.** Grantee shall indemnify and forever hold harmless, Grantor, from and against all loss, costs (including attorney fees), injury, death or damage to persons or property that at any time during the term of this Trail Easement may be suffered or sustained by any person or entity in connection with Grantee's activities conducted on the Easement Property, regardless of the cause of the injury, except to the extent caused by the negligence or misconduct of Grantor or its agents or employees.
4. **Warranty of Title.** Grantor warrants it is the owner of the Easement Property and has the right, title and capacity to convey to Grantee the easement rights contained herein.
5. **Binding Effect.** The terms and conditions of this instrument shall run with the land and be binding on the Grantor, its successors and assigns.

[Signature Pages Attached]

STATE OF _____)

_____)

COUNTY OF _____)

SS.

Personally came before me this ___ day of _____, 2018, the above named _____,
_____ of the City of New Richmond, Wisconsin, a Wisconsin municipal corporation, to
me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of _____

My Commission: _____

This instrument was drafted by:
Thomas E. Reinhart, Attorney at Law
P. O. Box 2107
La Crosse WI 54603

EXHIBIT A

GRANTOR'S PROPERTY

Lot 1 of Certified Survey Map, Volume ___ of Certified Survey Map, pages _____, as Document No. _____, City of New Richmond, St. Croix County, Wisconsin.

(Tax Parcel Nos. 261-1205-95-000; 261-1206-30-000; 261-1205-90-000; 261-1206-10-050; 261-1206-10-150)

EXHIBIT B

EASEMENT PROPERTY

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼, SECTION 36, TOWNSHIP 31 NORTH, RANGE 18 WEST, CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN, BEING PART OF LOT 1, CERTIFIED SURVEY MAP, RECORDED IN VOLUME _____ OF CERTIFIED SURVEY MAPS, PAGES _____, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- **COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1;**
- **THENCE N00°04'31"E ALONG THE EASTERLY LINE OF SAID LOT 1 A DISTANCE OF 30.35 FEET;**
- **THENCE N31°01'20"W ALONG THE NORTHEASTERLY LINE OF SAID LOT 1 A DISTANCE OF 49.55 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 20 FOOT WIDE TRAIL EASEMENT, SAID EASEMENT LYING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.**
- **THENCE S58°58'40"W ALONG SAID CENTERLINE A DISTANCE OF 45.06 FEET;**
- **THENCE S27°45'36"W ALONG SAID CENTERLINE A DISTANCE OF 44.73 FEET TO A POINT 10 FEET NORTH OF THE SOUTH LINE OF SAID LOT 1;**
- **THENCE N89°59'37"W ALONG SAID CENTERLINE, PARALLEL TO AND 10' NORTH OF SAID SOUTH LINE OF LOT 1 A DISTANCE OF 74.74 FEET TO THE EXTERIOR BOUNDARY OF SAID LOT 1 AND THERE TERMINATING.**

(SEE ATTACHED DEPICTION)

EXHIBIT B

DEPICTION OF EASEMENT PROPERTY

20' City of New Richmond Trail Easement

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼, SECTION 36, TOWNSHIP 31 NORTH, RANGE 18 WEST, CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN, BEING PART OF LOT 1, CERTIFIED SURVEY MAP, RECORDED IN VOLUME _____ OF CERTIFIED SURVEY MAPS,

PAGES _____, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1;
- THENCE N00°04'31"E ALONG THE EASTERLY LINE OF SAID LOT 1 A DISTANCE OF 30.35 FEET;
- THENCE N31°01'20"W ALONG THE NORTHEASTERLY LINE OF SAID LOT 1 A DISTANCE OF 49.55 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 20 FOOT WIDE TRAIL EASEMENT, SAID EASEMENT LYING 10 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.
- THENCE S58°58'40"W ALONG SAID CENTERLINE A DISTANCE OF 45.06 FEET;
- THENCE S27°45'36"W ALONG SAID CENTERLINE A DISTANCE OF 44.73 FEET TO A POINT 10 FEET NORTH OF THE SOUTH LINE OF SAID LOT 1;
- THENCE N89°59'37"W ALONG SAID CENTERLINE, PARALLEL TO AND 10' NORTH OF SAID SOUTH LINE OF LOT 1 A DISTANCE OF 74.74 FEET TO THE EXTERIOR BOUNDARY OF SAID LOT 1 AND THERE TERMINATING.

