

**DECLARATION OF PERPETUAL AND  
TEMPORARY EASEMENT FOR PUBLIC  
PATHWAY AND CONVEYANCE OF  
STORM WATER PURPOSES**

This Declaration of Perpetual and Temporary Easement for Public Pathway and Conveyance of Storm Water Purposes (“Declaration”) is made as of February \_\_\_, 2019, by Wisconsin Baptist State Convention, a Wisconsin unincorporated religious association, (“Owner”).

**RECITALS:**

A. Owner is the fee holder of certain real property which is free and clear of all liens and encumbrances in the Village of Elm Grove (the “Village”), Waukesha County, State of Wisconsin, and more particularly described and depicted on Exhibit A attached hereto and made a part hereof (the “Property”).

B. The Village has requested that Owner grant a perpetual pathway and conveyance of storm water easement over and under a portion of the Property and a general temporary construction easement to install and maintain above and below ground materials and conduits within the Property described and depicted on Exhibit A.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner declares as follows:

1. Incorporation of Recitals. The above stated recitals are fully incorporated herein and made a part hereof.
2. Grant of Easement. In consideration of One Dollar (\$1) and other valuable covenants, namely installation and replacement obligations on the part of the Village, Owner does hereby grant to the Village, its successors, and assigns, the perpetual right and easement including a general temporary easement as may be needed from time to time, upon, across, through and adjacent to the Easement Area to construct, maintain and operate a public pathway and below ground conduits to convey storm water and related facilities for use by the public (the “Easement”). This Easement shall commence with the date hereof.
3. Maintenance. The Village shall be responsible for the full cost and installation and repair or replacement of the public pathway and materials needed for the conveyance of storm water through the Easement Area. The Village shall have the right to enter the Easement Area and adjacent area to perform such maintenance, repair, or replacement of the surface and below ground materials and conduits ancillary thereto as the Village deems necessary.

Recording Area

Return to:

Village Clerk  
Village of Elm Grove  
13600 Juneau Blvd.  
Elm Grove, WI 53122

Parcel Number:  
**EGV 1111.012**

4. Only Public Uses Allowed. Owner shall only use the Easement Area for those purposes allowed to the public and which will not interfere with the Village's and the public's full enjoyment of the Easement rights granted hereby.

5. Covenants Run with Land. All of 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 Owner and the Village and their respective successors and assigns.

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

7. Public Record. This Declaration will be recorded by the Village in the office of the Register of Deeds of Waukesha County, Wisconsin.

8. Invalidity. 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.

Dated this \_\_\_\_\_ day of February, 2019.

**Wisconsin Baptist State Convention,  
A Wisconsin unincorporated religious association**

By: \_\_\_\_\_  
Name:  
Title: [INSERT]

