

345.11

MISC. DEEDS

# 8970

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CITY OF SUPERIOR

Statewide Habitat & Natural Areas

DOUGLAS COUNTY

Quit-Claim Deed/Limited  
Development Easement

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OFFICE OF THE SECRETARY OF STATE  
*State of Wisconsin*

Filed July 18, 1989

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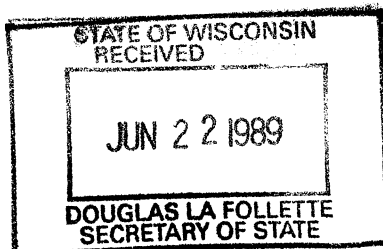


# State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary  
Box 7921  
Madison, Wisconsin 53707  
TELEFAX NO. 608-267-3579  
TDD NO. 608-267-6897

June 21, 1989

Douglas LaFollette  
Secretary of State  
P.O. Box 7848, Rm 271  
Madison, WI 53707



IN REPLY REFER TO: NA-351

RE: Donation of Land for Statewide Habitat and Natural Areas  
from City of Superior from City of Superior

Dear Mr. LaFollette:

We are enclosing the following materials in connection with the above transaction:

Quit-Claim Deed/Limited Development Easement

Will you please file these documents in the usual manner and acknowledge their receipt on the enclosed form.

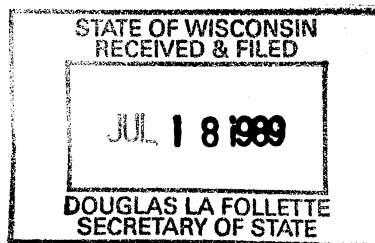
We also enclose two copies of the deed/easement for your certification that the original document is on file in your office. These are required in the federal aid programs for reimbursement to the state of a portion of the purchase price. Please sign the certificates in the space provided and return to this office.

Sincerely,

*Karl E. Hansen*

Karl E. Hansen  
Closing Officer  
BUREAU OF PROPERTY MANAGEMENT

KEH:san  
Enc.



cc: Community Assistance/3  
Frank Kies - Spooner

618767

VOL 482 PAGE 878

DOCUMENT NO.

LIMITED DEVELOPMENT EASEMENT

RECORDING DATA

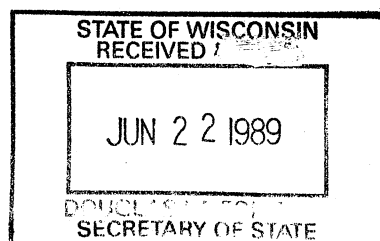
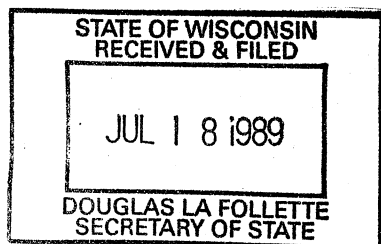
OFFICE OF REGISTER OF DEEDS  
DOUGLAS COUNTY WISCONSIN

Received for record this . . . . .

MAR 1 1989 at 11:00

o'clock . . . . . A . . M. and recorded  
in Volume 482 . . . . . of . . . . .  
Records . . . on page 878 . . . . .

*Shane P. Horwath*  
RETURN TO: REGISTER  
DEPUTY



THIS EASEMENT, made this 3rd day of October, 1988,  
by and between THE CITY OF SUPERIOR, WISCONSIN, (hereinafter also  
referred to as the City, and the STATE OF WISCONSIN (Department of  
Natural Resources), Grantee.

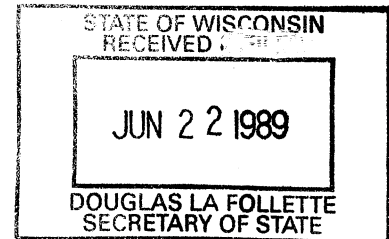
WHEREAS, the City is the owner in fee simple of certain submerged  
lands which lie beneath the St. Louis River in Douglas County,  
Wisconsin, and

WHEREAS, the Grantee wishes to protect these lands as fish and  
wildlife habitat; and

WHEREAS, the Grantee wishes to use these lands to enhance fish  
and wildlife habitat;

NOW, THEREFORE, in consideration of the conditions and covenants  
set forth below and upon the occurrence of the events set forth in  
Section (2) below, the City conveys to the Grantee, an easement for  
the purpose of maintaining and enhancing fish and wildlife habitat on,  
under, in, and over the following described real estate:

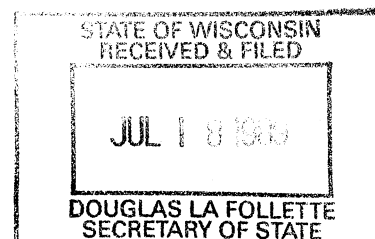
Government Lot 5 and that part of the  
Northeast Quarter (NE 1/4) of the Southwest  
Quarter (SW 1/4) lying southwesterly of the  
U.S. Highway 2 right-of-way, Section 16,  
Township 49 North, Range 14 West, City of  
Superior, Douglas County, Wisconsin, subject  
to any leases, easements or agreements of  
record.



It is understood that:

- A) This Easement grants no rights to the general public for access to or entry upon the easement area or access to or entry upon those adjacent lands owned by Grantor lying above the ordinary high water mark of the St. Louis River;
- B) Grantee, its agents, officers, and employees, shall have the right to enter the easement area by water for the purpose of inspection or maintenance of the easement area or for the purpose of placing or removing any material, fill, structures, or objects on or from the easement area;
- C) The City, its successors and assigns, shall not perform any alteration of the easement area; shall not place any structure or material on, over, or under the easement area; shall not remove or destroy any plants within the easement area; and shall not convey any other easement for any purpose, including but not limited to, road or utility easements upon the easement area without the prior written authorization of the Grantee;
- D) To the extent provided by law, the Grantee shall hold the City harmless for the negligent acts or omissions of the Grantee's officers or employees arising out of the Grantee's use and enjoyment of the premises.

The consideration for the granting of this easement is the issuance by the Grantee of a permit which discontinues a bird sanctuary on a parcel of land known as Barkers Island in the City of Superior, Wisconsin. Further consideration is the termination by grantee of any and all agreements between it and the City for the construction, management, maintenance, or use of said Barkers Island as a bird sanctuary. The consideration for the granting of this easement is the removal of all restrictions on use, conveyance, or title arising from the creation of said bird sanctuary in Division of Natural Resources Hearings Permits 3-NW-702, 3-NW-78-501, and 3-NW-78-005 issued on April 17, 1978 by hearing examiner Joseph Schaeve.



IN WITNESS WHEREOF, the said City has caused these presents to be signed by Herbert W. Bergson, its Mayor, and countersigned by Margaret Ciccone, its Clerk, at Superior, Wisconsin, and its corporate seal to be hereunto affixed this 3 day of October, A.D., 1988.

SIGNED AND SEALED IN PRESENCE OF

CITY OF SUPERIOR, WISCONSIN

Corporate Name

Janet M. Heckman

Herbert W. Bergson

Mayor

Countersigned

Margaret Ciccone

Clerk

STATE OF WISCONSIN)

(ss.

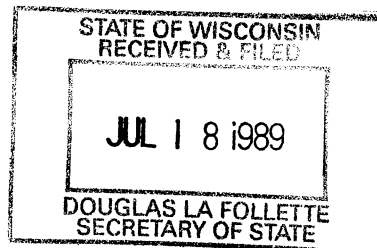
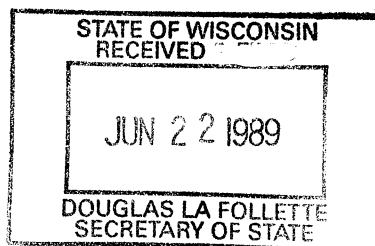
DOUGLAS COUNTY )

Personally came before me, this 3 day of October, 1988, Herbert W. Bergson and Margaret Ciccone, Mayor and City Clerk of the City of Superior respectively, and to me known to be Mayor and City Clerk of said City of Superior, and acknowledged that they executed the foregoing instrument as such officers as the deed of said City by its authority.

Theresa Hamstruy

Notary Public, Douglas, County, Wis  
My commission expires 6-4-89

This instrument drafted by  
Steven H. Schweppe



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618767

GRANTOR ☒

GRANTEE ☒

TRACT ☒

COMPACT ☒

VOL 482 PAGE 878

Karl Hansen  
Wisconsin Dept. of Natural Resources  
Box 7921  
Madison, Wi. 53707

\$8.00 chg

DOCUMENT NO.

QUIT CLAIM DEED

RECORDING DATA  
OFFICE OF REGISTER OF DEEDS  
DOUGLAS COUNTY WISCONSIN

Received for record this .....

MAR 1 1989 11:00

o'clock ... A. M. and recorded  
in Volume 482 ... of ...  
Records ... on page ... 881Diane P. Howard REGISTER  
DEPUTY

Return to:

THIS INDENTURE, Made by THE CITY OF SUPERIOR, WISCONSIN, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, grantor of Douglas County, Wisconsin, hereby quit-claims to THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES, grantee, the following parcels of elevated land and submerged land (all of which are hereinafter referred to as the Premises:

Those parts of Lots Thirty-five (35), Thirty-seven (37), Thirty-nine (39), Forty-one (41), and Forty-three (43), Wisconsin Point Subdivision in Government Lot 1, Section 28, Township 49 North, Range 13 West, City of Superior, Douglas County, Wisconsin, described as follows:

Commencing at U.S. Government Station Monument #21 located on Wisconsin Point in the NW $\frac{1}{4}$  of Section 28, Township 49 North, Range 13 West; thence South 46°37'39" West 300.00 feet to a one-inch iron pipe; thence along a line South 13°43'21" East 265.00 feet to the Point of Beginning which is marked by a one-inch iron pipe located 20 feet more or less from the ordinary high water line of Allouez Bay; thence continuing along said line 220.50 feet to a one-inch iron pipe; thence South 34°01'21" East 396.30 feet to a one-inch iron pipe; thence North 65°58'39" East 300.00 feet; thence North 26°48'08" West 606.37 feet to a one-inch iron pipe; thence South 66°16'39" West to the Point of Beginning. Together with that elevated land lying between the ordinary high water line of Allouez Bay and the south and west lines of the above described tract of land. The above parcel consists of approximately 4.53 acres of elevated and submerged land.

and

Commencing at the U.S. Government Station monument #21 located on Wisconsin Point in the NW $\frac{1}{4}$  of Section 28 Township 49 North, Range 13 West; thence South 46°37'39" West 300.00 feet to a one-inch iron pipe which is the Point of Beginning; thence North 13°43'21" West a distance of 432.00 feet to an iron post; thence North 63°53'54" East a distance of 193.00 feet to an iron post; thence South 10°48'06" East a distance of 712.50 feet to a point; thence South 66°16'39" West a distance of 156.00 feet to an iron pipe; thence North 13°43'21" West a distance of 265.00 feet to the Point of Beginning. Together with the elevated land lying between the ordinary high water line of Allouez Bay and the west line of the tract of land

FEE

77.25 (2)  
EXEMPT

described in this paragraph. The above parcel consists of approximately 2.82 acres of elevated land.

The consideration for the conveyance of the Premises is the issuance by the grantee of a permit which discontinues a bird sanctuary on a parcel of land known as Barkers Island in the City of Superior, Wisconsin. Further consideration is the termination by grantee of any and all agreements between it and the grantor for the construction, management, maintenance, or use of said Barkers Island as a bird sanctuary. The consideration for the conveyance of the Premises is the removal of all restrictions on use, conveyance, or title arising from the creation of said bird sanctuary in Division of Natural Resources Hearings Permits 3-NW-78-702, 3-NW-78-501, and 3-NW-78-005 issued on August 17, 1978 by hearing examiner Joseph Schaeve.

IN WITNESS WHEREOF, the said grantor has caused these presents to be signed by Herbert W. Bergson, its Mayor, and countersigned by Margaret Ciccone, its Clerk, at Superior, Wisconsin, and its corporate seal to be hereunto affixed this 3rd day of October, A.D., 1988.

SIGNED AND SEALED IN PRESENCE OF

Janet M. Heckman

.....

Lisa Larson

.....

CITY OF SUPERIOR, WISCONSIN

Corporate Name

Herbert W. Bergson

Mayor

countersigned

Margaret Ciccone

Clerk

STATE OF WISCONSIN)

(ss.

DOUGLAS COUNTY )

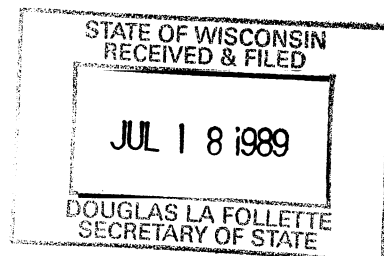
Personally came before me, this 3 day of October, 1988, Herbert W. Bergson and Margaret Ciccone, Mayor and City Clerk of the City of Superior respectively, and to me known to be Mayor and City Clerk of said City of Superior, and acknowledged that they executed the foregoing instrument as such officers as the deed of said City by its authority.

Theresa L. Gramstrup

Theresa L. Gramstrup

Notary Public, Douglas, County, Wis  
My commission expires 6-4-89

This instrument drafted by  
Steven H. Schweppe



618768

GRANTOR \_\_\_\_\_ ✓  
GRANTEE \_\_\_\_\_ ✓  
TRACT \_\_\_\_\_ ✓  
COMPARSED \_\_\_\_\_ ✓

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Karl Hansen  
Wisconsin D.N.R.  
Box 7921  
Madison, Wi. 53707

\$6.00 chg