



Village of Menomonee Falls
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051-3140
Telephone: (262) 532-4200 Fax: (262) 532-4219

October 7, 2005

Heritage Reserve Holdings, LLC
100 Heritage Reserve
Menomonee Falls, WI 53051

Attn: Bruce Behling

Re: Stormwater Pond Management Agreement
Stormwater Facilities Operation, Inspection & Maintenance Agreement
Municipal Watermain & Sanitary Sewer Easement Agreement
Private Interceptor Main Sanitary Sewer Facilities Operation, Inspection &
Maintenance Agreement
Tax Key Nos. 51.944
51.945

Dear Mr. Behling,

Please find enclosed signed copies and recorded copies of the Stormwater Pond Management Agreement, Stormwater Facilities Operation, Inspection & Maintenance Agreement, Municipal Watermain & Sanitary Sewer Easement Agreement and the Private Interceptor Main Sanitary Sewer Facilities Operation, Inspection & Maintenance Agreement for the TID #4, Phase IB project (Marketplace Triangle) for your records. They contain recording information showing proof of recording by the Waukesha County Register of Deeds.

Should you have any questions or require additional information, please do not hesitate to contact either Tom Hoffman at (262) 532-4415 or myself at (262) 532-4418.

Sincerely,
VILLAGE OF MENOMONEE FALLS

Linda I. Losiniecki
Administrative Assistant III

Enclosures

Cc: Arlyn R. Johnson, Director of Engineering Services
Thomas M. Hoffman, PE Sr. Civil Engineer
Dave Bate, Financial Services

Vault

Easement / Acquisition File

kwiktag® 012 773 579



WC3315500-005

002526 SEP 9 2005

3315500

STORM WATER POND
MANAGEMENT EASEMENT

DOCUMENT TITLE

REGISTER'S OFFICE
WAUKEEHA COUNTY, WI
RECORDED ON

09-09-2005 3:50 PM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 12.00
REC. FEE-CO: 5.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 5

Recording Data

Return to:
Village of Menomonee Falls
Engineering Services
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051

Tax Key No. MNFV 51.944 & 51.945

Due
19
5
MNFV

EASEMENT

HERITAGE RESERVE HOLDING L.L.C., ("Grantor") hereby warrants and represents that it is the owner in fee of the real estate depicted and legally described on the attached Exhibit A ("Easement Area") and that the Easement Area is free and clear of all liens and encumbrances, except for municipal and zoning ordinances and agreements entered under them, recorded easements and recorded building and use restrictions and covenants. The Grantor, together with its respective successors and assigns, does hereby grant unto the Village of Menomonee Falls ("Village") and its assigns a permanent and perpetual easement in the Easement Area for the purposes of building, constructing, operating, inspecting, maintaining, repairing, replacing and reconstructing storm water detention basins and related facilities, including storm sewer inlets and manholes (collectively, "Facilities").

The easement rights granted herewith include the right to build, construct, operate, inspect, maintain, repair, reconstruct, replace and enlarge any and all presently existing and hereinafter constructed Facilities, and the right of entry in, across, beneath, and above the Easement Area and shall include the right to utilize any paved or unpaved surface as necessary.

THE GRANTOR may not grant additional easements over the Easement Area without the express written consent of the Village. The Village further retains the right to place reasonable conditions on the purpose and scope of use of any such additional easement. In the event the Village has to excavate in the Easement Area, the Village will only restore the Easement Area grade to the proposed grade as shown on the approved master grading plan. The Easement Area surface will be restored with topsoil, seed, fertilizer and mulch. The Village will not approve or restore shrubs, trees, pavements, monument signs or structures of any type.

The rights and obligations created by this Easement shall be covenants running with the land and shall inure to the benefit of, and be binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, **HERITAGE RESERVE HOLDING L.L.C.** has caused this Agreement to be signed this 7th day of September 2005.

HERITAGE RESERVE HOLDING L.L.C.

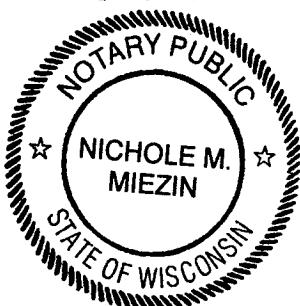
By:



Bruce D. Behling, President

STATE OF WISCONSIN)
Waukesha COUNTY)
)
)SS

Personally came before me this 7th day of September, 2005, the above named Bruce D. Behling, President of Heritage Reserve Holding, L.L.C., to me known to be such officer of said Company and acknowledged that he executed the foregoing instrument as such officer as the deed of said Company, by his authority.



Nichole M. Miezin

Notary Public, Wisconsin
 My commission Expires 4.27.08

This instrument was drafted by
 The Village of Menomonee Falls
 Thomas M. Hoffman, PE
 Date: August 8, 2005

EXHIBIT MAP "A"

STORM WATER POND MANAGEMENT EASEMENT
 TID No. 4 - MARKETPLACE TRIANGLE
 VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN

BEING THAT PART OF PARCEL 1 AND PARCEL 2 OF CERTIFIED SURVEY MAP No. 9493 BEING A PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWN 8 NORTH, RANGE 20 EAST, IN THE VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN.

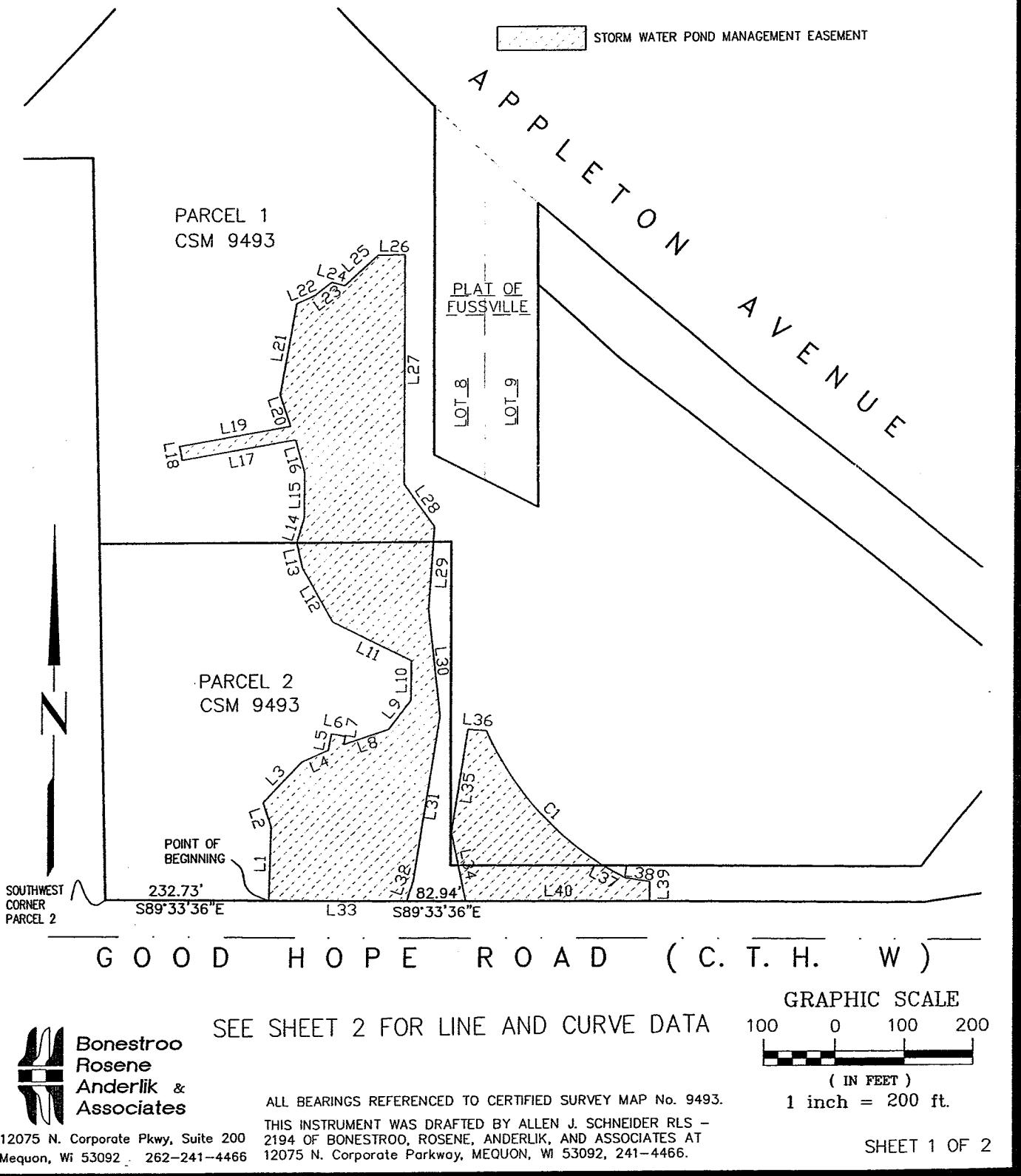


EXHIBIT "A"
TID No. 4 Marketplace Triangle
Village of Menomonee Falls
Storm Water Pond Management Easement

Being that part of Parcel 1 and Parcel 2 of Certified Survey Map No. 9493, being a part of the Southeast 1/4 and the Southwest 1/4 of the Southwest 1/4 of Section 13, Township 8 North, Range 20 East, in the Village of Menomonee Falls, County of Waukesha, State of Wisconsin, being more particularly described below:

Commencing at the Southwest Corner of Parcel 2 of said Certified Survey Map No. 9493 being on the northerly right of way line of Good Hope Road; thence South 89°33'36" East, along said northerly right of way line, 232.73 feet to the Point of Beginning; thence North 01°27'21" East, 102.85 feet; thence North 18°13'28" West, 36.10 feet; thence North 44°05'58" East, 78.78 feet; thence North 66°59'35" East, 42.80 feet; thence North 11°19'12" East, 23.83 feet; thence South 78°40'48" East, 20.00 feet; thence South 11°19'12" West, 11.90 feet; thence North 71°06'52" East, 66.74 feet; thence North 37°53'13" East, 51.65 feet; thence North 00°06'47" East, 55.63 feet; thence North 63°56'02" West, 124.40 feet; thence North 30°26'18" West, 88.36 feet; thence North 12°59'20" West, 36.00 feet; thence North 16°35'05" East, 37.09 feet; thence North 00°31'23" East, 62.95 feet; thence North 15°41'40" West, 49.55 feet; thence South 79°56'47" West, 163.91 feet; thence North 10°03'13" West, 20.00 feet; thence North 79°56'47" East, 159.98 feet; thence North 18°26'33" West, 46.44 feet; thence North 10°08'36" East, 129.92 feet; thence North 67°03'56" East, 28.45 feet; thence North 53°01'08" East, 31.72 feet; thence South 74°19'03" East, 18.78 feet; thence North 47°36'31" East, 64.05 feet; thence North 89°49'07" East, 37.71 feet; thence South 00°00'00" East, 323.33 feet; thence South 35°05'53" East, 74.27 feet; thence South 03°42'21" West, 117.31 feet; South 06°23'36" East, 148.99 feet; thence South 08°54'37" West, 235.18 feet; thence South 19°22'23" West, 29.22 feet to a point on the northerly right of way line of Good Hope Road; thence South 89°33'36" West, along said northerly right of way line, 196.67 feet to the Point of Beginning.

Said lands as described contains 139,553 square feet or 3.20 acres.

Also,
 Being that part of Parcel 1 and Parcel 2 of Certified Survey Map No. 9493, being a part of the Southeast 1/4 of the Southwest 1/4 of Section 13, Township 8 North, Range 20 East, in the Village of Menomonee Falls, County of Waukesha, State of Wisconsin, being more particularly described below:

Commencing at the Southwest Corner of Parcel 2 of said Certified Survey Map No. 9493 being on the northerly right of way line of Good Hope Road; thence South 89°33'36" East, along said northerly right of way line, 512.34 feet to the Point of Beginning; thence North 11°46'48" West, 98.30 feet; thence North 08°54'37" East, 146.66 feet; thence South 84°51'54" East, 26.13 feet to a point of curvature; thence 256.86 feet along an arc of a curve whose radius point bears North 66°18'04" East,

002531 SEP 5 96

3315501



WC3315501-010

STORMWATER FACILITIES
OPERATION, INSPECTION &
MAINTENANCE AGREEMENT

DOCUMENT TITLE

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

09-09-2005 3:50 PM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 22.00
REC. FEE-CO: 5.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 10

Recording Data

Return to:
Village of Menomonee Falls
Engineering Services
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051

Tax Key No. MNFV 51.944 & 51.945

Pre
29
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MNFV

STORMWATER FACILITIES OPERATION, INSPECTION, & MAINTENANCE AGREEMENT

Village of Menomonee Falls

THIS AGREEMENT is between **HERITAGE RESERVE HOLDING L.L.C.**, ("Property Owner"), and the Village of Menomonee Falls, (the "Village"). It is based upon the following:

- A. The Property Owner is the owner of certain real property (the "Property") located in the Village of Menomonee Falls, and which is further described as follows: Parcels 1 and 2 of Certified Survey Map 9493 as recorded by deed in the land records of Waukesha County, Volume 87, Pages 1 - 15, Document Number 2900117, as shown in Exhibit "A" ..
- B. The Property Owner has entered into a Developers Agreement with the Village dated April 4, 2003 ("Development Agreement").
- C. The Property Owner intends to have the Property graded by the Village pursuant to the Development Agreement and the Grading Plan approved by the Village (the "Plan") as shown in Exhibit "B".
- D. The health, safety, and welfare of the residents of Menomonee Falls, Wisconsin, require that on-site Stormwater Management Facilities be provided on the Property.
- E. The Plan provides for the construction of any detention basin, retention basin, outlet structures, inlet structures, storm sewer, underground storage facility, swales, berms or any structure and grading associated with stormwater management (the "Stormwater Management Facilities") within the confines of the Property.
- F. The Village requires that on-site Stormwater Management Facilities as shown on the Plan be constructed, operated and adequately maintained by the Property Owner.

NOW, THEREFORE, based on the above, the parties agree as follows:

1. The on-site Stormwater Management Facilities shall comply with the policy outlined in the Village "Stormwater Management Guidelines," and with the Milwaukee Metropolitan Sewage District "Stormwater Rules, Chapter 13 of the MMSD Rules and Regulations;" and shall be constructed by the Property Owner in compliance with Village approved plans and specifications identified in the Plan.
2. The Village of Menomonee Falls shall complete an as-built plan of the Stormwater Management Facilities within thirty (30) days of completion of the Village's work under the Development Agreement. The as-built plan will be used by the Village to determine if the Stormwater Management Facilities are constructed according to the Village approved plans. The Stormwater Management Facilities will be considered complete by the Village upon the Village's approval of the as-built plan.
3. The Property owner shall not construct, place or allow or suffer the construction or placement of structures within the Stormwater Management Facilities that affect the operation of the facilities; or that alter the elevations and slopes from those designed, established and constructed; without the specific written approval of the Village.
4. The Property Owner shall submit a landscape proposal and diagram with vegetation types to the Village prior to planting trees or shrubs in the Stormwater Management Facilities. The Village shall have the right to determine which species of trees and shrubs are appropriate for planting within the Stormwater Management Facilities. The Property Owner shall not plant shrubs or trees in the Stormwater Management Facilities unless approved by the Village.
5. The Property Owner shall adequately maintain the Stormwater Management Facilities. Adequate maintenance is defined as good working condition so that these facilities are performing their designed

functions. The Property Owner must inspect the Stormwater Management Facilities within 24 hours of a 2 year storm event (2.6" of rain within a period of 24 hours).

6. The Property Owner shall hire a licensed professional engineer to inspect the Stormwater Management Facilities every (5) five years and submit an inspection report to the Village as proof of compliance. The Village approved Inspection Report form shall be used to determine the condition of the facilities. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facility such as berms, outlet structure, pond areas, access roads, etc. The conditions shall be noted in the inspection report.
7. The Property Owner will perform or otherwise be responsible for any work necessary to keep the Stormwater Management Facilities in good working order. This obligation includes making all the necessary repairs and/or improvements to correct damages, both natural and man made; and to resolve any citizen complaints related to the "Property Owners" obligations under this agreement. If deficiencies or damages are noted in the inspection report provided to the Village under ¶6 or if complaints are reported to the Village related to the "Property Owners" obligations under this agreement, the Property Owner has thirty (30) days from the date of the report or complaint to take appropriate measures to correct any deficiencies or damages and respond to citizen complaints. The Property Owner shall promptly advise the Village of the actions taken to respond to, address or correct any deficiencies or complaints.
8. The Property Owner hereby grants permission to the Village, its authorized agents and employees, to enter upon the Property and to inspect the Stormwater Management Facilities whenever the Village deems necessary.
9. If the Property Owner fails to inspect the Stormwater Management Facilities as required, or maintain the Stormwater Management Facilities in good working condition acceptable to the Village and make all the necessary repairs and/or improvements to correct damages, both natural and man made, and to resolve any complaints, the Village, upon thirty (30) days written notice to the Property Owner, may enter upon the Property and take whatever steps necessary to correct deficiencies. In addition, if the Village performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Village shall be empowered without notice of public hearing, to impose a special charge for the cost of said work upon the Property Owner payable at the next succeeding tax bill.
10. This Agreement imposes no liability of any kind whatsoever on the Village. The Property Owner agrees to hold harmless the Village, its board members, employees, agents, and officers from any costs, damages, loss, claim, suit, liability or award which may arise, come, be brought or incurred or assessed because of the existence of, any action or failure to act with respect to the storm water facilities on the Property or because of any adverse effect upon any person or property related or alleged to be related to the storm water detention basins from any liability if the Stormwater Management Facilities fail to operate properly. The Village shall have the right to defend any such claim and the Property Owner shall reimburse the Village for any and all cost and/or expenses, including but not limited to attorney's fees, which the Village may incur as a result of such claims.
11. This Agreement shall become effective as of the date it is approved by the Village or executed by the Property Owner, whichever is later.
12. By signing below, the person signing on behalf of the Property Owner represents that he has authority to act on behalf of the Property Owner, and has authority to sign this Agreement on the Property Owner's behalf.

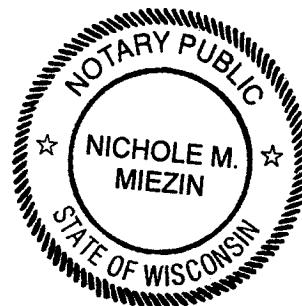
13. This Agreement shall be recorded With the Register of Deeds Waukesha County, Wisconsin, and shall constitute a covenant running with the land, and shall be binding on both parties, their successors or assigns.

IN WITNESS WHEREOF, HERITAGE RESERVE HOLDING L.L.C. has caused this Agreement to be signed this 7th day of September 2005.

HERITAGE RESERVE HOLDING L.L.C.

By: Bruce D. Behling
Bruce D. Behling, President

STATE OF WISCONSIN)
Waukesha COUNTY)
)



Personally came before me this 7th day of September, 2005, the above named Bruce D. Behling, President of Heritage Reserve Holding, L.L.C., to me known to be such officer of said Company and acknowledged that he executed the foregoing instrument as such officer as the deed of said Company, by his authority.

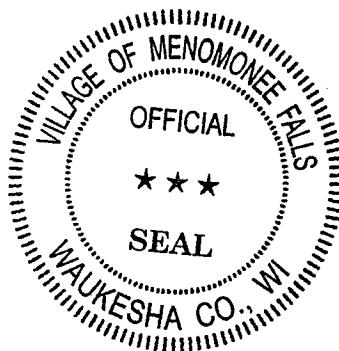
Notary Public, Wisconsin
My commission expires 4/27/08

Approved by the Board of Trustees of the **Village of Menomonee Falls**, this 6th day of September, 2005.

VILLAGE OF MENOMONEE FALLS

Richard A. Rechlicz
Richard A. Rechlicz, Village President

Richard A. Farrenkopf
Richard A. Farrenkopf, Village Manager/Clerk/Treasurer



This instrument was drafted by
The Village of Menomonee Falls
Thomas M. Hoffman, PE
Date: August 8, 2005

002585 SEP 29 1988

WAUKESHA COUNTY CERTIFIED SURVEY MAP NO. 9493

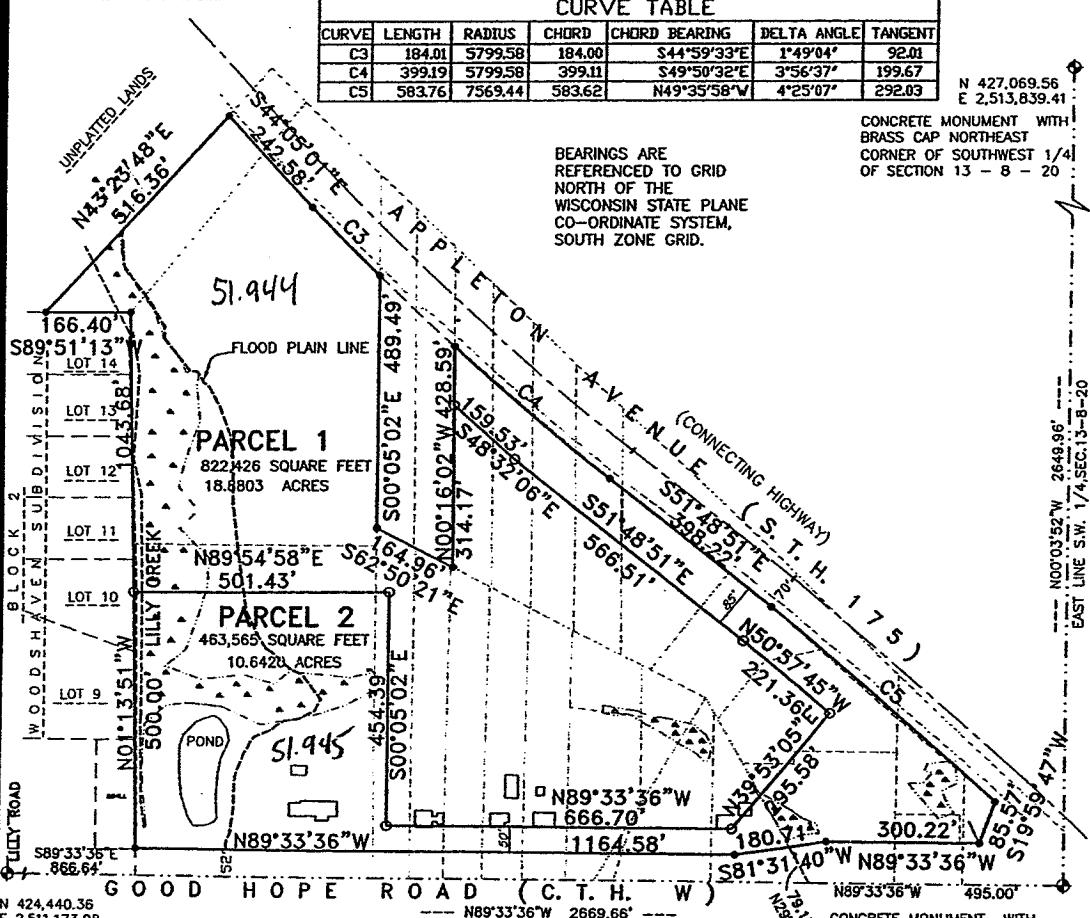
BEING LOTS 1-7 (INCLUSIVE), 10-13 (INCLUSIVE), 20, AND 21 OF THE PLAT OF FUSSVILLE, RECORDED ON PAGE 11, VOLUME 2 OF PLATS, WAUKESHA COUNTY RECORDS; AND LOTS 1-4 (INCLUSIVE) OF CERTIFIED SURVEY MAP NO. 4164, RECORDED ON APRIL 16, 1982 IN VOLUME 32 OF CERTIFIED SURVEY MAPS ON PAGE 345, AS DOCUMENT NO. 1180456, BEING A PART OF 14-19, PLAT OF FUSSVILLE; AND UNPLATTED LANDS, ALL LOCATED IN THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING	DELTA ANGLE	TANGENT
C3	184.01	5799.58	184.00	S44°59'33"E	1°49'04"	92.01
C4	399.19	5799.58	399.11	S49°50'32"E	3°56'37"	199.67
C5	583.76	7569.44	583.62	N49°35'58"W	4°25'07"	292.03

399.11 **\$49.50**

CONCRETE MONUMENT WITH
BRASS CAP NORTHEAST
CORNER OF SOUTHWEST 1/4
OF SECTION 13 - 8 - 20

BEARINGS ARE
REFERENCED TO GRID
NORTH OF THE
WISCONSIN STATE PLANE
CO-ORDINATE SYSTEM,
SOUTH ZONE GRID.



N 424,440.36
E 2,511,173.08
CONCRETE MONUMENT WITH
BRASS CAP SOUTHWEST
CORNER OF SOUTHWEST 1/4
OF SECTION 13

D.O.T. APPROVAL NUMBER:



This Certified Survey Map prepared for
Heritage Reserve Holding LLC., with a
business address of 100 Heritage Reserve,
Menomonee Falls, WI.

***CAUTION - HIGHWAY SETBACK RESTRICTIONS
PROHIBIT IMPROVEMENTS. SEE PAGE 11 FOR NOTES***

RESTRICTION - GROUNDWATER
Although all parcels of this CSM have been reviewed and approved for development in accordance with Section 236 in Wisconsin Statutes, some parcels may contain soil conditions which may require additional soil investigation. Soil conditions should be subject to such owners specific investigation prior to construction and no specific representation is made herein.

LEGEND

- INDICATES FOUND 1" IRON PIPE
- INDICATES SET 3/4" IRON ROD 18" IN LENGTH WEIGHING 1.50 LBS. PER LINEAL FT.

GROSS AREA = 29.5223 ACRES

THIS INSTRUMENT WAS DRAFTED BY ALLEN J. SCHNEIDER RLS - 2194 OF BONESTROO, ROSENBERG, ANDERLIK, AND ASSOCIATES AT 10845 N. BUNTRICK ROAD, MEQUON, WI 53092, 241-4466.

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2. SECONDARY ENVIRONMENTAL CORRIDOR AND FLOODPLAIN
3. EXISTING PUBLIC EASEMENTS DETAIL
4. EXISTING PUBLIC EASEMENTS DETAIL
5. EXISTING PUBLIC EASEMENTS DETAIL
6. WETLAND DETAIL
7. WETLAND DETAIL
8. WETLAND DETAIL
9. WETLAND DETAIL
10. WETLAND DETAIL
11. HIGHWAY SETBACK DETAIL
12. ACCESS DETAIL
13. SURVEYORS CERTIFICATE
14. OWNERS CERTIFICATE
15. MENOMONEE FALLS COMMISSION AND VILLAGE BOARD

PAGE 1 OF 15 PAGES

002536 SEP 98

WAUKESHA COUNTY CERTIFIED SURVEY MAP NO. _____

BEING LOTS 1-7 (INCLUSIVE), 10-13 (INCLUSIVE), 20, AND 21 OF THE PLAT OF FUSSVILLE, RECORDED ON PAGE 11, VOLUME 2 OF PLATS, WAUKESHA COUNTY RECORDS; AND LOTS 1-4 (INCLUSIVE) OF CERTIFIED SURVEY MAP NO. 4164, RECORDED ON APRIL 16, 1982 IN VOLUME 32 OF CERTIFIED SURVEY MAPS ON PAGE 345, AS DOCUMENT NO. 1180456, BEING A PART OF 14-19, PLAT OF FUSSVILLE; AND UNPLATTED LANDS, ALL LOCATED IN THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

SURVEYORS CERTIFICATE

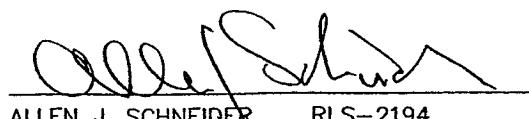
I, Allen J. Schneider, Registered Land Surveyor no. 2194, do hereby certify to the best of my professional knowledge that, under the direction of Heritage Reserve Holding L.L.C., owner of that property described that I have surveyed, divided, and mapped the following described tract of land:

BEING LOTS 1-7 (INCLUSIVE), 10-13 (INCLUSIVE), 20, AND 21 OF THE PLAT OF FUSSVILLE, RECORDED ON PAGE 11, VOLUME 2 OF PLATS, WAUKESHA COUNTY RECORDS; AND LOTS 1-4 (INCLUSIVE) OF CERTIFIED SURVEY MAP NO. 4164, RECORDED ON APRIL 16, 1982 IN VOLUME 32 OF CERTIFIED SURVEY MAPS ON PAGE 345, AS DOCUMENT NO. 1180456, BEING A PART OF 14-19, PLAT OF FUSSVILLE; AND UNPLATTED LANDS, ALL LOCATED IN THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN. DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 13: THENCE NORTH 89°33'36" WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, 495.00 FEET; THENCE NORTH 29°33'36" WEST, 79.13 FEET TO THE SOUTHWEST CORNER OF LOT 4 OF CERTIFIED SURVEY MAP NO. 4164, BEING ON THE NORTHERLY RIGHT OF WAY LINE OF GOOD HOPE ROAD (C.T.H. W) SAID SOUTHWEST CORNER OF LOT 4, C.S.M. NO. 4164 BEING THE POINT OF BEGINNING; THENCE SOUTH 81°31'40" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, 106.66 FEET; THENCE NORTH 89°33'36" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, 1164.58 FEET; THENCE NORTH 01°13'51" WEST (RECORDED AS NORTH 01°08'40" WEST), ALONG THE EAST LINE OF WOODSHAVEN SUBDIVISION, A RECORDED SUBDIVISION IN WAUKESHA COUNTY, 1043.68 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE SOUTH 89°51'13" WEST (RECORDED AS SOUTH 89°56'25" WEST), ALONG THE NORTH LINE OF SAID SUBDIVISION, 166.40 FEET; THENCE NORTH 43°23'48" EAST (RECORDED AS: NORTH 43°29' EAST), 516.36 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF APPLETON AVENUE (S.T.H. 175); THENCE SOUTH 44°05'01" EAST, 242.58 FEET ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE WHICH IS 70.00 FEET SOUTHWESTERLY OF (AS MEASURED NORMAL TO) THE CENTER LINE DESCRIBED IN VOLUME 1150 OF DEEDS ON PAGE 172 AND RECORDED AS DOCUMENT NO. 732125 IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE; THENCE SOUTHEASTERLY 184.01 FEET ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF A CURVE HAVING THE CENTER OF THE CIRCLE, OF WHICH SAID ARC IS A PART, LYING TO THE SOUTHWEST, HAVING A DELTA ANGLE OF 1°49'04", A RADIUS OF 5799.58 FEET, AND A CHORD WHICH BEARS SOUTH 44°59'33" EAST, 184.00 FEET; THENCE SOUTH 00°05'02" EAST, ALONG THE WEST LINE OF LOT 8 OF SAID PLAT OF FUSSVILLE, 489.49 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 62°50'21" EAST, ALONG THE SOUTH LINE OF LOT 8 AND LOT 9 OF SAID PLAT OF FUSSVILLE, 164.96 FEET (RECORDED AS 165.00 FEET) TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 00°16'02" WEST, ALONG THE EAST LINE OF SAID LOT 9, 428.59 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID APPLETON AVENUE; THENCE SOUTHEASTERLY 399.19 FEET ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF A CURVE HAVING THE CENTER OF THE CIRCLE, OF WHICH SAID ARC IS A PART, LYING TO THE NORTHEAST, HAVING A DELTA ANGLE OF 3°56'37", A RADIUS OF 5799.58 FEET, AND A CHORD WHICH BEARS SOUTH 49°50'32" EAST, 399.11 FEET; THENCE SOUTH 51°48'51" EAST, CONTINUING ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID APPLETON AVENUE, 398.22 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY 583.76 FEET ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF A CURVE HAVING THE CENTER OF THE CIRCLE, OF WHICH SAID ARC IS A PART, LYING TO THE SOUTHWEST, HAVING A DELTA ANGLE OF 4°25'07", A RADIUS OF 7569.44 FEET, AND A CHORD WHICH BEARS SOUTH 49°35'58" EAST, 583.62 FEET; THENCE SOUTH 19°59'47" WEST, ALONG SAID HIGHWAY RIGHT OF WAY LINE, 85.57 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF GOOD HOPE ROAD; THENCE NORTH 89°33'36" WEST, ALONG SAID NORTHERLY RIGHT OF WAY, 300.22 FEET; THENCE SOUTH 81°31'40" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY, 74.05 FEET TO THE POINT OF BEGINNING.

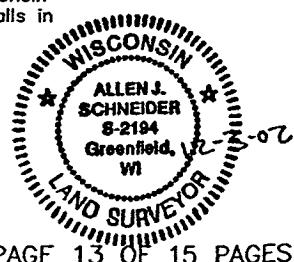
SAID LANDS DESCRIBED CONTAIN 1,285,990 SQUARE FEET OR 29.5223 ACRES OF LAND.

I further certify that I have complied with Chapter 236 of the Wisconsin Statutes and the Land Division ordinance of the Village of Menomonee Falls in surveying, dividing, and mapping the above described tract of land.

Allen J. Schneider RLS-2194

THIS INSTRUMENT WAS DRAFTED BY ALLEN J. SCHNEIDER RLS - 2194 OF BONESTROO, ROSENE ANDERLIK, AND ASSOCIATES AT 10845 N. BUNTROCK ROAD, MEQUON, WI 53092, 241-4466.



WAUKESHA COUNTY CERTIFIED SURVEY MAP NO. _____

BEING LOTS 1-7 (INCLUSIVE), 10-13 (INCLUSIVE), 20, AND 21 OF THE PLAT OF FUSSVILLE, RECORDED ON PAGE 11, VOLUME 2 OF PLATS, WAUKESHA COUNTY RECORDS; AND LOTS 1-4 (INCLUSIVE) OF CERTIFIED SURVEY MAP NO. 4164, RECORDED ON APRIL 16, 1982 IN VOLUME 32 OF CERTIFIED SURVEY MAPS ON PAGE 345, AS DOCUMENT NO. 1180456, BEING A PART OF 14-19, PLAT OF FUSSVILLE; AND UNPLATTED LANDS, ALL LOCATED IN THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

OWNERS CERTIFICATE

Heritage Reserve Holding L.L.C., as owners, do hereby certify that said Company caused the land as described on this map to be surveyed, divided, mapped, and dedicated as represented on this map in accordance with the Ordinances of the Village of Menomonee Falls and Chapter 236 of the Wisconsin Statutes.

Witness the hand and seal of Bruce Behling, President, this 17 day of December, 2002.



Bruce Behling, President

WAUKESHA COUNTY,
STATE OF WISCONSIN) ss

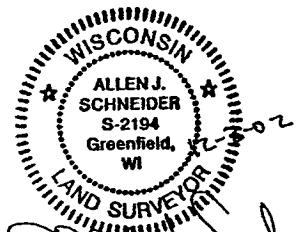
Personally came before me this 17th day of December, 2002, the above named Bruce Behling, President; of Heritage Reserve Holding L.L.C., to me known to be such officer of said Company and acknowledged that he executed the foregoing instrument as such officer as the deed of said Company, by his authority.

Carol M. Hebbring
Notary Public

CAROL M. HEBBRING
Print Name



10-3-2004
My commission expires



ALLEN J. SCHNEIDER RLS-2194



WAUKESHA COUNTY CERTIFIED SURVEY MAP NO.

BEING LOTS 1-7 (INCLUSIVE), 10-13 (INCLUSIVE), 20, AND 21 OF THE PLAT OF FUSSVILLE, RECORDED ON PAGE 11, VOLUME 2 OF PLATS, WAUKESHA COUNTY RECORDS; AND LOTS 1-4 (INCLUSIVE) OF CERTIFIED SURVEY MAP NO. 4164, RECORDED ON APRIL 16, 1982 IN VOLUME 32 OF CERTIFIED SURVEY MAPS ON PAGE 345, AS DOCUMENT NO. 1180456, BEING A PART OF 14-19, PLAT OF FUSSVILLE; AND UNPLATED LANDS, ALL LOCATED IN THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

MENOMONEE FALLS PLAN COMMISSION APPROVAL

Preliminary Approval March 6, 2002
DATE

Matthew A. Cannon
SECRETARY

Final Approval March 18, 2002
DATE

Matthew A. Cannon
SECRETARY

VILLAGE BOARD APPROVAL

Resolved, that the Certified Survey Map of Heritage Reserve Holding L.L.C., being a part of the Northwest 1/4, Southwest 1/4, and Southeast 1/4 of the Southwest 1/4 of Section 13, Township 8 North, Range 20 East, Village of Menomonee Falls, Waukesha County, Wisconsin having been approved by the Plan Commission and the same is hereby approved and the dedication contained herein accepted by the Village Board of Trustees of the Village of Menomonee Falls this 16 day of December, 2002.

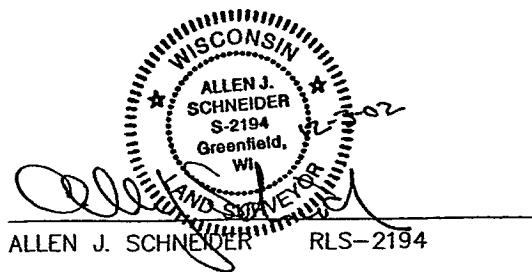
Joseph J. Greco (fwd)
JOSEPH J. GRECO - PRESIDENT

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Village Board of Trustees of the Village of Menomonee Falls, Wisconsin, on THIS 16 DAY of December, 2002.

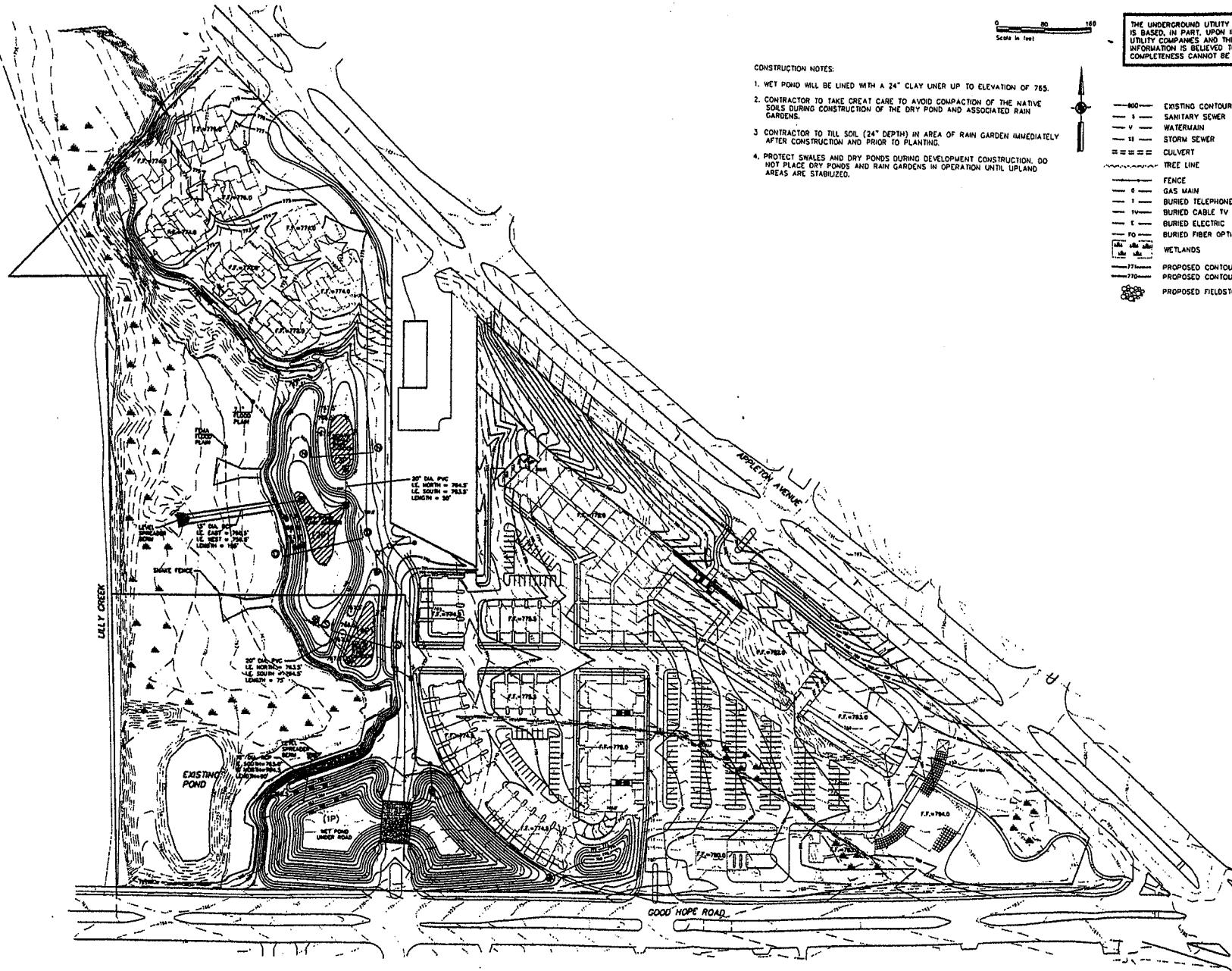


Richard A. Farrenkopf
RICHARD A. FARRENKOPF
CLERK-TREASURER

RECORDED DEC. 27, 2002 DOCUMENT NO. 2900117 VOL. 85
PAGES 1-15



002539 SEP 98



CONSTRUCTION NOTES:

1. WET POND WILL BE LINED WITH A 24" CLAY LINER UP TO ELEVATION OF 765.
2. CONTRACTOR TO TAKE GREAT CARE TO AVOID COMPACTION OF THE NATIVE SOILS DURING CONSTRUCTION OF THE DRY POND AND ASSOCIATED RAIN GARDENS.
3. CONTRACTOR TO TILL SOIL (24" DEPTH) IN AREA OF RAIN GARDEN IMMEDIATELY AFTER CONSTRUCTION AND PRIOR TO PLANTING.
4. PROTECT SWALES AND DRY PONDS DURING DEVELOPMENT CONSTRUCTION. DO NOT PLACE DRY PONDS AND RAIN GARDENS IN OPERATION UNTIL UPLAND AREAS ARE STABILIZED.

THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS THE PROPERTY OF THE FOUNDER OF THE INFORMATION, THE UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.

LEGEND

800	EXISTING CONTOUR
+	SANITARY SEWER
V	WATERMAIN
11	STORM SEWER
—	CUVET
—	TREE LINE
—	FENCE
—	GAS MAIN
—	BURIED TELEPHONE
—	BURIED CABLE TV
—	BURIED ELECTRIC
—	BURIED FIBER OPTIC
—	WETLANDS
—	PROPOSED CONTOUR MINOR
—	PROPOSED CONTOUR MAJOR
—	PROPOSED FIELDSTONE RIPRAP
—	LIGHT POLE
—	SIGN
—	WELL
—	FLAGPOLE
—	MALBOX
—	GAS VALVE
—	GAS METER
—	ELECTRIC PED
—	ELECTRIC METER
—	ELECTRIC TRANS.
—	ELECTRIC MANHOLE
—	PULL BOX
—	UTILITY POLE
—	CURB STOP
—	HYDRANT
—	WATER VALVE
—	STORM FIELD INLET
—	STORM CURB INLET
—	STORM MANHOLE
—	CABLE TV PED
—	TELEPHONE PED
—	SANITARY MANHOLE
—	DECIDUOUS TREE
—	CONIFEROUS TREE



DEVELOPED CONDITIONS GRADING PLAN
TID #4 EXPANSION - MARKETPLACE TRIANGLE
VILLAGE OF MENOMONEE FALLS
WAUDASHA COUNTY, WISCONSIN

897031070C2

21

REF ID	REF ID	REF ID	REF ID
42	14	14	42
DRIVE	DRIVE	DRIVE	DRIVE
LOCATED	LOCATED	LOCATED	LOCATED
APPROVED	APPROVED	APPROVED	APPROVED
DATE:	DATE:	DATE:	DATE:
PRO NO:	PRO NO:	PRO NO:	PRO NO:

RECEIVED
BONETROU, ROSENTE & ASSOCIATES
Engineers and Architects
Milwaukee, WI 53202-4522
Fax: 414-351-4522
COPA 1000, Rosche, Bonetrou & Associates, Inc.
Milwaukee, WI 53202-4522

002541 SEP 29 1998



WC3315504-006

MUNICIPAL WATERMAIN & SANITARY
SEWER EASEMENT
AGREEMENT

DOCUMENT TITLE

3315504

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

09-09-2005 3:50 PM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 14.00
REC. FEE-CO: 5.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 6

Recording Data

Return to:
Village of Menomonee Falls
Engineering Services
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051

Tax Key No. MNFV _____

Due
21
4
MNFV

EASEMENT

HERITAGE RESERVE HOLDING L.L.C., ("Grantor") hereby warrants and represents that it is the owner in fee of the real estate depicted and legally described on the attached Exhibit A ("Easement Area") and that the Easement Area is free and clear of all liens and encumbrances, except for municipal and zoning ordinances and agreements entered under them, recorded easements and recorded building and use restrictions and covenants. The Grantor, together with its respective successors and assigns, does hereby grant unto the Village of Menomonee Falls ("Village") and its assigns a permanent and perpetual easement in the Easement Area for the purposes of building, constructing, operating, inspecting, maintaining, repairing, replacing and reconstructing municipal water main and sanitary sewer and related facilities, including sanitary manholes (collectively, "Facilities").

The easement rights granted herewith include the right to build, construct, operate, inspect, maintain, repair, reconstruct, replace and enlarge any and all presently existing and hereinafter constructed Facilities, and the right of entry in, across, beneath, and above the Easement Area and shall include the right to utilize any paved or unpaved surface as necessary.

THE GRANTOR may not grant additional easements over the Easement Area without the express written consent of the Village. The Village further retains the right to place reasonable conditions on the purpose and scope of use of any such additional easement. However, the Village acknowledges that the Easement Area is part of Grantor's real property (the "Property") located in the Village of Menomonee Falls, and which is further described as follows: Lot 1 of Certified Survey Map 10080 as recorded by deed in the land records of Waukesha County, Volume 94, Pages 237-250, Document Number 3315503, and further acknowledges and consents to the Property being submitted to the condominium form of ownership, whereby the condominium unit owners will be granted certain easements over the Easement Area.

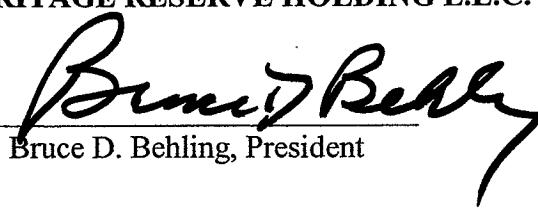
In the event the Village has to excavate in the Easement Area, the Village will restore the Easement Area grade to the proposed grade as shown on the approved master grading plan and restore with topsoil, seed, fertilizer and mulch and/or asphalt/pavements, as appropriate. The Village will not approve or restore shrubs, trees, monument signs or structures of any type within the Easement Area.

The rights and obligations created by this Easement shall be covenants running with the land and shall inure to the benefit of, and be binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, **HERITAGE RESERVE HOLDING L.L.C.** has caused this Agreement to be signed this 7th day of September, 2005.

HERITAGE RESERVE HOLDING L.L.C.

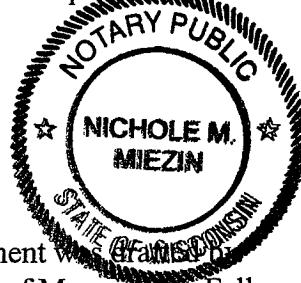
By:



Bruce D. Behling, President

STATE OF WISCONSIN)
Waukesha COUNTY)
)SS

Personally came before me this 7th day of September, 2005, the above named Bruce D. Behling, President of Heritage Reserve Holding, L.L.C., to me known to be such officer of said Company and acknowledged that he executed the foregoing instrument as such officer as the deed of said Company, by his authority.



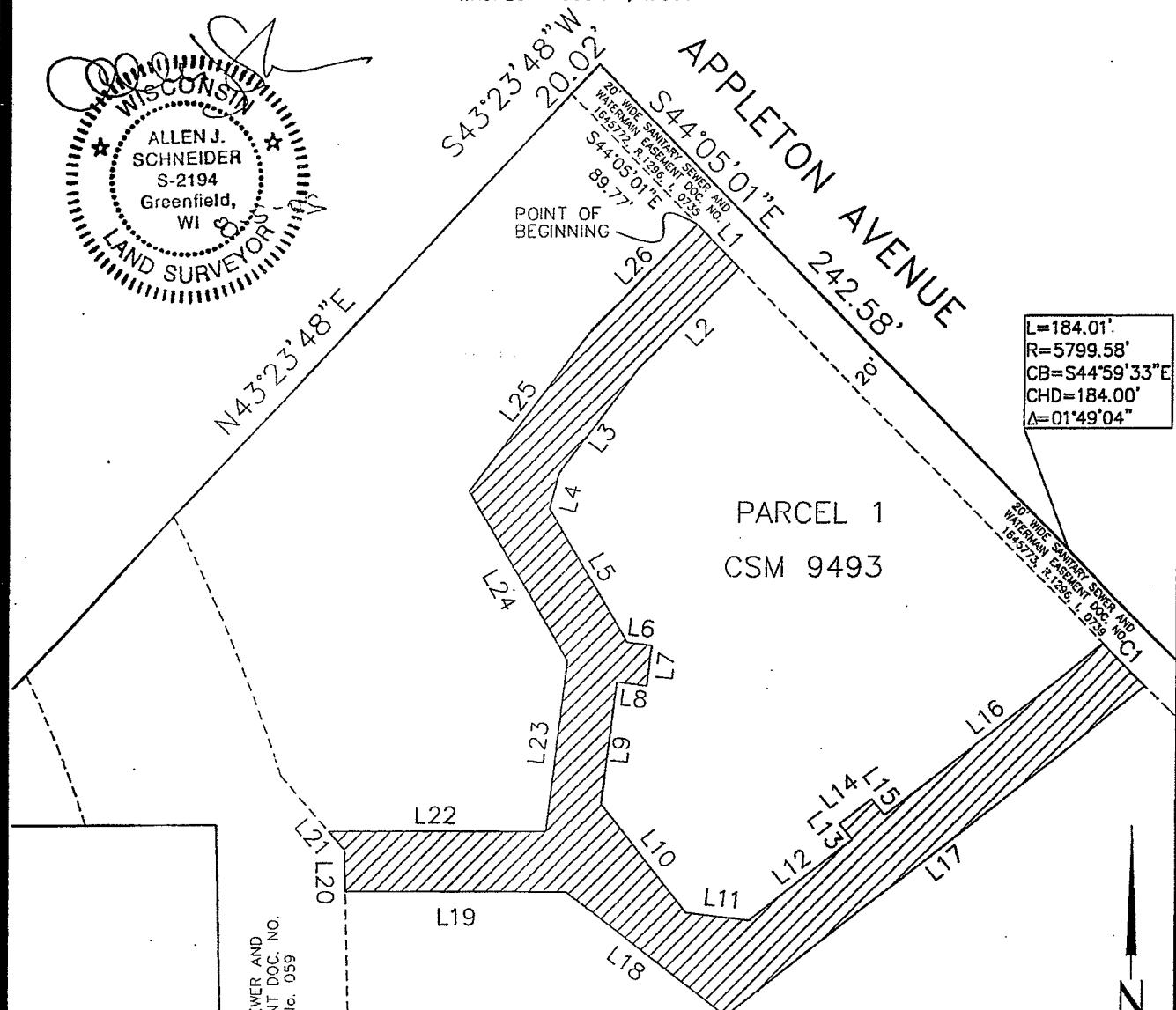
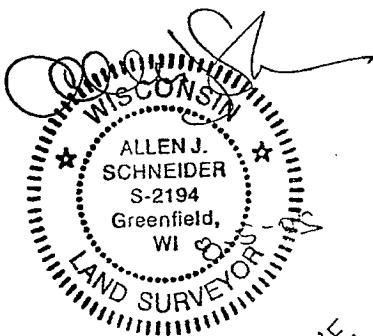
Nichole M. Miezin
 Notary Public, Wisconsin
 My commission expires 4-27-08

This instrument was drawn by
 The Village of Menomonee Falls
 Thomas M. Hoffman, PE
 Date: August 8, 2005

002544 SEP 9 1985

EXHIBIT MAP "A"
MUNICIPAL WATERMAIN AND SANITARY SEWER EASEMENT
MARKETPLACE TRIANGLE
VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN

BEING THAT PART OF PARCEL 1 OF CERTIFIED SURVEY MAP No. 9493 IN THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWN 8 NORTH, RANGE 20 EAST, IN THE VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN.



SEE PAGE 2 FOR LINE COURSES AND CURVE DATA.



**MUNICIPAL WATERMAIN AND
SANITARY EASEMENT**



12075 N. Corporate Pkwy, Suite 200
Mequon, WI 53092 262-241-4466

EXISTING 100' WIDE SANITARY SEWER AND
STORMWATER DRAINAGE EASEMENT DOC. NO.
11293409, Reel No. 668, Image No. 059

ALL BEARINGS REFERENCED TO CERTIFIED SURVEY MAP No. 9493.

THIS INSTRUMENT WAS DRAFTED BY ALLEN J. SCHNEIDER RLS -
2194 OF BONESTROO, ROSENE, ANDERLIK, AND ASSOCIATES AT
12075 N. Corporate Parkway, MEQUON, WI 53092, 241-4466.

Scale in feet

SHEET 1 OF 2

002545 SEP 9 18

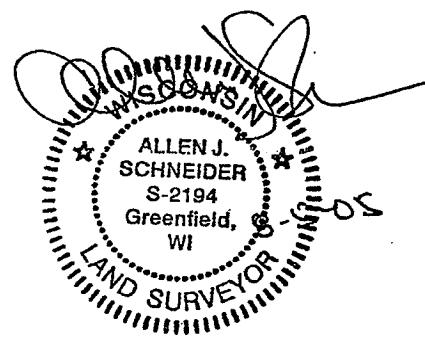
EXHIBIT MAP "A"

MUNICIPAL WATERMAIN AND SANITARY SEWER EASEMENT
 MARKETPLACE TRIANGLE
 VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN

BEING THAT PART OF PARCEL 1 OF CERTIFIED SURVEY MAP No. 9493 IN THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWN 8 NORTH, RANGE 20 EAST, IN THE VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN.

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH	CENTRAL ANGLE
C1	30.27	5819.58	S45°35'34"E	30.27	0°17'53"

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00	S44°05'01"E
L2	69.92	S45°08'48"W
L3	64.40	S37°09'08"W
L4	18.25	S14°39'08"W
L5	76.86	S30°20'52"E
L6	12.21	S82°58'21"E
L7	20.00	S06°25'55"W
L8	15.21	N82°58'21"W
L9	60.89	S07°01'39"W
L10	68.71	S37°58'21"E
L11	31.58	S82°58'21"E
L12	64.67	N52°01'39"E
L13	10.00	N37°58'21"W
L14	20.00	N52°01'39"E
L15	10.00	S37°58'21"E
L16	137.85	N52°01'39"E
L17	264.47	S52°01'39"W
L18	100.15	N52°19'02"W
L19	109.90	N89°39'46"W
L20	20.73	N01°13'52"W
L21	12.25	N40°27'08"W
L22	108.09	S89°39'46"E
L23	85.36	N07°01'39"E
L24	97.28	N30°20'52"W
L25	100.51	N37°09'08"E
L26	72.42	N45°08'48"E



Bonestroo
 Rosene
 Anderlik &
 Associates

12075 N. Corporate Pkwy, Suite 200
 Mequon, WI 53092 262-241-4466

ALL BEARINGS REFERENCED TO CERTIFIED SURVEY MAP No. 9493.

THIS INSTRUMENT WAS DRAFTED BY ALLEN J. SCHNEIDER RLS -
 2194 OF BONESTROO, ROSENE, ANDERLIK, AND ASSOCIATES AT
 12075 N. Corporate Parkway, MEQUON, WI 53092, 241-4466.

SHEET 2 OF 2

Exhibit "A"
Marketplace Triangle
Village of Menomonee Falls
Municipal Watermain and Sanitary Easement

Being that part of Parcel 1 of Certified Survey Map No. 9493, being a part of the Southwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, being more particularly described below:

Commencing at the northerly most corner of Parcel 1 of said CSM No. 9493; thence South $43^{\circ}23'48''$ West, along the west line of said Parcel, 20.02 feet, said point being on the southwesterly line of an existing sanitary sewer and watermain easement recorded in the Waukesha County Registry as Document No. 1645772, on Reel 1296, Image 0735; thence South $44^{\circ}05'01''$ East, along said southwesterly line, 89.77 feet to the Point of Beginning; thence South $44^{\circ}05'01''$ East, along said southwesterly line, 30.00 feet; thence South $45^{\circ}08'48''$ West, 69.92 feet; thence South $37^{\circ}09'08''$ West, 64.40 feet; thence South $14^{\circ}39'08''$ West, 18.25 feet; thence South $30^{\circ}20'52''$ East, 76.86 feet; thence South $82^{\circ}58'21''$ East, 12.21 feet; thence South $06^{\circ}25'55''$ West, 20.00 feet; thence North $82^{\circ}58'21''$ West, 15.21 feet; thence South $07^{\circ}01'39''$ West, 60.89 feet; thence South $37^{\circ}58'21''$ East, 68.71 feet; thence South $82^{\circ}58'21''$ East, 31.58 feet; thence North $52^{\circ}01'39''$ East, 64.67 feet; thence North $37^{\circ}58'21''$ West, 10.00 feet; thence North $52^{\circ}01'39''$ East, 20.00 feet; thence South $37^{\circ}58'21''$ East, 10.00 feet; thence North $52^{\circ}01'39''$ East, 137.85 feet to a point of curvature, said point being on the southwesterly line of an existing sanitary sewer and watermain easement recorded in the Waukesha County Registry as Document No. 1645773, on Reel 1296, Image 0739; thence 30.27 feet along an arc of a curve, along said southwesterly line, whose radius bears North $44^{\circ}33'22''$ East, 5819.58 feet, has a central angle of $00^{\circ}17'53''$ and a chord which bears South $45^{\circ}35'34''$ East, 30.27 feet; thence South $52^{\circ}01'39''$ West, 264.47 feet; thence North $52^{\circ}19'02''$ West, 100.15 feet; thence North $89^{\circ}39'46''$ West, 109.90 feet to a point on the easterly line of an existing sanitary sewer and drainage easement recorded in the Waukesha County Registry as Document No. 1293409, on Reel 668, Image 059; thence North $01^{\circ}13'52''$ West, along said easterly line, 20.73 feet; thence North $40^{\circ}27'08''$ West, along said easterly line, 12.25 feet; thence South $89^{\circ}39'46''$ East, 108.09 feet; thence North $07^{\circ}01'39''$ East, 85.36 feet; thence North $30^{\circ}20'52''$ West, 97.28 feet; thence North $37^{\circ}09'08''$ East, 100.51 feet; thence North $45^{\circ}08'48''$ East, 72.42 feet; to the Point of Beginning

Lands as described above contain 24,717 square feet or 0.57 acres.

Description prepared by Bonestroo, Rosene, Anderlik & Associates
Allen J. Schneider, RLS -2194

002547 SEP 9 2005



WC3315505-014

PRIVATE INTERCEPTOR MAIN SANITARY
SEWER FACILITIES OPERATION, INSPECTION
& MAINTENANCE AGREEMENT

DOCUMENT TITLE

3315505

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

09-09-2005 3:50 PM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 30.00
REC. FEE-CO: 5.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 14

Recording Data

Return to:
Village of Menomonee Falls
Engineering Services
W156 N8480 Pilgrim Road
Menomonee Falls, WI 53051

Tax Key No. MNFV _____

Done
32
14
MNFV

PRIVATE INTERCEPTOR MAIN SANITARY SEWER FACILITIES OPERATION, INSPECTION, & MAINTENANCE AGREEMENT

Village of Menomonee Falls

THIS AGREEMENT is between **HERITAGE RESERVE HOLDING L.L.C.**, ("Property Owner"), and the Village of Menomonee Falls, (the "Village"). It is based upon the following:

- A. The Property Owner is the owner of certain real property (the "Property") located in the Village of Menomonee Falls, and which is further described as follows: Lot 1 of Certified Survey Map 10080 as recorded by deed in the land records of Waukesha County, Volume 94, Pages 237-250, Document Number 3315503, as shown in Exhibit "A".
- B. The Property Owner has entered into a Developers Agreement with the Village dated April 4, 2003 ("Development Agreement").
- C. The Property Owner intends to install a private interceptor main sewer on the Property within the easement area shown in Exhibit "B" ("Easement Area") in accordance with the construction plans approved by the Village, the Milwaukee Metropolitan Sewerage District (MMSD) and the Wisconsin Department of Commerce (DOC) (the "Plan") on file in the Village Engineering office.
- D. The Plan provides for the construction of the private interceptor main sewer including all manholes and laterals associated with private interceptor main sewer (the "Private Sewer") within the confines of the Easement Area.
- E. The Village, MMSD and DOC require that the Private Sewer as shown on the Plan be constructed, operated and adequately maintained by the Property Owner.

NOW, THEREFORE, based on the above, the parties agree as follows:

1. The Private Sewer shall comply with all current requirements as well as any future revisions of Comm 81 of the Wis. Adm. Code and Chapter 2 of the MMSD Rules and Regulations" and shall be constructed by the Property Owner in compliance with Village approved plans and specifications identified in the Plan.
2. The Property Owner shall supply the Village with complete set of construction as-built drawings in ink on standard size mylar, and in AutoCAD format (*.DWG) on computer disk or CD of the Private Sewer within thirty (30) days of completion of the project. The as-built plan will be used by the Village to determine if the Private Sewer was constructed according to the Village approved plans. The Private Sewer will be considered complete by the Village upon the Village's approval of the as-built plan.
3. The Property owner shall not construct, place or allow or suffer the construction or placement of structures and/or landscaping over the Private Sewer that will affect the operation and maintenance of the Private Sewer without the specific written approval of the Village except for the bituminous asphalt pavement that has been previously approved.
4. The Property Owner shall adequately maintain the Private Sewer. Adequate maintenance shall mean the preservation of the functional integrity and efficiency of a wastewater conveyance facility, including its equipment and structures. The term includes preventive maintenance, correctional maintenance and replacement of defective materials. Maintenance includes but is not limited to; root-cutting, rodding out, high pressure sewer jetting, closed-circuit televising, dye testing, manhole inspection and repairing leaks.

5. The Property Owner shall hire a licensed professional engineer to inspect the Private Sewer every 2 (two) years by closed-circuit televising, jet clean with vacuuming every 2 (two) years and submit an inspection report and video to the Village Sewer Utility as proof of compliance. The Village will work with the Property Owner to determine if any maintenance is necessary. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall also cover the sanitary manholes for signs of infiltration. The conditions shall be noted in the inspection report.
6. The Property Owner will perform or otherwise be responsible for any work necessary to keep the Private Sewer in good working order. This obligation includes making all the necessary repairs and/or improvements to correct damages, both natural and man made; and to resolve any citizen complaints related to the "Property Owners" obligations under this agreement. If deficiencies or damages are noted in the inspection report provided to the Village under ¶5 or if complaints are reported to the Village related to the "Property Owners" obligations under this agreement, the Property Owner has thirty (30) days from the date of the report or complaint to take appropriate measures to correct any deficiencies or damages and respond to citizen complaints. The Property Owner shall promptly advise the Village of the actions taken to respond to, address or correct any deficiencies or complaints.
7. The Property Owner hereby grants permission to the Village, its authorized agents and employees, to enter upon the Property and to inspect the Private sewer whenever the Village deems necessary.
8. If the Property Owner fails to inspect the Private Sewer as required, or maintain the Private Sewer in good working condition acceptable to the Village and make all the necessary repairs and/or improvements to correct damages, both natural and man made, and to resolve any complaints, the Village, upon thirty (30) days written notice to the Property Owner, may enter upon the Property and take whatever steps necessary to correct deficiencies. In addition, if the Village performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Village shall be empowered without notice of public hearing, to impose a special charge for the cost of said work upon the Property payable at the next succeeding tax bill.
9. This Agreement imposes no liability of any kind whatsoever on the Village. The Property Owner agrees to hold harmless the Village, its board members, employees, agents, and officers from any costs, damages, loss, claim, suit, liability or award which may arise, come, be brought or incurred or assessed because of the existence of, any action or failure to act with respect to the Private Sewer on the Property or because of any adverse effect upon any person or property related or alleged to be related to the Private Sewer from any liability if the Private Sewer fails to operate properly. The Village shall have the right to defend any such claim and the Property Owner shall reimburse the Village for any and all cost and/or expenses, including but not limited to attorney's fees, which the Village may incur as a result of such claims.
10. This Agreement shall become effective as of the date it is approved by the Village or executed by the Property Owner, whichever is later.
11. By signing below, the person signing on behalf of the Property Owner represents that he has authority to act on behalf of the Property Owner, and has authority to sign this Agreement on the Property Owner's behalf.
12. This Agreement shall be recorded With the Register of Deeds Waukesha County, Wisconsin, and shall constitute a covenant running with the land, and shall be binding on both parties, their successors or assigns.

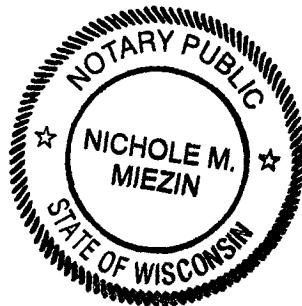
IN WITNESS WHEREOF, HERITAGE RESERVE HOLDING L.L.C. has caused this Agreement to be signed this 7th day of September, 2005.

HERITAGE RESERVE HOLDING L.L.C.

By:

Bruce D. Behling
Bruce D. Behling, President

STATE OF WISCONSIN)
Waukesha COUNTY)
)
)
SS



Personally came before me this 7th day of September, 2005, the above named Bruce D. Behling, President of Heritage Reserve Holding, L.L.C., to me known to be such officer of said Company and acknowledged that he executed the foregoing instrument as such officer as the deed of said Company, by his authority.

Nichole M. Miezin
Notary Public, Wisconsin
My commission expires 4-27-08

Approved by the Board of Trustees of the Village of Menomonee Falls, this 6th day of September, 2005.

VILLAGE OF MENOMONEE FALLS

Richard A. Rechlicz
Richard A. Rechlicz, Village President

Richard A. Farrenkopf
Richard A. Farrenkopf, Village Manager/Clerk/Treasurer



This instrument was drafted by
The Village of Menomonee Falls
Thomas M. Hoffman, PE
Date: August 10, 2005

002551 SEP 9 8

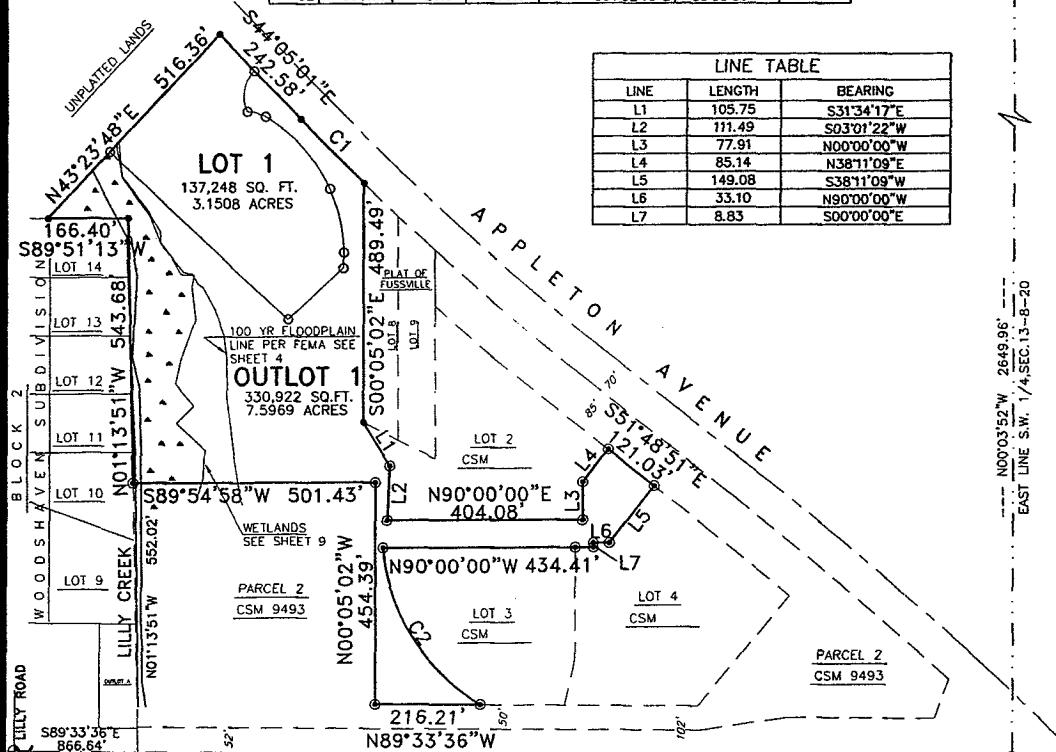
EXHIBIT "A"

WAUKESHA COUNTY CERTIFIED SURVEY MAP NO. 10080

BEING A REDVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 10019 RECORDED ON 9-9-05 IN VOLUME 94
OF CERTIFIED SURVEY MAPS ON PAGES 257-258 AS DOCUMENT NO. 5315503 LOCATED IN THE NORTHWEST 1/4, SOUTHWEST
1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE
FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING	DELTA ANGLE	TANGENT
C1	184.01	5799.58	184.00	S44°59'33"E	1°49'04"	92.01
C2	393.77	420.54	379.54	S31°52'10"E	53°38'56"	212.66

CONCRETE MONUMENT WITH
BRASS CAP NORTHEAST
CORNER OF SOUTHWEST 1/4
OF SECTION 13 - 8 - 20



LINE TABLE		
LINE	LENGTH	BEARING
L1	105.75	S31°34'17"E
L2	111.49	S03°01'22"W
L3	77.91	N00°00'00"W
L4	85.14	N38°11'09"E
L5	149.08	S38°11'09"W
L6	33.10	N90°00'00"W
L7	8.83	S00°00'00"E

N00°3'52"W 2649.95' - - -
EAST LINE S.W. 1/4 SEC. 13-8-20

CONCRETE MONUMENT WITH
BRASS CAP SOUTHWEST
CORNER OF SOUTHWEST 1/4
OF SECTION 13 - 8 - 20

--- N89°33'36"W 2669.66' ---
SOUTH LINE S.W. 1/4, SEC. 13-8-20

CONCRETE MONUMENT WITH
BRASS CAP SOUTHEAST
CORNER OF SOUTHWEST 1/4
OF SECTION 13 - 8 - 20

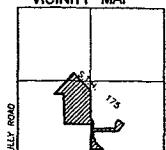


12075 N. Corporate Parkway Suite 200
Mequon, WI 53092 414-241-4466

BEARINGS ARE REFERENCED TO
THE SOUTH LINE OF THE SW
1/4 SEC. 13-8-20 TAKEN AS
N89°33'36"W. GRID NORTH OF
THE WISCONSIN STATE PLANE
CO-ORDINATE SYSTEM, SOUTH
ZONE GRID.

GRAPHIC SCALE
150 0 150 300
(IN FEET)
1 inch = 300 ft.

VICINITY MAP



S.W. 1/4 OF SECTION 13-8-20
1 = 2640

This Certified Survey Map prepared for
Heritage Reserve Holding LLC, with a
business address of 200 Woodland Prime,
Menomonee Falls, WI.

RESTRICTION - GROUNDWATER
Although all parcels of this CSM have been reviewed
and approved for development in accordance with
Section 236 in Wisconsin Statutes, some parcels may
contain soil conditions which may require additional
soil investigation. Soil conditions should be subject to
each owners special investigation prior to construction
and no specific representation is made herein.

LEGEND

- INDICATES FOUND 1" IRON PIPE
- INDICATES FOUND 3/4" IRON ROD
- INDICATES SET 3/4" IRON ROD, WEIGHING 1.50 LBS./LF, 18" IN LENGTH

GROSS AREA = 10.7477 ACRES

THIS INSTRUMENT WAS DRAFTED BY ALLEN J. SCHNEIDER RLS - 2194 OF BONESTROO, ROSENE
ANDERLIK, AND ASSOCIATES AT 12075 NORTH CORPORATE PARKWAY, MEQUON, WI 53092, 241-4466. SHEET 1 OF 13 SHEETS

9/6/2005 9:24 AM

ALLEN J. SCHNEIDER RLS #2194

SHEET INDEX	
SHEET 1	MAIN SHEET
SHEET 2	INTERIOR LOT DETAIL
SHEET 3	FLOODPLAIN AND ENVIRONMENTAL CORRIDOR
SHEET 4	EXISTING SANITARY SEWER DETAIL
SHEET 5	WATERMAIN & SANITARY SEWER EASEMENT
SHEET 6	STORM WATER MANAGEMENT EASEMENT
SHEET 7	INGRESS/EGRESS EASEMENT
SHEET 8	WETLAND DETAIL
SHEET 9	HIGHWAY SETBACK DETAIL
SHEET 10	ACCESS DETAIL
SHEET 11	SURVEYORS CERTIFICATE

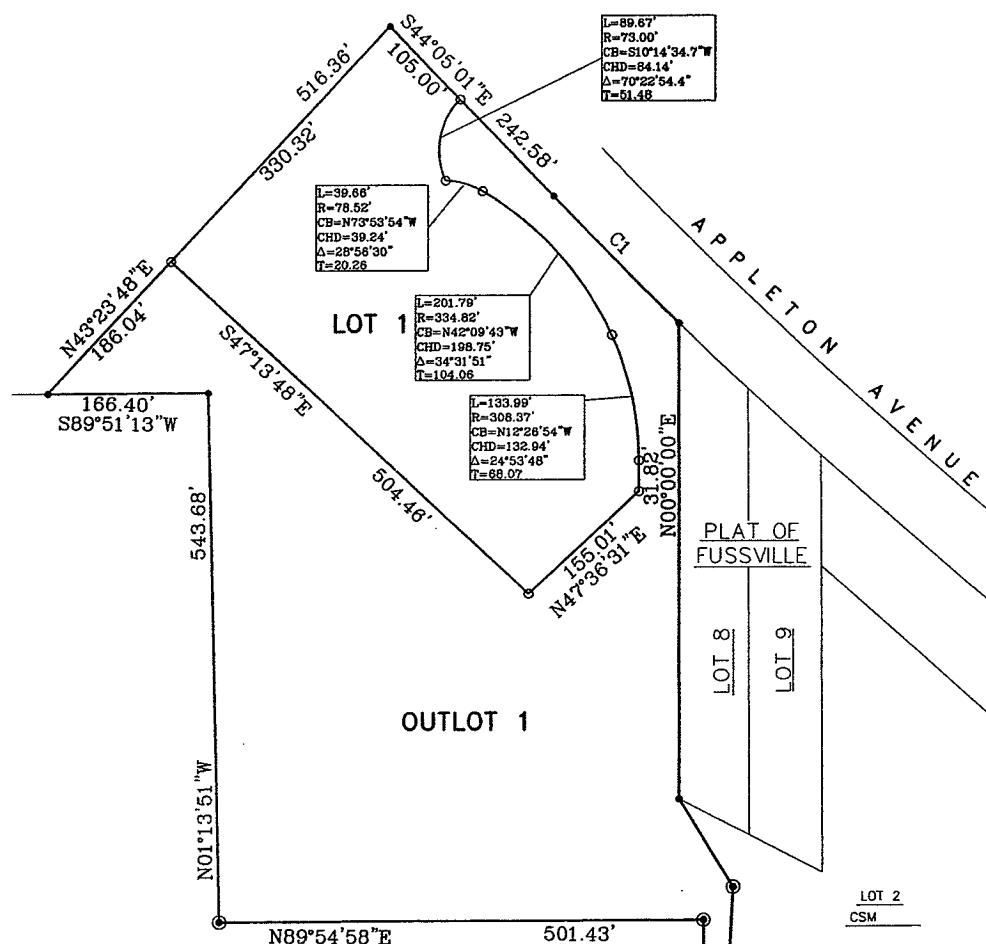
SHEET INDEX	
SHEET 12	OWNER CERTIFICATE
SHEET 13	PLAN COMMISSION APPROVAL

WAUKESHA COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. _____, RECORDED ON _____ IN VOLUME _____
 OF CERTIFIED SURVEY MAPS ON PAGES _____ AS DOCUMENT NO. _____, LOCATED IN THE NORTHWEST 1/4, SOUTHWEST
 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE
 FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

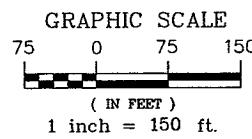
INTERIOR LOT DETAIL

CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING	DELTA ANGLE	TANGENT
C1	184.01	5799.58	184.00	S44°59'33"E	149°04"	92.01



LEGEND

- INDICATES FOUND 1" IRON PIPE
- ◎ INDICATES FOUND 3/4" IRON ROD
- INDICATES SET 3/4" IRON ROD, WEIGHING 1.50 LBS/LF, 18" IN LENGTH



WAUKESHA COUNTY CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. , RECORDED ON IN VOLUME OF CERTIFIED SURVEY MAPS ON PAGES , AS DOCUMENT NO. , LOCATED IN THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

SURVEYORS CERTIFICATE

I, Allen J. Schneider, Registered Land Surveyor no. 2194, do hereby certify to the best of my professional knowledge that, under the direction of Heritage Reserve Holding L.L.C., owner of that property described that I have surveyed, divided, and mapped the following described tract of land:

BEING A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. , RECORDED ON IN VOLUME OF CERTIFIED SURVEY MAPS ON PAGES , AS DOCUMENT NO. , LOCATED IN THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

Commencing at the Southwest corner of the Southwest 1/4 of said Section; thence South 89°33'36" East, along the south line of said 1/4 Section, 866.64 feet; thence North 01°13'51" West, 552.02 feet to the Point of Beginning; thence continuing North 01°13'51" West, 543.68 feet; thence South 89°51'13" West, 166.40 feet; thence North 43°23'48" East, 516.36 feet to a point on the southwesterly right-of-way line of Appleton Avenue; thence South 44°05'01" East, along said southwesterly line, 242.58 feet to a point of curvature; thence 184.01 feet along an arc of a curve, whose radius point bears North 44°05'55" East, 5799.58 feet, has a central angle of 01°49'04", and a chord which bears South 44°59'33" East, 184.00 feet; thence South 00°05'02" East, 489.49 feet; thence South 31°34'17" East, 105.75 feet; thence South 03°01'22" West, 111.49 feet; thence North 90°00'00" East, 404.08 feet; thence North 0°00'00" West, 77.91 feet; thence North 38°11'09" East, 85.14 feet; thence South 51°48'51" East, 121.03 feet; thence South 38°11'09" West, 149.08 feet; thence North 90°00'00" West, 33.10 feet; thence South 0°00'00" East, 8.83 feet; thence North 90°00'00" West, 434.41 feet to a point of curvature; thence 393.77 feet along an arc of a curve, whose radius point bears North 84°57'18" East, 420.54 feet, has a central angle of 53°38'56" and a chord which bears South 31°52'10" East, 379.54 feet; thence North 89°33'36" West, 216.21 feet; thence North 00°05'02" West, 454.39 feet; thence South 89°54'58" West, 501.43 feet to the Point of Beginning.

Said lands as described contain 468,170 square feet or 10.7477 acres

I further certify that I have complied with Chapter 236 of the Wisconsin Statutes and the Land Division ordinance of the Village of Menomonee Falls in surveying, dividing, and mapping the above described tract of land.

I also certify that this map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

ALLEN J. SCHNEIDER
RLS-2194

WAUKESHA COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. _____, RECORDED ON _____ IN VOLUME _____ OF CERTIFIED SURVEY MAPS ON PAGES _____, AS DOCUMENT NO. _____, LOCATED IN THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

OWNERS CERTIFICATE

Heritage Reserve Holding L.L.C., as owners, do hereby certify that said Company caused the land as described on this map to be surveyed, divided, mapped, and dedicated as represented on this map in accordance with the Ordinances of the Village of Menomonee Falls and Chapter 236 of the Wisconsin Statutes.

Witness the hand and seal of Bruce Behling, President, this _____ day of _____, 2005.

Bruce Behling, President

WAUKESHA COUNTY,)
STATE OF WISCONSIN) ss

Personally came before me this _____ day of _____, 2005, the above named Bruce Behling, President; of Heritage Reserve Holding L.L.C., to me known to be such officer of said Company and acknowledged that he executed the foregoing instrument as such officer as the deed of said Company, by his authority.

Notary Public

My commission expires

Print Name

ALLEN J. SCHNEIDER
RLS-2194

WAUKESHA COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. _____, RECORDED ON _____ IN VOLUME _____
 OF CERTIFIED SURVEY MAPS ON PAGES _____, AS DOCUMENT NO. _____, LOCATED IN THE NORTHWEST 1/4, SOUTHWEST
 1/4, AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 20 EAST, VILLAGE OF MENOMONEE
 FALLS, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

MENOMONEE FALLS PLAN COMMISSION APPROVAL

Preliminary Approval _____ DATE _____ SECRETARY _____

Final Approval _____ DATE _____ SECRETARY _____

VILLAGE BOARD APPROVAL

Resolved, that the Certified Survey Map of Heritage Reserve Holding L.L.C., being a part of the Northwest 1/4, Southwest 1/4, and Southeast 1/4 of the Southwest 1/4 of Section 13, Township 8 North, Range 20 East, Village of Menomonee Falls, Waukesha County, Wisconsin having been approved by the Plan Commission and the same is hereby approved and the dedication contained herein accepted by the Village Board of Trustees of the Village of Menomonee Falls this _____ day of _____, 2005.

RICHARD A. RECHLICZ - VILLAGE PRESIDENT

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Village Board of Trustees of the Village Menomonee Falls, Wisconsin, on THIS _____ DAY of _____, 2005.

RICHARD A. FARRENKOPF -
 VILLAGE MANAGER/CLERK-TREASURER

RECORDED _____ DOCUMENT NO. _____ VOL. _____
 SHEETS _____

ALLEN J. SCHNEIDER
 RLS-2194

THIS INSTRUMENT WAS DRAFTED BY ALLEN J. SCHNEIDER RLS - 2194 OF BONESTROO, ROSENE ANDERLIK, AND ASSOCIATES AT 12075 NORTH CORPORATE PARKWAY, MEQUON, WI 53092, 241-4466 SHEET 13 OF 13 SHEETS

EXHIBIT "B"

002556 SEP-9-05

EASEMENT

HERITAGE RESERVE HOLDING L.L.C., ("Grantor") hereby warrants and represents that it is the owner in fee of the real estate depicted and legally described on the attached Exhibit A ("Easement Area") and that the Easement Area is free and clear of all liens and encumbrances, except for municipal and zoning ordinances and agreements entered under them, recorded easements and recorded building and use restrictions and covenants. The Grantor, together with its respective successors and assigns, does hereby grant unto the Village of Menomonee Falls ("Village") and its assigns a permanent and perpetual easement in the Easement Area for the purposes of building, constructing, operating, inspecting, maintaining, repairing, replacing and reconstructing municipal water main and sanitary sewer and related facilities, including sanitary manholes (collectively, "Facilities").

The easement rights granted herewith include the right to build, construct, operate, inspect, maintain, repair, reconstruct, replace and enlarge any and all presently existing and hereinafter constructed Facilities, and the right of entry in, across, beneath, and above the Easement Area and shall include the right to utilize any paved or unpaved surface as necessary.

THE GRANTOR may not grant additional easements over the Easement Area without the express written consent of the Village. The Village further retains the right to place reasonable conditions on the purpose and scope of use of any such additional easement. However, the Village acknowledges that the Easement Area is part of Grantor's real property (the "Property") located in the Village of Menomonee Falls, and which is further described as follows: Lot 1 of Certified Survey Map _____ as recorded by deed in the land records of Waukesha County, Volume _____, Pages _____, Document Number _____, and further acknowledges and consents to the Property being submitted to the condominium form of ownership, whereby the condominium unit owners will be granted certain easements over the Easement Area.

In the event the Village has to excavate in the Easement Area, the Village will restore the Easement Area grade to the proposed grade as shown on the approved master grading plan and restore with topsoil, seed, fertilizer and mulch and/or asphalt/pavements, as appropriate. The Village will not approve or restore shrubs, trees, monument signs or structures of any type within the Easement Area.

The rights and obligations created by this Easement shall be covenants running with the land and shall inure to the benefit of, and be binding upon the parties, their successors and assigns.

IN WITNESS WHEREOF, **HERITAGE RESERVE HOLDING L.L.C.** has caused this Agreement to be signed this 7th day of September 2005.

002557 SEP 9 6

HERITAGE RESERVE HOLDING L.L.C.

By:

Bruce D. Behling
Bruce D. Behling, President

STATE OF WISCONSIN)
Waukesha COUNTY)
)SS
)

Personally came before me this 7th day of September 2005, the above named Bruce D. Behling, President of Heritage Reserve Holding, L.L.C., to me known to be such officer of said Company and acknowledged that he executed the foregoing instrument as such officer as the deed of said Company by his authority.



Nichole M. Miezin
Notary Public, Wisconsin
My commission expires 4-27-08

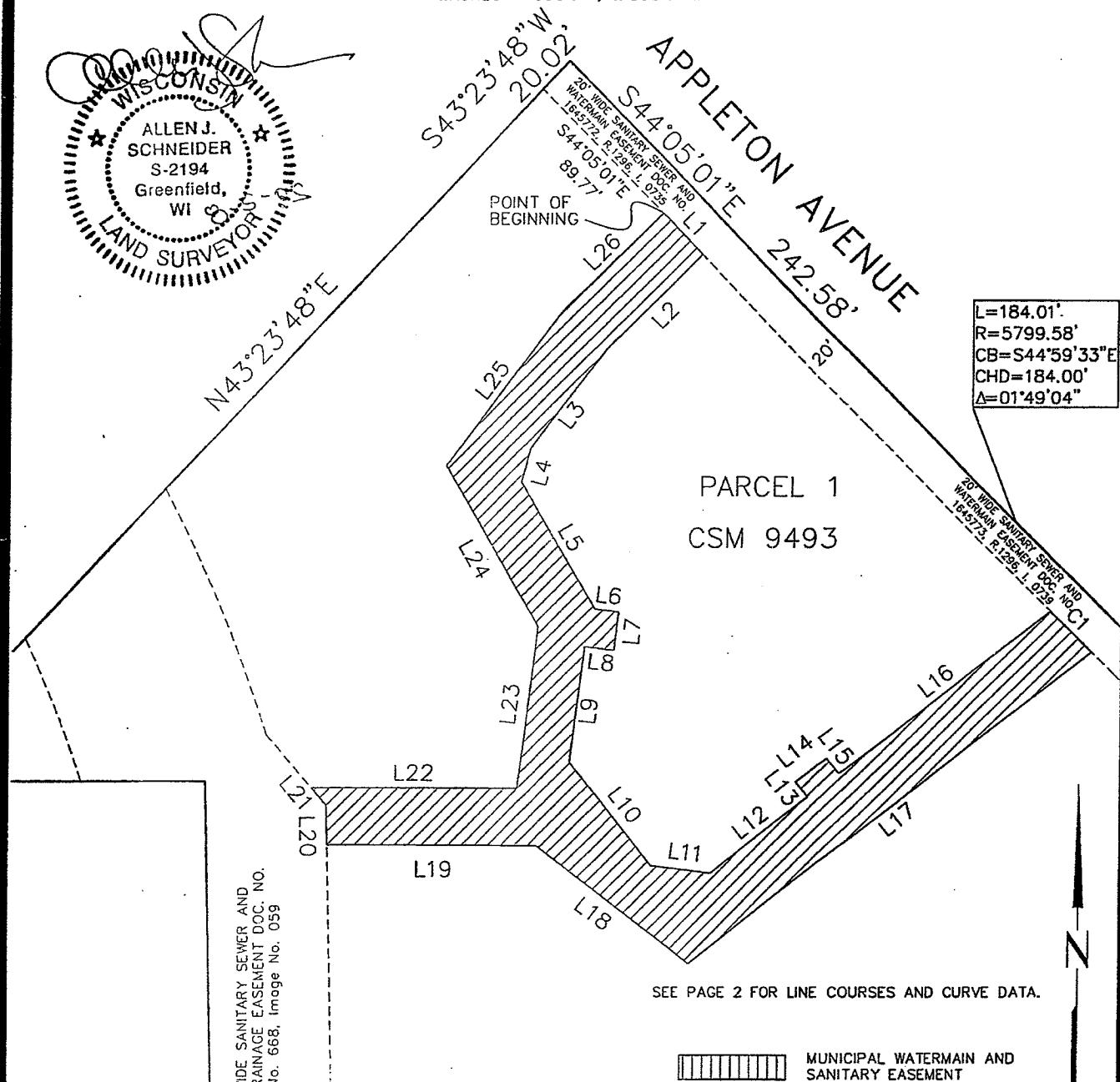
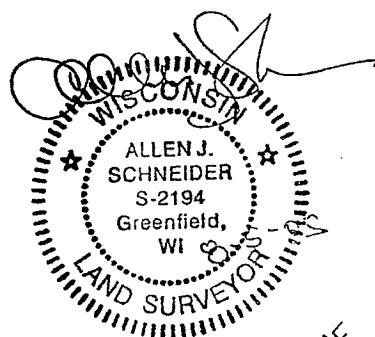
This instrument was drafted by
The Village of Menomonee Falls
Thomas M. Hoffman, PE
Date: August 8, 2005

002558 SEP 9 '15

EXHIBIT MAP "A"
MUNICIPAL WATERMAIN AND SANITARY SEWER EASEMENT
MARKETPLACE TRIANGLE

VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN

BEING THAT PART OF PARCEL 1 OF CERTIFIED SURVEY MAP No. 9493 IN THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4
OF THE SOUTHWEST 1/4 OF SECTION 13, TOWN 8 NORTH, RANGE 20 EAST, IN THE VILLAGE OF MENOMONEE FALLS,
WAUKESHA COUNTY, WISCONSIN.



SEE PAGE 2 FOR LINE COURSES AND CURVE DATA.



MUNICIPAL WATERMAIN AND
SANITARY EASEMENT

0 80 160
Scale in feet

ALL BEARINGS REFERENCED TO CERTIFIED SURVEY MAP No. 9493.

THIS INSTRUMENT WAS DRAFTED BY ALLEN J. SCHNEIDER RLS -
2194 OF BONESTROO, ROSENE, ANDERLIK, AND ASSOCIATES AT
12075 N. Corporate Parkway, Mequon, WI 53092, 241-4466.



12075 N. Corporate Pkwy, Suite 200
Mequon, WI 53092 262-241-4466

SHEET 1 OF 2

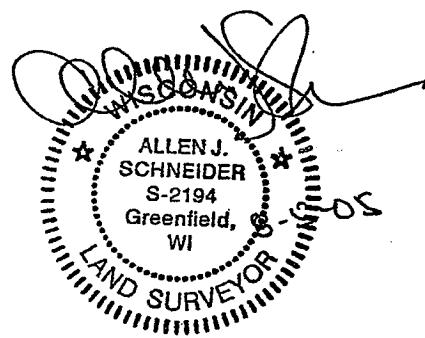
EXHIBIT MAP "A"

MUNICIPAL WATERMAIN AND SANITARY SEWER EASEMENT
 MARKETPLACE TRIANGLE
 VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN

BEING THAT PART OF PARCEL 1 OF CERTIFIED SURVEY MAP No. 9493 IN THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWN 8 NORTH, RANGE 20 EAST, IN THE VILLAGE OF MENOMONEE FALLS, WAUKESHA COUNTY, WISCONSIN.

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH	CENTRAL ANGLE
C1	30.27	5819.58	S45°35'34"E	30.27	0°17'53"

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00	S44°05'01"E
L2	69.92	S45°08'48"W
L3	64.40	S37°09'08"W
L4	18.25	S14°39'08"W
L5	76.86	S30°20'52"E
L6	12.21	S82°58'21"E
L7	20.00	S06°25'55"W
L8	15.21	N82°58'21"W
L9	60.89	S07°01'39"W
L10	68.71	S37°58'21"E
L11	31.58	S82°58'21"E
L12	64.67	N52°01'39"E
L13	10.00	N37°58'21"W
L14	20.00	N52°01'39"E
L15	10.00	S37°58'21"E
L16	137.85	N52°01'39"E
L17	264.47	S52°01'39"W
L18	100.15	N52°19'02"W
L19	109.90	N89°39'46"W
L20	20.73	N01°13'52"W
L21	12.25	N40°27'08"W
L22	108.09	S89°39'46"E
L23	85.36	N07°01'39"E
L24	97.28	N30°20'52"W
L25	100.51	N37°09'08"E
L26	72.42	N45°08'48"E



12075 N. Corporate Pkwy, Suite 200
 Mequon, WI 53092 262-241-4466

ALL BEARINGS REFERENCED TO CERTIFIED SURVEY MAP No. 9493.

THIS INSTRUMENT WAS DRAFTED BY ALLEN J. SCHNEIDER RLS -
 2194 OF BONESTROO, ROSENE, ANDERLIK, AND ASSOCIATES AT
 12075 N. Corporate Parkway, MEQUON, WI 53092, 241-4466.

Exhibit "A"
Marketplace Triangle
Village of Menomonee Falls
Municipal Watermain and Sanitary Easement

Being that part of Parcel 1 of Certified Survey Map No. 9493, being a part of the Southwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, being more particularly described below:

Commencing at the northerly most corner of Parcel 1 of said CSM No. 9493; thence South $43^{\circ}23'48''$ West, along the west line of said Parcel, 20.02 feet, said point being on the southwesterly line of an existing sanitary sewer and watermain easement recorded in the Waukesha County Registry as Document No. 1645772, on Reel 1296, Image 0735; thence South $44^{\circ}05'01''$ East, along said southwesterly line, 89.77 feet to the Point of Beginning; thence South $44^{\circ}05'01''$ East, along said southwesterly line, 30.00 feet; thence South $45^{\circ}08'48''$ West, 69.92 feet; thence South $37^{\circ}09'08''$ West, 64.40 feet; thence South $14^{\circ}39'08''$ West, 18.25 feet; thence South $30^{\circ}20'52''$ East, 76.86 feet; thence South $82^{\circ}58'21''$ East, 12.21 feet; thence South $06^{\circ}25'55''$ West, 20.00 feet; thence North $82^{\circ}58'21''$ West, 15.21 feet; thence South $07^{\circ}01'39''$ West, 60.89 feet; thence South $37^{\circ}58'21''$ East, 68.71 feet; thence South $82^{\circ}58'21''$ East, 31.58 feet; thence North $52^{\circ}01'39''$ East, 64.67 feet; thence North $37^{\circ}58'21''$ West, 10.00 feet; thence North $52^{\circ}01'39''$ East, 20.00 feet; thence South $37^{\circ}58'21''$ East, 10.00 feet; thence North $52^{\circ}01'39''$ East, 137.85 feet to a point of curvature, said point being on the southwesterly line of an existing sanitary sewer and watermain easement recorded in the Waukesha County Registry as Document No. 1645773, on Reel 1296, Image 0739; thence 30.27 feet along an arc of a curve, along said southwesterly line, whose radius bears North $44^{\circ}33'22''$ East, 5819.58 feet, has a central angle of $00^{\circ}17'53''$ and a chord which bears South $45^{\circ}35'34''$ East, 30.27 feet; thence South $52^{\circ}01'39''$ West, 264.47 feet; thence North $52^{\circ}19'02''$ West, 100.15 feet; thence North $89^{\circ}39'46''$ West, 109.90 feet to a point on the easterly line of an existing sanitary sewer and drainage easement recorded in the Waukesha County Registry as Document No. 1293409, on Reel 668, Image 059; thence North $01^{\circ}13'52''$ West, along said easterly line, 20.73 feet; thence North $40^{\circ}27'08''$ West, along said easterly line, 12.25 feet; thence South $89^{\circ}39'46''$ East, 108.09 feet; thence North $07^{\circ}01'39''$ East, 85.36 feet; thence North $30^{\circ}20'52''$ West, 97.28 feet; thence North $37^{\circ}09'08''$ East, 100.51 feet; thence North $45^{\circ}08'48''$ East, 72.42 feet; to the Point of Beginning

Lands as described above contain 24,717 square feet or 0.57 acres.

Description prepared by Bonestroo, Rosene, Anderlik & Associates
Allen J. Schneider, RLS -2194