

Scenic Easement

14.

DEVELOPMENT RESTRICTION RIGHT FOR SCENIC EASEMENT:

Dated: March 3, 1958
Recorded: March 11, 1958 at 3:00 PM
Volume 101 Records, Page 511
Doc. No. 111904

Kenneth Averbeck and
Jean E. Averbeck, his wife

and

State of Wisconsin

RECITES:

Whereas, the First Parties are the owners in fee simple of certain real estate which is near to or adjacent to a certain highway now known as State Trunk Highway 35, which real estate is located in Buffalo County, Wisconsin, and is more particularly described as follows:

Govt. Lot 1, NE $\frac{1}{4}$ -NE $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$ of Sec. 32 T 21 N, R 12 W, and SW $\frac{1}{4}$ -SE $\frac{1}{4}$ of Sec. 29, T 21 N, R 12 W, now being used for agricultural and horticultural purposes and utility lines, all conforming to permitted uses,

And Whereas, the said highway is so located as to be a logical portion of the proposed Great River Road, the Second Party, through its State Highway Commission, desires to preserve, insofar as reasonably is possible, the

natural beauty of the roadsides, and to prevent any unsightly developments that will tend to mar or detract from such natural beauty or to degrade the character of the project as constructed, or result in danger to travel on the highway, and to that end to exercise such reasonable controls over the lands within the restricted areas described hereinafter as may be necessary to accomplish such objectives,

Now, Therefore, in consideration of the sum of \$150.00 paid by the Second Party of the First Parties, receipt whereof is hereby acknowledged, the First Parties hereby sell, transfer, grant, and convey to the Second Party an easement and right in perpetuity to any and all portions of the real estate hereinbefore described (exclusive of any acquired and recorded highway right of way) within a distance of 350 feet of a reference line described as follow:

Commencing in said Sec. 29 on the south line at a point located 89.6 feet west of the south $\frac{1}{2}$ corner thereof, thence along a reference line bearing S 49° 42' E, 100.8 feet to the north and south $\frac{1}{2}$ line of said Sec. 32, said $\frac{1}{2}$ line being the west boundary of the restricted parcel being described;
thence continuing along said reference line bearing S 49° 42' E, 648.7 feet to the point of a curve concave to the southwest and having a radius of 5730.0 feet;
thence southeasterly along said curve 1279.0 feet,

Excepting from the above parcel all that land in said Govt. Lot 1 of Sec. 32 owned by U.S.A. as recorded at the office of the Register of Deeds for Buffalo County in Volume 79 of Deeds, Page 247.

This instrument was drafted by the State Highway Commission of Wisconsin which portion is hereby designated as the "restricted area" within which Project T 028-1(19) Parcel No. 55

1. No building or premises shall be used and no building shall hereafter be erected or structurally altered except for one or more of the following:

a. One single family residence on tracts having a frontage on the adjacent state trunk highway of not less than 300 feet.

b. General farming, including farm buildings, except fur farms and farms operated for the disposal of garbage, rubbish, offal or sewage.

c. Telephone, telegraph or electric lines or pipes or pipe lines or micro-wave radio relay structures for the purposes of transmitting messages, heat, light or power.

d. Used incident to any of the above permitted uses, including accessory buildings.

e. Any use existing on the premises at the time of the execution of this easement.

Existing commercial and industrial uses of lands and buildings may be continued, maintained and repaired, but may not be expanded nor shall any structural alteration be made.

2. No dump of ashes, trash, sawdust or any unsightly or offensive material shall be placed upon such restricted area except as is incidental to the occupation and use of the land for normal agricultural or horticultural purposes.

3. No sign, billboard, outdoor advertising structure or advertisement of any kind shall be erected, displayed, placed or maintained upon or within the restricted area, except one sign of not more than 8 square feet in area to advertise the sale, hire or lease of property or the sale of any such products as are produced upon the premises,

4. The conditions of this easement shall not prevent any permanent excavation or works necessary to the occupation or use of the restricted area for purposes of the permitted uses.

5. No trees or shrubs shall be removed or destroyed on the land covered by this easement, except as may be incidental to the permitted uses.

6. The grant of this easement does in no way grant the public the right to enter such area for any purpose.

To have and to hold the said easement hereby granted, unto the Second Party forever.