FLOODING EASEMENT

WHEREAS, the undersigned ____________________________________________________ is (are) the owner (s) of certain land located near ____________________________________, a waterway, where the same flows through part of the ________ Section (s) ________, Township ________, Range ________, County of ___________________________; and

WHEREAS, the State of Wisconsin, Department of Natural Resources, has determined that the regional flood elevation at the grantor’s property will be _________________ feet and that the backwater resulting from the proposed construction of ________________________________ will constitute an increase in the regional flood elevation of approximately _________________ feet at that same location, which is _________________ feet in excess of the acceptable maximum permitted in the absence of appropriate legal arrangements under Chapter NR 116 of the Wisconsin Administrative Code; and

WHEREAS, the Department of Natural Resources has indicated that if affected landowners will grant to _________________________________ flooding easements, that the plans for the placement of the proposed ________________________________ would be approved.

NOW, THEREFORE, in consideration of $_________ (_____________________) dollars and other valuable consideration, the undersigned landowner (s) does (do) hereby grant to ___________________________________________ flooding rights to permit surface water from _____________________________ to go upon the land herein described should the same become necessary to accommodate any backwater resulting from the construction of ____________________________ on the waterway herein referred to. This flowage easement is granted as a covenant running with the land and shall be binding upon the grantor’s heirs, successors and assigns. Said increase in backwater shall be included on the official floodplain maps for ____________________________ as part of the regional floodplain when the existing floodplain zoning ordinance is amended or, if no ordinance exists, or if the stream in question is not mapped, when mapping is prepared for the stream.

Dated this ________ day of _________________, 200__

Grantor ______________________

Grantor ______________________

ACKNOWLEDGEMENTS

State of Wisconsin                )  ss.
County of ___________       )

Personally came before me this ________ day of _________________, 200__, the above-named to me known to be the person (s) who executed the foregoing instrument and acknowledge the same.

Notary Public, State of Wisconsin
My commission (is) (expires) _________________