

Paul Braun

From: Timothy Salutz <tsalutz@salutzlaw.com>
Sent: Tuesday, February 18, 2014 2:30 PM
To: Paul Braun
Cc: cornerpointllc@att.net
Subject: Wergin
Attachments: Termination Municipal Utility Easement (00380298).doc

Paul: I forgot to send you one other document that Jeff had asked me to prepare and that is a Termination of Municipal Utility Easement. I have attached a copy and let me know if that is acceptable. Assuming that it is acceptable, Jeff will submit the CSM to the City for approval and after approved I will send all of the documents to Kay and Dennis Wergin for signature and I will record all of the documents. Thanks again.

Tim

Attorney Timothy M. Salutz
Salutz & Salutz LLP
P.O. Box 187
823 Marshall Street
Manitowoc, WI 54221-0187
920.682.4644
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Tsalutz@salutzlaw.com

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TERMINATION OF MUNICIPAL UTILITY EASEMENT

WHEREAS, a Municipal Utility Easement dated June 3, 1999, and recorded in the office of the Register of Deeds for Manitowoc County, Wisconsin, on July 22, 1999, in Volume 1382 of Records, Page 177, as Document No. 840686, and

WHEREAS, Dennis M. Wergin and Kay M. Wergin Revocable Trust Dated September 1, 1999, hereinafter referred to as "Wergin", are owners of the following property and the successors of the Grantor as indicated in the Municipal Utility Easement and said parcel is subject to the Municipal Utility Easement:

A 100 foot wide general easement to be used for municipal utility purposes, located in the North One-half (N1/2) of the Northwest Quarter (NW1/4) of Section Seventeen (17), Township Nineteen (19) North, Range Twenty-four (24) East, Town of Manitowoc, now the City of Manitowoc, Manitowoc County, Wisconsin, being symmetrical about the following described centerline:

Commencing at the Northwest corner of Section 17; thence South along the west line of said section and west lot line of parcel (tax #9-117-006-001.00, n/k/a #52-817-203-080.00) a distance of 805.5 feet to the point of beginning; thence North 79°43' East a distance of 167 feet; thence North 44°06' East a distance of 440 feet, to the centerline of C.T.H. "B" and point of termination. Said parcel contains 1.3 acres more or less.

Tax Parcel Number: Part of 52-817-203.080.00

And, the City of Manitowoc, a municipal corporation, is Grantee to said Municipal Utility Easement, hereinafter referred to as "Manitowoc".

WHEREAS, the Municipal Utility Easement granted Manitowoc a right of way for purposes of the, laying, constructing, maintaining, repairing and/or replacing any Municipal utilities over said property.

WHEREAS, a new Municipal Utility Easement was granted by Wergin to Manitowoc by a Municipal Utility Easement, dated October 23, 2001, and recorded in the office of the Register of Deeds for Manitowoc County, Wisconsin, on December 6, 2001, in Volume 1587 of Records, Page 316, as Document No. 892355.

WHEREAS, since the new Municipal Utility Easement was granted by Wergin to Manitowoc in Volume 1587 of Records, Page 316, as Document No. 892355 said original Municipal Utility Easement recorded in Volume 1382 of Records, page 177, as Document No. 840686 is obsolete.

WHEREAS, Wergin and Manitowoc agree to terminate said Municipal Utility Easement recorded in Volume 1382 of Records, page 177, as Document No. 840686

NOW, THEREFORE, for good and valuable consideration, it is hereby agreed between the parties this _____ day of _____, 2014.

1. That the undersigned Wergin and Manitowoc, hereby agree to terminate said Municipal Utility Easement effective immediately.
2. That this termination of said Easement shall inure to and bind the heirs, administrators, personal representatives, successors and assigns of the parties.

Dennis M. Wergin and Kay M. Wergin
Revocable Trust Dated September 1,
1999, Grantor

Dennis M. Wergin, Trustee

Kay M. Wergin, Trustee

STATE OF WISCONSIN)
MANITOWOC COUNTY) ss

Personally came before me this _____ day of _____, 2014, the above named Dennis M. Wergin and Kay M. Wergin, Trustees of the Dennis M. Wergin and Kay M. Wergin Revocable Trust Dated September 1, 1999, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Manitowoc County, WI
My Commission is _____

City of Manitowoc, Grantee

By: _____

STATE OF WISCONSIN)
MANITOWOC COUNTY) ss

Personally came before me this _____ day of _____,
2014, the above City of Manitowoc, By: _____, to me known to
be the persons who executed the foregoing instrument and acknowledged the same.

*
Notary Public, Manitowoc County, WI
My Commission is _____

DRAFTED BY:

Attorney Timothy M. Salutz
P.O. Box 187
823 Marshall Street
Manitowoc, WI 54221-0187
(920) 682-4644

V 1382 Pg 177

840686
6/2/99

840686

MUNICIPAL UTILITY EASEMENT

This Easement granted this 3RD day of June, 1999 by Dennis M. Wergin and Kay M. Wergin, (husband and wife as survivorship marital property), to the City of Manitowoc, a municipal corporation, in the County of Manitowoc and State of Wisconsin, Grantee.

1. For no dollars but other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, Grantor hereby grants, releases, assigns, sets over, sells and quit claims unto the City of Manitowoc, a perpetual right-of-way or easement forever over, under and through the land hereinafter specifically described for the purposes of the, laying, constructing, maintaining, repairing and/or replacing any Municipal utilities.

2. The land, over and through which said easement or right-of-way is granted is located in the County of Manitowoc, State of Wisconsin and is more particularly described as follows:

A 100 foot wide general easement to be used for municipal utility purposes, located in the North 1/2 of the Northwest Quarter, (N 1/2, NW 1/4) of Section 17, Township 19 North, Range 24 East, Town of Manitowoc, Manitowoc County, Wisconsin, being symmetrical about the following described centerline:

Commencing at the Northwest corner of Section 17; thence South along the west line of said section and west lot line of parcel (tax # 9-117-006-001.0), a distance of 805.5 feet to the point of real beginning; thence North 79° 43' East a distance of 167 feet; thence North 44° 06' East a distance of 440 feet to the centerline of C.T.H. "B" and point of termination. Said parcel contains 1.3 acres more or less.

3. Grantor agrees not to construct any building, structure or other permanent improvement over the area described in paragraph 2.

4. The Grantor hereby warrants that he possesses sufficient title in the above described property to convey this easement free and clear of all encumbrances.

6-21-99

178

Committee recommends referral to Plan Commission.

T. Frieder
T. Frieder

Larry Bergner
Larry Bergner

6-20-99

Gordon Kopotsky
Gordon Kopotsky

W. J. Hennessy
W. J. Hennessy

Kevin M. Crawford
Kevin M. Crawford

VOL 1382 PAGE 177

STATE OF WISCONSIN - MANITOWOC COUNTY
 PRESTON JONES, REGISTER OF DEEDS
 RECEIVED FOR RECORD
 7/22/1999 2:51:03 PM

2-10-99

5. This Easement shall run with the land and is binding on the Grantors as well as his agents, personal representatives, heirs, successors, lessees and assigns and incorporates by reference, the Standard Utility Easement Conditions on file with the Manitowoc County Register of Deeds in Volume 1252, Page 498, Document No. 798738 of Records.

In Witness Whereof the Grantor has put its hand and seal hereto this 3rd day of June, 1999.

DENNIS M. WERGIN

Dennis M. Wergin
an authorized representative

KAY M. WERGIN

Kay M. Wergin
an authorized representative

an authorized representative

STATE OF WISCONSIN)
) ss.
MANITOWOC COUNTY)

Personally came before me this 3rd day of June, 1999, the above named Dennis M. Wergin and Kay M. Wergin, to me known to be such persons who executed the foregoing instrument and acknowledged the same.

Mark D. Balaban
Notary Public
Manitowoc County, Wisconsin
My commission (expires) (is)
4-22-2001

This instrument drafted by
James A. Wyss, City Attorney
NPL

179

Steven Erdmann

7-19-99.
Committee recommends entering into
easement.
T. T. Frieder
HANNICHAIAIN-WPD
Gordon Kopetsky
345



180

ALBERT DR.

Section 17
Township 19 North
Range 24 East
Town of Manitowish

South
805.5

9-117-006-001.0
DENNIS HEROIN

1.20 ACRES

N. 5TH ST & 1/4 E

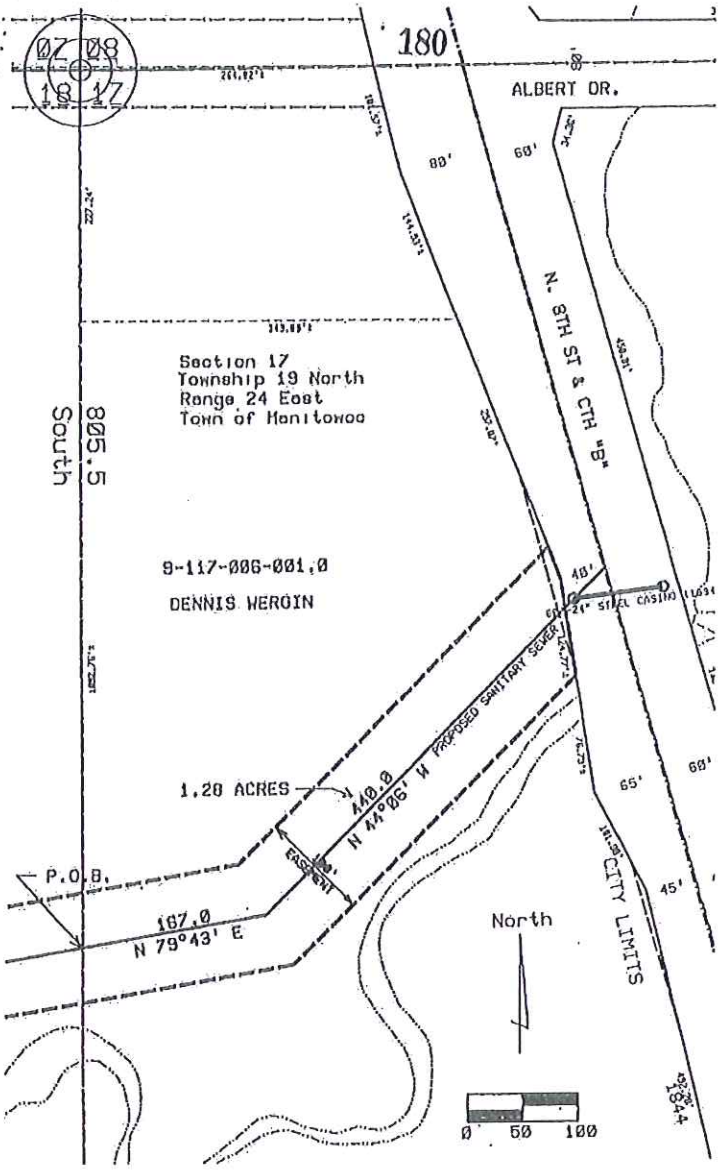
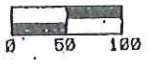
CITY LIMITS

P.O.B.

167.0
N 79°43' E

PROPOSED SANITARY SEWER
N 44°05' W

North



Streets & Law
11/5/01



892355

MUNICIPAL UTILITY EASEMENT

This Easement granted this 23RD day of OCTOBER, 2001 by Dennis M. Wergin and Kay M. Wergin, (husband and wife as survivorship marital property), to the City of Manitowoc, a municipal corporation, in the County of Manitowoc and State of Wisconsin, Grantee.

1. For no dollars but other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, Grantor hereby grants, releases, assigns, sets over, sells and quit claims unto the City of Manitowoc, a perpetual right-of-way or easement forever over, under and through the land hereinafter specifically described for the purposes of the laying, constructing, maintaining, repairing and/or replacing any Municipal utilities.

2. The land, over and through which said easement or right-of-way is granted is located in the County of Manitowoc, State of Wisconsin and is more particularly described as follows:

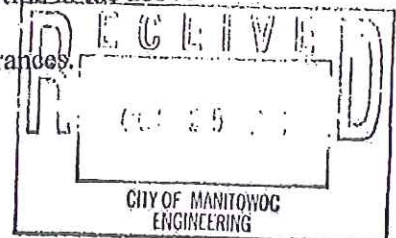
A 100 foot wide general easement to be used for municipal utility purposes, located in the North 1/2 of the Northwest Quarter, (N 1/2, NW 1/4) of Section 17, Township 19 North, Range 24 East, Town of Manitowoc, Manitowoc County, Wisconsin, being symmetrical about the following described centerline:

Commencing at the Northwest corner of said Section 17; thence South along the west line of said section and west lot line of parcel (tax # 817203080), a distance of 831 feet to the point of real beginning; thence South 66°31'20" East a distance of 160 feet; thence North 23°28'40" East a distance of 201 feet; thence North 44° 06' East a distance of 360 feet to the centerline of C.T.H. "B" and point of termination. Said parcel contains 1.5 acres more or less.

3. Grantor agrees not to construct any building, structure or other permanent improvement over the area described in paragraph 2.

4. The Grantor hereby warrants that he possesses sufficient title in the above described property to convey this easement free and clear of all encumbrances.

726



11-5-01
11-5-01

Committee recommends referral to Plan Commission.

Committee recommends referral to Plan Commission.

11-5-01
11-5-01

T. Frieder

Gordon Kopetsky

Steven R. Erdmann

Larry Bergner

Wm. J. Hennessy

Kevin M. Crawford

Committee on Streets and Sanitation, to whom were referred the following deeds and easement, returned same recommending acceptance:

Warranty Deed (01-700) from James & Lucille Pankratz for property to be used for Woodlawn Drive purposes, as described therein and shown on the attached map;

Warranty Deed (01-697) from Waldemar & Letty Loesch for property to be used for Vista Road purposes, as described therein and shown on the attached map;

Quit claim deed (01-686) from Robert Doneff for a parcel of land along W. Custer Street to be used for street purposes, as described therein; and

Municipal utility easement (01-726) with Dennis M. Wergin and Kay M. Wergin for land abutting N. 8th Street, as described therein and shown on the attached map.

Committee on Streets and Sanitation

T. Frieder
Steven R. Erdmann
Wm. J. Hennessy

12/30/01
Kevin M. Crawford





5. This Easement shall run with the land and is binding on the Grantors as well as his agents, personal representatives, heirs, successors, lessees and assigns and incorporates by reference, the Standard Utility Easement Conditions on file with the Manitowoc County Register of Deeds in Volume 1252, Page 498. Document No. 798738 of Records.

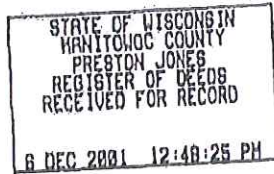
In Witness Whereof the Grantor has put its hand and seal hereto this 23RD day of OCTOBER, 2001.

DENNIS M. WERGIN

Dennis M. Wergin
an authorized representative

KAY M. WERGIN

Kay M. Wergin
an authorized representative



STATE OF WISCONSIN)
) ss.
MANITOWOC COUNTY)

Personally came before me this 25th day of October, 2001, the above named Dennis M. Wergin and Kay M. Wergin, to me known to be such persons who executed the foregoing instrument and acknowledged the same.

Barbara A. Sitkiewitz
Barbara A. Sitkiewitz
Notary Public
Manitowoc County, Wisconsin
My commission (expires) (is)
3/24/02

RET; CITY CLERK -
MILWAUKEE
17 chg
This instrument drafted by:
Paul M. Steinbrecher
SMI

