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CITY OF MANITOWOC
WISCONSIN, USA
www.manitowoc.org



August 31, 2015

To: Mayor and Common Council
From: Manitowoc City Plan Commission
Subject: **PC 27-2015: City of Manitowoc / Manitowoc Public Utilities (MPU)
Deed Restriction for City owned property on State Highway 310.**

Dear Mayor and Common Council:

At the regular August 26th, 2015 meeting of the Manitowoc City Plan Commission, the Commission discussed the creation of a deed restriction between the City of Manitowoc and Manitowoc Public Utilities. The deed restriction required that any sale of the land by the City of Manitowoc shall first be approved by MPU prior to being sold.

In 2001, the 9.92 acre parcel was purchased by MPU to locate an 80 megawatt gas turbine on; after MPU purchased the property it was determined that the property would be better off to be in the City of Manitowoc. MPU deeded the land to the City of Manitowoc so it could be annexed into the City with the understanding that the City could not sell the land without prior approval of MPU. The proposed deed restriction is finalizing the general understanding between the two parties.

The Commission unanimously recommends that the City approve the Deed Restriction as part of the general understanding between the parties in 2006. The Commission also recommends that after review and approval by the City Attorney that the Mayor and City Clerk be instructed to sign said deed restriction.

Respectfully Submitted,

A handwritten signature in black ink that reads 'Paul Braun'.

Paul Braun, City Planner

Granicus # 15-885

DEED RESTRICTION
AGREEMENT
Document Name

Document Number

This Deed Restriction Agreement (the "Agreement") is made and entered into between the City of Manitowoc (hereafter referred to as the "City"), and Manitowoc Public Utilities, 1303 South 8th Street, Manitowoc, WI, a utility organized and managed in accordance with the Wisconsin Statutes (hereafter referred to as "MPU").

DRAFT

RECITALS

WHEREAS, the City is the owner of one (1) parcel of real estate located at Highway 310, City of Manitowoc, Manitowoc County, Wisconsin, referred to as Parcel No. 052-833-404-010.00, as legally described on the attached Exhibit A, (hereafter referred to as the "Subject Property"); and

Recording Area

WHEREAS, the City has agreed to refrain from conveying the Subject Property to any party other than MPU except in accordance with the terms and conditions more particularly set forth herein; and

Parcel Identification Number (PIN)
052-833-404-010.00

Return to:

Attorney Andrew J. Steimle
Steimle Birschbach, LLC
PO Box 2225
Manitowoc, WI 54221-2225

WHEREAS, the provisions set forth shall be recorded as formal deed restriction affecting the Subject Property;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. The Recitals are restated as if fully set forth herein and incorporated into the terms and conditions of this Agreement.
2. The City shall not convey the Subject Property to any party other than MPU without the prior written consent of the MPU Commission, which may be withheld in the MPU Commission's sole and absolute discretion.
3. This Deed Restriction Agreement is for the benefit of MPU or any successor in interest to MPU. The restrictions and other provisions of this Agreement shall continue until such time that MPU purchases the Subject Property or until the MPU Commission consents to the conveyance of the Subject Property to a party other than MPU.

[Signature page immediately follows.]

Effective this _____ day of _____, 2015.

CITY OF MANITOWOC

By: _____
Name: Justin Nickels
Title: Mayor

By: _____
Name: Jennifer Hudon
Title: City Clerk

STATE OF WISCONSIN)
) ss;
MANITOWOC COUNTY)

Personally came before me this _____ day of _____, 2015, the above-named **Justin Nickels**, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Name: _____
Notary Public, State of Wisconsin
My Commission: _____

STATE OF WISCONSIN)
) ss.
MANITOWOC COUNTY)

Personally came before me this _____ day of _____, 2015, the above-named **Jennifer Hudon**, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Name: _____
Notary Public, State of Wisconsin
My Commission: _____

Drafted by:
Attorney Andrew J. Steimle
Steimle Birschbach, LLC
PO Box 2225
Manitowoc, WI 54221-2225

The "Subject Property"

Real property in the City of Manitowoc, County of Manitowoc, State of Wisconsin, and is described as follows:

A tract of land in the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) and in the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Thirty-three (33), Township Twenty (20) North, Range Twenty-four (24) East, in the City of Manitowoc, Manitowoc County, Wisconsin, described as follows:

The South 820 feet more or less of the West 556 feet more or less of said SE1/4 SE1/4 excepting the West 233 feet more or less of the South 290 feet. (Said tract is bounded on the East by the Two Rivers City Limits as it exists on January 1, 2001 and on the West by the North-South 1/16th section line and an existing parcel).

ALSO the East 164 feet of the North 530 feet of the South 820 feet of said SW1/4 SE1/4.

Also described as: A parcel of land located in the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) and in the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Thirty-three (33), Township Twenty (20) North, Range Twenty-four (24) East, City of Manitowoc, Manitowoc County, Wisconsin more particularly described as follows:

Commencing at the Southeast corner of said Section 33; thence N.89° 48' 11"W., (recorded as N.89° 47' 00"W.) along the section line 770.00 feet to the point of real beginning; thence N.00°02'08"W., (recorded as North) a distance of 820 feet more or less; thence west and parallel to the south section line a distance of 720 feet; thence south and parallel to the east line of the Southwest 1/4 of the Southeast 1/4 of said Section 33 a distance of 530 feet; thence east and parallel to the south line of said Section 33 a distance of 397 feet; thence south along the east line of Tract A of a Certified Survey recorded in Volume 4 of Certified Survey Maps, Page 19, a distance of 290 feet to the south line of said Section 33; thence east along the south line of said Section 33 a distance of 323 feet more or less to the point of real beginning.

APN/Tax Key No.: 052-833-404-010.00

