



# CITY OF MANITOWOC

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**December 3, 2018**

**TO:** Finance Committee

**FROM:** Kathleen M. McDaniel, City Attorney

**RE:** Waiver of Right of First Refusal for Industrial Park Land Sale

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On November 8, 2018, the Industrial Development Corporation approved the land sale of parcel 449-004-050 to Apex Leasing. This sale is expected to be routed through the December Plan Commission and Common Council meetings. Apex will be constructing a facility for lease to Briess for expansion. In order to meet the needs of Briess and comply with the Manitowoc Industrial Park Protective Covenants, Apex has also put in an offer to purchase a small, L-shaped portion of parcel 449-004-060 from Manitowoc Public Utilities.

On November 21, Manitowoc Public Utilities presented the City with an offer to purchase from Apex and has asked if we wish to exercise our right of first refusal. The Industrial Park Protective Covenants require that any landowner who elects to sell all or part of their land must first offer it to the City in writing, and the City shall have 45 days to pass a resolution exercising their right of first refusal. The City would have the option to purchase the land at the price originally paid by the owner.

The Community Development Director and Mayor are recommending that we waive our right of first refusal so that the MPU land sale and City land sale could close at the same time, allowing Apex to begin construction on behalf of Briess.

I would recommend that the Mayor be authorized to waive our right of first refusal on this property and am asking the Finance Committee to adopt this recommendation at your December 4, 2018 meeting.

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