

DOC # 1165616

PARTIAL RELEASE OF EASEMENT RIGHTS

VOL 2993 PG 193
STATE OF WI - MTWC CO
PRESTON JONES REG/DEEDS
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1000 N. Water Street, Suite 1700
Milwaukee, WI 53202

052-447-002-030.00

Parcel Numbers

PARTIAL RELEASE OF EASEMENT RIGHTS

This partial release of easement rights is granted by the City of Manitowoc, Wisconsin, a municipal corporation (the "City") to Kona Realty, LLC, a Wisconsin limited liability company, formerly known as Greystone Realty, LLC ("Kona Realty").

WHEREAS, Kona Realty is the current owner of the property identified on Certified Survey Map recorded in Volume 17 of Certified Survey Maps, Page 101, as Document No. 798740 ("CSM") as depicted on Exhibit A attached hereto (the "Property").

WHEREAS the Property is a combination of former Lots 1, 2, 3 and 4 in Block 2 of the Manitowoc I-43 Industrial Park Subdivision No. 1 and the former Lots 5 and 6 in Block 2 of the Manitowoc I-43 Industrial Park Subdivision No. 2 (collectively, the "Lots" and individually "Lot 1", "Lot 2", "Lot 3", "Lot 4", "Lot 5" and "Lot 6"), as depicted on Exhibit A attached hereto and as formerly legally described on Exhibit B attached hereto; and

WHEREAS, the CSM established a utility and drainage easement in favor of Manitowoc Public Utilities, City of Manitowoc, the Telephone Company and the Cable TV Company for the purpose of granting to such parties the right to access, to place, repair and maintain applicable utilities (the "Easement"); and

WHEREAS, the Easement is centered in part on the northern boundary of Lot 1, Lot 2, Lot 3 and Lot 4 and on the southern boundary of Lot 5 and Lot 6, as shown on Exhibit A ("Easement Area"); and

WHEREAS, the Common Council of the City of Manitowoc adopted, by resolution "Standard Utility Easement Conditions" (the "Conditions") on November 3, 1997, which clarify

and outline the rights and responsibilities related to easements in the City, said Conditions recorded at the Manitowoc County Register of Deeds office on November 7, 1997 at Volume 1252, Page 498 as document #798738 of Records; and

WHEREAS, Section 4(a) of the Conditions prohibits the construction of permanent structures over, under or on the Easement Area;

WHEREAS, Kona Realty desires to construct a building over a portion of the Easement Area and has asked the City to modify the conditions of the Easement to allow for construction of a permanent structure and the permanent location of the structure over the Easement Area; and

WHEREAS, the only parties authorized to use the utility and drainage Easement Area are Manitowoc Public Utilities, City of Manitowoc, and AT&T Wisconsin.

NOW, THEREFORE, for valuable consideration the Common Council of the City of Manitowoc, after review and recommendation by the City Plan Commission, does hereby approve and grant a partial release of the Easement rights previously held by the City under Section 4(a) of the Conditions to permit the construction of a structure and the permanent location of the structure over the Easement Area in compliance with an approved site plan #SP07-2015 dated July 15, 2015, and further hereby grants the requested modification under Section 9 of the Conditions.

In all other material respects, the terms of the Conditions, and easements set forth on the CSM, shall remain in full force and effect.

The partial release of the Easement Rights described in Sec. 4(a) of the Conditions, granted herein shall run with the land, and shall be binding upon and inure to the benefits of the parties hereto, as well as their successors and assigns.

[signature page follows]

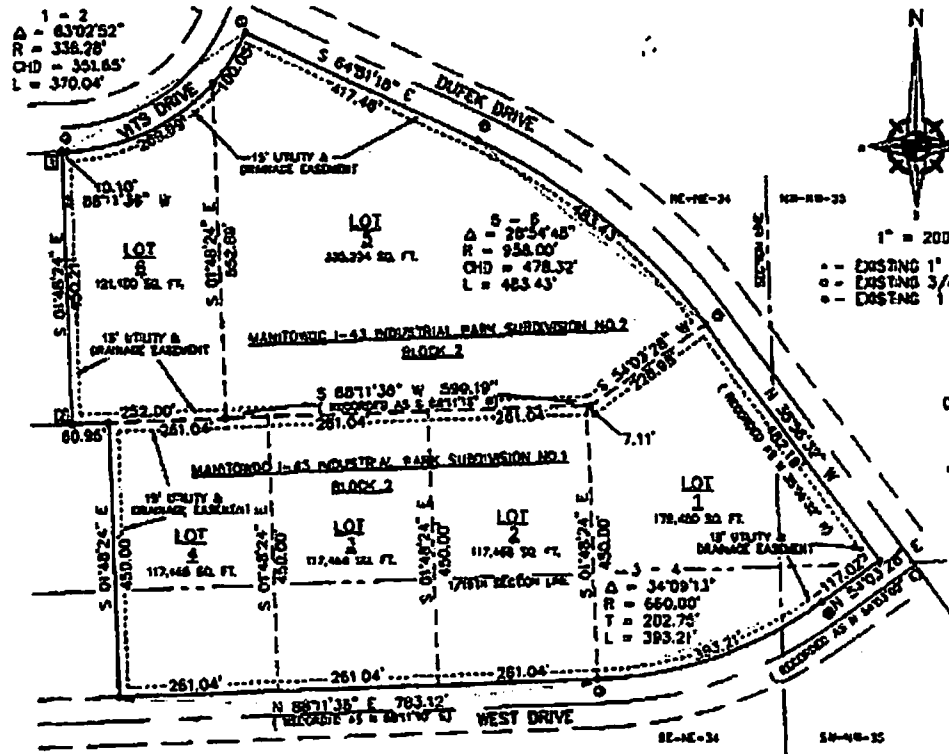
Certified Survey Map

Exhibit A

798740

101

CERTIFIED SURVEY MAP LOCATED IN THE NW 1/4 OF THE NW 1/4 AND IN THE SW 1/4 OF THE NW 1/4 OF SECTION 34, ALSO IN THE NE 1/4 OF THE NE 1/4 AND IN THE SE 1/4 OF THE NE 1/4 OF SECTION 35, T.19N., R.23E., CITY OF MANITOWOC, MANITOWOC COUNTY, WISCONSIN, BEING A RESURVEY OF LOTS 1, 2, 3, AND 4, BLOCK 2 OF THE MANITOWOC I-43 INDUSTRIAL PARK SUBDIVISION NO. 1 AND LOTS 5 AND 6 BLOCK 2 OF THE MANITOWOC I-43 INDUSTRIAL PARK SUBDIVISION NO. 2



REC'D OFFICE
 MANITOWOC COUNTY
 RECORDS DEPARTMENT

7 NOV 1997 2:21 PM

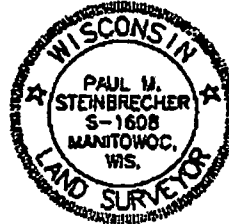
VOL 17 CSM PG 101

Paul M. Steinbrecher
 REGISTER



1" = 200'

- - EXISTING 1" IRON PIPE
- o - EXISTING 3/4" IRON ROD
- o - EXISTING 1/4" IRON ROD



Dated 10/29/97

Paul M. Steinbrecher

Paul M. Steinbrecher,
 Reg. Land Surveyor, S-1608

ALL BEARINGS ARE REFERENCED TO THE
 CITY OF MANITOWOC GPS GRID BEARING
 CITY OF MANITOWOC GRID POINTS ATTACHED
 (M10044 AND M10109)

- (1) - N. 795,264.71 E. 2,264,216.78
- (2) - N. 765,316.73 E. 2,264,216.95

798740

102

CERTIFIED SURVEY MAP LOCATED IN THE NW 1/4 OF THE NW 1/4 AND IN THE SW 1/4 OF THE NW 1/4 OF SECTION 34, ALSO IN THE NE 1/4 OF THE NE 1/4 AND IN THE SE 1/4 OF THE NE 1/4 OF SECTION 35, T.19N., R.23E., CITY OF MANITOWOC, MANITOWOC COUNTY, WISCONSIN, BEING A RESURVEY OF LOTS 1, 2, 3, AND 4, BLOCK 2 OF THE MANITOWOC I-43 INDUSTRIAL PARK SUBDIVISION NO. 1 AND LOTS 5 AND 6 BLOCK 2 OF THE MANITOWOC I-43 INDUSTRIAL PARK SUBDIVISION NO. 2

SURVEYOR'S CERTIFICATE

I, Paul M. Stenbrecher, Registered Land Surveyor with Stenbrecher & Meneses, Inc. (S.M.I.) do hereby certify that I have surveyed and mapped the following described tract of land:

A tract of land in the NW 1/4 of the NW 1/4 and in the SW 1/4 of the NW 1/4 of Section 34, also in the NE 1/4 of the NE 1/4 and in the SE 1/4 of the NE 1/4 of Section 35, T.19N., R.23E., City of Manitowoc, Manitowoc County, Wisconsin being a resurvey of Lots 1, 2, 3, 4 of Block 2 of Manitowoc I-43 Industrial Park Subdivision No. 1 and Lots 5 and 6 of Block 2 of Manitowoc I-43 Industrial Park Subdivision No. 2.

Said tract contains 984,238 square feet (22.6 acres).

I further certify that the adjacent map in 0 this representation of said property and expressly shows the exterior boundary lines and correct measurements thereof. Also that I have fully complied with the requirements of Chapter 236.34 of the Wisconsin Statutes and Chapter 23 of the Municipal Code of the City of Manitowoc.

RECORDS OFFICE OF
MANITOWOC COUNTY
REGISTERED REGISTRARS

7 NOV 1997 2:21 PM

Vol 17 CSI 501 Page 101

REGISTER

OWNER'S CERTIFICATE

We owners do hereby certify that we caused the land described on this map to be surveyed, mapped, platted and depicted as represented on this map, and that we shall comply with the established drainage plan on file at the Manitowoc City Hall. We hereby consent to the granting of utility, access and drainage easement to the Manitowoc Public Utilities City of Manitowoc, the Telephone Company and the Cable TV Company if noted on the map of this Certified Survey for the purpose of granting to the applicable firm the right to access, to place, repair and maintain applicable utilities. Said easements with the drainage and plan easements granted shall run with the land and be binding upon the owners, their successors and assigns.

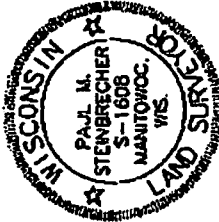
Dated 11-7-97

[Signature]
OWDR, ONESTONE REALTY, LLC - RONALD M. NORDON

CERTIFICATE OF PLANNING AGENCY

This certified survey map has been submitted and approved by the City of Manitowoc Planning Commission.

Dated 11-8-97
[Signature]
Kevin M. Oshford, Mayor



Dated 10/25/97
[Signature]
Paul M. Stenbrecher

Exhibit B

Former Legal Description of Lots

Legal Description: Parcel 1: Lot Numbered Four (4) of Block Numbered Two (2) of Manitowoc I-43 Industrial Park Subdivision No. 1 in the City of Manitowoc, Manitowoc County, Wisconsin, according to the Recorded Plat of said Subdivision.

Tax Parcel No. 052-447-002-040.00

Parcel 2: Lot Numbered Five (5) and Six (6) of Block Numbered Two (2) of Manitowoc I-43 Industrial Park Subdivision No. 2 in the City of Manitowoc, Manitowoc County, Wisconsin, according to the Recorded Plat of said Subdivision.

Tax Parcel No. 052-447-002-050.00 and 052-447-002-060.00

Parcels 1 & 2 are part of an undesignated tract in Certified Survey recorded in Volume 17 of Certified Survey Maps, Page 101, as Document No. 798740.

Property Address: 1530 Dufek Drive, Manitowoc, Wisconsin

Parcel 3: Lots Numbered One (1), Two (2) and Three (3) of Block Numbered Two (2) of Manitowoc I-43 Industrial Park Subdivision No. 1 in the City of Manitowoc, Manitowoc County, Wisconsin, according to the Recorded Plat of said Subdivision. An Undesignated Tract in Certified Survey recorded in Volume 17 of Certified Survey Maps, Page 101 as Document No. 798740.

Tax Parcel No. 052-447-002-030.00

Property Address: 5500 West Drive, Manitowoc, WI

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