

**Report to the
Manitowoc Plan Commission**

Meeting Date: July 25, 2018

Report Print Date: 7/20/2018 3:49 PM

Request: PC 26-2018: Ledvina / Golding Interest in Acquiring a 20' Pedestrian Way adjacent to Whitewater Drive

Report: The 20' proposed pedestrian way property is located in the Town of Manitowoc Rapids, in between 1348 Whitewater Drive (Robert Golding) and 1404 Mailand Drive (Larry Ledvina). The land was dedicated to the City in 2001 (Volume 1472 Page 51) as condition for approval of a certified survey. The 20' pedestrian way is not improved and was dedicated for future purposes for when the area may annex into the City. The 20' pedestrian way would connect Whitewater Drive with some adjacent land to the west which could be subdivided in the future. The 20' pedestrian way would provide walking and bicycling access for residences in the area. The area is tree covered and the City does not perform any maintenance.

Mr. Ledvina and Mr. Golding who are adjacent to the 20' pedestrian way were having a dispute regarding some drainage in the area. When they were investigating who owned the land they discovered the 20' City strip. Neither individual wanted the other to approach the City first to acquire the land so each individual sent a letter showing interest in the land.

Since receiving their initial letters, I have talked with both Mr. Golding and Ledvina about the City property. Both have stated that they have no problem with the City keeping ownership but if the City was going to sell the land they would be interested in acquiring it.

Recommendation: The Community Development Department recommends that the City retain ownership of the 20' pedestrian way and the letters from Mr. Ledvina and Golding be placed on file.

20' City Owned Ped Way



Author:
Date Printed: 7/20/2018



The burden for determining fitness for use rests entirely upon the user of this website. Manitowoc County and its co-producers will not be liable in any way for accuracy of the data and they assume no responsibility for direct, indirect, consequential, or other damages.

Larry and Stacy Ledvina
1404 Mailand Drive
Manitowoc, WI. 54220
920323-4151

Mayor Nickels and Manitowoc Common Council,

My name is Larry Ledvina. My wife Stacy and I live at 1404 Mailand Drive which lies outside the City of Manitowoc off Whitewater Drive. We bought a newly built home in this location 13 years ago. At the time of purchase, we were informed that there was a 20 foot easement to the City in case this subdivision would ever be annexed. We have taken care of this property as our own since we moved there.

There a natural barrier tree line along the south side edge of this property which separates us from the neighboring property. Through further investigation, it was found that this 20 foot wide piece of property which is continuous to our property is actually deeded to the City of Manitowoc. I spoke at length with Paul Braun of the City of Manitowoc Planning Department and he was quite helpful in our discussions.

I have included maps and photos of this property for your review:

- Quit Claim deed on "Pedestrian Walkway"
- GIS maps of 1404 Mailand, 1348 Whitewater and Pedestrian Walkway

As indicted earlier, the City owned property is on our side of the natural tree barrier which also is the survey line between 1348 Whitewater and the Pedestrian Walkway. The walkway was originally a piece of our designed lot.

We come to you for assistance with this issue. Since the property was deeded to the City, is the City interested in selling the property to us so we can keep our original plot together or does the City plan to keep it? We would offer to purchase this property so we can maintain our yard in its current condition. As can be seen in the attached maps, it is naturally connected to our property. If the City decides to sell it, we believe that we should have the right of first refusal to purchase it. If we were to purchase it, we would maintain it in the same fashion we have and also grant an easement to the City in the event it was ever to be annexed.

Please advise if you need further information from us and as to your decision in this matter. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Ledvina", written in a cursive style.

Shelly D. Leist
11/29/00

868885

Document Number

STATE BAR OF WISCONSIN FORM 3 - 1999

QUIT CLAIM DEED



VOL 1472 PAGE 51

This Deed, made between Elmer Neuser and Blanche Neuser,
husband and wife

Grantor, and City of Manitowoc, a municipal corporation

Grantee.

Grantor, quit claims to Grantee the following described real estate in
Manitowoc County, State of Wisconsin:

See description attached. "EXHIBIT A"

T.F. Exempt: 77.25(2r)

STATE OF WISCONSIN
MANITOWOC COUNTY
PRESTON JONES
REGISTER OF DEEDS
RECEIVED FOR RECORD

5 JAN 2001 9:22:48 AM

Recording Area

Name and Return Address

CITY CLERK CITY OF MANITOWOC

817 FRANKLIN STREET

PO BOX 1597

MANITOWOC WI 54221-1597

Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

Together with all appurtenant rights, title and interests.

Dated this 7th day of November, 2000

*

*

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____,

*

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Mark A. Miller, Esq.

Whyte Hirschboeck Dudek S.C.

(Signatures may be authenticated or acknowledged. Both are not
necessary.)

Elmer Neuser

* Elmer Neuser

Blanche B Neuser

* Blanche Neuser

ACKNOWLEDGMENT

STATE OF WISCONSIN

Manitowoc

County, ss.

Personally came before me this 7th day of
November, 2000 the above named

Elmer Neuser and Blanche Neuser

to me known to be the person(s) who executed the foregoing
instrument and acknowledge the same.

Shelly D. Leist / Shelly D. Leist
Notary Public, State of Wisconsin

My Commission is permanent. (If not, state expiration date:

December 21, 2003)



EXHIBIT "A"

Neuser to the City of Manitowoc

Part of Government Lot Number 9 of Section 14 and a part of Tract 1-17 of Certified Survey Map recorded in Volume 4, Page 445, that is located in both the NE¼ of the SE¼ of Section 15 and in Government Lot Number 9 of Section 14, T. 19 N., R. 23 E., Town of Manitowoc Rapids, Manitowoc County, Wisconsin, described as follows:

- (1) Commencing at an existing iron pipe at the SW corner of said NE¼ of the SE¼ of Section 15; thence S. 89° 18' 30" E. along the existing monumented south line of said NE¼ of the SE¼ a distance of 1276.23 feet to the existing monumented SE corner of said NE¼ of the SE¼; thence N. 55° 10' 50" E. a distance of 223.91 feet (recorded as N. 52° 18' 30" E.) to the west line of Whitewater Drive as is shown on the City of Manitowoc Official Map being 40 feet from the centerline of said Whitewater Drive, the point of real beginning and also to be known as "Point A"; thence continue N. 55° 10' 50" E. a distance of 40.00 feet to the centerline of said Whitewater Drive; thence N. 34° 32' 07" W. along said centerline (recorded as N. 34° 26' 30" W.) a distance of 189.84 feet to the extension of the south line of Mailand Drive; thence S. 55° 27' 53" W. along said extended south line of Mailand Drive a distance of 40.00 feet; thence S. 34° 32' 07" E. along a line that is parallel and 40.00 feet southwesterly from said centerline a distance of 170.03 feet to the point of real beginning.

Said tract contains 0.174 acres or 7598 square feet of land.

It is the intention to provide a deed and dedicate the aforementioned description for street purposes, the description includes any and all previously dedicated street area.

Name of the street covered by the aforementioned description is: Whitewater Drive.

- (2) Additionally, the Grantors convey the following described property for purposes of a pedestrian walkway: Commencing at the previously described "Point A" of the above description; thence N. 34° 32' 07" W. a distance of 20.00 feet; thence S. 55° 10' 50" W. a distance of 252.03 feet to said existing monumented south line of the NE¼ of the SE¼; thence S. 89° 18' 30" E. along said south line a distance of 34.43 feet to the existing monumented SE corner of said NE¼ of the SE¼; thence N. 55° 10' 50" E. a distance of 223.91 feet (recorded as N. 52° 18' 30" E.) to the point of commencement.

Said tract contains 0.109 acres or 4759 square feet of land.

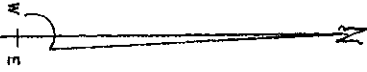
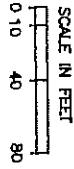


CERTIFIED SURVEY MAP OF AN EXISTING TRACT OF LAND BEING A PART OF TRACT 1-17 OF CERTIFIED SURVEY MAP RECORDED IN VOLUME 4, PAGE 445, BEING LOCATED IN THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 15 AND IN GOVERNMENT LOT NUMBER 9 OF SECTION 14, T. 19 N., R. 23 E., TOWN OF MANITOWOC RAPIDS, MANITOWOC COUNTY, WISCONSIN

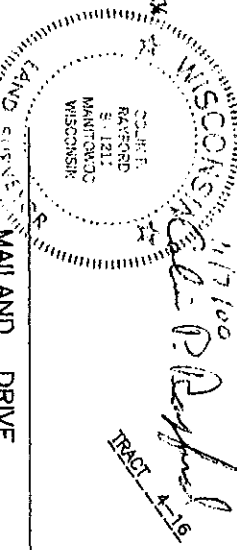
BEARINGS ARE REFERENCED TO THE
SOUTH LINE OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$
RECORDED AS S 89°18'30"E

• EXISTING MONUMENT FOUND

○ 1" x 24" IRON PIPE SET WEIGHING A
MINIMUM OF 1.32 LBS PER LINEAL FOOT



SW CORNER
NE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 15
(EXISTING IRON PIPE)



MALAND DRIVE

CEDAR LANE

WHITEWATER DRIVE

TRACT 1
1.529 ACRES
66,612 SQ. FT.

TRACT 2-17

TRACT 4-16

1130.00'

S89°18'30"E

S01°14'30"E

270.00'

N89°18'30"W
(RECORDED AS 186.5)
206.11'

N89°18'30"W
(RECORDED AS 186.5)
206.11'

N89°18'30"W
(RECORDED AS 186.5)
206.11'

N89°18'30"W
(RECORDED AS 186.5)
206.11'

N89°18'30"W
(RECORDED AS 186.5)
206.11'

N89°18'30"W
(RECORDED AS 186.5)
206.11'

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

223.91'

1130.00'

S89°18'30"E

111.80'

34.43'

232.03'

223.91'

223.91'

01001501301200

0.9 ac.

1404

206.11

26.73

1

19.387

01001401001501
0.55 ac.

170.03

20

200.67

010014010

3.39 ac.

373.3

111.8

34.43

252.03
PEDESTRIAN WAY

223.91

01001501301300
0.28 ac.

2

1348

20-321

0100140100900
0.3 ac.

176.53

289.01

1

20-321

1340

0100140100600
0.35 ac.

6/24/18

Dear Mayor of the Common Council,

Manitowoc experienced a super cell rain storm that gave us 5-6 inches of rain in a couple of hours on 6/17/18. As a result my yard at 1348 Whitewater Drive, Manitowoc had a path of water about 15' wide and 3" deep across the entire back which deposited significant mud and debris. The water came from the farmer's field to the West of my property as the land is at a higher elevation. The following Monday, 6/18/18, my neighbor Lawrence (Larry) L. Ledvina who lives north of me at 1404 Mailand Dr, Manitowoc followed me to the Cenex gas station on Michigan Ave. He told me "My wife is yelling at me to tell you clean the mud and rock out of my yard." I told him "It's not my fault that the farmer's land is angled into our yards and the rain water is leaving debris behind." Larry then told me "I own that land and pay taxes on it." I questioned Larry if he owned the 20' Pedestrian Way North of my property and he reiterated, "I own the land and pay taxes on it."

As a new home owner I decide to investigate into who owns the 20' of property listed as Pedestrian Way on the GIS maps for Manitowoc County. I talked to Tim Ryan, Real Property Lister, in the County Planning and Zoning department to get the deed number for the Pedestrian Way. He told me I would find that information on document #868885, Volume 1472, Page 51. Then I went to City Hall to look up who owns it. The Engineering Dept. told me the city owns it. I then asked Jill in Engineering if I could buy the land. She had Paul call me and tell me I would have to write out a letter to Mayor of the Common Council if I wanted to purchase the land.

At this time I think it would be in the City's best interest to retain ownership of the land labeled Pedestrian Way between my land and Larry and Stacy Ledvina. The City needs to have the ability to annex our subdivision and the farm's field for farther expansion of the city as was planned back in 2001. I also think having a 20' wide path is needed for the farmer's field water to drain down the hill. At this time I am lining the West and North side of my property with field stone to keep the field run off water out of my property.



Robert Golding
1348 Whitewater Dr.
Manitowoc, WI 54220
920-374-0642

RECEIVED

JUN 25 2018

CITY C



CERTIFIED SURVEY MAP OF AN EXISTING TRACT OF LAND BEING A PART OF TRACT 1-17 OF CERTIFIED SURVEY MAP RECORDED IN VOLUME 4, PAGE 445, BEING LOCATED IN THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 15 AND IN GOVERNMENT LOT NUMBER 9 OF SECTION 14, T. 19 N., R. 23 E., TOWN OF MANITOWOC RAPIDS, MANITOWOC COUNTY, WISCONSIN

BEARINGS ARE REFERENCED TO THE
SOUTH LINE OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$
RECORDED AS S 89°18'30"E

• EXISTING MONUMENT FOUND

○ 1" x 24" IRON PIPE SET WEIGHING A
MINIMUM OF 1.32 LBS PER LINEAL FOOT

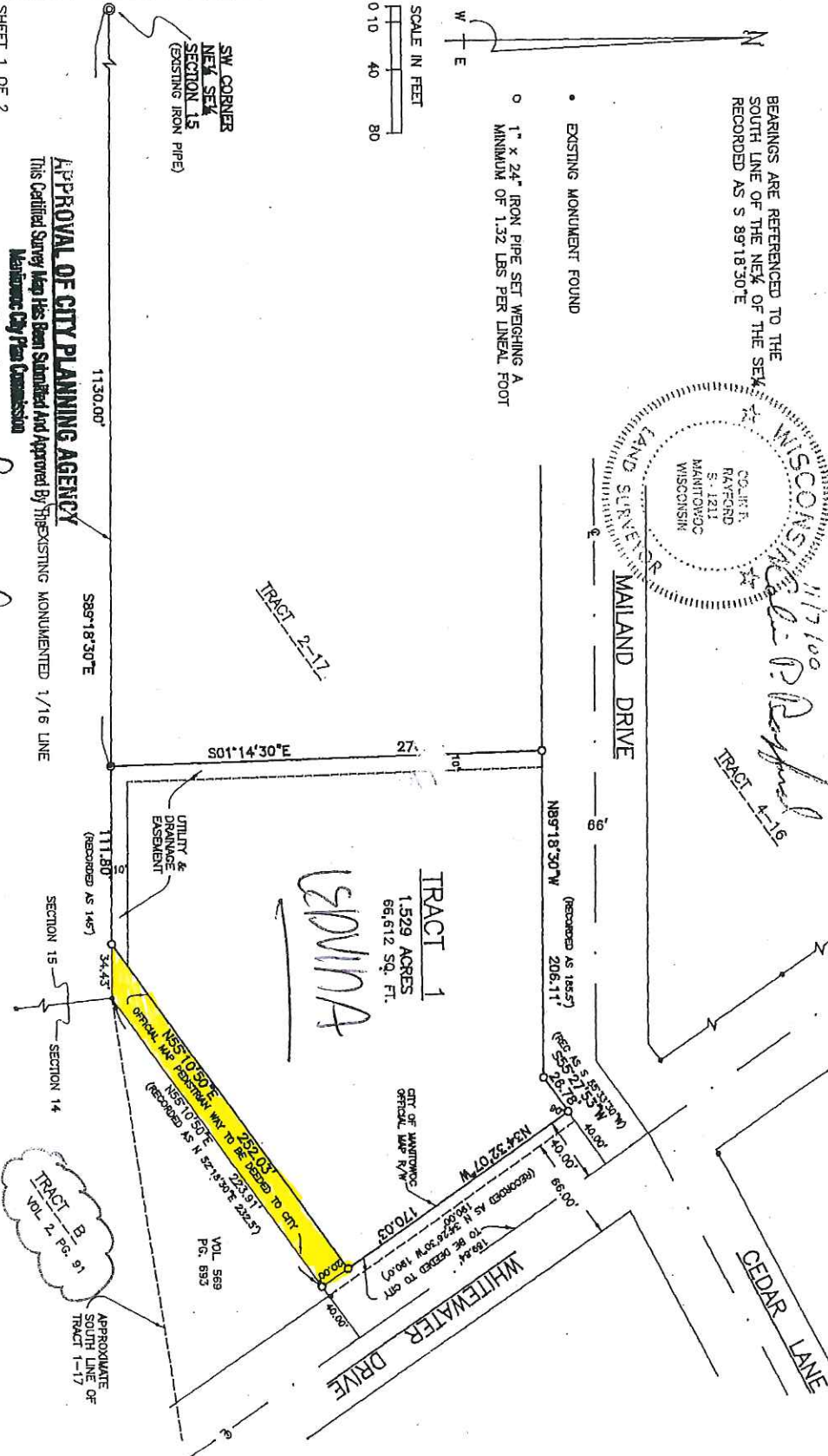


SCALE IN FEET
0 10 40 80

SW CORNER
NEW SE $\frac{1}{4}$
SECTION 15
(EXISTING IRON PIPE)

SHEET 1 OF 2

APPROVAL OF CITY PLANNING AGENCY
This Certified Survey Map Has Been Submitted And Approved By The Existing Monumented 1/16 LINE
Manitowoc City Plan Commission
DATE 11/7/2000 *Richard J. P. [Signature]*
MANITOWOC CITY PLAN COMMISSION



ROBERT GOLDING
920-374-0642