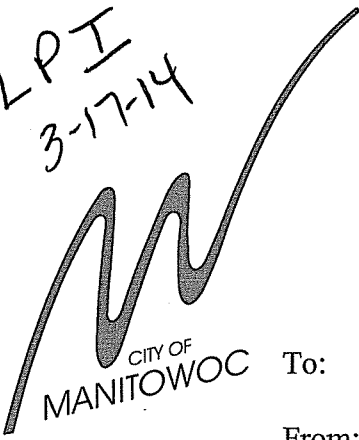


LPT
3-17-14

14-402

March 17, 2014



CITY OF
MANITOWOC

David Less
City Planner

To: Mayor and Common Council
From: Manitowoc City Plan Commission
Subject: **PC7-2014: Wergin - Release of Utility Easement west of North 8th Street**

Dear Mayor and Common Council:

At the regular March 12, 2014 meeting of the City Plan Commission, the Commission reviewed the status of an existing 100' wide utility easement (V. 1382, P. 177) previously granted to the City from Dennis and Kay Wergin in 1999. The Commission considered terminating the City's interest in said 1999 easement, as it has been replaced with an easement for the same purpose at a different location on the Wergin property. The replacement easement is dated December 6, 2001, and was recorded in V. 1587, P. 316. The Commission has recently approved a lot split at this property which requires a new Certified Survey Map (CSM), and removing the 1999 easement from the CSM, and identifying the 2001 easement on said CSM, should be done before the CSM has been recorded. The subject property is located west of N. 8th Street and south of Albert Drive, and is identified further as Tax Parcel #817-203-080.



OFFICE OF CITY PLANNING,
CITY PLAN COMMISSION

The 1999 easement was issued to the City for laying and maintaining of utilities. The 2001 easement does the same thing, but at a different location that was acceptable to all parties.

As such, the Commission unanimously recommended that the Council: (i) approve entering into the "Termination of Municipal Utility Easement" agreement, a draft of which is attached; and (ii) authorize the Mayor and Clerk to sign the document at the call of the Deputy City Planner. The document, upon full execution, shall be recorded by the Salutz Law Offices, at no expense to the City.

Respectfully Submitted,

David Less
City Planner

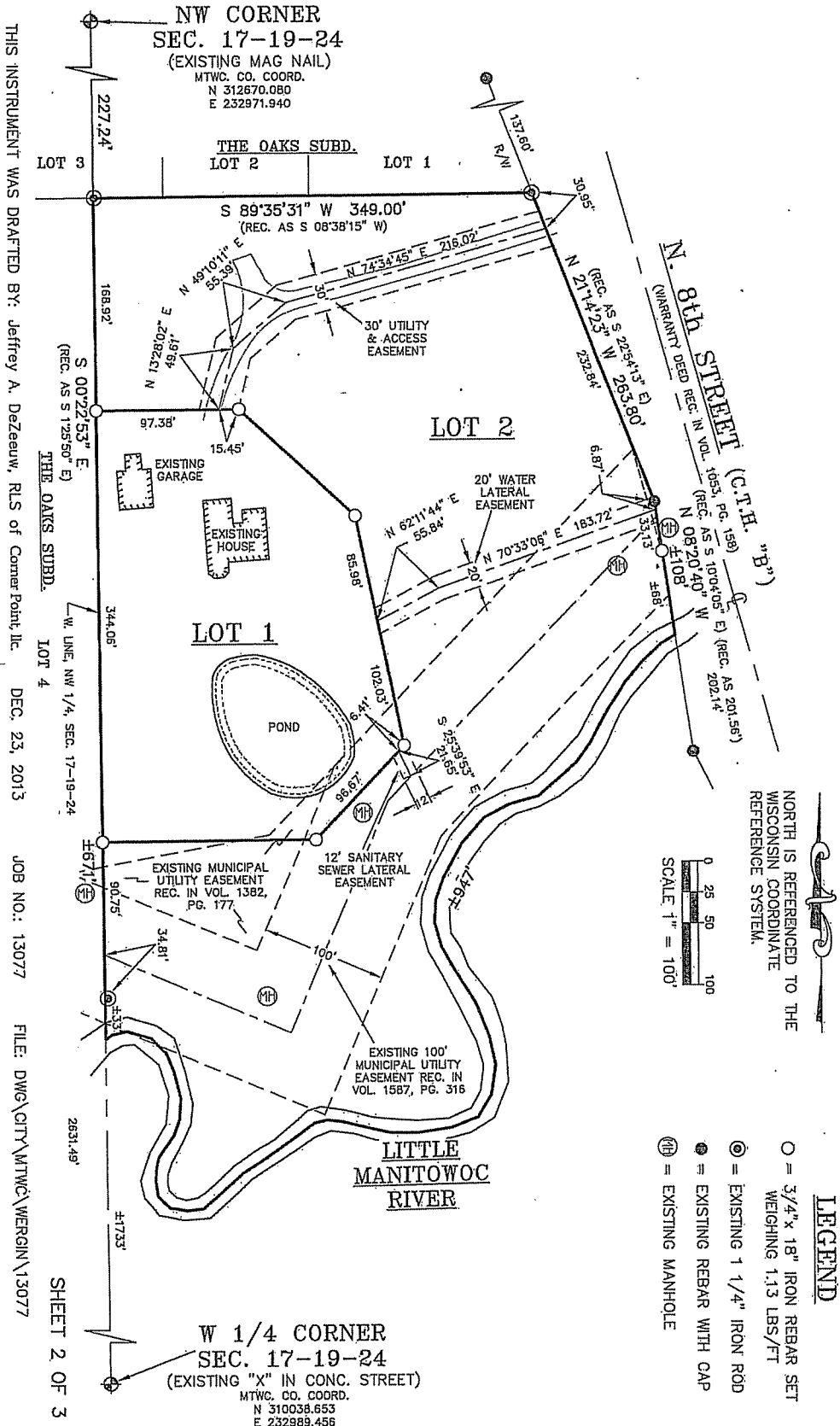
Attachments

Re: Granicus #14-295

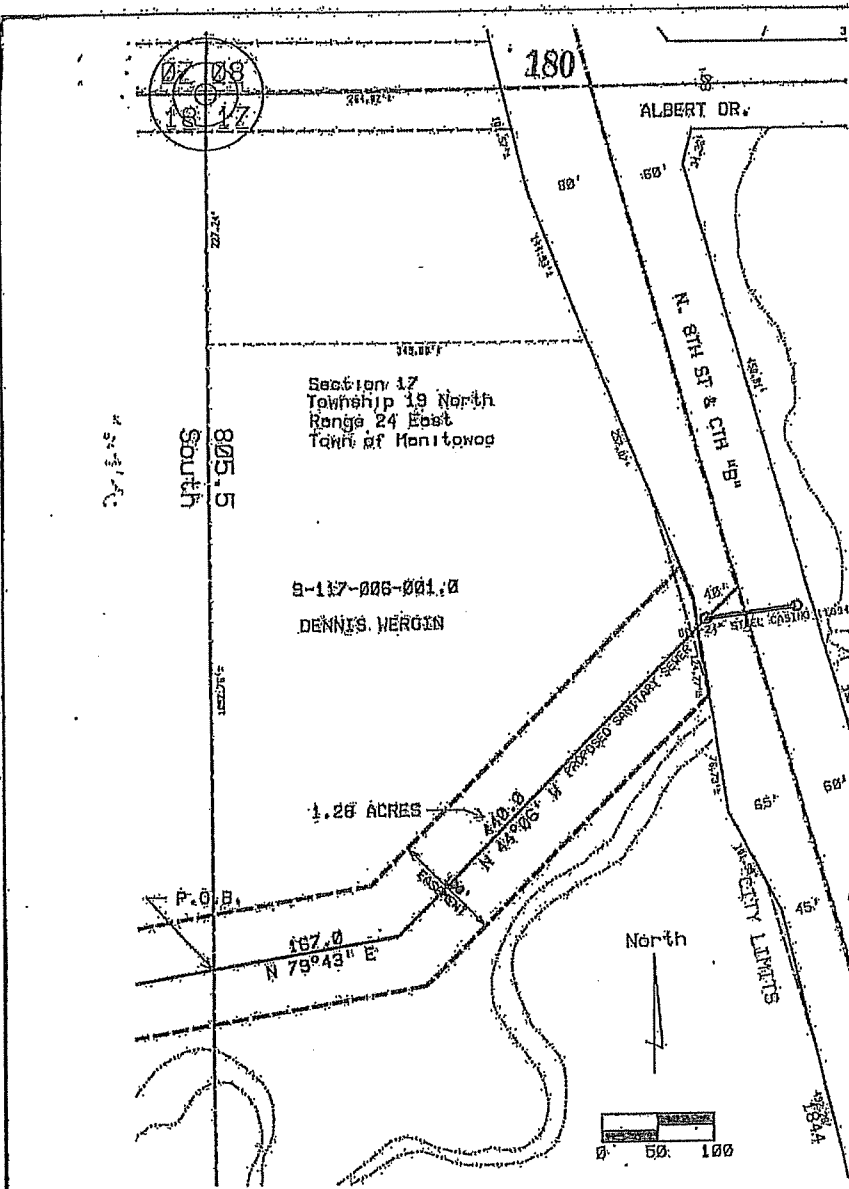




CERTIFIED SURVEY MAP
 LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 17, TOWN 19 NORTH, RANGE 24 EAST,
 CITY OF MANITOWOC, MANITOWOC COUNTY, WISCONSIN



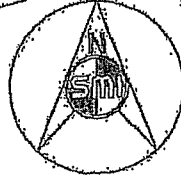
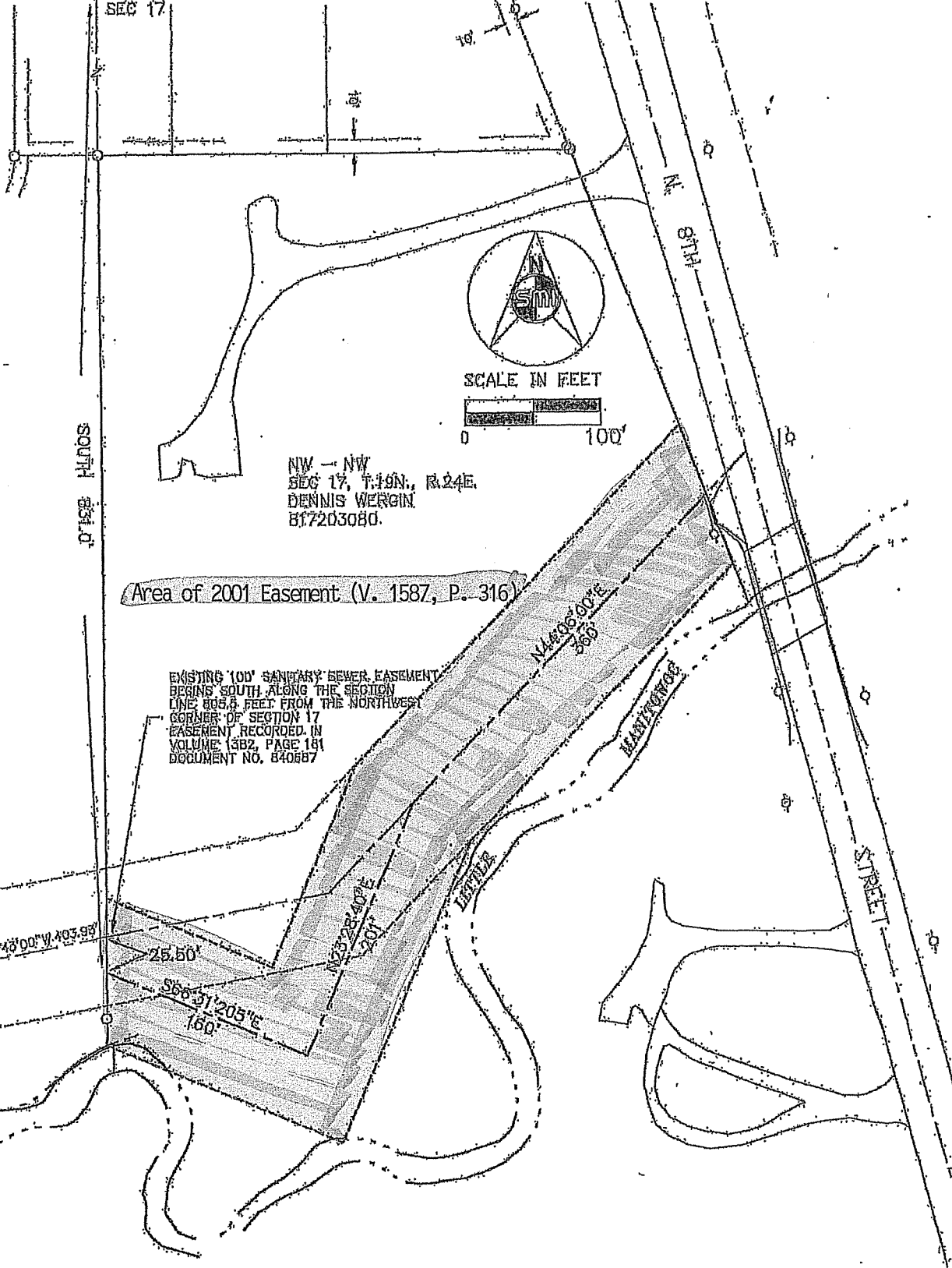
THIS INSTRUMENT WAS DRAFTED BY: Jeffrey A. Dezeauw, RLS of Corner Point, LLC
 DEC. 23, 2013
 JOB NO.: 13077
 FILE: DWG\CITY\MITWC\WERSIN\13077
 SHEET 2 OF 3



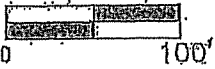
Area of 1999 Easement to be Terminated (V. 1382, P. 177)



NW COR
SEC 17



SCALE IN FEET



NW - NW
SEC 17, T.19N., R.24E.
DENNIS WERGIN
877203080.

Area of 2001 Easement (V. 1587, P. 316)

EXISTING 100' SANITARY SEWER EASEMENT
BEGINS SOUTH ALONG THE SECTION
LINE 805.8 FEET FROM THE NORTHWEST
CORNER OF SECTION 17
EASEMENT RECORDED IN
VOLUME 1382, PAGE 161
DOCUMENT NO. 840887

S79°43'00\"/>

25.50'

S66°31'205\"/>

160'

N23°28'40\"/>

207'

N44°06'00\"/>

260'

MANITOWOC

LEWIS

STREET

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.

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