

LPI  
2-15-16

16-0134



# CITY OF MANITOWOC

WISCONSIN, USA  
[www.manitowoc.org](http://www.manitowoc.org)



January 28, 2016

To: Mayor and Common Council  
From: Manitowoc City Plan Commission  
Subject: **PC7-2016: Kona Realty, LLC d.b.a. Kaysun Corporation: Partial Release of Easement Rights.**

Dear Mayor and Common Council:

At the regular January 27, 2016 meeting of the Manitowoc City Plan Commission, the Commission reviewed a proposal to partially release some easement rights to allow for a building expansion for the Kaysun Corporation. The existing electrical and telephone utilities will remain in the same location but will be placed into conduit which allows for the building to be constructed over the easements; the area and location of the easement also remains unchanged. Manitowoc Public Utilities and AT&T have provided communications indicating their approval of the partial release of easement rights.

The easement was originally created when Lots 1, 2, 3, and 4 in Block 2 of the Manitowoc I-43 Industrial Park Subdivision No. 1 and Lots 5 and 6 in Block 2 of the Manitowoc I-43 Industrial Park Subdivision No. 2 were created; all of the Lots were subsequently combined into a single lot by a Certified Survey recorded in Volume 17, Page 101, Document No. 798740.

The Commission unanimously recommended that the Council: (i) authorize the partial release of the easement rights; and (ii) authorize the Mayor and Clerk to sign the document at the call of the City Planner.

Respectfully Submitted,

Handwritten signature of Paul Braun in black ink.

Paul Braun

City Planner

Attorney Lynn Ludke  
Godfrey Kahn  
780 N Water Street  
Milwaukee, WI 53202-3590

Attachment

Re: Granicus 16-0068

PARTIAL RELEASE OF EASEMENT RIGHTS

Return to:  
Leah R. Wyant, Esq.  
Reinhart Boerner Van Deuren s.c.  
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]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF MANITOWOC

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF MANITOWOC        )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, the above-named \_\_\_\_\_, and to me known to be \_\_\_\_\_ of the City of Manitowoc, and the above-named \_\_\_\_\_, and to me known to be \_\_\_\_\_ of the City of Manitowoc, who executed the foregoing instrument, and acknowledged the same on behalf of the City of Manitowoc.

\_\_\_\_\_  
Name (printed): \_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission: \_\_\_\_\_



798740

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**

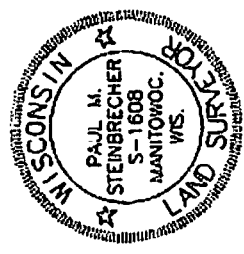
L. Paul M. Steinbrecher, Registered Land Surveyor with Steinbrecher & Menzies, Inc. (S.M.I.) do hereby certify that I have surveyed and mapped the following described tract of land:

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, 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 is a true representation of said property and correctly shows the entire 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 21 of the Municipal Code of the City of Manitowoc.

RECEIVED OFFICE  
MANITOWOC COUNTY WI  
RECORDED FOR RECORD  
7 NOV 1997 2:21 PM  
Vol. 17 CSX on Page 101  
REGISTER



Dated 10/25/97  
*Paul M. Steinbrecher*  
Paul M. Steinbrecher.

**OWNER'S CERTIFICATE**

We owners we hereby certify that we caused the land described on this map to be surveyed, mapped, divided and dedicated 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]*  
OWNER: GREYSTONE REALTY, L.P. - HOWARD W. ROBINSON

CERTIFICATE OF PLANNING AGENCY  
This certified survey map has been submitted and approved by the City of Manitowoc Plan Commission.

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

## **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**

**15075221.4**