



# 16-0902

**Standing Committee:** Plan Commission

**Document Name:** City of Manitowoc Purchase of Property for Alley Purposes - 1010 Lincoln Boulevard Pursuant to § 66.23(5). PC 32 – 2016.


Consent

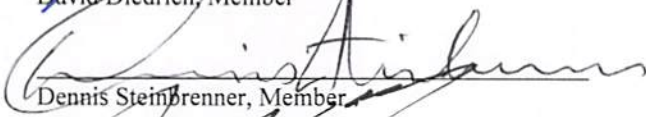
Non-Consent

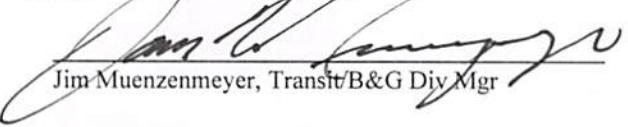
**Recommendation:** Approve the City of Manitowoc's purchase of property for alley purposes.


**Attest:**


  
Aldersperson Jim Brey

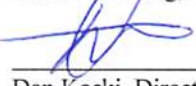
  
David Diedrich, Member

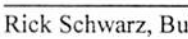
  
Dennis Steinbrenner, Member

  
Jim Muenzenmeyer, Transit/B&G Div Mgr

  
Peter Dorner, Member

  
Daniel Hornung, Member

  
Dan Koski, Director of Public Infrastructure

  
Rick Schwarz, Building Inspector (Alternate)

**Approved:**

Justin M. Nickels  
Mayor

Date

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**Report to the  
Manitowoc Plan Commission**

**Meeting Date:** September 28, 2016

**Report Print Date:** September 21, 2016; 4:02 PM

**Request:** PC 32 – 2016: Pursuant to § 66.23(5) City of Manitowoc Purchase of Property for Alley Purposes, 1010 Lincoln Boulevard.

**Reason for Request:** Pursuant to § 66.23(5) the Plan Commission shall have the opportunity to provide a recommendation to the Common Council when a City purchases property.

**Existing Land Use for Subject Property:** Current residential property.

**Existing Zoning for Subject Property:** R-3 Single Family District

**Surrounding Property Land Uses and Zoning**

<b>Direction</b>	<b>Existing Land Use</b>	<b>Existing Zoning</b>
North, East	Residential, Lincoln Park	R-5 – low density multiple family R-3 – single family R-2 – single family P-1 – conservancy
South, West	Overall Residential, some mixed business	R-4 – single and two family R-3 – single family

**Comprehensive Plan:** Single and Two-Family Residential – Urban: This future land use is intended for single family detached residences as well as duplexes, townhomes, and condominiums.

**Consistency Analysis**

The proposed use is consistent with the Comprehensive Plan.

**Report:** The City of Manitowoc plans to purchase the property for alley purposes. The additional right-of-way will increase the width of the alley as well as improve the quality of the road. Currently, the alley is utilized as access points to multiple garages on the block.

**Case History** The City of Manitowoc Public Infrastructure Committee voted in favor of a recommendation to authorize the city attorney to negotiate a property purchase for the purposes of improving an alley at the regular May 9<sup>th</sup> 2016 meeting. Per statute § 66.23(5) the acquisition of alleys requires a referral to the City Plan Commission before final action is taken by the council.

**Recommendation:** Staff recommendation is to approve the City of Manitowoc's purchase of property for alley purposes.



**DESCRIPTION:** Area to be used for alley

Part of Lot Nine (9) of the Resubdivision of August Brinkman's Addition located in the NW 1/4 of the NW 1/4 of Section 20, Town 19 North, Range 24 East, City of Manitowoc, Manitowoc County, Wisconsin, described as follows:

Commencing at the NW Corner of said Section 20. Thence S 89°58'20" E, 1046.72 feet coincident with the north line of said NW 1/4; Thence S 00°53'30" W, 934.68 feet to a point on the west line of Lincoln Boulevard that is 2.00 feet north of the current north line of the alley as recorded in Volume 256, Page 348, adjacent to said Lot 9, being the point of beginning; Thence containing S 00°53'30" W, 2.00 feet to the current north line of said alley; Thence N 89°04'03" W, 156.80 feet coincident with said alley line to the original platted alley line; Thence N 44°06'27" W, 14.15 feet coincident with said original alley line; Thence N 00°51'09" E, 11.79 feet coincident with said original alley line; Thence S 10°52'49" E, 11.64 feet; Thence S 56°12'58" E, 11.70 feet; Thence S 86°27'27" E, 54.67 feet; Thence S 89°19'04" E, 100.00 feet to the point of beginning.

Said parcel contains 391 Square Feet of land.

**SURVEY NOTE:**

The boundary of this Block is based on the curb split of Pine Street, Waldo Boulevard and Lincoln Boulevard; and a line established from existing monumentation on N. 8th Street.

The purpose of this survey is to describe and mark the part of Lot 9 that is to be purchased for public alley.

**SURVEYORS CERTIFICATE:**

I, Jeffrey A. DeZeeuw of Corner Point, LLC do hereby certify that this survey was made under the direction of the client shown hereon by the undersigned of the described property on the date shown below and that this survey complies with Chapter A-E 7 of the Wisconsin Administrative Code and is correct to the best of my knowledge and belief.

7/5/16  
DATE

*Jeffrey A. DeZeeuw*  
Jeffrey A. DeZeeuw, RLS #2294



**PLAT OF SURVEY**

PART OF LOT 9 OF THE RESUBDIVISION OF AUGUST BRINKMAN'S ADDITION, LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 20, TOWN 19, RANGE 24 EAST, CITY OF MANITOWOC, MANITOWOC COUNTY WISCONSIN

DATE:	6/27/2016
DRAWN BY:	JAD
JOB NO.:	16054
CAD FILE:	DWG\CITY\MTWC\CITY\16054
SCALE:	1" = 60'

PAGE NO.  
2 OF 2

CITY OF MANITOWOC  
900 QUAY STREET  
MANITOWOC, WI 54220

PO Box 699  
Manitowoc, WI 54221-0698  
920-662-4172  
www.CornerPointllc.com



*atby*

16-0419

Standing Committee: Public Infrastructure Committee

Document Name: Existing Alley Pavement on Private Property in Alley number 8C Bounded by Lincoln, N. 8th Street, Pine Street and Waldo Blvd.

Consent

Non-Consent

Chairman Recommend

Recommendation: COMMITTEE RECOMMENDS AUTHORIZING CITY ATTORNEY TO NEGOTIATE PURCHASE OF AFFECTED PROPERTY.

Attest:

*[Signature]* 05/09/12  
Chair - Alderperson Dave Soeldner Date

*[Signature]*  
Vice Chair - Alderperson Mike Howe

*[Signature]*  
Alderperson Jim Bey

*[Signature]*  
Alderperson Scott McMeans

*[Signature]*  
Alderperson Lee Kummer

Approved:

*[Signature]* 5/17/16  
Justin M. Nickels Date  
Mayor

16-0419

**Greg Minikel**

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**From:** Greg Minikel  
**Sent:** Wednesday, April 13, 2016 10:32 AM  
**To:** Dan Koski; Matt Smits; Mike Zimmer  
**Cc:** Jill Erickson; Steve Herzog; Sonja Birr; Liza Rezach  
**Subject:** Meeting with Steve Mikkelsen 1010 Lincoln Blvd. - Regarding the alley paving

Matt, Dan and I met with Steve Mikkelsen this morning to discuss the alley paving abutting his property.

For future reference here is his contact information.

Steve and Clara Mikkelsen  
1010 Lincoln Blvd.

e-mail: [sccimikkelsen@gmail.com](mailto:sccimikkelsen@gmail.com)

Steve's Cell Phone: (218) 830-1295

Clara's Cell Phone: (218) 830-0958

The 2 options we discussed were:

1. Vacation of the east leg of the alley. Steve's first choice
2. City to purchase a 2 foot wide strip similar to the one shown in the 1999 easement drawing.

For either option, it appears the first step will be to bring it to the next PI Committee meeting.

More to come I guess. No easy button here.

# WARRANTY DEED

By this Deed, Steven C. and Clara J. Mikkelsen, a married couple with survivor marital rights, Grantors, convey to City of Manitowoc, a Wisconsin municipal corporation, Grantee, a single person, Grantee, for good and valuable consideration, the receipt of which is hereby acknowledged, all its interest in the following described real estate located in Manitowoc County, State of Wisconsin:

Part of Lot Nine (9) of the Resubdivision of August Brinkman's Addition located in the NW ¼ of the NW ¼ of Section 20, Town 19 North, Range 24 East, City of Manitowoc, Manitowoc County, Wisconsin, described as follows:

Commencing at the NW corner of said Section 20; thence S 89° 58' 20" E, 1046.72 feet coincident with the north line of said NW ¼; thence S 00° 53' 30" W, 934.68 feet to a point on the west line of Lincoln Boulevard that is 2.00 feet north of the current north line of the alley as recorded in Volume 256, Page 348, adjacent to said Lot 9, being the point of beginning; thence continuing S 00° 53' 30" W, 2.00 feet to the current north line of said alley; thence N 89° 04' 03" W, 1546.80 feet coincident with said alley line to the original platted alley line; thence N 44° 06' 27" W, 14.15 feet coincident with said original alley line; thence N 00° 52' 09" E, 11.79 feet coincident with said original alley line; thence S 10° 52' 49" E, 11.64 feet; thence S 56° 12' 58" E, 11.70 feet; thence S 86° 27' 27" E, 54.67 feet; thence S 89° 19' 04" E, 100.00 feet to the point of beginning.

Said parcel contains 391 square feet of land and is shown on the attached map.

Exempt from transfer fee and return §77.25 (2).

Energy Exclusion Code W-7.

Grantors warrant that the title to the property is good, indefeasible in fee simple, free and clear of encumbrances, except as stated herein and easements, agreements, restrictions or reservations of record.

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

**GRANTORS:**

\_\_\_\_\_  
Steven C. Mikkelsen

\_\_\_\_\_  
Clara J. Mikkelsen

STATE OF WISCONSIN )  
                                  ) ss.  
MANITOWOC COUNTY )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, Steven C. Mikkelsen and Clara J. Mikkelsen, to me known to be the persons who executed the foregoing instrument, and acknowledged the same.

\_\_\_\_\_  
Notary Public Manitowoc County, WI.

My commission expires \_\_\_\_\_.

Name and Return Address:

Jennifer Hudon, City Clerk/Deputy Treasurer  
City Hall  
900 Quay Street  
Manitowoc, WI 54220-4543



SEPTEMBER PC

Paul Braun

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**From:** Paul Braun  
**Sent:** Tuesday, August 23, 2016 1:54 PM  
**To:** Jane Rhode; Elizabeth Majerus; Greg Minikel; Kathleen McDaniel  
**Cc:** Dan Koski; Nicolas Sparacio; Tyler Caulum  
**Subject:** RE: A16-00130 1010 Lincoln Blvd. Alley Property Purchase - Mikkelson

It can be placed on the September 28<sup>th</sup> Plan Commission meeting agenda. Can someone send me a copy of the deed so I can put it into our plan commission drawer as a reminder.

Thanks.

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**From:** Jane Rhode  
**Sent:** Tuesday, August 23, 2016 1:51 PM  
**To:** Elizabeth Majerus; Greg Minikel; Kathleen McDaniel  
**Cc:** Dan Koski; Paul Braun  
**Subject:** RE: A16-00130 1010 Lincoln Blvd. Alley Property Purchase - Mikkelson

OK.

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**From:** Elizabeth Majerus  
**Sent:** Tuesday, August 23, 2016 1:40 PM  
**To:** Jane Rhode; Greg Minikel; Kathleen McDaniel  
**Cc:** Dan Koski; Paul Braun  
**Subject:** RE: A16-00130 1010 Lincoln Blvd. Alley Property Purchase - Mikkelson

With Kathleen out, let's follow the protocol. (better safe than sorry) Please have the Mikkelson's sign the WD and send off to the Planning Commission and CC for official acceptance before issuing the check.

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**From:** Jane Rhode  
**Sent:** Tuesday, August 23, 2016 8:45 AM  
**To:** Greg Minikel; Kathleen McDaniel  
**Cc:** Elizabeth Majerus; Dan Koski; Paul Braun  
**Subject:** RE: A16-00130 1010 Lincoln Blvd. Alley Property Purchase - Mikkelson

Thanks.

(I think they should sign the WD, then it goes to the next CC meeting, where it should be officially accepted, perhaps on the consent agenda??, and then we pay them and it gets recorded w/the CC action on it at the ROD's Office.)

Let's defer to Kathleen and Liz's legal advice.

Thanks!

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**From:** Greg Minikel  
**Sent:** Tuesday, August 23, 2016 8:34 AM  
**To:** Kathleen McDaniel; Jane Rhode  
**Cc:** Elizabeth Majerus; Dan Koski; Paul Braun  
**Subject:** RE: A16-00130 1010 Lincoln Blvd. Alley Property Purchase - Mikkelson

Handwritten red marks at the top of the page, including a stylized signature and the word "REPLY" written upside down.

The parcel # is: 175-000-101.

I checked with Paul Braun and technically the Plan Commission and Council are supposed to approve/sign-off on this before we pay them.

Kathleen is correct and that the PI Committee and Council already approved her to negotiate the purchasing of the strip of land for the alley and the Committee agreed on the amount being equal to the assessment cost.

I guess it could go either way.

I guess it is up to the Attorney's office if this should go to Plan Comm. and Council again or not.

**From:** Kathleen McDaniel  
**Sent:** Monday, August 22, 2016 4:09 PM  
**To:** Jane Rhode  
**Cc:** Elizabeth Majerus; Greg Minikel  
**Subject:** RE: A16-00130 1010 Lincoln Blvd. Alley Property Purchase - Mikkelson

I believe CC already approved us doing this in a report from the PI committee so it should be good to go for signature and recording, but I'd double check on that with Greg.

**From:** Jane Rhode  
**Sent:** Monday, August 22, 2016 2:35 PM  
**To:** Kathleen McDaniel  
**Cc:** Elizabeth Majerus; Greg Minikel  
**Subject:** A16-00130 1010 Lincoln Blvd. Alley Property Purchase - Mikkelson

Ok, so draft a Warranty Deed (rough draft - see second attachment), have a check cut for \$2,119.82 and have them come in to sign and hand them their check? Then the final WD goes to CC for final approval and recording?

Or does it need to be approved by the CC before we pay them, even though the work is already done?

Greg, please provide me with a parcel number for this parcel.

Thanks!

\*\* Attached file(s):  
PI Committee rec CA negotiate purchase of property (00023678.pdf)

\*\* Attached file(s):  
WD Mikkelson to City (00031451.docx)

Jane Rhode  
Paralegal / Attorney's Office  
City of Manitowoc  
900 Quay Street, Manitowoc, WI 54220-4543  
Phone (920) 686-6997 / Fax (920) 686-6999

**Sonja Birr**

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**From:** Greg Minikel  
**Sent:** Monday, May 02, 2016 9:47 AM  
**To:** Sonja Birr; Dan Koski; Matt Smits  
**Subject:** Fw: alley

Are we taking this to the PI Comm. next Mon??

Sent from my LG phone powered by Cellcom 4G LTE

----- Original message-----

**From:** Steve Mikkelsen  
**Date:** Mon, 5/2/2016 7:43 AM  
**To:** Greg Minikel;  
**Subject:**alley

Hi Greg,

Just thought I should check in with you.

During our meeting a few weeks ago you fellows were thinking that sooner rather than later you would have an idea where the city's position on vacating the property would be.

You also mentioned that bids were due in by end of last week. Are we there yet?

I am still very interested that option.

Please let me know how the city plans to proceed and thank you.

Have a good day, stevern