

15-256

780 NORTH WATER STREET  
MILWAUKEE, WISCONSIN 53202-3590

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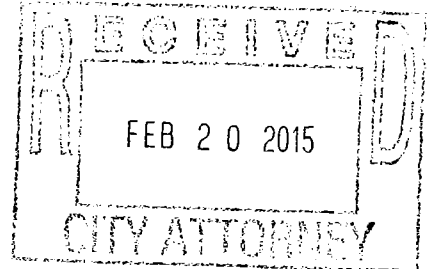
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Direct: 414-287-9631  
lludke@gklaw.com

February 17, 2015

**VIA FEDEX**

Ms. Kathleen M. McDaniel  
Manitowoc City Attorney  
900 Quay Street  
Manitowoc, WI 54220



RE: Kaysun Corporation

Dear Kathleen:

Enclosed is the original Sidewalk Privilege Agreement which has been executed and notarized on behalf of Kaysun Corporation. Please proceed to have the Agreement executed on behalf of the City and recorded. I would like a copy of the fully-executed and recorded Agreement for my files. Please let me know if you have any questions.

Very truly yours,

GODFREY & KAHN, S.C.

A handwritten signature in cursive script, appearing to read "Lynn".

Lynn A. Ludke

LAL:lrj  
Enclosure

cc: Paul W. Griepentrog

13104210.1

**SIDEWALK PRIVILEGE  
AGREEMENT**

DOCUMENT NO.

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

052-447-002-030.00  
052-447-002-040.00  
052-447-002-050.00  
052-447-002-060.00

Parcel Identification Numbers

## SIDEWALK PRIVILEGE AGREEMENT

This Agreement made by and between the City of Manitowoc, Wisconsin, a municipal corporation, hereinafter referred to as "City" and Kaysun Corporation, hereinafter referred to as "Kaysun".

WHEREAS, Kaysun is the owner of the property described on Exhibit A attached hereto ("Kaysun Property").

WHEREAS, the City is the owner of the property described in Exhibit B attached hereto and depicted as Vits Drive, Duffek Drive and West Drive on Exhibit C attached hereto (collectively the "City Property").

WHEREAS, Kaysun has installed gravel pathways ("Gravel Pathways") on the Kaysun Property.

WHEREAS, the Gravel Pathways encroach in certain areas onto the City Property.

WHEREAS, the City desires to grant to Kaysun the rights described herein.

NOWHEREFORE, the parties hereto agree as follows:

1. Grant. Pursuant to Wis. Stats. §66.0425, the City hereby grants to Kaysun the privilege to use those portions of the City Property encroached upon by the Gravel Pathways ("Privilege Areas") for the purposes of constructing, maintaining, repairing and replacing the Gravel Pathways ("Grant").

2. Consideration. In consideration for the grant of this privilege, Kaysun agrees to maintain the Privilege Areas in conformity with City requirements.

3. Liability. By acceptance of this Grant, Kaysun agrees, pursuant to Wis. Stats. §66.0425, to be primarily liable for any damages to person or property by reasons of the granting of this privilege, and to hold harmless the City, its employees, agents, officials and assigns, and as further consideration for this privilege, Kaysun agrees to obtain and maintain in effect for the duration of this Grant, liability insurance covering the Privilege Areas, with a limit of not less than \$100,000 per person, \$500,000 per occurrence to insure this obligation.

4. Termination and Removal. This Agreement shall terminate should Kaysun fail to maintain the Privilege Areas for the purposes granted. In addition, the City shall have the right to terminate this agreement upon ten days written notice to Kaysun, which notice is to be delivered in the manner required by statute for the service of a summons.

5. Compensation. Kaysun shall not be required to pay any compensation to the City for the Grant hereunder.

6. Waiver. Kaysun specifically waives its right to contest in any manner the validity of this agreement under Wis. Stats. §66.0425.

7. Parties. This agreement shall run with the land and be binding upon and inure to the benefit

Sidewalk Privilege Agreement  
Kaysun Corporation  
Tax Parcel Nos: 052-447-002-030.00  
052-447-002-040.00  
052-447-002-050.00  
052-447-002-060.00

of the parties hereto as well as their successors and assigns.

8. Implementation. This agreement shall not be effective until it has been executed by the authorized persons for the City as well as Kaysun. Failure to properly execute this agreement makes the agreement null and void.

Dated this \_\_\_\_\_ day of February, 2015.

[SIGNATURES ON THE NEXT FOLLOWING PAGE]



**EXHIBIT A  
KAYSUN PROPERTY**

**Parcel 1: Lot Numbered Four (4) of Block Numbered Two (2) of Manitowoc 1-43 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 (6) and Six (6) of Block Numbered Two (2) of Manitowoc 1-43 Industrial Park Subdivision No. 2 in the City of Manitowoc, Manitowoc County, Wisconsin, according to the Recorded Plat of said Subdivision.**

**Tax Parcel No. 062-447-002-050.00 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 1-43 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, Wisconsin**

EXHIBIT B  
CITY PROPERTY LEGAL DESCRIPTION

LEGAL DESCRIPTION

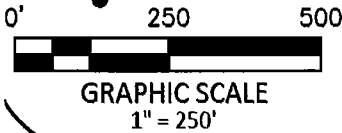
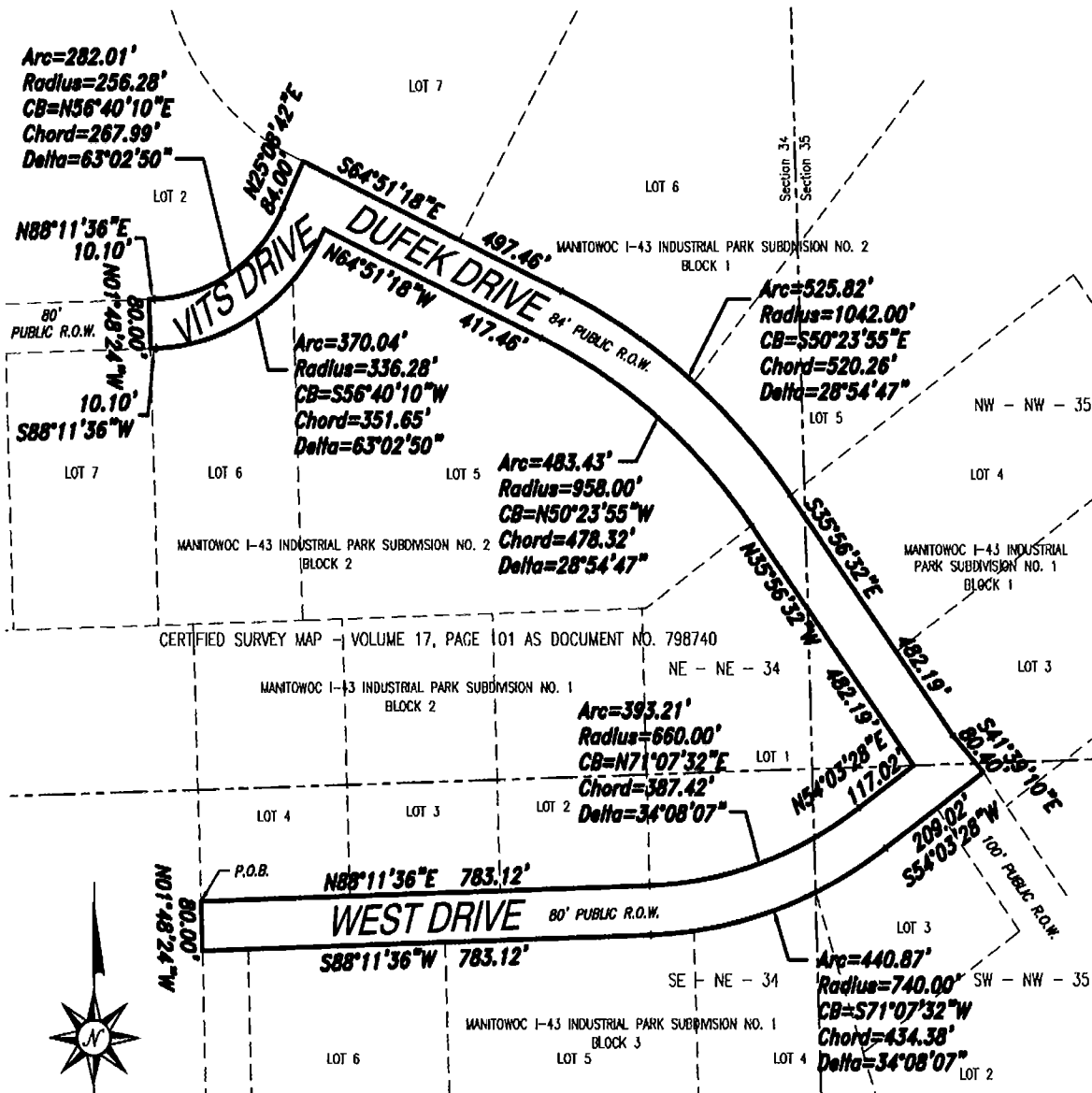
Being a part of the Northwest 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 35, and the Northeast 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Northeast 1/4 of Section 34, in Township 19 North, Range 23 East, in the City of Manitowoc, Manitowoc County, Wisconsin, bounded and described as follows: Beginning at the Southwest corner of Lot 4, Block 2, Manitowoc I-43 Industrial Park Subdivision No. 1; thence North 88°11'36" East, along the North line of West Drive 783.12 feet; thence Northeasterly 393.21 feet along said north line and arc of a curve, whose center lies to the North, whose radius is 660.00 feet and whose chord bears North 71°07'32" East 387.42 feet; thence North 54°03'28" East along said North line 117.02 feet to a point on the Southwest line of Dufek Drive; thence North 35°56'32" West along said southwesterly line 482.19 feet; thence Northwesterly 483.43 feet along said southwesterly line and arc of a curve, whose center lies to the Southwest, whose radius is 958.00 feet and whose chord bears North 50°23'55" West 478.32 feet; thence North 64°51'18" West along said Southwest line 417.46 feet to a point on the South line of Vits Drive; thence Southwesterly 370.04 feet along said south line and arc of a curve, whose center lies to the Northwest, whose radius is 336.28 feet and whose chord bears South 56°40'10" West 351.65 feet; thence South 88°11'36" West along said South line 10.10 feet; thence North 01°48'24" West 80.00 feet to a point on the north line of said Vits Drive; thence North 88°11'36" East along said North line 10.10 feet; thence Northeasterly 282.01 feet along said North line and arc of a curve, whose center lies to the North, whose radius is 256.28 feet and whose chord bears North 56°40'10" East 267.99 feet; thence North 25°08'42" East 84.00 feet to a point on the Northeast line of Dufek Drive; thence South 64°51'18" East along said Northeast line 497.46 feet; thence Southeasterly 525.82 feet along said Northeast line and arc of a curve, whose center lies to the Southwest, whose radius is 1042.00 feet and whose chord bears South 50°23'55" East 520.26 feet; thence South 35°56'32" East along Northeast line 482.19 feet; thence South 41°39'10" East along said Northeast line 80.40 feet; thence South 54°03'28" West 209.02 feet to a point on the South line of West Drive; thence Southwesterly 440.87 feet along said South line and arc of a curve, whose center lies to the Northwest, whose radius is 740.00 feet and whose chord bears South 71°07'32" West 434.38 feet; thence South 88°11'36" West along said South line 783.12 feet; thence North 01°48'24" West 80.00 feet to the point of beginning.

CHAPUT LAND SURVEYS LLC

234 W. FLORIDA STREET  
MILWAUKEE, WI 53204  
414-224-8068  
www.chaputlandsurveys.com

Date: October 9, 2014  
Drawing No. 1831-ajs

EXHIBIT C  
DEPICTION OF CITY PROPERTY



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Date: October 9, 2014  
Drawing No. 1831-ajs