

# IMPLEMENTATION PLAN FOR PLANNED UNIT DEVELOPMENT (PUD)

## CITY OF MANITOWOC, WISCONSIN

This Planned Unit Development (PUD), to be known as **River Point PUD** is approved this day of, \_\_\_\_\_ 2021 by the Common Council of the City of Manitowoc, Wisconsin, a Wisconsin Municipal Corporation, (hereinafter referred to as the "CITY") for certain real property located in the City of Manitowoc, Manitowoc County, WI and described in Exhibit A which is attached and incorporated herein by reference (hereinafter referred to as the "PROPERTY"). This Implementation Plan (hereinafter referred to as the "PLAN" or "AGREEMENT") for the River Point PUD is created by the City of Manitowoc, WI, a municipal corporation and The Community Development Authority of the City of Manitowoc (CDA), Wisconsin.

WHEREAS, the CDA purchased the PROPERTY from Wisconsin Central Ltd, a Delaware corporation on April 12, 2019 by quit claim deed recorded in Volume 3209, Page 638, Document # 1204566,

WHEREAS, the CDA has recommended to the Common Council approval of the creation of the River Point PUD at its July 21, 2021 meeting;

WHEREAS, the City has approved a General Development Plan (GDP) on \_\_\_\_\_ (Report #21-\_\_\_\_\_), and approved a Conditional Use Permit (Report #21-\_\_\_\_\_) pursuant to Manitowoc Municipal Code (hereinafter "MMC") § 15.750(4) for the River Point PUD;

WHEREAS, the City has approved a final site plan and Final Development Plan (FDP) on \_\_\_\_\_ (Report #21-\_\_\_\_\_) pursuant to MMC § 15.750(16) for River Point PUD;

WHEREAS, the City has authorized the preparation, execution and recording of the PLAN pursuant to MMC §15.750(17) for the River Point PUD; and

NOW, THEREFORE, in consideration of the foregoing recitals, the City and the CDA hereby notify all interested parties as follows:

1. **Existence of the PLAN for River Point PUD (#PC 27-2021).**  
The City has created the PLAN for the PROPERTY to establish the general land uses which shall be permitted on the PROPERTY; provide detailed development guidelines and conditions which must be complied with by the Owner/Developer and all subsequent PROPERTY owners or agents of the PROPERTY Owner/Developer; and provide a specific implementation plan. The PLAN shall designate and specify improvements that must be made, and conditions that must be fulfilled by the Owner/Developer and the City, in conjunction with the PUD designation.
2. **Location of PLAN and AGREEMENT.**  
The PLAN and AGREEMENT for the River Point PUD #PC27-2021 is on file with the City of Manitowoc Community Development Department (hereinafter referred to as the "DEPARTMENT") at 900 Quay Street, Manitowoc WI 54220-4543, and is subject to review and reproduction by all interested parties upon request. The PROPERTY shall

be developed substantially in accordance with the most current and City-approved PROPERTY development and site plans submitted, said plans are incorporated by reference.

3. ***Subsequent Purchasers.***

A PUD is a zoning overlay district under MMC § 15.750. This PLAN is a covenant that shall run with the PROPERTY. Accordingly, all future purchasers of the PROPERTY should become familiarized with the PLAN, the AGREEMENT, and the Zoning District that the property is located in.

4. ***Amendments to PLAN.***

Pursuant to MMC § 15.750(20), major changes in the PLAN require approval by the City and subsequent recording of a written amendment to the PLAN. Minor changes to the PLAN (MMC § 15.750(20)(a)) require the approval of the City's Planner or City's Engineer (MMC § 15.750(20)(b)).

5. ***Relationship to Underlying Zoning.***

A PUD is a zoning overlay district under MMC § 15.750. Accordingly, where the provisions of this PUD and the underlying zoning are in conflict, the PUD shall govern. Where this PUD does not specify a particular provision or standard found in the underlying zoning, the underlying zoning shall govern as applicable.

6. ***Development Guidelines and Conditions.***

The development guidelines contained herein shall limit and control the location and use of the PROPERTY, including the internal use of buildings and structures. The depicted lots in Exhibit A shall govern development in these same geographic areas, regardless of whether lot numbers are modified after the date of this PUD by any land division pursuant to Wis. Stats. Ch. 236 and Chapter 21 of the Manitowoc Municipal Code. Any new Certified Survey Map (CSM) created and approved by the City after the date of this PUD shall include a reference to "River Point PUD #PC 27-2021" and underlying lot numbers identified in Exhibit A.

7. ***Development Standards.***

The development standards for the River Point PUD consist of a "River Point Permitted Uses and Lot Standards" document and a "River Point Design Guidelines" document. The official **versions dated \_\_\_\_\_**, and as updated from time to time, are on file in the Community Development Department at City Hall, 900 Quay Street, Manitowoc, WI 54220.

8. ***General Provisions.***

a. ***Breach of PLAN.*** If at any time any provision or requirement stated in the PLAN have been breached by an owner of the PROPERTY, or portion thereof, then the City may withhold approval of any or all land division approvals, site plan approvals, or the issuance of any or all grading or building permits or occupancy permits applied for with respect to that specific lot or portion of the PROPERTY that is in breach of

any provision or requirement stated in the PLAN, until such breach has been remedied.

- b. Binding Effect. This PLAN shall run with the PROPERTY and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the PROPERTY or any part thereof, with the exception that provisions of this PLAN may be modified through an amendment in accordance with the procedure specified in the PLAN.
- c. Recordation. This PLAN and any subsequent modifications thereof or additions thereto shall be, upon being duly executed, recorded by the CITY at the Owner/Developer's sole expense, at the Register of Deeds for Manitowoc County, Wisconsin, and shall be deemed to be and interpreted as a covenant running with the PROPERTY.
- d. Approvals in Writing. Whenever under this PLAN approvals, authorizations, determinations, satisfactions or waivers are authorized or required, such approvals, authorizations, determinations, satisfactions or waivers shall be effective and valid only when given in writing and signed by the duly authorized officer of the CITY. Wherever any approval is required by this PLAN, and request or application for such approval is duly made, such approval shall not be unreasonably withheld.
- e. Severability. If any provision of this PLAN is deemed by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this PLAN shall not be affected thereby, and such remainder would then continue to conform to the requirements of applicable laws and the AGREEMENT.
- f. Amendments: Pursuant to MMC § 15.750(20), major changes to the PLAN (herein defined as changes to either the Implementation Plan for the PUD or the River Point Permitted Uses and Lot Standards document) require approval by the CITY and subsequent recording of a written amendment to the PLAN with recording fees to be paid by the requesting party. Minor changes to the PLAN (herein defined as changes to the River Point Design Guidelines document) require the approval of the City Planner or City Engineer. Owners/developers at the time of major changes shall be notified in writing of the proposed changes prior to approval by the Common Council.
- g. Successors and Assigns. The terms of this PLAN shall be binding upon and inure to the benefit of the parties hereto, as well as their respective successors, transferees and assigns.
- h. Applicable Law. This PLAN shall be deemed to have been made in Manitowoc County, Wisconsin, and shall be governed by, construed under, and enforced in accordance with, the law of the State of Wisconsin, except as otherwise provided

herein. All actions or proceedings relating directly or indirectly to this PLAN, whether sounding in contract or tort, shall be litigated only in the circuit court located in Manitowoc County, Wisconsin. All parties to this PLAN hereby subject themselves to the jurisdiction of the circuit court for Manitowoc County, Wisconsin.

- i. Headings. The section titles have been inserted in this PLAN primarily for convenience, and do not define, limit or construe the contents of such paragraphs. If headings conflict with the text, the text shall control.
- j. Pronouns. Pronouns in this PLAN (including, but not limited to, those referring to the Owner/Developer and the City), importing any specific gender shall be interpreted to refer to limited liability companies, corporations, partnerships, men and women, as the identity of the parties hereto, or the parties herein referred to, may require. Pronouns, verbs, and/or other words in this PLAN importing the singular number shall be interpreted as plural, and plural words as singular, as the identity of the parties hereto, or the parties or objects herein referred to, may require.
- k. Entire Designation. This PLAN contains all provisions and requirements incumbent upon the Owner/Developer relative to River Point PUD, except as modified by subsequent action of the City in accordance with procedures set forth in this PLAN, and except that nothing contained herein shall be construed as waiving any requirements of the Manitowoc Municipal Code or other regulations otherwise applicable to the development of the PROPERTY.
- l. Date. This PLAN shall be dated and approved and binding as of the date of the last execution. This PLAN shall be effective the date of recordation.

COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF MANITOWOC, WISCONSIN

By: \_\_\_\_\_  
Adam Tegen – Executive Director Date \_\_\_\_\_

STATE OF WISCONSIN )  
 )ss.  
MANITOWOC COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2021, the above signed \_\_\_\_\_ to me known who executed the foregoing instrument and to me known to be such \_\_\_\_\_ of the Community Development Authority of the City of Manitowoc, and acknowledged that they executed the foregoing instrument as such Officer of said Community Development Authority, by its authority.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
Manitowoc County, Wisconsin  
My commission (expires)(is):

CITY OF MANITOWOC

By: \_\_\_\_\_  
Justin M. Nickels, Mayor Date \_\_\_\_\_

By: \_\_\_\_\_  
Mackenzie Reed-Kadow, City Clerk Date \_\_\_\_\_

STATE OF WISCONSIN )  
 )ss.  
MANITOWOC COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2021, the above signed \_\_\_\_\_ and \_\_\_\_\_, to me known who executed the foregoing instrument and to me known to be such \_\_\_\_\_ of the City of Manitowoc, WI, a Wisconsin Municipal Corporation, and acknowledged that they executed the foregoing instrument as such Officers of said City, by its authority.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
Manitowoc County, Wisconsin  
My commission (expires)(is):

Exhibit A  
Map

