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CITY OF MANITOWOC
WISCONSIN, USA
www.manitowoc.org



September 28, 2018

To: Mayor and Common Council

From: Industrial Development Corporation

Subject: **Amendment to the Manitowoc I-43 Industrial Park Option & Right of First Refusal Policy.**

Dear Mayor and Common Council:

At the September 26, 2018 meeting of the Manitowoc Industrial Development Corporation, the Corporation considered all items on its agenda, including the item identified above, and wishes to report and recommend to the Common Council the following actions to: i) approve the amendment to the Option & Right of First Refusal Policy per the attached policy document.

Respectfully Submitted
Paul Braun
Secretary

Attachment: Amended Policy

CITY OF MANITOWOC
OPTION & RIGHT OF FIRST REFUSAL POLICIES
MANITOWOC I-43 INDUSTRIAL PARK
August, 2018

OPTION TERM

Buyer (optionee) with facilities in the Park can secure a maximum **three (3) year** Option.

Buyer (optionee) without existing facilities in the Park can secure a maximum **one (1) year** Option.

CONSIDERATION

Annual consideration for the Option shall be **\$1,000/acre/year. \$500 proposed**

The first year's consideration is due at the time of execution of the Option. Future payments are due on or before the anniversary date of the Option. Failure to make the annual payment within 30 days of the due date shall terminate the Option.

If the Option is exercised during the Option term, all payments made to date shall be applied against the purchase price. If the Option is not exercised during the Option term, all sums paid shall be retained by the City.

EXTENSIONS

Options are **non-renewable**, unless a one-time extension is granted by the Manitowoc Industrial Development Corporation.

One **(1) year extension** for Buyer with facilities in the Park. **Six (6) month extension** for Buyer without facilities in the Park.

If an extension is granted, consideration at a rate of **\$1,500/acre/year \$750 proposed** prorated for the term of the extension, is payable at the time the extension document is executed by all parties.

PURCHASE PRICE

The purchase price of land in the Park shall be the prevailing price per acre at the time the Option is exercised.

SUBDIVISION OF PARCEL

Option is not exercisable with respect to any smaller portion of the parcel described under the Option.

EXERCISE OF OPTION

Upon receipt of notice from the Buyer electing to exercise the Option, the City shall provide a title insurance commitment naming the Buyer as the insured. Closing to be held within 30 days from delivery of the title commitment to the Buyer. City shall convey the property via warranty deed upon receipt at closing of the purchase price.

RIGHT OF FIRST REFUSAL

Should the City receive a bona fide, written offer to purchase for the property covered under the Option, the City shall notify the original Buyer of receipt of such offer. Buyer shall have 20 days from the receipt of this notice to exercise the Option. If the original Buyer does not exercise its purchase rights, the Option shall be considered terminated and all sums paid throughout the term of the Option shall be refunded to the original Buyer.

If the bona fide offer relates only to a portion of the property described under the Option, the original Option shall continue as to the remainder of the property.

FOR MORE INFORMATION, CONTACT:

Community Development Department
900 Quay Street
Manitowoc, WI 54220
(920) 686-6930 (Telephone)

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