

**Greg Minikel**

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**From:** Paul Braun  
**Sent:** Monday, January 11, 2021 3:39 PM  
**To:** 'Paul Kluenker'  
**Cc:** Dan Koski; Greg Minikel; Adam Tegen  
**Subject:** RE: External: MLHS / City Owned 1.94 Acres  
**Attachments:** City Parcel Acquisition 12-14-20 (2) draft.docx; qcd v 1118 pg 547.pdf; Right of Way - SW Corner.JPG; SnipImage.JPG; Trapezoid ACE Dwg 12-02-20.pdf; Utility Lines 02-28-20.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Paul,

The draft letter you provided and concept plan are enough information to get the process moving for acquiring the piece of property at the northeast corner of N. Rapids Road and Waldo Blvd. I reattached all the maps, deeds etc so Dan, Greg and Adam can look them over. Finalize the letter by putting it on MLHS letter head and email it to me and we can start the process.

The request will go through multiple Committees or Commissions. I will put the item onto the January 27<sup>th</sup> Plan Commission meeting agenda for discussion and action; Greg Minikel will put the item onto the February 3<sup>rd</sup> Public Infrastructure Committee agenda. Do those dates work for you? If so we will add it to the agendas.

Thanks  
Paul

**Paul Braun**  
City Planner – Community Development  
City of Manitowoc  
900 Quay Street  
Manitowoc, WI 54220  
920-686-6930  
[pbraun@manitowoc.org](mailto:pbraun@manitowoc.org)



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**From:** Paul Kluenker [mailto:pkluenker@yahoo.com]

**Sent:** Friday, January 08, 2021 12:57 PM

**To:** Paul Braun

**Subject:** External: MLHS / City Owned 1.94 Acres

Thanks, Paul

As far as a (very) preliminary drawing ... please see the attached.

You will notice two access points to & from Cty R.

Just be aware that we may not be pursuing any access points with this project. This is up for further discussion.

Paul

On 1/8/2021 11:46 AM, Paul Braun wrote:

Hi Paul, I received your email. I'm at home today, when I get back to work on Monday I'll check with others in City Hall to verify what steps everyone is comfortable with to address your request (ie. what committees to route the request through.)

I know you are early in the process but are there any preliminary/concept drawings?

I'll get back to you next week, have a good week end.

Paul

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**From:** Paul Kluenker

**Sent:** Thursday, January 7, 2021 9:33 AM

**To:** Paul Braun

Good Morning, Paul.

The MLHS Federation has given its approval to pursue the acquisition of the city owned 1.94 acre parcel ...

Would the attached letter with the two attachments suffice as an initial correspondence to initiate the process?

I'd like to have this initial correspondence to be as clear & succinct as possible in order to streamline the process.

Am I missing something? Should it also be sent to council president, Eric Eric Sitkiewitz, anyone else?

We are working with A.C.C., with Chris Herzog leading the way.

The architect we were probably going to hire, Jeff Smies, has moved to Michigan due to family matters.

So we will start the hiring process for a new architect.

Thank you,

Paul Kluenker

On 10/30/2020 9:55 AM, Paul Kluenker wrote:

Hi Paul,

I contacted a real estate attorney about the process of transferring/selling a city property & related costs for that process.

Ballpark figure would be about \$1,000.

So I'm first going to ask the MLHS Steering Committee if MLHS would be willing to bear or participate in those costs.

If not, then we will stop this acquisition process.

(That is, of course unless the city would like to get that property off its books & bear those costs.)

If we stop the acquisition process, then we will still have to pursue the state for the answer to one question:

*Would it be permissible for MLHS to construct a portion of a new parking lot on a small portion of that strip of land.*

(I already asked Mr. Gross & Mr. Van Erem that question, but they did not provide an answer.)

Will keep you posted,

Paul

On 10/27/2020 4:39 PM, Paul Braun wrote:

Paul, the first step is to see if the City is even willing to get rid of the property that is why a letter to the Mayor and Common Council will start the process, who knows the City may want to keep the property. A concept of what MLHS is planning will help us visualize what the project is and why the property is needed by MLHS. Has MLHS created a building committee and hired an architect or engineer? The architect or engineer will coordinate the concept plan/site plan. If there is a building committee or hired professional we can set up a meeting with city reps (Engineering, Community Development, Fire, Building Inspection etc) and the utilities to address any early issues or concerns but some preliminary designs/drawings will be needed. This process was done for Meijer, the Catholic School project on Michigan Avenue and other major projects. I'm thinking the main issue will be access onto N. Rapids Road and if it meets whatever standards there are.

Thanks

Paul Braun

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**From:** Paul Klunker

**Sent:** Tuesday, October 27, 2020 2:54 PM

**To:** Paul Braun

**Cc:** Adam Tegen; Dan Koski; Greg Minikel

Paul & All,

This is getting to be much more involved than I thought it would be.

So Kristi at First American Title said that a real estate lawyer would need to perform the transfer & not a title company. Also, there would be no title insurance, but a real estate lawyer would need to be involved. So I contacted Sam Spurney at Steimle Birschbach. Waiting for his return call.

But now we're adding the cost of a survey? Kristi also said that the seller (the city) normally bears the selling costs.

Moving forward (& I'm just talking here) but ... I don't know if both parties would want to proceed, even if we split the costs.

I'll let you know what Mr. Spurney says.

Paul

On 10/27/2020 10:41 AM, Paul Braun wrote:

Hi Paul, I would suggest MLHS submit a letter/vacant land offer to purchase requesting to acquire the property, as part of the sale a survey could be done. As



part of the request it would be nice to see a concept of what MLHS is planning for their campus. I would suspect the City would require MLHS to pay for the survey, recording fees and any other misc fees.

Did the state ever give an answer to what type of approvals/consent/releases etc. they would require if the City transferred to MLHS?

Submitting the offer to purchase to the city would get the ball rolling to see if the Council is even willing to transfer the property.

Thanks

Paul Braun

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**From:** Paul Kluenker

**Sent:** Monday, October 26, 2020 4:17 PM

**To:** Paul Braun; Greg Minikel

Paul & Greg,

So what do you make of this???

**Subject:**MLHS / City Owned 1.94 Acres

**Date:**Mon, 26 Oct 2020 19:33

**From:**Lynn Thiel

**To:**Paul Kluenker

Good Afternoon Paul:

Our office would not be able to help you with the transfer of this property. Your best solution is to talk to an attorney to have this transferred. We can only prepare deeds and owner's policy when there is valuation of the property transferred for real monies. Just a fyi...the deed that was provided was done in 1995 and since that time the DOT has done some road changes. To be safe and to make sure that you are transferring the property correctly I would advise that a survey be completed and then a deed transferring that property into MLH School's name. I am sorry we could not help you with this transfer.

Lynn

First American Title Insurance Company

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**From:** Paul Kluenker

**Sent:** Monday, October 26, 2020 9:54 AM

**To:** Lynn Thiel

Hi Lynn,

Attached is an overview of the MLHS property.

The 1.94 acres owned by the city, is the trapezoid shaped area outlined in yellow, just northeast of the Waldo / Cty R intersection.

Currently, the state has a few restrictions within the quit claim deed for the city.

But I had a conversation with DOT official, Kent Gross. Here is a summary of that conversation:

*The DOT does not have any concerns or issues for the city off Manitowoc to transfer ownership of the 1.94 acre parcel in question to Manitowoc Lutheran High School. The DOT would relax the restrictions it doesn't need anymore. Any appropriate easements would remain in place, such as a utility easement.*

Thank you,  
Paul Kluncker

## Be Alert !

This is External or System generated Email. Please verify before opening any links or attachments.



Monday, December 14, 2020

To: Manitowoc Common Council  
900 Quay St.  
Manitowoc, WI 54220

From: MLHS Steering Committee  
4045 Lancer Circle  
Manitowoc, WI 54220

Dear Mayor Nickels,

Manitowoc Lutheran High School (MLHS) is requesting the transfer of ownership of a 1.94 acre parcel of land, currently owned by the city to MLHS. The parcel is an old roadbed, just northeast of the intersection of Waldo Blvd & Cty R. (Please see attached map, the parcel is outlined in yellow.)

Parcel Number: 82 42 02 025

Legal Description: PRT OF SW 1/4 SW 1/4 & NW 1/4 NW 1/4 IN SEC 24-19-23 DESC IN V1118 P547 EX V2040 P406 FOR ST

MLHS is considering an expansion of the current facility, adding a new gym and chapel onto the southwest corner of the existing building. The purpose of acquiring the parcel is so that there is no question as to who is the rightful owner of the parcel, as we may expand our parking lot into a small portion of that area.

We understand that there are state restrictions on the current quit claim deed (see attached). Steering Committee member, Paul Klunker, did have a telephone conversation with Wisconsin DOT representative, Kevin Gross regarding the possible transfer of ownership and those restrictions. Here is a verification of what was discussed during that call, in an e-mail from Paul to Mr. Gross: Thursday, October 8<sup>th</sup>, 2020:

*Hi Kent,*

*Here is what I heard during our conversation.*

*Please add/delete/correct as you see fit & return it to me.*

*The DOT does not have any concerns or issues for the city of Manitowoc to transfer ownership of the 1.94 acre parcel in question to Manitowoc Lutheran High School.*

*The DOT would relax the restrictions it doesn't need anymore. Any appropriate easements would remain in place, such as a utility easement.*

*A quit claim deed would have to be re-issued.*

*The property could be transferred (or sold) on paper for a nominal fee, like \$1.00. (This is also known as a sale for the sum of material benefits.)*

*This property will not be sold for profit, like a sale to a developer.*

*Thank you Kent, for your prompt attention.*

Mr. Gross replied on Friday, October 9<sup>th</sup>, 2020:

*Yes, this does capture what we discussed yesterday.*

Please consider our request at your earliest convenience.

Thank you,

Paul Klunker, MLHS Steering Committee  
[pkluenker@yahoo.com](mailto:pkluenker@yahoo.com)  
920-901-9112





750796

**QUIT CLAIM DEED**  
State Grantor

Document No.

Exempt from fees s. 77.25(2)

REG047 700

THIS DEED, made by the State of Wisconsin, Department of Transportation, grantor,  
quit claims to the City of Manitowoc

grantee(s), for the sum of Mutual Benefits

pursuant to Section 84.09(5) Wisconsin Statutes, the property described below.  
Legal Description/Restrictions

This space reserved for recording data

RECEIVED FOR RECORD  
VOL 1118 PAGE 547  
'95 MAR 20 AM 10 02  
MANITOWOC COUNTY, WI  
FRESTON JONES  
REGISTER OF DEEDS

Return to: Property Management  
Department of Transportation  
P O Box 28080  
Green Bay, WI 54304-0080

FEE 77.25 (2)  
EXEMPT

12.00 chg

A tract of land in the SW $\frac{1}{4}$ -SW $\frac{1}{4}$  of Section 13 and in the NW $\frac{1}{4}$ -NW $\frac{1}{4}$  of Section 24, all in T19N, R23E, City of Manitowoc, Manitowoc County, Wisconsin and described as follows:  
Commencing at the southwest corner of said Section 13; thence N 87°23'45"E along the south line of said Section 13 for 79.77 feet to the proposed easterly right of way line of CTH "R" (North Rapids Road), the point of beginning; thence N 00°38'30"E along said easterly right of way line for 428.71 feet to a point of curvature of a 687.32 foot radius curve with a long chord bearing, S 06°32'12"E, 171.77 feet; thence southeasterly along the arc of said curve to the left, 172.22 feet; thence S 89°21'30"E for 36.75 feet to a point on a 651.78 foot radius curve with a long chord bearing, S 47°13'34"E, 704.43 feet; thence southeasterly along the arc of said curve to the left, 744.20 feet; thence S 00°47'05"W for 7.33 feet to the proposed north right of way line of STH 42 (Waldo Boulevard); thence N 88°32'15"W along said north right of way line for 380.67 feet; thence N 43°56'53"W for 284.86 feet to the proposed easterly right of way line of CTH "R"; thence N 00°38'30"E along said easterly right of way line for 13.28 feet to the point of beginning.  
Containing 1.94 acres, more or less.

It is expressly intended and agreed by and between the parties hereto that:  
(Cont.)

As approved by the Governor of the State of Wisconsin on

9-20-94  
(Date)

[Signature] 3-15-95  
(State Real Estate Manager - Highways)

DONALD D. SPENNER  
State of Wisconsin

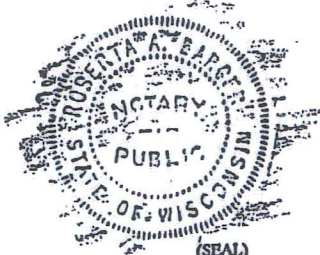
[Signature] ) ss.  
County )

On the above date, this instrument was acknowledged before me by the above-named person, to me known to be the Department of Transportation State Real Estate Manager, Highways.

Roberta A. Berger  
(Signature, Notary Public, State of Wisconsin)

ROBERTA A. BERGER  
(Print or Type Name, Notary Public, State of Wisconsin)

April 19, 1998  
(Date Commission Expires)



Project 3269, 424-D, and 424-E

This instrument was drafted by the Wisconsin Department of Transportation.

Parcel No. 869



## QUIT CLAIM DEED (Cont.)

This property is being conveyed with the reservation that the City be permitted to use the property for park, open space, or street purposes only. In the event the use changes to something other than this specific use, title shall revert to the grantor.

Under no conditions shall the grantor be permitted to sell the land and retain the proceeds.

There shall be no vehicular ingress or egress between the above-described land and the highways currently designated STH 42 and CTH "R".

All public and private utilities located upon, over or under the above-described lands shall have the continued right of occupancy and the continued right of ingress and egress for personnel and equipment for the purpose of maintaining or improving their facilities.





Show search results for 4045 L...



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4404050

ALDO BLVD

200ft

N RAPIDS RD

813303140

813303141

813303142

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WALDO BLVD

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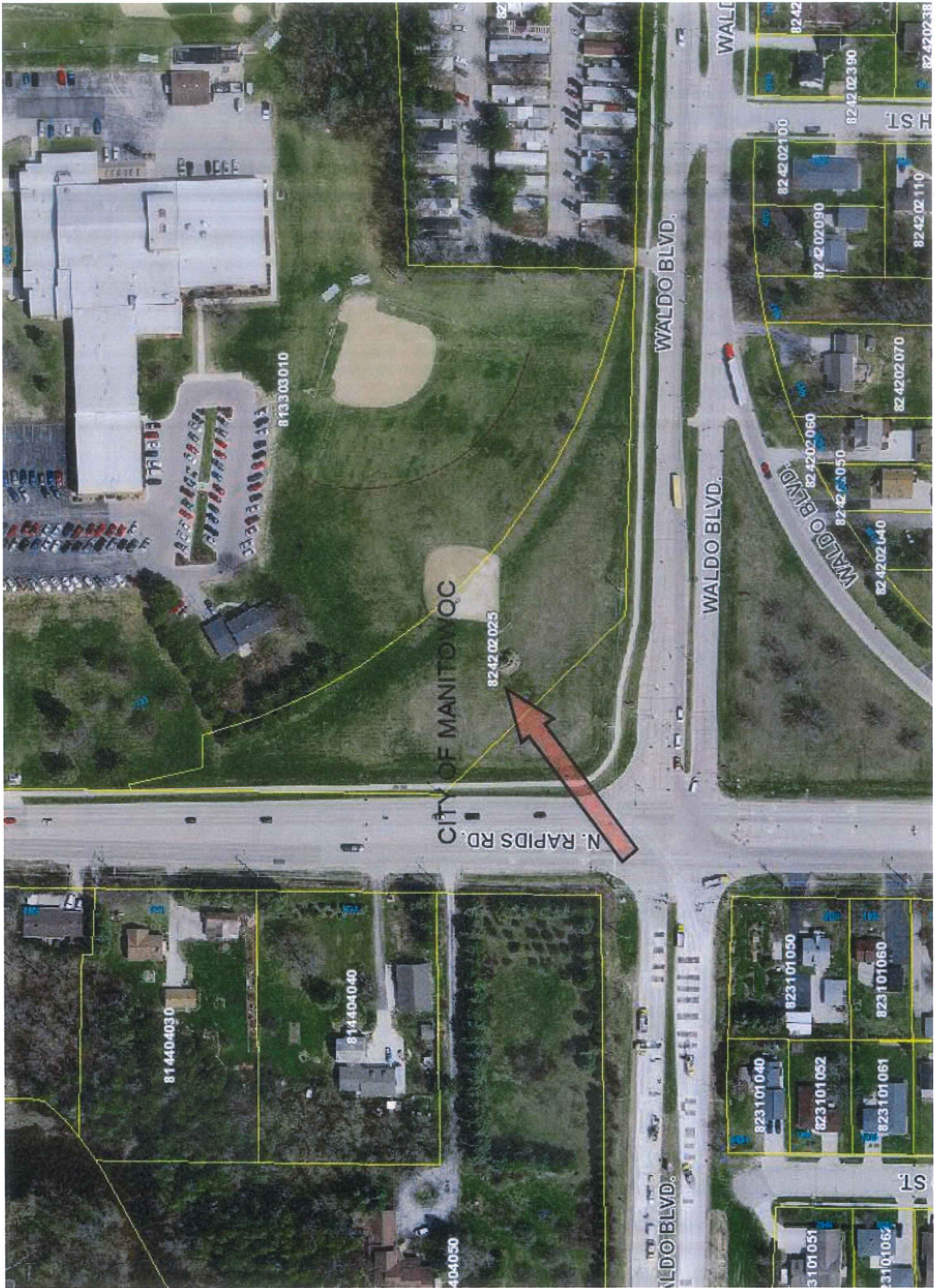
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