

Report to the Manitowoc Plan Commission

Meeting Date: January 23, 2019

Request: PC 4-2019: Jagemann Stamping; Request for an Option & Right of First Refusal (RFR) for Lot 1 of a Certified Survey Volume 33, Page 199 Manitowoc I-43 Industrial Park.

Approval Authority: Wisconsin Statute 62.23(5) "Matters referred to City Plan Commission" states that the sale of public lands shall be referred to the Plan Commission, for its consideration and report before final action is taken by the Council.

Existing Land Use for Subject Property: vacant land

Existing Zoning for Subject Property: I-1 Light Industrial

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
West, South	Vacant, industrial	I-1 Light Industrial
East	Jagemann Stamping Manufacturing Operations	I-1 Light Industrial
North	Extrutech Plastics	I-1 Light Industrial

Report

Background: Jagemann Stamping recently (late 2018) went through the approval process to purchase the aforementioned property, however has since determined they are not ready to purchase at this time but would like to ensure the ability to secure this property in the future. Therefore, they are requesting an Option and RFR for the 11.1 acre parcel on the southwest corner of W. Custer Street and S. 59th Street. This property is immediately across S. 59th Street from their existing manufacturing facility. Jagemann's future plans for the property are to construct a second manufacturing building (80,000 sq ft) with related offices. The total investment would be approximately \$10 million and create as many as 75 jobs over a five year period.

Option Details: City Ordinance establishes the cost for an Option and RFR on property as \$500/acre per year. The cost to Jagemann Stamping for the Option and RFR for the subject 11.1 acre property is \$5,550 per year.

Prior Reviews/Approvals: The request was reviewed and approved by the Industrial Development Corporation at their November 8, 2018 meeting. The IDC oversees all activities in the industrial parks.

Recommendation

The Community Development Department recommends that the Plan Commission:

- Approve the right of first refusal; and
- Approve any subsequent land sale that may occur in the future.

OPTION AND RIGHT OF FIRST REFUSAL

For valuable consideration, the City of Manitowoc, Wisconsin, a municipal corporation ("City") hereby grants to Jagemann Stamping Company ("Buyer"), an Option and Right of First Refusal to purchase the property described herein on the following terms and conditions:

1. Description. The property which is the subject of this Option and Right of First Refusal is described as follows:

Lot 1 of a Certified Survey Recorded in Volume 33, Page 199, Document #1195930.

052-449-006-030

This Option and Right of First Refusal extends to the above described parcel in its entirety only and is not exercisable with respect to any smaller portion of the parcel.

RETURN TO:
City of Manitowoc
Attn: Community Development Director
900 Quay Street
Manitowoc, WI 54220

2. Purchase Price. Should the Buyer exercise its right to purchase the above-described property under this Option and Right of First Refusal, the purchase price shall be determined by multiplying the prevailing per acre price for industrial park land set by the City at the time of the purchase times 10.209, the number of acres which comprise the property.

3. Consideration. In consideration for this Option and Right of First Refusal, the Buyer agrees to pay to the City the sum of \$500 per acre per year, for a total of \$5,550 per year. The first year's consideration shall be payable upon execution by the City of this document. Future payments are due on or before the anniversary date of this Option and Right of First Refusal. Failure by the Buyer to make the payment within 30 days of the due date shall terminate this Option and Right of First Refusal.

In the event the Buyer exercises this Option and Right of First Refusal to purchase the above described property during the option term, all payments made hereunder shall be applied against the purchase price. If this Option and Right of First Refusal is not so exercised by the Buyer, all sums paid hereunder shall be retained by the City.

4. Duration. The rights granted to the Buyer hereunder shall expire three years from the date of the execution of this document. This Option and Right of First Refusal is nonrenewable unless a one-time one year extension is granted by the Manitowoc Industrial Development Corporation upon the written request of the Buyer not less than ninety (90) days prior to the expiration of the rights granted herein.

5. Exercise of Option. Notice by the Buyer of its election to exercise this Option shall be in writing addressed to Community Development Director, 900 Quay Street, Manitowoc, WI 54220. Following receipt of this Notice, the City shall furnish to the Buyer a title insurance policy commitment in the amount of the purchase price, naming the Buyer as the insured. The closing shall be held within thirty (30) days following delivery to the Buyer of the commitment for title insurance. Conveyance from the City to the Buyer shall be by Warranty Deed upon receipt at closing of the purchase price.

6. Right of First Refusal. Notwithstanding anything hereunder to the contrary, should the City receive a bona fide Offer to Purchase the above described property, or any portion thereof, during the term of this Option and Right of First Refusal, and should the City desire to accept such offer, the City shall notify the Buyer in writing of the receipt of such offer. The Buyer shall then have twenty (20) days from the receipt of this notice in which to exercise its option in accordance with the terms of paragraph 5. In the event the Buyer does not so exercise its option, this Option and Right of First Refusal shall be considered terminated and all sums paid pursuant to paragraph 3 throughout the term of the Option shall be refunded to the Buyer.

In the event the bona fide offer from another party referred to above relates only to a portion of the property described in paragraph 1, this paragraph shall operate only with respect to that particular portion of the property described in paragraph 1 and this Option and Right of First Refusal shall continue as to the remainder of the property.

Dated this ___ day of ____, 2019

CITY OF MANITOWOC

By: _____
Mayor Justin M. Nickels

Attest: _____
Deborah Neuser, City Clerk

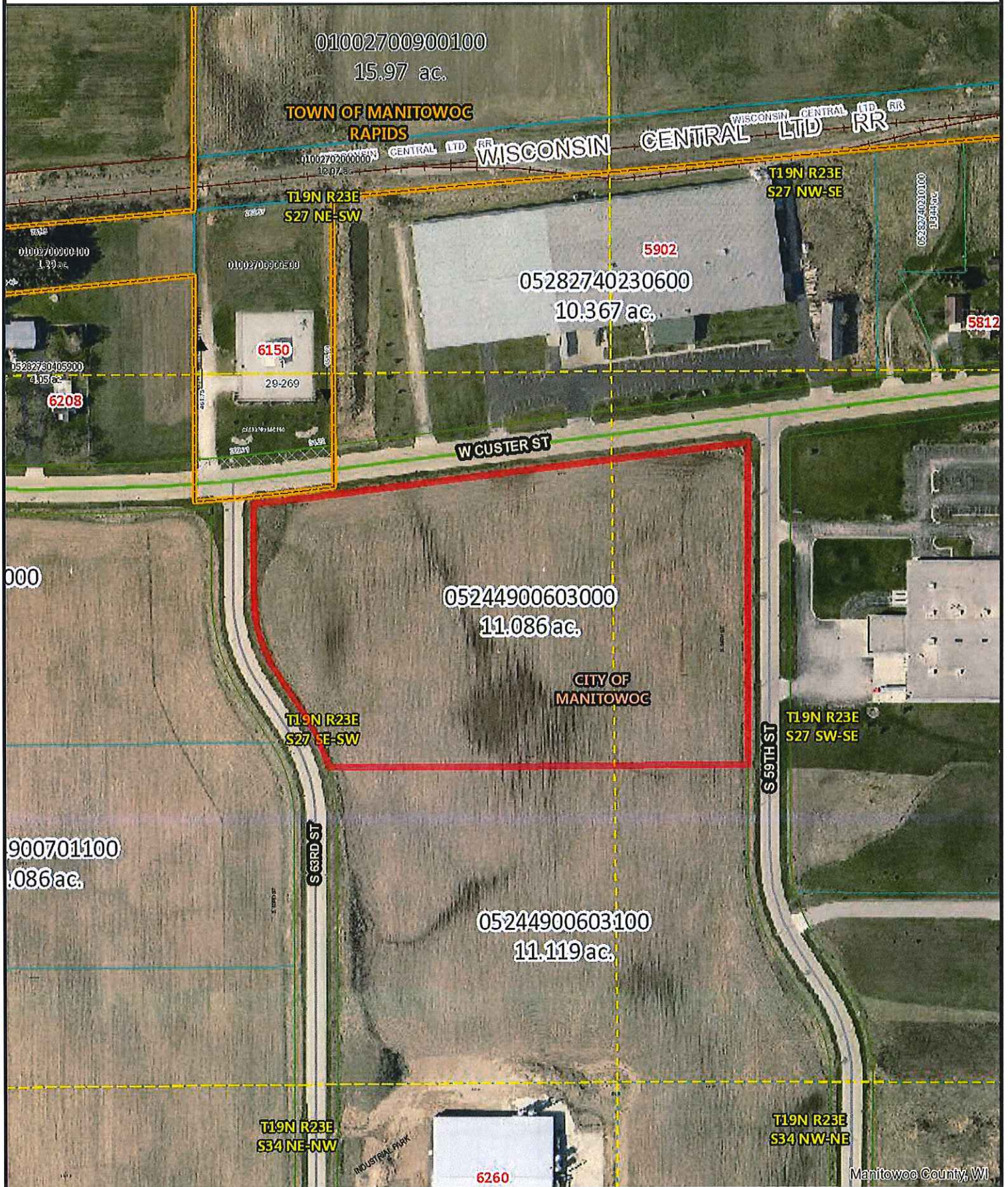
STATE OF WISCONSIN)
) ss.
MANITOWOC COUNTY)

Personally came before me this ___ day of ___ 2019, Justin M. Nickels, Mayor and Deborah Neuser, City Clerk, to me known to be the persons who executed the foregoing instrument and to me known to be such Mayor and City Clerk of the City of Manitowoc 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)

This instrument drafted by: April Kroner, Community Development Director

Jagemann Stamping Option



Author:
Date Printed: 1/22/2019



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STATE OF WI - MTWC CO
 KRISTI TUESBURG REG/DEEDS
 RECEIVED FOR RECORD
 07/12/2018 03:31:00 AM



SMI
 CIVIL & STRUCTURAL ENGINEERS
 102 REVERE DRIVE
 MANITOWOC, WI. 54220-3147
 PHONE 684-5583 FAX 684-5584

18215CS

- ⊙ - EXISTING 1-1/4" IRON ROD
- - EXISTING 3/4" IRON ROD
- - 1" IRON PIPE SET WEIGHING 1.50 lbs./ft

ALL BEARINGS ARE RELATED TO THE WISCONSIN COORDINATE REFERENCE SYSTEM



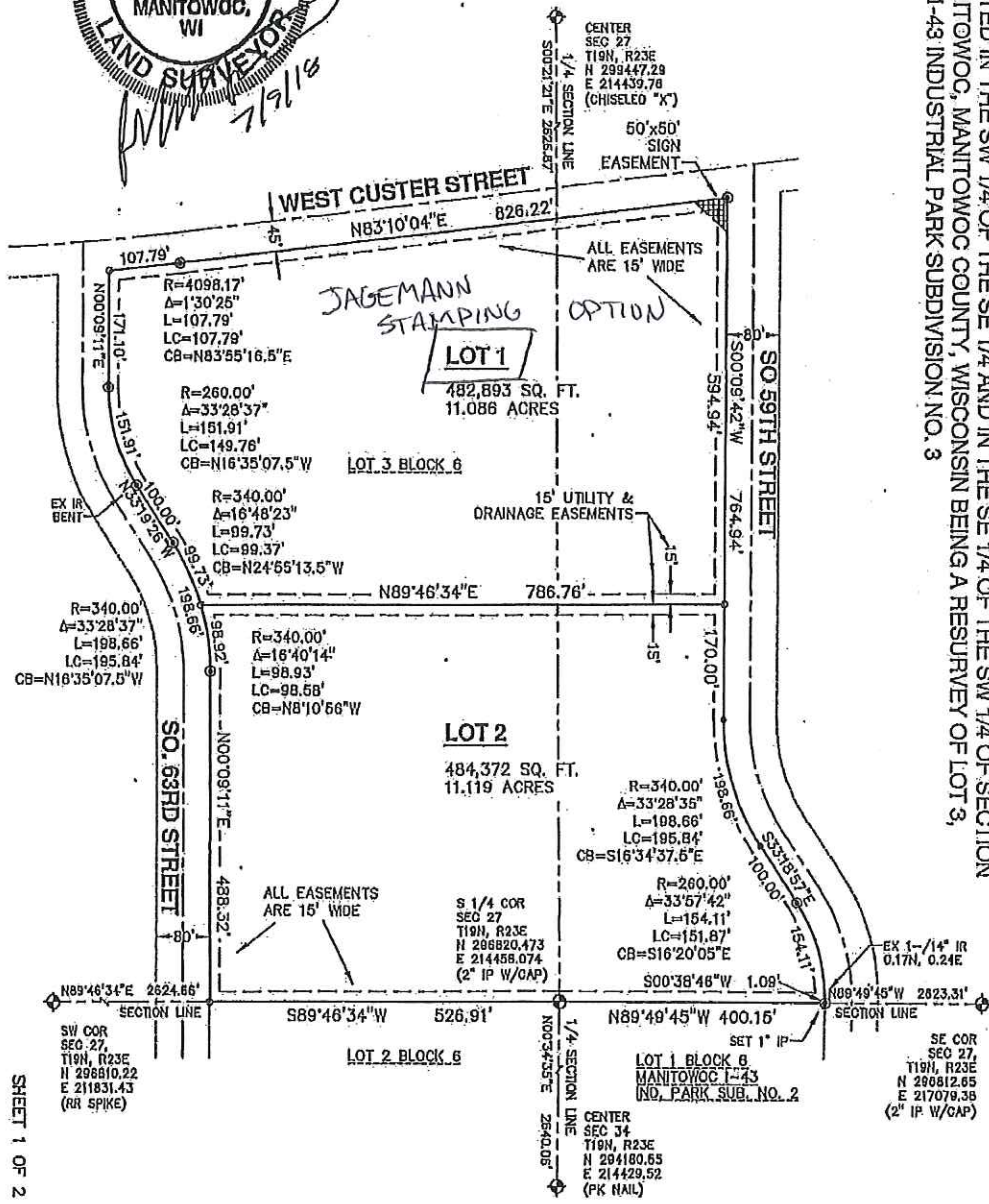
SCALE IN FEET



CERTIFIED SURVEY MAP LOCATED IN THE SW 1/4 OF THE SE 1/4 AND IN THE SE 1/4 OF THE SW 1/4 OF SECTION 27, T.19N., R.23E., CITY OF MANITOWOC, MANITOWOC COUNTY, WISCONSIN BEING A RESURVEY OF LOT 3, BLOCK 6 OF THE MANITOWOC-1-43 INDUSTRIAL PARK SUBDIVISION NO. 3

DOC# 1195930

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