

Public Impa
9-19-16

16-0869

**ASSIGNMENT OF STORMWATER MANAGEMENT
FACILITY MAINTENANCE AGREEMENT**

MANITOWOC CINEMA, LLC ("Assignor"), for a valuable consideration, hereby assigns to **CINEMA SQUARE OWNERS' ASSOCIATION, INC.** ("Assignee"), hereby assigns to Assignee all of Assignor's rights and obligations and Assignee hereby assumes all of Assignor's rights and obligations under that certain Stormwater Management Facility Maintenance Agreement dated June 30, 2014 (the "Maintenance Agreement") and recorded October 24, 2014 in the Office of the Register of Deeds for Manitowoc County in Volume 2905, Page 411, as Document No. 1149024, between the **CITY OF MANITOWOC, WISCONSIN AND MANITOWOC CINEMA LLC**, on real estate in Manitowoc County, Wisconsin (as further defined below "Property").

The Property that is subject to this Assignment is described as:

See Exhibit A attached.

Assignee hereby assumes and agrees to perform all remaining duties and obligations of Assignor under the Maintenance Agreement and hereby agrees to indemnify, defend, and hold Assignor harmless from any claim or demand resulting from breach and/or non-performance by Assignor or Assignee under the Maintenance Agreement after the date hereof. Notwithstanding anything to the contrary set forth in the Maintenance Agreement to the contrary, all parties executing and consenting to this Assignment hereby expressly agree that after the effective date hereof, Assignor shall have no further liability for performance of any obligation under the Maintenance Agreement, that Assignee shall be solely responsible for performance of the obligations of the "Owner/Developer" (as that term is used in the Maintenance Agreement) shall rest solely with Assignee, and that any and all liability and responsibility for any failure to so perform shall lie solely with Assignee. Assignor agrees to indemnify, defend, and hold Assignee harmless from any claim or demand resulting from breach and/or non-performance by Assignor under the Maintenance Agreement prior to the date hereof.

This Assignment is made without recourse.

Dated this 31 day of August 2016.

ASSIGNOR:
MANITOWOC CINEMA, LLC

ASSIGNEE:
CINEMA SQUARE OWNERS'
ASSOCIATION, INC.

BY: Peter C Allie
Peter C. Allie, Member

BY: Peter C Allie
Peter C. Allie, President

BY: Alex C Allie
Alex C. Allie, Member

BY: Alex C Allie
Alex C. Allie, Secretary

By signing below, the **CITY OF MANITOWOC** hereby consents to this assignment as required under the Maintenance Agreement.

CITY OF MANITOWOC, a Wisconsin
municipal corporation

BY:

Justin M. Nickels
Justin M. Nickels, Mayor

BY:

Jennifer Hudon
Jennifer Hudon, City Clerk

STATE OF WISCONSIN)
)SS
MANITOWOC COUNTY)

Personally came before me this 31 day of August 2016, the above-named **Peter C. Allie and Alex C. Allie**, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Robert R. Nelson
Robert R. Nelson, Notary Public
My Commission: permanent



STATE OF WISCONSIN)
)SS
MANITOWOC COUNTY)

Personally came before me this 7 day of September 2016, the above-named **Justin M. Nickels and Jennifer Hudon**, 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, Wisconsin, a Wisconsin municipal corporation, acknowledged that they executed the foregoing instrument as such Officers of said city, by its authority.

Deborah A. Neuser
Deborah A. Neuser, Notary Public
My Commission: exp. 8-17-18

CONSENT OF MORTGAGEE

The undersigned, being the holder of a mortgage against the Property, consents to the above Assignment of Stormwater Management Facility Maintenance Agreement.

Dated this 1 day of September, 2016.

BANK FIRST NATIONAL

BY: Kory M. Schmidt
Kory M. Schmidt,
Business Banking Officer

ACKNOWLEDGMENT

STATE OF WISCONSIN)
)SS
MANITOWOC COUNTY)

Personally came before me this 1 day of September, 2016, the above-named **Kory M. Schmidt**, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Trent R. Nelson, Notary Public
My Commission: is permanent



DRAFTED BY:
Attorney Terence P. Fox
Kummer, Lambert, Fox & Glandt, LLP
P. O. Box 1180
Manitowoc, WI 54221-1180

EXHIBIT A

Commencing at the southeast corner of said Section 35, thence N. 01°09'55" E. along the section line 114.78 feet to the north right of way of Viebahn Street extended to the section line, thence N. 87°18'20" W. along said right of way 844.75 feet, to the point of real beginning, thence continue N. 87°18'20" W. along said right of way 483.84 feet to the easterly right of way of Interstate 43; thence N. 27°13'34" W. along said right of way 332.20 feet; thence N. 01°14'01" E. 842.13 feet to the 1/16th section line; thence S. 89°57'18" E. (recorded as S. 89°56'50" E.) along said 1/16th section line 637.25 feet; thence S. 00°59'34" W. 1,159.76 feet to the point of beginning.

DOCUMENT NO.

**ASSIGNMENT OF
STORMWATER MANAGEMENT
FACILITY MAINTENANCE
AGREEMENT**

RETURN TO:
Attorney Terence P. Fox
927A South 8th Street
Manitowoc, WI 54221-1180

MANITOWOC CINEMA, LLC, Assignor

and

CINEMA SQUARE OWNERS' ASSOCIATION, INC., Assignee

DRAFTED BY:
Attorney Terence P. Fox
Kummer, Lambert, Fox & Glandt, LLP
927A South 8th Street
P. O. Box 1180
Manitowoc, WI 54221-1180
(920) 683-5499