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MANITOWOC CITY PLAN COMMISSION
900 QUAY STREET
MANITOWOC, WI 54220

835-101-010; 835-103-080
835-103-090; 835-103-100
835-103-110; 835-103-120

Parcel Identification Number (PIN)

836-202-030 and 836-203-010

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FIRST AMENDMENT TO PLANNED UNIT DEVELOPMENT (PUD) AGREEMENT

This First Amendment (hereinafter referred to as the "AMENDMENT1") to the "Implementation Plan for Planned Unit Development (PUD)" Agreement by and between the City of Manitowoc, Wisconsin, a municipal corporation (hereinafter referred to as the "CITY"), 900 Quay Street, Manitowoc, Wisconsin 54220-4543 and Dewey Properties, LLC, a Wisconsin Limited Liability Company with its headquarters and principal business operation at 111 N. Washington Street, Green Bay WI 54301 (hereinafter referred to as the "OWNER/DEVELOPER").

WITNESSETH:

WHEREAS, the CITY and OWNER/DEVELOPER have heretofore entered into the "Implementation Plan for Planned Unit Development (PUD)" and known as the Harbor Town Center PUD, approved by the CITY's Common Council on October 7, 2002, and recorded in the Manitowoc County Register of Deeds Office on October 8, 2002 at V. 1706, P. 257 as Document No. 916311 (hereinafter referred to as the "PLAN"); and *and legally described as Attached Exhibit "A"*

WHEREAS, the CITY and the OWNER/DEVELOPER mutually desire to modify and amend the following sections of the PLAN through the creation and adoption of AMENDMENT1:

- 1. Section A.2(l) of the PLAN regarding minimum horizontal distance between freestanding buildings;
2. Section A.3(d) of the PLAN regarding interstate-oriented off-premise signs; and
3. Section A.3(j) of the PLAN regarding the regulation of shopping center identification signs; and

WHEREAS, pursuant to Section 4. of the PLAN, the parties desire to execute AMENDMENT1 to integrate and incorporate by reference the changes outlined herein into the PLAN; and

WHEREAS, the CITY's Common Council finds that the items comprising AMENDMENT1 to the PLAN as outlined herein are deemed to be minor changes to the PUD pursuant to Section 15.75(20) of the CITY's Municipal Code.

NOW, THEREFORE, the undersigned parties do hereby agree to amend the PLAN as follows:



Section 1. Section 2(I) of the PLAN regarding minimum horizontal distance between freestanding buildings is amended to read as follows:

- “(I) The minimum horizontal distance between freestanding buildings shall be thirty (30) feet, except that the CITY shall allow reduced spacing between buildings on Lots 15 and 22 if all requirements of the Wisconsin Commercial Building Code are met, and no spacing between buildings will be required if a single building spanning two (2) lots is constructed on Lots 10, 11, 16, or 18-21.”

Section 2. Section A.3(d) of the PLAN regarding interstate-oriented off-premise signs is amended to read as follows:

- “(d) The Harbor Town Center PUD includes express authorization for the construction of one (1) interstate-oriented off-premise shopping center directory sign to promote tenants or occupants of the Harbor Town Center PUD. The sign shall be located within one-half (½) mile of the center line of I-43, and for purposes of the Plan shall be deemed to be located adjacent (exclusive of R/W) to the PROPERTY. The sign shall be expressly for the identification of the Harbor Town Center development, and may identify at any point in time, one (1) or more tenants or occupants at the Harbor Town Center. The sign shall be located on property owned by Manitowoc County abutting I-43, pursuant to an easement agreement between Manitowoc County and Dewey Properties, LLC, and recorded in the Manitowoc County Register of Deeds Office on April 22, 2002 at V. 1641, P. 535 as Document No. 903405, and as may be amended, modified or replaced in the future. The sign height shall not exceed seventy-five (75) feet above grade, and the sign portion of the structure shall not exceed six hundred (600) square feet in area per sign face.”

Section 3. Section A.3(j) of the PLAN regarding the regulation of shopping center identification signs is amended to read as follows:

- “(j) For the PROPERTY, no more than four (4) shopping center identification signs shall be permitted. The height of each sign shall not exceed forty (40) feet above grade, and each sign shall not exceed five hundred (500) square feet in area on each face.”

Section 4. Terms used in AMENDMENT1 which are defined herein, shall have the same meanings as defined in the PLAN and the AGREEMENT, unless otherwise defined herein.

Section 5. AMENDMENT1 shall be dated and effective and binding as of the date of the last execution.



Section 6. Except as expressly modified or amended by the terms of this AMENDMENT1, the original terms and conditions of the PLAN shall remain in full force and effect.

DEWEY PROPERTIES, LLC

By: *[Signature]*
Authorized Signature
JEFFREY J. WEYERS

12-11-07
Date

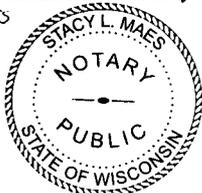
By: *[Signature]*
Authorized Signature
PAUL A. KLISTER

12-11-07
Date

STATE OF WISCONSIN)
BROWN)ss.
~~MANITOWOC~~ COUNTY

Personally came before me this 11th day of December, 2007, the above signed Jeffrey J. Weyers and Paul A. Klister, to me known who executed the foregoing instrument and to me known to be such Managers of Dewey Properties, LLC, and acknowledged that they executed the foregoing instrument as such ~~Members~~ of said limited liability company, by its authority.

Managers



Stacy L. Maes
Notary Public
Brown County, Wisconsin
My commission (expires) (is):
2/27/11

CITY OF MANITOWOC

By: *[Signature]*
Kevin M. Crawford, Mayor

12.17.07
Date



By: Jennifer Q. Hudon Date 12-17-07
Jennifer Hudon, City Clerk

STATE OF WISCONSIN)

)ss.

MANITOWOC COUNTY

Personally came before me this 17 day of December, 2007 the above signed Kevin M. Crawford and Jennifer Hudon who executed the foregoing instrument, and to me known to be such Mayor and City Clerk 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.

Deborah Neuser
Notary Public DEBORAH NEUSER
Manitowoc County, Wisconsin
My commission (expires)(is):
8-29-10

This instrument was drafted by:
David Less, City Planner
Filename: Y:\dave\wpfiles\PUD-A#1-92507-Blackline.wpd
RunDate: 12/11/07



September 27, 2002

DESCRIPTION: Harbor Town Center owned by Dewey Properties, LLC

Tract 5 of a Certified Survey Map recorded in Volume 21, Page 259, excepting that portion deeded to the City of Manitowoc for street purposes recorded in volume 1684, page 335; also part of the NE $\frac{1}{4}$ of Section 35 lying south of said Tract 5, north of Calumet Avenue and east of South Rapids Road, all being located in the NE $\frac{1}{4}$ of Section 35 and the NW $\frac{1}{4}$ of Section 36, Town 19 North, Range 23 East, City of Manitowoc, Manitowoc County, Wisconsin.

file: 02313cs(jd)