

PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, THAT

WHEREAS, the undersigned City of Kaukauna, a municipal corporation, is the owner of the following described lands, to wit:

(Legal Description)

WHEREAS, the undersigned is undertaking and intends to subdivide the above described lands for use as an industrial subdivision to be known as "KAUKAUNA INDUSTRIAL PARK".

NOW, THEREFORE, in consideration of the aforesaid and for the purpose of preserving the value of the lots contained within the subdivision, the undersigned hereby declares and provides that all subdivision of the lands above described shall be subject to the following restrictions, covenants and conditions, to wit:

1. Approval of Plans and Specifications. No building or any improvement shall be erected, placed or altered on any building site in the subdivision until the plans for such building or improvement (including site plan, landscape plan, building plan and specifications) have been approved by the Kaukauna Industrial and Commercial Development Corporation (hereinafter called the "Corporation"). Said Corporation shall approve or disapprove such plans with respect to conformity with these restrictions and other applicable enactments of the City and with respect to harmony of external design and land use as it affects property within and adjacent to the sub-division.

Failure of the aforesaid Corporation to act upon such building or improvement plans within sixty (60) days after submission to the Corporation shall constitute an approval of such plans.

2. Building Setbacks.

- a. Front yard. No part or portion of any building shall be erected, constructed or extended nearer than fifty (50) feet from the front line of any parcel in said subdivision. Employee parking of automobiles shall be prohibited at all times within fifty (50) feet of the front street line of any parcel in said subdivision. Visitor or customer parking may be allowed within the fifty (50) foot setback when approved by the Corporation, but not closer than ten (10) feet from the front street line and such parking shall not occupy more than sixty percent (60%) of the area of such front yard. The fifty (50) foot setback shall be entirely graded and sodded or seeded between side lot lines and

from the road shoulder to the building face in a manner that will produce an acceptable lawn excepting only such areas as may be required for driveways, visitor parking or walks. All driveways shall be surfaced with hot-mixed, asphalt concrete or Portland cement concrete from the City street surface to the front building face. All walks shall be of Portland cement concrete.

- b. Side Yard. No part or portion of any building shall be erected, constructed or extended nearer than ten (10) feet to any interior side lot line, the combined total of side yards for any interior parcel shall not be less than thirty (30) feet. Side yards on the street side of corner lots shall be not less than thirty-seven and one-half (37-1/2) feet, and side yards abutting Highway "55" shall be not less than fifty (50) feet from such abutting lot line; and the use of such area shall be in accordance with the provisions of Paragraph 2(a) of these restrictions except that employee parking shall be permitted in this area. The parking or storage of company-owned trucks, products or equipment shall be prohibited in this area.
 - c. Rear Yards. No part or portion of any building shall be erected, constructed or extended nearer than twenty-five (25) feet to any rear lot line except that this restriction shall not apply to the erection or construction of any building or structure used for railroad loading or unloading facilities.
3. Landscaping: Maintenance. All landscaping, driveways and sidewalks will be completed in accordance with the plans submitted under Paragraph 1, above, within six (6) months of occupancy of the building.

All grass, trees and shrubbery must be kept in good appearance at all times. All weeds must be kept cut by the lot owner. If grass or weeds are not cut when necessary, the City of Kaukauna may serve notice; and, if not complied within two (2) days, the City may cut same and add this cost to the lot owner's real estate tax bill.

4. Building Face. The front of all buildings shall be faced with decorative masonry or other material approved by the Corporation and said facing shall extend a minimum of twenty (20) feet on each side of all buildings or to a natural dividing point approved by said Corporation. The sides and rear of all buildings shall be of such material as may be approved by the Corporation.

Where concrete block masonry is used it shall be of decorative pattern block on other decorative treatment of plain block approved by the Corporation. For the purpose of this restriction standard, lightweight or cinder concrete block are not considered decorative masonry.

All faces of all buildings must be kept in good repair and appearance at all times.

5. Building Height Restriction. No building shall be constructed in excess of fifty (50) feet above the grade of the street upon which such building faces.
6. Employee Parking. One (1) parking stall of not less than one hundred eighty (180) square feet, excluding drives and approaches, shall be provided on each property for every one thousand (1,000) square feet of building area or for every two (2) employees--whichever amount constitutes the greater number of stalls. Parking stalls shall be added on each property as required to accommodate all employees. Variances may be granted by the Corporation upon proof that such parking restrictions are not realistic. City streets will not be used for parking.
7. Outside Storage. Storage of material or products outside of buildings must be not closer than seventy (70) feet from the street and in accordance with the following conditions:
 - a. All outside storage areas shall be surfaced with gravel or hard surface material and all aisles shall be hard surfaced.
 - b. Plans for outside storage shall be included with plans and specifications required under Paragraph 1 for approval.
 - c. Materials shall be palletized or stored in containers if they are to be piled or stacked, and such stacking shall not exceed twenty (20) feet in height or the building height--whichever is less.
 - d. All waste materials and/or trash must be enclosed by a fence of solid material of a minimum height of six (6) feet.
8. Pollution Controls. The production, discharge, emission or other transmission from the operation, manufacturing or building use in the subdivision of noise, vibration, dust, gas, smoke, toxic matter, odors and/or all other wastes shall be governed by the laws and regulations of the federal, state and municipal governments then in effect as interpreted and enforced by the appropriate governmental agency so empowered.

Such regulation shall include the discharge of waste into sanitary and storm sewers provided in the subdivision.

No rubbish shall be burned on the premises except in an incinerator specially designed for such purpose and subject to compliance with all federal, state and municipal laws specified above.

9. Signs. Advertising signs shall be permitted to promote only the name or product of the owner or tenant of the premises. Such signs, lighting, etc., shall be in conventional good taste and shall be approved by the Corporation before erection.
10. Excess Soil. Any excess soil, earth or fill material not used by the owner or occupier of premises shall not be removed from such premises without first offering same to the Corporation or City of Kaukauna, free of charge, for removal by the City within a reasonable time following such offer and without further cost to the owner or occupier.
11. Term. Each lot shall be conveyed subject to the within restrictions and covenants, all of which are to run with the land and shall be binding on all parties and all persons claiming them for a period of thirty (30) years from the date these Protective Covenants are recorded; and after which time, said covenants and restrictions shall be automatically extended for successive periods of ten (10) years each unless an instrument signed by a majority of the then owners of the lots in said subdivision, together with the approval thereof of the Common Council of the City of Kaukauna, has been recorded, agreeing to change, modify or amend said covenants in whole or in part.

In determining a majority of property owners one (1) vote shall be counted for each owner owning three (3) acres of land or less, and one additional vote for each full, three (3) acres with a maximum of ten (10) votes for any one property owner. The unsold lands retained by the City shall be included in such voting.

12. Amendment. The within covenants and restrictions may be modified and amended only upon the recording of an instrument to said effect, duly signed by a majority of the then owners of the lots in said subdivision with the approval thereof by the Common Council as evidenced by a resolution duly adopted by at least a three-fourth's (3/4's), favorable vote of all members of the Common Council.

The majority of the property owners shall be determined as set forth in Paragraph 11 of these restrictions.

13. Enforcement. The enforcement of the covenants and restrictions contained in these Protective Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any such covenants--either to restrain violation or to recover damages. Such proceedings may be commenced by any owner or owners of lots in said subdivision or the City of Kaukauna.
14. Savings Clause. Invalidation of any one of these covenants or restrictions contained within these Protective Covenants by judgment or court order shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

IN WITNESS WHEREOF, the said City of Kaukauna has caused these presents to be signed by _____, its Mayor, and _____, its Clerk/Treasurer, and its corporate seal to be hereunto affixed this _____ day of _____, 19_____.

CITY OF KAUKAUNA

By: _____
Mayor

ATTEST:

City Clerk/Treasurer

STATE OF WISCONSIN)
) ss.
OUTAGAMIE COUNTY)

Personally came before me this _____ day of _____, 19_____,
_____, Mayor, _____.