

RECEIVED
INSPECTION
DEPARTMENT

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, That

WHEREAS, The Undersigned City of La Crosse, a municipal corporation, desires to develop an industrial park on the following described lands, to-wit:

Part of the Northwest 1/4 of Section 16, Township 16 North, Range 7 West, La Crosse County, Wisconsin, described as follows:

Beginning at the center of Section 16, Township 16 North, Range 7 West, La Crosse County, Wisconsin; thence North 87° 47' 20" West, 1,327.6 feet along the East and West one-quarter line of said Section 16 to the West one-sixteenth line of said Section 16; thence North 88° 48' West, 1,119.1 feet along said East and West one-quarter line of said Section 16 to the Easterly line of Oak Street; thence North 12° 40' East, 235.2 feet along said Easterly line; thence North 1° 41' 20" East, 157.9 feet along said Easterly line; thence North 2° 32' 40" West, 295.0 feet along said Easterly line; thence North 7° 49' 40" West, 113.24 feet along said Easterly line; thence South 89° 10' East, 122.98 feet; thence North 0° 09' East, 528.0 feet to the North one-sixteenth line of said Section 16; thence South 89° 10' East, 974.4 feet along said North one-sixteenth line to the West one-sixteenth line of said Section 16 thence North 0° 17' East, 546.12 feet along said West one-sixteenth line to the Southeasterly line of Interstate Highway #90; thence North 65° 27' 40" East, 237.71 feet along said Southeasterly line to the P.C. of a 0° 15' curve, concave to the Northwest; thence along said curve, chord bearing North 64° 36' 40" East, 321.0 feet to the Southwesterly line of the Chicago and North Western Railroad right-of-way; thence South 41° 18' East, 770.55 feet along said right-of-way to the P.C. of a curve concave to the Northeast; thence along said curve, chord bearing South 44° 33' East, 437.25 feet to the North and South one-quarter line of said Section 16; thence South 0° 12' East, 1,269.7 feet along said one-quarter line to the point of beginning.

Except County Trunk Highway "SS", also St. Paul Street; and the following described parcel of land described as follows: Part of the Southwest 1/4 of the Northwest 1/4 Section 16, Township 16 North, Range 7 West, La Crosse County, Wisconsin, beginning at a point on the East line of said Southwest 1/4, Northwest 1/4, 990 feet South of the Northeast corner thereof; thence North 89° 10' West, 253.15 feet, parallel to the North line of said Southwest 1/4, Northwest 1/4, to the Southeasterly line of County Trunk Highway "SS"; thence North 39° 46' 20" East, 398.05 feet along said Southeasterly line to the East line of said Southwest 1/4, Northwest 1/4; thence South 0° 17' West, 309.63 feet along said East line to the point of beginning.

WHEREAS, The undersigned intends to subdivide the above described lands for use as industrial subdivisions to be known as "LA CROSSE INTERSTATE INDUSTRIAL PARK SUBDIVISION" which subdivision will be numbered consecutively as the above described lands are subdivided by the City of La Crosse for the purpose aforesaid.

NOW THEREFORE, in consideration of the aforesaid and for the purpose of preserving the value of the lots contained within the subdivisions as well as all lands located in the general vicinity of the subdivisions, 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. 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 Planning Commission of the City of La Crosse. Said commission 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 subdivisions.

Failure of the aforesaid commission to act upon such building or improvement plans within 60 days after submission to the La Crosse City Clerk shall constitute an approval of such plans.

2. 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 subdivisions. Employee parking of automobiles shall be prohibited at all times within fifty feet of the front street line of any parcel in said subdivisions. Visitor or customer parking may be allowed within the fifty foot setback when approved by the Planning Commission but not closer than ten feet from the front street line. The fifty 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.

All such landscaping, drive, and walks shall be completed at the time of construction of the building.

3. 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 sideyards for any interior parcel shall not be less than thirty (30)

feet. Sideyards on the street side of corner lots shall be thirty-seven and one-half ($37\frac{1}{2}$) feet and the use of such areas shall be in accordance with the provisions of paragraph 2 of these restrictions except that the employee parking shall be permitted in this area. The thirty-seven and one-half ($37\frac{1}{2}$) foot setback shall be entirely graded and sodded or seeded between the 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 or employee parking or walks. The parking or storage of company owned trucks, products or equipment shall be prohibited in this area.

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.

4. No building or structure of any type shall be erected, placed or altered on any lot which will occupy more than forty (40) percent of the total area of said lot.

5. All grass, trees, and shrubbery must be kept in good appearance at all times. All grass must be cut whenever necessary. If grass is not cut, the City of La Crosse may serve notice and if not complied with in two days, the City may cut same and add this cost to the lot owners real estate tax bill.

All weeds must be kept cut by the lot owner. If this is not done the City of La Crosse may serve notice and if not complied with in two days, the City may cut same and add this cost to the lot owners real estate tax bill.

6. The front of all buildings and the side or rear of all buildings when facing a street (including side streets or corner lots) shall be faced with decorative masonry or other material approved by the Planning Commission 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 commission. For the purpose of this restriction, standard, lightweight, or cinder concrete block are not considered decorative masonry.

Except as otherwise provided herein, the sides and rear of all buildings shall be any material approved by the commission.

Where concrete block masonry is used it shall be painted two coats of paint and shall be of decorative pattern block or other decorative treatment of plain block approved by the commission.

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

7. No building shall be so similar to or so at variance with its neighboring

buildings as to constitute a depreciation to the immediate neighborhood.

8. One parking stall of not less than 180 square feet, excluding drives and approaches, shall be provided on each property for every two employees. Parking stalls shall be added on each property as required to accommodate all employees. Variances may be granted by the Planning Commission for warehouse or similar uses upon proof that such parking restrictions are not realistic. City streets will not be designed by the City to provide parking.

9. All material or products stored outside buildings must be behind the building setback line from the street and must be screened from view from the street with solid fencing or screening approved by the Planning Commission. All trash must be enclosed by a fence of solid material such as will provide a suitable visual screen. Minimum height of such fence shall be six feet. Fence must be kept painted or have such other finish as is generally accepted for good appearance. Wire fence is not acceptable for this purpose.

10. No operation, manufacture, or building use in said subdivision shall produce or effect noise, vibration, dust, gas, smoke, toxic matter, or odors to an extent greater than that allowed by the regulations of the City of La Crosse.

11. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted in said subdivision.

12. No rubbish may be burned on the premises except in an incinerator especially constructed and designed for this operation.

13. In the event any purchaser of land from the City of La Crosse elects to sell any portion thereof which is not being used in connection with the business or industry of purchaser, or which the purchaser desires to sell separate and distinct from any sale of the business or industry being conducted by purchaser the same shall first be offered for sale, in writing, to the City of La Crosse at the price per acre paid for such and by purchaser, together with cost of any improvements thereon paid for by purchaser and any special assessments paid by purchaser relating to such lands, with interest at the rate of 5% per annum from date of payment of the purchase price of said lands by purchaser, from the date of payment of any cost for improvements on said lands by purchaser and from the date of payment of any special assessments by purchaser relating to such lands, to date of re-purchase by the City.

The city shall have 90 days from date of receipt of such offer to accept or reject the same, unless an extension of time may be mutually agreed upon and set forth in writing. Acceptance or rejection of such offer shall be indicated by resolution adopted by the Common Council of the City of La Crosse.

In the event of acceptance of such offer by the City, conveyance shall be by warranty deed free and clear of all liens or encumbrances created by act or default of purchaser.

If the City of La Crosse fails to act on such offer of sale within 90 days from receipt thereof as aforesaid or rejects said offer, purchaser may then sell said lands to any person, firm or corporation and the City shall have no further interest therein, except that any use of said lands by any subsequent purchaser shall be subject to applicable zoning, ordinances, restrictions and regulations of the City relating to the use of said premises at the time of such sale.

Nothing contained in paragraph 13 of these restrictions shall be deemed to give the City of La Crosse a right of first refusal in the event that a purchaser of land who has improved the same in accordance with the purpose and the original sale shall propose to sell all of such lands as one parcel together with the improvements thereon, it being intended that the provisions of paragraph 13 of these restrictions shall apply only to the resale of vacant land.

Paragraph 13 of these restrictions may be modified by a majority vote of the Common Council of the City of La Crosse without requiring the approval or action of property owners within the subdivisions as set forth in paragraph 14 and 15 of these restrictions.

14. 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 ten (10) years from the date this Declaration of Restrictions is recorded, after which time said covenants and restrictions shall be automatically extended for successive periods of ten years each, unless an instrument signed by a majority of the then owners of the lots in said subdivision, together with the approval thereof by the Common Council of the City of La Crosse has been recorded, agreeing to change, modify, or amend said covenants in whole or in part.

In determining a majority of property owners one vote shall be counted for each owner owning three acres of land or less, and one additional vote for each full three acres, with a maximum of ten (10) votes for any one property owner. The unsold lands retained by the City shall not be included in such voting.

The terms and provisions of paragraph 14 of these restrictions are subject to the terms and provisions of paragraph 13 of these restrictions.

15. The within covenants and restrictions, except the provisions of paragraph 13 of these 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 subdivisions with the approval thereof by the Common Council as evidenced by a resolution duly adopted by at least a three-fourth's favorable vote of all members of the Common Council.

The majority of the property owners shall be determined as set forth in paragraph 14 of these restrictions.

16. The enforcement of the restrictions and covenants contained in this Declaration of Restrictions, shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any 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 La Crosse.

17. Invalidation of any one of these covenants or restrictions contained within this Declaration of Restrictions, 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 La Crosse has caused these presents to be signed by its mayor and its clerk, and its corporate seal to be hereunto affixed this 16th day of March, 1972.



W. Peter Gilbertson
Mayor, City of La Crosse
W. Peter Gilbertson

Shirley A. Tomalka
Clerk, City of La Crosse
Shirley A. Tomalka

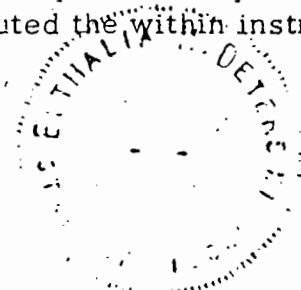
In presence of:

Ronald G. Brouillard
Archie Tomalka

RECORDED
APR 5 1972
AT 10:40 A.M.
EVERETTE S. RUNSE
REGISTER OF DEEDS

State of Wisconsin
County of La Crosse

Personally came before me this 16th day of March, 1972, W. Peter Gilbertson and Shirley A. Tomalka to me known to be the Mayor and Clerk respectively of the City of La Crosse and known to me to be the persons who executed the within instrument.



Everette S. Runse

Notary Public, La Crosse County, Wis.
My Commission

Resolution amending the Declaration of Restrictions at the Interstate Industrial Park regarding setback on Lot 8.

RESOLUTION

WHEREAS, on March 16th, 1972 the City of La Crosse executed the original Declaration of Restrictions for the La Crosse Interstate Industrial Park (LIIP) which sets standards for development of the LIIP including setbacks and other restrictions; and

WHEREAS, the Declaration of Restrictions state that "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"; and

WHEREAS, the Declaration of Restrictions also state that the restrictions may be modified or 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 subdivisions with the approval thereof by the Common Council as evidenced by a resolution duly adopted by at least a three-fourth's favorable vote of all member of the Common Council; and

WHEREAS, Great Lakes Cheese, Inc., a current property owner in the LIIP is looking to expand their business and is requesting a modification of the Declaration of Restrictions, allowing them to build no nearer than 10 feet from the front line of Lot 8; and

WHEREAS, this expansion will allow Great Lakes Cheese Inc. to store more materials onsite instead of paying for storage elsewhere; and

WHEREAS, Great Lakes Cheese, Inc. has submitted a majority of consents from Owners in the Interstate Industrial Park, as required by the Declaration of Restrictions.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of La Crosse hereby amends Section 2 of the Declaration of Restrictions for the La Crosse Interstate Industrial Park to change the front line setback on Lot 8 from 50 feet to 10 feet.

BE IT FURTHER RESOLVED that the frontage not occupied by the building will be entirely graded and sodded or seeded to produce an acceptable lawn, as per the Declaration of Restrictions.

BE IT FURTHER RESOLVED that in accordance with the Declaration of Restrictions, the final site plans shall be approved by the City Plan Commission.

RESOLUTION ADOPTED
AUG 08 2013
BY COUNCIL

AUG 15 2013

JK