



**ARTICLE II.
DEVELOPMENT RESTRICTIONS**

A. DEVELOPMENT RESTRICTIONS: Without the prior express written consent of the Owner of the Menard Parcel, which shall be granted at its sole discretion, the Falconite Parcels, or any portion thereof, shall be subject to the following restrictions:

1. Only one building or structure will be constructed on each Parcel that is created out of the Falconite Parcels, exclusive of trash enclosures;

2. No structures shall be built on the Falconite Parcels exceeding one story or twenty eight feet (28 ft.) in height;

3. No structures constructed on the Falconite Parcels shall have a Floor Area Ratio ("FAR") in excess of twenty five percent (25%);

4. No structures constructed on the Falconite Parcels shall have a frontage along Old Highway 60 in excess of 50% of the combined total width of its front and rear lot lines;

5. The Falconite Parcels shall not be used for the operation of a movie theater or any business whose customers use parking reserved for Menards customers.

6. No part of the Falconite Parcels shall be developed, owned, operated or used for the operation of any business specializing in home improvement products, including, for example, hardware stores, appliance stores, carpet, tile, paint, wall coverings or flooring stores, plumbing stores, light or electrical stores, farm supply stores, lawn and garden stores, or as a home center business similar to Menard's business, including, for example, Orschlen Farm & Home Supply, Rural King Supply, Tractor Supply, Ace Hardware, ACO Hardware, Builder's FirstSource, Busy Beaver Building Centers, Do It Best, 84 Lumber Company, Harbor Freight Tools USA, The Home Depot, Lampert Yards, Lowe's, LumberJack Building Centers, Sears, Sutherland Lumber, True Value, Charles Kirchner & Sons, Consolidated Lumber, Mills Fleet Farm, Farm & Fleet, National Home Centers, R.P. Lumber Company, Riggs Supply Company, Running Farm & Fleet, Seigle's, Stock Building Supply, Theisen Supply, United Building Centers, Bomgaars, Buchheit, Farm King Supply, Olney Rural King Supply or Big R Stores. Notwithstanding the foregoing, the Falconite Parcels may be allowed to operate a business with one of the uses in this Section II(A)(6) if such use is incidental to the operation of the business, such incidental use to be defined as no more than 2,000 square feet in any one user's retail operation.

B. TERM: The restrictions contained in Section II(A)(6) will run with the land for a period of twenty (20) years from the Effective Date, and thereafter be of no further force or effect.

C. OBLIGATION: This Agreement is not intended to, and does not, create or impose any obligation on a Party to operate, continuously operate, or cause to be operated a business or any particular business within the Shopping Center.

