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90-83

RESOLUTION NO. 5061 (AMENDED)

A RESOLUTION NAMING AN INDUSTRIAL PARK AND
ADOPTING PROTECTIVE COVENANTS THEREFOR

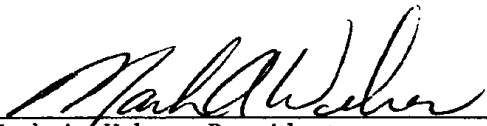
WHEREAS, the City Council wishes to name its new industrial park the Fond du Lac West Industrial Park, and

WHEREAS, the City Council wishes to adopt protective covenants for the industrial park,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Fond du Lac that the City's new industrial park, located south of West Scott Street and west of Highway 41, is hereby named Fond du Lac West Industrial Park.

BE IT FURTHER RESOLVED that the Fond du Lac West Industrial Park Deed Restrictions and Protective Covenants, a copy of which is attached hereto and made a part of this resolution, is hereby approved and the proper City officials are authorized and directed to record same.

ADOPTED: MAR 28 1990


Mark A. Weber, President
Fond du Lac City Council

Attest:


Theresa Hochrein, Deputy
Thomas Lehman, City Clerk

VOL 1029 PAGE 867

#38

March 20, 1990

**FOND DU LAC WEST INDUSTRIAL PARK
DEED RESTRICTIONS
AND
PROTECTIVE COVENANTS**

WHEREAS, the undersigned, City of Fond du Lac, Fond du Lac County, Wisconsin, a municipal corporation, is the owner of that certain parcel of land more particularly described as:

That part of Lot One (1) of Certified Survey Map Number 1032, recorded in Volume 6 pages 192 and 192A, Certified Survey Maps, Fond du Lac County Register of Deeds Office and a part of the Northwest 1/4 and the Northeast 1/4 of Section Eight (8), Township Fifteen (15) North, Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin and being more particularly described as follows:

Beginning at the Northwest corner of the Northeast 1/4 of said Section 8; thence South 86 degrees 48 minutes 00 seconds East along the North line of the Northeast 1/4 of said Section 8, 1,203.74 feet; thence South 04 degrees 32 minutes 29 seconds East, 730.07 feet; thence North 85 degrees 27 minutes 31 seconds East, 405.00 feet; thence South 04 degrees 32 minutes 29 seconds East along the Westerly right-of-way line of the West Frontage Road (County Trunk Highway "VVV"), 80.00 feet; thence South 85 degrees 27 minutes 31 seconds West, 470.00 feet; thence South 04 degrees 32 minutes 29 seconds East, 745.00 feet; thence South 85 degrees 27 minutes 31 seconds West, 454.23 feet; thence North 87 degrees 40 minutes 51 seconds West, 711.55 feet; thence North 03 degrees 21 minutes 45 seconds West along the East line of the Northwest 1/4 of said Section 8, 274.11 feet; thence North 89 degrees 22 minutes 05 seconds West along the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 8, 1,348.38 feet; thence North 02 degrees 46 minutes 05 seconds West along the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 8, 888.98 feet; thence South 89 degrees 43 minutes 05 seconds East along the Southerly line of Lot 1, Certified Survey Map Number 222,

recorded in Volume 1, Page 222, Certified Survey Maps, Fond du Lac County Register of Deeds Office, 528.00 feet; thence North 02 degrees 46 minutes 05 seconds West along the Easterly line of said Lot 1, Certified Survey Map Number 222, 460.35 feet; thence South 89 degrees 43 minutes 05 seconds East along the North line of the Northwest 1/4 of said Section 8, 805.12 feet to the point of beginning.

Tax Key No. Part of T09-15-17-08-02-001
(1987 Key Number)

WHEREAS, the undersigned is undertaking and intends to divide and improve or cause to be improved the above-described parcel of land for use as an industrial park to be known as the Fond du Lac West Industrial Park.

NOW, THEREFORE, in consideration of the aforesaid and for the purpose of preserving the value of the lots contained within the Fond du Lac West Industrial Park as well as all land located in the general vicinity of the Fond du Lac West Industrial Park, the City Council of the City of Fond du Lac hereby declares and provides that the entire area known as the Fond du Lac West Industrial Park shall be subject to the following restrictions, covenants, and conditions to-wit:

1. General Purpose

The purpose of these protective covenants is to insure proper use, development and maintenance of each parcel within the industrial park; to preserve the value of each parcel within the industrial park as well as all land located within the vicinity; to protect the environment; to guard against the erection of improper, unsuitable structures and uses; to insure protection from incompatibility and unsightliness; to protect the health and safety of the general public; and to attract quality, image-conscious companies to the industrial park.

2. General

- A. Each building site shall contain a minimum frontage of one hundred seventy-five feet (175') on each public street.

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- B. The division of any lot, area or tract of land within the industrial park for any purpose, whether immediate or future for conveyance, transfer, improvement or sale shall not result in the creation of any parcel of less than one and one-half (1-1/2) acres in size. No division of land or lot line adjustment shall occur without the prior approval of the City Council of the City of Fond du Lac.
- C. Lots 5 and 25 shall have access via Industrial Parkway only, with no direct access onto West Scott Street.
- D. On-street parking and loading is not permitted. All parking must be accommodated on the individual lots within the industrial park.
- E. Nothing contained herein shall nullify any of the requirements of federal, state or city laws, regulations or ordinances, except that in instances where applicable laws, regulations or ordinances and these protective covenants conflict, the more restrictive shall apply.

3. Land Use

- A. The only permitted uses are:
 - 1) Light manufacturing, assembly, fabricating, compounding, processing or packaging of goods, materials and products, except for those uses listed in Section B below.
 - 2) Research, development and testing laboratories and facilities.
 - 3) Wholesaling, warehousing and distribution activities.
 - 4) Office operations only if they are an integral part of and accessory to a permitted use.
 - 5) Contractor's office building and shop area, with accessory material and equipment storage, on any lot area except lot areas 1-5, 11, 12, 13, and 25.
- B. Exceptions from permitted uses in Section A:
 - 1) Uses which would cause a nuisance per Section 16.
 - 2) Outdoor storage yards as a primary use.

- 3) Mini-warehouses or similar storage facilities for non-business uses.
- 4) Gasoline, oil or other fuel production or distribution operations.
- 5) Ammunition, ordnance or explosives production, distribution or storage operations.
- 6) Insecticide or pesticide production, distribution, or storage, except for rodent or insect control on site.
- 7) Asphalt or concrete batching or ready-mix plants.
- 8) Glue or acid manufacture or distribution operations.
- 9) Cement, lime or gypsum or related manufacturing operations.
- 10) Plating operations.

Interpretation of Permitted and Prohibited Uses

In cases where it is unclear as to whether a particular proposed use is a permitted use, a positive interpretation shall first be made by the City Plan Commission before said use may be permitted.

4. Submission of Plans

No building, improvement, or use shall be erected, placed, or altered on any lot in the industrial park until the site plan has been approved by the City Planning Director and the building plans have been approved by the Chief Building Inspector. Site plans shall be prepared and reviewed in accordance with Section 11.04M, Site Plan Approval, of the City of Fond du Lac Zoning Ordinance, as may be amended from time to time, and with these protective covenants.

5. Construction Materials and Appearance

- A. At least twenty-five percent (25%) of the front of all buildings--that is, the side facing the street on which the building is deemed to front--shall be faced with concrete or brick masonry, stone, or other material approved by the City Planning Director. Said facing shall extend across the full front of the building.

All other sides of any building shall be finished in an attractive manner in keeping with the state of the art for industrial buildings, but need not be finished in a like manner as that portion of the building referred to as the front. It is the intent of these provisions that all structures shall be designed and constructed in such a manner as to provide an aesthetically pleasing appearance and be harmonious with the overall development of the industrial park.

- B. All parking, driveway and storage areas shall be paved with hot-mixed asphalt or portland cement concrete. All walks shall be constructed of portland cement concrete.
- C. All drives, walks and parking areas shall be completed prior to building occupancy, unless an extension not to exceed nine (9) months is granted in writing by the Planning Director.
- D. All buildings must be of approved construction in conformance with all applicable building codes.
- E. Yard hydrants, where necessary, shall be required to be placed as directed by the City Fire Department at the owner's expense.

6. Building and Structure Height

The maximum building and structure height including roof top equipment shall be fifty feet (50').

7. Minimum Setback and Other Yard Requirements

A. Minimum Setbacks:

Minimum setbacks shall be as set forth in the City Zoning Ordinance, which may be amended from time to time.

B. Front and Side Yards:

No parking other than visitor or customer parking may be allowed in the front yard or side yard facing a street. Storage, fencing, and the parking of company vehicles shall be prohibited in the front yard or side yard facing a street.

8. Vision Triangle

At all street intersections no obstruction of vision shall be erected, installed, planted, parked or

otherwise placed on any lot between three and eight feet (3' and 8') above the grade of the sidewalk (or ground grade at the lot line) adjacent to such streets and within the vision triangle formed by street centerlines and a line connecting them at points eighty feet (80') from the intersection of the street centerlines.

9. Utilities

- A. The location of utility lines and easements shall be as shown on the City-approved site plan.
- B. All electric distribution lines (excluding lines of 15,000 volts or more), all telephone lines from which lots are individually served, and all television cable lines installed within the industrial park shall be underground. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted boxes may be located above ground. Temporary overhead facilities may be installed to serve a construction site.

10. Drainage and Erosion Control

- A. No land shall be developed and no use shall be permitted that results in the flooding, erosion, or sedimentation of adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area, or other storm water management facility in conformance with the drainage portion of the City-approved site plan.
- B. All elements of the drainage control system shall be constructed and maintained in accordance with the City-approved site plan.

11. Site Grading

- A. The grading of individual lots and construction sites shall be the responsibility of the property owner.
- B. No topsoil or other excess soil shall be removed from any parcel without the prior written approval of the City Engineer. If the City Engineer determines that any or all of the topsoil or other excess soil may be needed by the City or any other property owner in the

industrial park, said soil shall be stockpiled in such locations in the industrial park and in such a manner as directed by the City Engineer at no cost to the City or other property owner in the industrial park. If the City Engineer determines that any or all of the topsoil or other excess soil is not needed, the property owner shall have the responsibility for the removal of said soil from the industrial park.

- C. Utility easements shown on the City-approved site plan shall be graded to within six inches (6") of final grade prior to the installation of underground electric and/or communications facilities. After such facilities have been installed, said final grade shall not be altered by more than six inches (6") by the owner or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved and the City Engineer.

12. Outdoor Storage

- A. Outdoor storage areas shall be maintained in a neat and orderly manner, be located only to the rear of the building(s) as set forth in Section 7, and be effectively screened by opaque fencing which is a maximum of ten feet (10') in height.
- B. Outdoor storage shall not be located between the building line (extended) and the adjacent street.
- C. All trash containers, including dumpsters, must be enclosed by a wall of solid materials that match the building facade and provide an opaque visual screen. Such wall shall be of sufficient height, not to exceed ten feet (10'), to cover the material stored and shall be maintained so as to present a good appearance at all times.
- D. Storage of wood or combustible materials, including pallets or skids, must be enclosed at least twenty feet (20') from any structure, building or property line.
- E. Storage areas shall not be located in or across any utility or drainage easements or the drainageways designated on each parcel's City approved site plan.
- F. Storage of fuel oil or other bulk fluids or gases must be underground, unless written approval is obtained from the City Planning

Director, following a recommendation from the City Fire Chief, and State approval.

- G. Outdoor storage areas shall be maintained in an orderly, debris-free condition.

13. Signs

The provisions of the City of Fond du Lac Zoning Ordinance, which may be amended from time to time, shall apply to all signs used in the industrial park.

14. Fences

- A. Fences shall not be permitted to be located in or across any utility easements or the drainageways designated on each parcel's City-approved site plan.
- B. The maximum height of any fence is ten feet (10').
- C. Fences must be kept in good repair and condition.
- D. Fences used for screening purposes shall be opaque.

15. Landscaping

- A. All areas on any site not used for building, storage, parking, walks, access roads, and loading areas shall be suitably graded and drained, seeded or sodded, and maintained in grass and landscaped areas with groundcover, flowers, trees and shrubs. Landscape plans must be submitted for approval by the City Planning Director prior to building construction. Shade trees shall have a minimum caliper of two inches (2").
- B. At least one (1) street tree of a species approved by the City Forester and of at least two inch (2") caliper shall be planted within the terrace for each seventy-five (75') of frontage on public streets. Tree species shall be selected, in part, based upon soil conditions and species' hardiness to soil conditions. Columnar varieties of street trees may require shorter distances between plantings. Street trees shall be located so as to be a minimum of fifteen feet (15') from a street light, ten feet (10') from a fire hydrant, and ten feet (10') from a driveway.

16. Nuisance Control

No operation, process, manufacturing activity, or building use in the industrial park shall produce or create noise, light, odors, smoke, dust, gas, vibration, heat, industrial waste, toxic matter, or other excessive measurable external nuisance to an extent greater than the following maximum allowable levels:

- A. Air Pollution. No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to substantially contribute to exceeding established state or federal air pollution standards.
- B. Fire and Explosive Hazards. All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire-extinguishing system.
- C. Glare and Heat. No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit indirect or sky-reflected glare which shall not be visible outside the industrial park. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- D. Water Quality Protection. No activity shall store or discharge, or permit the discharge of, any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as oil or scum; objectionable color, odor, taste; unsightliness; or be harmful to human, animal, plant or aquatic life.

- E. Noise. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.
- F. Odors. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises.
- G. Radioactivity and Electrical Disturbances. No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
- H. Vibration. No activity shall emit vibrations which are discernible without instruments outside its premises.

17. Maintenance Responsibilities

- A. Each lot owner shall keep their property, all contiguous street right-of-way to edge of pavement, and all drainage and easement areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance includes, but is not limited to, the following:
 - 1) The removal of all litter, trash, refuse, and wastes.
 - 2) Compliance with the City's plant and weed control ordinance, including the mowing of all grass areas.
 - 3) The care and pruning of trees and shrubbery within property boundaries and all terrace trees in the street right-of-way adjacent to the property.
 - 4) The maintenance of exterior lighting, signs, and mechanical facilities.
 - 5) The keeping of all exterior building surfaces in a clean, well maintained condition.
 - 6) The striping and sealing of parking and driveway areas.
 - 7) The removal of unlicensed or inoperable vehicles.

- 8) Snow and ice removal.
- 9) The maintenance of all drainageways including the removal of all debris, weeds and silt.

- B. During construction, it shall be the responsibility of each owner to insure that construction sites are kept free of unsightly accumulations of rubbish and scrap materials; and that construction materials, trailers, and the like are kept in a neat and orderly manner. Burning of excess or scrap construction material is prohibited. Construction site erosion control practices shall be implemented to prevent erosion, sedimentation and pollution of air or water during construction.
- C. The owner of any undeveloped lands agrees to maintain said lands free of rubbish, noxious weeds, and mosquito breeding pond conditions.

18. Recapture and Resale of Land

- A. If a buyer of any lot does not commence construction of a principal building or principal buildings thereon within twelve (12) months after the date of purchase and complete the construction of a building or buildings thereon within two (2) years after the date of purchase, the City shall have the option to repurchase the property. Exercise of the option shall be affected by resolution adopted by the City Council. Such option shall be exercisable upon delivery in writing of a notice to the buyer within six (6) months after the expiration of such twelve (12) month or two (2) year period. Closing shall take place within sixty (60) days following the exercise of such option on such date as shall be designated by the City specified in such notice. The purchase price to be paid by the City upon the exercise of such option shall be the sum of the following:
- 1) The purchase price paid for the land by the buyer.
 - 2) The current market value of all improvements, if any, thereon made by the buyer.
 - 3) All special assessments which may have been paid by the buyer or levied against the premises during the period of such buyer's ownership.

less the sum of the following:

- 1) Unpaid real estate taxes.
- 2) Proration of current year's real estate taxes to date of closing.
- 3) Title insurance policy premium.
- 4) Liens and encumbrances on the property of a definite or ascertainable amount.
- 5) The cost of any environmental audit and/or clean-up deemed necessary by the City to have performed on the parcel.

Conveyance shall be by warranty deed, free and clear of all liens and encumbrances except those in existence prior to the buyer's ownership of the property, and subject to municipal and zoning and land division ordinances, recorded easements for public utilities, and recorded Declaration of Restrictions and Covenants and amendments thereto. Seller shall furnish title insurance policy at seller's expense for full amount of purchase price.

- B. In the event a buyer elects to sell all or any part of any parcel which is vacant, the same shall first be offered for sale, in writing, to the City at a price per acre computed as set forth in Subsection A above. The City shall have sixty (60) days from the receipt of such offer to accept or reject same. Acceptance or rejection of such offer shall be effected by resolution adopted by the City Council. Upon acceptance by the City, conveyance shall be by warranty deed free and clear of all liens and encumbrances except those in existence prior to the buyer's ownership of the property, and subject to municipal and zoning and land division ordinances, easements for public utilities, and building restrictions and ordinances. The seller shall furnish title insurance policy at seller's expense.
- C. If the City fails to timely exercise the option described in Subsection A above or rejects said offer, buyer may then sell such property to any other buyer and the City shall have no further interest therein, except that any use of said property by any subsequent buyer shall be subject to applicable zoning and land division ordinances, restrictions, and regulations of the

city relating to the use of said property at the time of such sale and to the provisions of this Declaration of Restrictions and covenants.

- D. Nothing contained herein shall be deemed to give the City a right of first refusal or option in the event that a buyer of a parcel who has improved the same by construction of a building or buildings thereon shall propose to sell all of such property as one parcel together with the improvements thereon, it being intended that the provisions of this shall apply only to the resale of vacant parcels.

19. Number of Years Restrictions and Covenants to Run with the Land

Each lot shall be conveyed subject to the restrictions and covenants set forth herein, 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 and Covenants is recorded, after which time said restrictions and covenants as are then in force and effect shall be automatically extended for successive periods of ten (10) years each, unless an instrument terminating such restrictions and covenants by the City Council as evidenced by a resolution is duly adopted by at least three-fourths (3/4) favorable vote of all members of the City Council.

20. Modifications and Amendment of Declaration of Restrictions and Covenants

The restrictions and covenants set forth herein may be modified and amended only upon the execution and recording of a written instrument to said effect by the City Council as evidenced by a resolution duly adopted by at least three-fourths (3/4) favorable vote of all members of the City Council at any time.

21. Enforcement

- A. Abatement and Suit. Violation or breach of any restriction or covenant herein contained shall give to any and every owner of property, and the City of Fond du Lac, the right to prosecute a proceeding at law or in equity against the person or persons who have violated or attempted to violate any of these restrictions and covenants to enjoin or prevent them from doing so, and to cause said violation to be removed or remedied and to recover damages for said violation, including the attorney's fees of the

prevailing party or parties, and such amount as may be fixed by the Court in such proceedings.

- B. Property Maintenance. Should any landscaping improvements, such as grass, weeds or other shrubs and bushes or decorative materials, become overgrown, the City of Fond du Lac may order that such area be trimmed, mowed or groomed within forty-eight (48) hours by written or verbal request. If, after forty-eight (48) hours have passed, the owner neglects to take such actions requested, the City may enter the property and take such actions as are necessary, and assess such costs as a special assessment charge against the property pursuant to Sec. 66.60 (16) of the Wisconsin Statutes.

Furthermore, the City of Fond du Lac may enter upon any premises that have been vacated or abandoned for ninety (90) days or more for the purpose of performing such maintenance as may be necessary to prevent the exterior of any buildings and grounds from deteriorating, becoming unsightly or otherwise detracting from the appearance and general character of the industrial park. Any expense incurred by the City hereunder shall be charged against the property abandoned and it shall be the obligation of the owner, lessee or sublessee to pay such expense to the City upon written demand for payment.

22. Severability

Invalidation of any one of the restrictions or covenants contained within this Declaration of Restrictions and 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.

23. Other Applicable Laws

Notwithstanding the provisions contained herein this Declaration of Restrictions and Covenants, all development with the Fond du Lac West Industrial Park shall be in accordance with all applicable local, state, and federal laws.

IN WITNESS WHEREOF, the City Council of the City of
Fond du Lac has caused these presents to be signed pursuant to
Resolution No. 5061 adopted by the City Council on March 28,
1990.

CITY OF FOND DU LAC

By: Jack Howley
Jack Howley, City Manager

Attest:

Thomas Lehman
Thomas Lehman, City Clerk

RECORDED
VOL 1029 PAGE 867-882
Nov 15 11 15 AM '90

Mary J. [unclear]

ACKNOWLEDGEMENT

REGISTERED DEEDS
FOND DU LAC COUNTY, WI

STATE OF WISCONSIN)
FOND DU LAC COUNTY) ss.

Personally came before me, this 16th day of April,
1990, the above named Jack Howley, City Manager, and
(names of individuals and their spousal

Thomas Lehman, City Clerk
relationship, if any, or name of officer and title)

to me known to be the person S who executed the
foregoing instrument and acknowledged the same.

* Tom W. Ahrens
Notary Public Fond du Lac County, Wisconsin.
My Commission (~~Expires~~): (Is) permanent.

This instrument was drafted by Tom W. Ahrens, City Attorney.

90-83

506381

RESOLUTION NO. 5599

A RESOLUTION APPROVING AMENDMENT NO. 1
TO PROTECTIVE COVENANTS FOR THE
FOND DU LAC WEST INDUSTRIAL PARK

BE IT RESOLVED by the City Council of the City of
Fond du Lac that the proper City officials are hereby authorized
to execute and record the attached Amendment No. 1 to the
Protective Covenants for the Fond du Lac West Industrial Park.

ADOPTED: FEB 26 1992

Ronald R. Nelson
Ronald R. Nelson, President
Fond du Lac City Council

City Attorney:

Attest:

Thomas Lehman
Thomas Lehman, City Clerk

Reviewed YA

RECORDED
VOL 1071 PAGE 904-908
MAR 13 11 11 AM '92

Mary E. Thicke
REGISTER OF DEEDS
FOND DU LAC COUNTY, WI

Rst: City Clerk
#18

VOL 1071 PAGE 904

AMENDMENT NO. 1

TO FOND DU LAC WEST INDUSTRIAL PARK
DEED RESTRICTIONS AND PROTECTIVE COVENANTS

WHEREAS, pursuant to Resolution No. 5061, the Fond du Lac City Council adopted the Fond du Lac West Industrial Park Deed Restrictions and Protective Covenants for the property as described in the attached Exhibit A, and

WHEREAS, this document was recorded in the office of the Fond du Lac County Register of Deeds in Volume 1029 at pages 867-882, and

WHEREAS, Section 20 of these covenants permits the document to be amended by a three-fourths vote of the City Council, and

WHEREAS, the City Council wishes to amend the covenants.

NOW, THEREFORE, in consideration of the aforesaid, the above-mentioned Fond du Lac West Industrial Park Deed Restrictions and Protective Covenants are hereby amended as follows:

Paragraph 3. A. 5) shall read as follows:

- 5) Construction contractor's office building and shop area, with accessory material and equipment storage, on any lot area except lot areas 1-5, 11, 12, 13, and 25.

Exhibit A

March 20, 1990

FOND DU LAC WEST INDUSTRIAL PARK
DEED RESTRICTIONS
AND
PROTECTIVE COVENANTS

WHEREAS, the undersigned, City of Fond du Lac, Fond du Lac County, Wisconsin, a municipal corporation, is the owner of that certain parcel of land more particularly described as:

That part of Lot One (1) of Certified Survey Map Number 1032, recorded in Volume 6 pages 192 and 192A, Certified Survey Maps, Fond du Lac County Register of Deeds Office and a part of the Northwest 1/4 and the Northeast 1/4 of Section Eight (8), Township Fifteen (15) North, Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin and being more particularly described as follows:

Beginning at the Northwest corner of the Northeast 1/4 of said Section 8; thence South 86 degrees 48 minutes 00 seconds East along the North line of the Northeast 1/4 of said Section 8, 1,203.74 feet; thence South 04 degrees 32 minutes 29 seconds East, 730.07 feet; thence North 85 degrees 27 minutes 31 seconds East, 405.00 feet; thence South 04 degrees 32 minutes 29 seconds East along the Westerly right-of-way line of the West Frontage Road (County Trunk Highway "VVV"), 80.00 feet; thence South 85 degrees 27 minutes 31 seconds West, 470.00 feet; thence South 04 degrees 32 minutes 29 seconds East, 745.00 feet; thence South 85 degrees 27 minutes 31 seconds West, 454.23 feet; thence North 87 degrees 40 minutes 51 seconds West, 711.55 feet; thence North 03 degrees 21 minutes 45 seconds West along the East line of the Northwest 1/4 of said Section 8, 274.11 feet; thence North 89 degrees 22 minutes 05 seconds West along the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 8, 1,348.38 feet; thence North 02 degrees 46 minutes 05 seconds West along the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 8, 888.98 feet; thence South 89 degrees 43 minutes 05 seconds East along the Southerly line of Lot 1, Certified Survey Map Number 222,

recorded in Volume 1, Page 222, Certified Survey Maps, Fond du Lac County Register of Deeds Office, 528.00 feet; thence North 02 degrees 46 minutes 05 seconds West along the Easterly line of said Lot 1, Certified Survey Map Number 222, 460.35 feet; thence South 89 degrees 43 minutes 05 seconds East along the North line of the Northwest 1/4 of said Section 8, 805.12 feet to the point of beginning.

Tax Key No. Part of T09-15-17-08-02-001
(1987 Key Number)

CITY OF FOND DU LAC

By: Jack Howley
Jack Howley, City Manager

Attest:

Thomas Lehman
Thomas Lehman, City Clerk

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
FOND DU LAC COUNTY) ss.

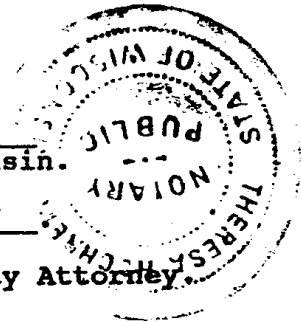
Personally came before me, this 10TH day of MARCH,
1992, the above named JACK HOWLEY, CITY MANAGER AND
(names of individuals and their spousal
THOMAS LEHMAN, CITY CLERK
relationship, if any, or name of officer and title)

to me known to be the person s who executed the foregoing
instrument and acknowledged the same.

* Theresa Hochrein
Notary Public Fond du Lac County, Wisconsin.

My Commission (Expires) (Is) Jan 22, 1995

This instrument was drafted by Tom W. Ahrens, City Attorney.



TO FOND DU LAC WEST INDUSTRIAL
PARK DEED RESTRICTIONS AND
PROTECTIVE COVENANTS

Document Number

Document Title

DOC# 1063463

Recorded
January 29, 2016 1:49 PM
SHAWN KELLY
REGISTER OF DEEDS
FOND DU LAC COUNTY
Fee Amount: \$30.00



Recording Area

Name and Return Address

Dyann Benson
Community Development
160 S. Macy Street, PO Box 150
Fond du Lac, WI 54936-0150

Parcel Identification Number (PIN)

Amendment No. 3

- FDL-15-17-08-12-250-00
- FDL-15-17-08-12-261-00
- FDL-15-17-08-12-260-00
- FDL-15-17-08-12-259-00
- FDL-15-17-08-21-249-00
- FDL-15-17-08-21-008-00
- FDL-15-17-08-21-008-01
- FDL-15-17-08-21-008-02
- FDL-15-17-08-21-008-03
- FDL-15-17-08-21-008-04
- FDL-15-17-08-21-008-05
- FDL-15-17-08-21-008-06
- FDL-15-17-08-21-008-07
- FDL-15-17-08-21-008-08
- FDL-15-17-08-21-008-09
- FDL-15-17-08-12-254-00
- FDL-15-17-08-12-253-00
- FDL-15-17-08-12-252-00
- FDL-15-17-08-12-251-00
- FDL-15-17-08-21-249-00
- FDL-15-17-08-21-007-00
- FDL-15-17-08-21-006-00
- FDL-15-17-08-21-005-00
- FDL-15-17-08-21-004-00
- FDL-15-17-08-21-013-00
- FDL-15-17-08-21-012-00
- FDL-15-17-08-21-011-00
- FDL-15-17-08-21-010-00
- FDL-15-17-08-21-009-00
- FDL-15-17-08-12-255-00
- FDL-15-17-08-12-256-00
- FDL-15-17-08-12-257-01
- FDL-15-17-08-13-512-00
- FDL-15-17-08-13-502-00
- FDL-15-17-08-13-510-00

Document Prepared By:
Deborah S.R. Hoffmann
City Attorney, City of Fond du Lac

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RESOLUTION NO. 8556

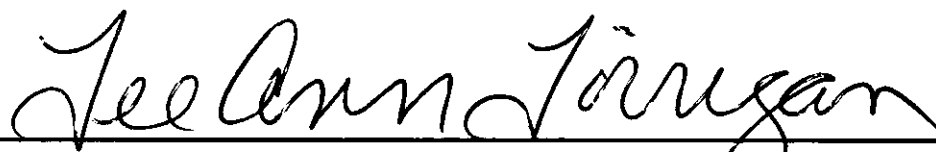
**A RESOLUTION APPROVING AMENDMENT NO. 3
OF THE PROTECTIVE COVENANTS FOR THE
FOND DU LAC WEST INDUSTRIAL PARK**

WHEREAS, the City Council wishes to amend the Deed Restrictions and Protective Covenants for the Fond du Lac West Industrial Park.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the proper City officials are hereby authorized to execute and record the attached Amendment No. 3 to the Deed Restrictions and Protective Covenants for the Fond du Lac West Industrial Park.

ADOPTED:

SEPTEMBER 23, 2015



Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:



Margaret Hefter, City Clerk

City Attorney:
Reviewed 

AMENDMENT NO. 3

**TO FOND DU LAC WEST INDUSTRIAL PARK DEED
RESTRICTIONS AND PROTECTIVE COVENANTS**

WHEREAS, Pursuant to Resolution No. 5061, the Fond du Lac City Council adopted the Fond du Lac West Industrial Park Deed Restrictions and Protective Covenants for the property as described in the attached Exhibit ; and

WHEREAS, the Covenants were later amended by the City Council by Resolution No. 5599; and

WHEREAS, the Covenants were later amended by the City Council by Resolution No. 8197; and

WHEREAS, Section 20 of the Covenants permits the document to be amended by a three-fourths vote of the City Council; and

WHEREAS, the City Council wishes to amend the covenants further.

NOW, THEREFORE, in consideration of the above, the Fond du Lac West Industrial Park Deed Restrictions and Protective Covenants are hereby amended as follows:

Paragraph 2.C.shall read as follows:

Lot 5 shall have access via Industrial Parkway only, with no direct access onto West Scott Street. Lot 25 may have access onto West Scott Street for egress purposes only. Traffic entering Lot 25 shall enter from Industrial Parkway.

Exhibit "A"

That part of Lot One (1) of Certified Survey Map Number 1032, recorded in Volume 6 pages 192 and 192A, Certified Survey Maps, Fond du Lac County Register of Deeds Office and a part of the Northwest 1/4 and the Northeast 1/4 of Section Eight (8), Township Fifteen (15) North, Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin and being more particularly described as follows:

Beginning at the Northwest corner of the Northeast 1/4 of said Section 8; thence South 86 degrees 48 minutes 00 seconds East along the North line of the Northeast 1/4 of said Section 8, 1,203.74 feet; thence South 04 degrees 32 minutes 29 seconds East, 730.07 feet; thence North 85 degrees 27 minutes 31 seconds East, 405.00 feet; thence South 04 degrees 32 minutes 29 seconds East along the Westerly right-of-way line of the West Frontage Road (County Trunk Highway "VVV"), 80.00 feet; thence South 85 degrees 27 minutes 31 seconds West, 470.00 feet; thence South 04 degrees 32 minutes 29 seconds East, 745.00 feet; thence South 85 degrees 27 minutes 31 seconds West, 454.23 feet; thence North 87 degrees 40 minutes 51 seconds West, 711.55 feet; thence North 03 degrees 21 minutes 45 seconds West along the East line of the Northwest 1/4 of said Section 8, 274.11 feet; thence North 89 degrees 22 minutes 05 seconds West along the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 8, 1,348.38 feet; thence North 02 degrees 46 minutes 05 seconds West along the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 8, 888.98 feet; thence South 89 degrees 43 minutes 05 seconds East along the Southerly line of Lot 1, Certified Survey Map Number 222, recorded in Volume 1, Page 222, Certified Survey Maps, Fond du Lac County Register of Deeds Office, 528.00 feet; thence North 02 degrees 46 minutes 05 seconds West along the Easterly line of said Lot 1, Certified Survey Map Number 222, 460.35 feet; thence South 89 degrees 43 minutes 05 seconds East along the North line of the Northwest 1/4 of said Section 8, 805.12 feet to the point of beginning.

2/28

TO FOND DU LAC WEST INDUSTRIAL
PARK DEED RESTRICTIONS AND
PROTECTIVE COVENANTS

Document Number

Document Title

Amendment No. 4

- FDL-15-17-08-12-250-00
- FDL-15-17-08-12-261-00
- FDL-15-17-08-12-260-00
- FDL-15-17-08-12-259-00
- FDL-15-17-08-21-249-00
- FDL-15-17-08-21-008-00
- FDL-15-17-08-21-008-01
- FDL-15-17-08-21-008-02
- FDL-15-17-08-21-008-03
- FDL-15-17-08-21-008-04
- FDL-15-17-08-21-008-05
- FDL-15-17-08-21-008-06
- FDL-15-17-08-21-008-07
- FDL-15-17-08-21-008-08
- FDL-15-17-08-21-008-09
- FDL-15-17-08-12-254-00
- FDL-15-17-08-12-253-00
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- FDL-15-17-08-21-007-00
- FDL-15-17-08-21-006-00
- FDL-15-17-08-21-005-00
- FDL-15-17-08-21-004-00
- FDL-15-17-08-21-013-00
- FDL-15-17-08-21-012-00
- FDL-15-17-08-21-011-00
- FDL-15-17-08-21-010-00
- FDL-15-17-08-21-009-00
- FDL-15-17-08-12-255-00
- FDL-15-17-08-12-256-00
- FDL-15-17-08-12-257-01
- FDL-15-17-08-13-512-00
- FDL-15-17-08-13-502-00
- FDL-15-17-08-13-510-00

Document Prepared By:
Deborah S.R. Hoffmann
City Attorney, City of Fond du Lac

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WRDA Rev. 12/22/2010

DOC# 1063464

Recorded
January 29, 2016 1:49 PM
SHAWN KELLY
REGISTER OF DEEDS
FOND DU LAC COUNTY
Fee Amount: \$30.00



Recording Area

Name and Return Address

Dyann Benson
Community Development
160 S. Macy Street, PO Box 150
Fond du Lac, WI 54936-0150

Parcel Identification Number (PIN)

RESOLUTION NO. 8583

**A RESOLUTION APPROVING AMENDMENT NO. 4
OF THE PROTECTIVE COVENANTS FOR THE
FOND DU LAC WEST INDUSTRIAL PARK**

WHEREAS, the City Council wishes to amend the Deed Restrictions and Protective Covenants for the Fond du Lac West Industrial Park to remove Lot 12 from the legal description of industrial park.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the proper City officials are hereby authorized to execute and record the attached Amendment No. 4 to remove Lot 12 from the legal description of the Deed Restrictions and Protective Covenants for the Fond du Lac West Industrial Park

ADOPTED:
JANUARY 27, 2016



Gary Miller,
Vice- President Fond du Lac
City Council

Attest:



Margaret Heffer, City Clerk

City Attorney:

Reviewed 

AMENDMENT NO. 4

REVISED LEGAL DESCRIPTION FOR WEST INDUSTRIAL PARK, REMOVING LOT 12

That part of Lot One (1) of Certified Survey Map Number 1032, recorded in Volume 6 pages 192 and 192A, Certified Survey Maps, Fond du Lac County Register of Deeds Office and a part of the Northwest 1/4 and the Northeast 1/4 of Section Eight (8) Township Fifteen (15) North, Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin and being more particularly described as follows:

Beginning at the Northwest corner of the Northeast 1/4 of said Section 8; thence South $86^{\circ}-48'-00''$ East along the North line of the Northeast 1/4 of said Section 8, 1,203.74 feet; thence South $04^{\circ}-32'-29''$ East, 730.07 feet; thence North $85^{\circ}-27'-31''$ East, 405.00 feet; thence South $04^{\circ}-32'-29''$ East along the Westerly right-of-way line of the West Frontage Road (County Trunk Highway "VVV"), 80.00 feet; thence South $85^{\circ}-27'-31''$ West, 958.17 feet along the Southerly right-of-way line of Industrial Parkway; thence South $05^{\circ}-44'-17''$ East, 232.87 feet along the Easterly right-of-way line of Zeller Court; thence 59.97 feet along the arc of a curve to the left (which is the Easterly right-of-way of Zeller Court) having a radius of 75.00 feet and a chord bearing South $28^{\circ}-38'-46''$ East, a distance of 58.39 feet; thence 73.85 feet along the arc of a curve to the right (which is the Easterly right-of-way of Zeller Court) having a radius of 90.00 feet and a chord bearing South $28^{\circ}-02'-51''$ East, a distance of 71.79 feet; thence North $85^{\circ}-27'-31''$ East to the West line of Certified Survey Map Number 4046 recorded in Volume 22, page 125A, Certified Survey Maps, Fond du Lac County Register of Deeds Office, 380.83 feet; thence North $04^{\circ}-32'-29''$ West, 82.07 feet along the West line of said Certified Survey Map Number 4046; thence North $85^{\circ}-27'-31''$ East, 50.00 feet along the North line of said Certified Survey Map Number 4046; thence South $04^{\circ}-32'-29''$ East, 474.68 feet to the South line of said Certified Survey Map Number 4046; thence South $85^{\circ}-27'-31''$ West, 454.23 feet; thence North $87^{\circ}-40'-51''$ West, 711.55 feet; thence North $03^{\circ}-21'-45''$ West along the East line of the Northwest 1/4 of said Section 8, 274.11 feet; thence North $89^{\circ}-22'-05''$ West along the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 8, 1,348.38 feet; thence North $02^{\circ}-46'-05''$ West along the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 8, 888.98 feet; thence South $89^{\circ}-43'-05''$ East along the Southerly line of Lot 1, Certified Survey Map Number 222, recorded in Volume 1, page 222, Certified Survey Maps, Fond du Lac County Register of Deeds Office, 528.00 feet; thence North $02^{\circ}-46'-05''$ West along the Easterly line of said Lot 1, Certified Survey Maps Number 222, 460.35 feet; thence South $89^{\circ}-43'-05''$ East along the North line of the Northwest 1/4 of said Section 8, 805.12 feet to the point of beginning and containing 3,340,789.37 square feet of land, more or less.