

**PROTECTIVE COVENANTS DEED RESTRICTIONS
SPENCER BUSINESS/INDUSTRIAL PARK**

August 11, 1999

Amended, March 3, 2014

1. GENERAL PURPOSES and CONDITIONS

The real property conveyed hereby, being part of the Spencer Business/Industrial Park is subject to the conditions, covenants, restrictions, easements, and protections hereby declared to insure proper use and appropriate development and improvement of each building site thereof; to protect the environment in this planned industrial district; to guard against the erection thereon of structures built of improper or unsuitable materials; to require conformance to applicable zoning ordinances and building codes; to insure reasonable development of said property and locations thereon of buildings; to control the development of said property as an industrial district including, but not limited to, proper setbacks from the street, adequate free space between structures, adequate parking, and in general, to provide for a high quality of improvement on said property, to insure that each building site will not adversely affect the general plan for physical development of the industrial district nor adversely affect the health or safety of residents or workers in the area nor be detrimental to the use or development of other properties in the Spencer Business/Industrial Park. (A legal description of the property is attached.)

In addition to the rules that follow, all property shall be used in conformance with federal, state and local zoning, building, fire safety, health, and environmental regulations, rules, ordinances and laws.

2. LAND USE

The property in the Spencer Business/Industrial Park, or any portion thereof, shall be occupied and used in general compliance with the Village of Spencer Zoning requirements. Nonconforming land uses will be determined by the project proposal, site plan, impacts on the surrounding area, and associated considerations.

Sites shall be a minimum of one ½ acre.

The permitted uses described above shall be conducted within standards set in local, state and national codes pertaining to noise, vibrations, smoke, toxic or noxious matter, odorous matter, fire and explosive hazards, glare or heat, air pollution, water pollution and maintenance of property.

3. ARCHITECTURAL CONTROL AND APPEARANCE

Exterior walls of buildings may be of enameled steel, masonry, wood or similar building materials. Rooftop equipment shall be screened.

Good design is encouraged. Bright, primary colors should be avoided unless they are an integral part of the architectural design, or can be justified on the basis of a company's image or logo.

Structures shall be designed and constructed in such a manner as to provide aesthetically pleasing and harmonious overall development of the Park.

All faces of all buildings must be kept in good repair and appearance at all times. All buildings must be of approved construction in conformance with all federal, state and local building codes.

4. APPROVAL PLANS

Before commencing the construction or alteration of any buildings, additions, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on or to the real estate conveyed hereby, the Grantee shall first submit its building plans, specifications, site and landscape plans, utility easements, and an elevation sketch of all improvements to be placed there on to Economic Development and Industrial Parks Planning Committee/Spencer Village Board for its written approval. Economic Development and Industrial Parks Planning Committee/Spencer Village Board shall approve or disapprove in writing, such building plans, specifications, site and landscape plans, utility easements, and elevation sketch within thirty (30) days after they have been submitted to Economic Development and Industrial Parks Planning Committee/Spencer Village Board. At such time as Economic Development and Industrial Parks Planning Committee/Spencer Village Board desires to relinquish its authority under these covenants, said authority shall inure to its successors or assigns.

5. SETBACK REQUIREMENTS

Front Yard: No building shall be constructed on the site nearer than forty (40) feet of the right way of any public street or highway. In the case of the corner lots both forty (40) feet setbacks will apply.

Side Yard: Minimum side yards shall be twenty-five (25) feet. In the event that two adjoining sites shall be owned by the Grantee and in the improvement of such sites a building shall be erected on these combined sites, then the side yard requirements on the interior lines are waived.

Rear Yard Requirements and Uses: Minimum rear yards shall be twenty (20) feet.

6. PARKING

All development within this district shall comply with any and all appropriate provisions identified in the Village of Spencer Zoning Ordinance.

- A. Parking shall be provided along the sides and rear of the building wherever practical, but it is permitted anywhere on the premises except in the minimum front yard or within the minimum side and/or rear yard setbacks.
- B. Gravel parking areas are permitted; however, they shall be maintained in a dust-free manner, and must be properly drained. Seal coating, chip and tar, or other methods of obtaining a hard surface are strongly encouraged.
- C. Parking may be allowed in the front yard setback area only if the parking area is improved with asphalt, concrete or equivalent.

7. LOADING DOCKS

Public right-of-ways shall not be used for loading or unloading of materials. A designed maneuvering area shall be established within the dimensions of the site, and in observance of the respective setback requirements.

8. SIGNS

One freestanding, monument type sign per business shall be allowed. The total size of the freestanding sign shall not exceed 70 square feet. Maximum height of all monument signs shall not exceed 6 feet above ground level and must be set back a minimum of 15 feet from street right-of-ways. Traffic directional signs, sales and identification signs for the Park shall be permitted in accordance with the Village of Spencer Zoning Ordinance.

One exterior wall sign per business shall be allowed. The total size of the sign shall not exceed 10 percent of the area of the wall upon which the sign is erected. Wall signs shall be fixture signs; signs painted directly on the surface of the wall shall not be allowed.

No billboard or rooftop signs shall be allowed in the Business Park.

9. UTILITIES

All utilities, including all electric power, telephone, gas, water, storm and sanitary sewers shall be located underground. The location of the utility shall be subject to approval by the Spencer Industrial Park Committee/Spencer Village Board.

10. COOPERATION FOR EASEMENTS

The Village of Spencer retains such right-of-way and easements as may be necessary or convenient for the purpose of erecting, constructing, maintaining and operating utility services over, across, under and through the premises in the designed setback areas between building lines and property lines. The Village shall also have the right to grant such right-of-way easements to others to carry out this purpose. Any contract for the laying of such lines, wires, conduits, pipes or sewers shall provide that the premises shall be restored to the same condition they were in prior to the doing of such work.

11. WASTE INCINERATION

No waste material shall be burned on the premises.

12. OUTDOOR STORAGE AND DISPLAY

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 Spencer Industrial Park Committee/Spencer Village Board. All trash must be enclosed by a fence of solid material such as will provide a suitable visual screen. Minimal height of such fence shall be six feet. The 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.

13. LANDSCAPING

In general, landscaping will be required in front yards and at entrances to sites in the Business/Industrial Park. Berms, bushes, street trees and other treatments shall be used to soften the appearance of parking and loading areas, and to make front yards attractive.

Excess fill material situated on the parcel at the time of conveyance by the Village shall not be removed from the premises by the grantee without first offering the same to the Village free of charge at the parcel.

14. DRAINAGE CONTROL

No land shall be developed and no use shall be permitted that results in flooding, erosion, or sedimentation to adjacent properties. All runoff shall be property channeled into a storm drain, watercourse, storage area or other storm water management facility.

15. COMMENCEMENT AND COMPLETION OF CONSTRUCTION AND REPURCHASE OPTIONS

In the event GRANTEES fail to start construction or make substantial use of the land within one (1) year of the date of purchase, the Village of Spencer shall have the option of repurchasing the land at the original sale price, plus interest at the rate of 5 percent per annum from the date of closing, plus the cost, less depreciation if any, of any improvements made to the property, plus any special assessment levied against that portion of the parcel.

16. SUBDIVISION AND REPURCHASE OPTIONS

In the event GRANTEES elect to convey any subdivided property of one (1) or more acres of said, the land shall first be offered to the VILLAGE and the VILLAGE shall have the option of repurchasing the land at the lesser of the following: The price and terms offered to GRANTEES by a prospective buyer; or at the original sale price, plus interest at the rate of 5 percent per annum from the date of closing, plus the cost, less depreciation if any, of any improvements made to the property, plus any special assessment levied against that portion of the parcel.

The offer to the VILLAGE shall be by registered mail, return receipt requested, mailed to the Village Clerk.

17. ENFORCEMENT

The enforcement of the restrictions contained in this document shall be by proceedings at law or equity against any person or persons violating or attempting to violate any restrictions or covenants, to restrain violation, obtain substantial compliance, and recover any damages. Such proceedings may be commenced by either The Village of Spencer or the Economic Development and Industrial Parks Planning Committee or by any owner or owners of lots in the Park.

18. PENALTIES

Any person violating any of the provisions of this covenant shall be subject to penalties as outlined in Title 1, Code of Ordinances for the Village of Spencer, Wisconsin.

19. MODIFICATION AND AMENDMENT

The restrictions and covenants set forth herein may be amended only upon the execution and recording of a written instrument to said effect by the majority of the Spencer Village Board as evidenced by an adopted resolution of the respective memberships.

20. SEVERABILITY

Invalidation of any one of the restrictions or covenants contained in this document, by judgment or court order, shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

21. OTHER APPLICABLE LAWS

Notwithstanding the provisions contained herein this document, all development in the Spencer Business/Industrial Park shall be in accordance with all applicable local, state and federal laws.

22. TRANSFERABILITY AND COVENANTS

The Village shall have 90 days after the expiration of the one-year time limit, or after the notice of intent to convey, to exercise its option to repurchase, unless an extension of time is mutually agreed upon and set forth in writing. Action on the repurchase shall be by a resolution adopted by the Village Board. If the option is exercised, conveyance to the Village shall be by warranty deed free and clear of all liens or encumbrances created by act or default of the Grantees.

This repurchase restriction runs with the land as do all restrictions contained on this document, and all heirs and assigns of Grantees and every owner of the parcel shall be subject to this restriction and to all restrictions and to all the restrictions in this document.