

JUL 15 1987

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RECORDED  
AT 12:45 P M  
DORIS L. PICHA  
REGISTER OF DEEDS  
La Crosse County, WI

VOL 798 PAGE 204

AIRPORT INTERCHANGE INDUSTRIAL PARK  
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 Lot 1 of Certified Survey, Volume 1, Page 219, Doc. No. 918685, Dated May 26, 1981, also being Part of the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 18, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin, described as follows:

Commencing at the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 18; Thence South  $01^{\circ} 15' 30''$  East, 6.13 Feet, to the Point of Beginning; Thence North  $86^{\circ} 08' 22''$  East, 700.72 Feet; Thence South  $01^{\circ} 15' 30''$  East, 700.44 Feet, Parallel to and 700 Feet East of the Easterly R.O.W. line of C.T.H. "B"; Thence North  $88^{\circ} 44' 30''$  East, 114.99 Feet; Thence South  $9^{\circ} 44' 37''$  West, 602.52 Feet; Thence South  $22^{\circ} 58' 03''$  West, 84.08 Feet, to a Point on the Northerly Right-of-Way line of Interstate Highway 90, said Point being on an 11,299.16 Foot radius curve concave to the Northwest; Thence Southwesterly along said Northerly Right-of-Way line 685.10 Feet along the arc of said curve, to the Easterly Right-of-Way of C.T.H. "B", The Chord of which bears South  $80^{\circ} 22' 31''$  West and is 685.00 Feet in length; Thence North  $01^{\circ} 18' 52''$  East, 272.00 Feet along said Easterly Right-of-Way of C.T.H. "B"; Thence North  $01^{\circ} 15' 30''$  West, 1,164.73 Feet, along said Easterly Right-of-Way of C.T.H. "B", to the Point of Beginning.

Containing 23.327 Acres more or less subject to Easements as Recorded in Volume 214, Page 627 and Volume 396, Page 462.

Part of Lot 1 of Certified Survey, Volume 1, Page 219, Doc. No. 918685, dated May 26, 1981, also being Part of the Southeast Quarter of the Northeast Quarter of Section 18, Township 16 North, Range 7 West, City of La Crosse, described as follows:

Commencing at the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 18; Thence South  $01^{\circ} 15' 30''$  East, 6.13 Feet; Thence North  $86^{\circ} 08' 22''$  East, 700.72 Feet, to the Point of Beginning; Thence South  $01^{\circ} 15' 30''$  East, 700.44 Feet, Parallel to and 700 Feet East of the Easterly Right-of-Way line of C.T.H. "B"; Thence North  $88^{\circ} 44' 30''$  East, 114.99 Feet; Thence North  $12^{\circ} 52'$  East, 708.88 Feet, to a Point on the most Southerly line of Lot 2, of said C.S.M. #219; Thence South  $88^{\circ} 37' 12''$  West, 50.00 Feet, along said Southerly line; Thence North  $12^{\circ} 52'$  East, 24.96 Feet, along the Westerly line of said Lot 2; Thence South  $86^{\circ} 08' 22''$  West, 2.62 Feet to a Point on a 60 Foot radius curve; Thence Westerly along the arc of said 60 Foot radius curve, concave to the Northwest, 107.89 Feet to a Point on a 27 Foot radius curve, said 60 Foot radius curve having a

Chord distance of 93.93 Feet and a Chord bearing South 81° 01' 16" West; Thence Northwesterly along the arc of said 27 Foot radius curve, concave to the Southwest 21.86 Feet to the Point of Tangency of said curve, said 27 Foot radius curve having a Chord distance of 21.27 Feet and a Chord bearing of North 70° 39' 43" West; Thence South 86° 08' 22" West, 128.60 Feet to the Point of Beginning.

Said Parcel contains 141,036 Square Feet. (3.23774 Acres)

Subject to Easements of Record.

Part of Lot 1 of Certified Survey, Volume 1, Page 219, Doc. No. 918685, dated May 26, 1981, also being Part of the Northeast Quarter of the Northeast Quarter of Section 18, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin, described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter of said Section 18; Thence North 01° 15' 30" West, 60.00 Feet; Thence North 86° 08' 22" East, 150.00 Feet, to the Point of Beginning; Thence continuing North 86° 08' 22" East, 675.14 Feet, to the Point of curvature of a 27 Foot radius curve, concave to the Northwest; Thence Northeasterly along the arc of said 27 Foot radius curve, a distance of 21.86 Feet to a Point on a 60 Foot radius curve, said 27 Foot radius curve having a Chord distance of 21.27 Feet and a Chord bearing of North 62° 56' 27" East; Thence Southeasterly along the arc of said 60 Foot radius curve concave to the South a distance of 107.89 Feet said 60 Foot radius curve having a Chord distance of 93.93 Feet and a Chord bearing of South 88° 44' 32" East; Thence North 86° 08' 22" East, 22.46 Feet to the Easterly line of Lot 1 of said C.S.M. #219; Thence North 12° 52' East, 150.82 Feet along said Easterly line of Lot 1; Thence South 88° 35' 10" West, 420.80 Feet; Thence North 37° 53' West, 689.90 Feet; Thence South 00° 08' 39" East, 735.76 Feet, to the Point of Beginning.

Said Parcel contains 249,994 Square Feet (5.7391 Acres)

Subject to Easements of Record.

WHEREAS, the undersigned intends to subdivide the above described lands for use as an industrial subdivision to be known as "AIRPORT INTERCHANGE 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 subdivision as well as all lands located in the general vicinity of 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. 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 Plan 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 subdivision.

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 thirty (30) feet from the front line of any parcel in said subdivision. Employee parking of automobiles shall be prohibited at all times within thirty (30) feet of the front street line of any parcel in said subdivision. Visitor or customer parking may be allowed within the thirty (30) foot setback when approved by the Plan Commission but not closer than ten (10) feet from the front street line. The thirty (30) 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, drives 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 (30) 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 (30) 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 sixty (60) per cent 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 service notice and if not complied with in two days the City may cut same and add this cost to the lot owner's 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 owner's real estate tax bill.

6. The front of all buildings shall be faced with decorative masonry or other material approved by the Plan 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 blocks are not considered decorative masonry. Variances may be granted by the Plan Commission for warehouse or similar uses if design considerations dictate loading and/or unloading facilities should face the street.

Except as otherwise provided herein, the sides and rear of all buildings shall be any material approved by the Plan 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 Plan 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 Plan 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 Plan 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, manufacturing 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 unless such activities meet the requirements of applicable local, State and Federal regulations.

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 land by purchaser, together with the 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 five (5) per cent 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 of La Crosse.

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 subdivision as set forth in paragraphs 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 additional 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 subdivision with the approval thereof by the Common Council of the City of La Crosse as evidenced by a resolution duly adopted by at least a three-fourths 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 Clerk, and its corporate seal to be hereunto affixed this 11th day of October, 1984.

CITY OF LA CROSSE, WISCONSIN



Patrick Zielke  
Patrick Zielke, Mayor

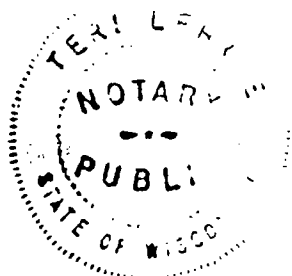
Aubrey Kroner  
Aubrey Kroner, City Clerk

In presence of:

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State of Wisconsin )  
                                  )  
County of La Crosse )

Personally came before me this 11th day of October, 1984, Patrick Zielke and Aubrey Kroner to me known to be the Mayor and City Clerk, respectively, of the City of La Crosse, Wisconsin, and known to me to be the persons who executed the within instrument.



Teri Lehrke  
Notary Public, La Crosse County, Wis.

My Commission expires 9-25-88