

MAR 08 1939

11:30 A M

of
James O. Conwell
Register of Deeds

DECLARATION OF COVENANTS AND RESTRICTIONS

RIVER FALLS INDUSTRIAL PARK

1. The River Falls Economic Development Corporation and City of River Falls shall retain a right of first refusal at the original purchase price should the buyer: decide to sell excess land, proceed into bankruptcy, or not commence the construction of the building and site improvements within three (3) years from the date of the original sale. Seller's exclusive right for repurchase of unused or bankrupt property shall be valid only for ten (10) years after the date of original purchase.
2. Before commencing construction or alteration of any building, additions, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on the real estate, the owner shall first submit its building plans and site plans to a joint meeting of the Architectural Review Board and the River Falls Plans Commission for approval. The Architectural Review Board shall be composed of the voting members of the River Falls Economic Development Corporation, and shall be subject to such other procedural rules and composition as the Development Corporation shall determine.
3. All buildings constructed on the property shall have a roof pitch of one (1) foot in twelve (12) feet or flatter and be of masonry, enameled steel, or equivalent construction as approved by the Architectural Review Board. At least two-thirds (2/3) of the area of walls facing public streets or within 50 feet and facing the River Falls Bypass shall be masonry or have significant architectural treatment approved by the Architectural Review Board. No primary permanent building shall be constructed which is less than 2,500 square feet in area.
4. Fences, walls or hedges may not extend forward of the building setback lines unless, for aesthetic reasons, they are approved by the Architectural Review Board.
5. No outside storage of any kind shall be permitted unless such storage material is visually screened to a height or at least six (6) feet from all streets with a suitable fence or coniferous plantings.
6. Sufficient off-street parking shall be provided for employees, customers, and visitors. The minimum parking requirement shall be the greater of the River Falls Zoning Code Parking Requirement or the number of parking stalls

- needed such that during shift changes, all parking demands can be met on the site. No employe parking shall be permitted within forty-five (45) feet of any public street.
7. The City of River Falls shall not permit parking on public streets within the Industrial Park.
 8. The following uses shall be prohibited: gasoline and oil production, distribution, or storage; ammunition production; explosives production; insecticide and pesticide production; asphalt or Portland cement concrete batch plants; sawmills; lumber yards; rendering plants; and other similar uses which would not fit the character of the Industrial Park as determined by the Architectural Review Board. The Board Zoning Appeals may consider approval of the following uses: retail outlets incidental to permitted on-site manufacturing uses, or wholesaling, distribution, and warehousing activities as a primary use. These uses supersede all permitted and special uses contained in the Industrial Zones of the River Falls Zoning Code.
 9. Yard hydrants for fire protection where necessary shall be placed at the owner's expense and as directed by the River Falls Fire Department.
 10. Industrial pretreatment of effluents from their source will be required in accordance with the uses and standards established by the City in conformance with the Clean Water Act regulations of the Wisconsin Department of Natural Resources and the Environmental Protection Agency.
 11. All privately owned utilities must be placed underground.
 12. All portions of lots shall accommodate storm water drainage and/or storage as approved in the Site Plan.
 13. The River Falls Common Council may, in their sole discretion and after referring the matter to the Plan Commission, grant a variance from the literal application of one or all of the above regulations, restrictions and covenants, if the enforcement of such restriction causes undue hardship on the developer and the Council determines a variance is in the best interest of the City. Such variance, if granted, shall be by resolution and be in recordable form. At such time as the City no longer owns any property in the Industrial Park, the further enforcement of these regulations, restrictions and covenants shall be by majority vote of the property owners of the Industrial Park, and as such may be continued, amended or repealed.
 14. These restrictive covenants run with the land and they are in addition to all other ordinances, specifically including

the River Falls Zoning Ordinance, of the City of River Falls. If the provisions of these restrictive covenants are more restrictive than the River Falls Zoning Code, these restrictive covenants apply.

15. These restrictive covenants cover the River Falls Industrial Park, described as follows:

A parcel of land located in the SE 1/4 of the NE 1/4 of Section 36, T28N, R19W, Town of Troy, St. Croix County, Wisconsin, described as follows: Beginning at the East 1/4 corner of said Section 36; thence N89°35'W (Assumed Bearing referenced to the East line of the NE 1/4 of said Section 36, which bears N0°07'48"E; 407.50' along the North line of Commercial Park Subdivision; thence North 172.00' parallel with State Trunk Highway "35"; thence S89°35'E 35.00'; thence North 153.00' parallel with said State Trunk Highway "35"; thence S89°35'E 85.00'; thence North 150.00' parallel with said State Trunk Highway "35"; thence S89°35'E 85.00'; thence North 366.00' parallel with said State Trunk Highway "35"; thence N89°35'W 105.00'; thence North 475.50' parallel with said State Trunk Highway "35"; thence S89°30'09"E 310.49' along the North line of said SE 1/4 of the NE 1/4; thence S0°07'48"W 1316.04' along the East line of said SE 1/4 of the NE 1/4 to the point of beginning.

(This parcel containing approximately 8.629 acres)

AND

That certain parcel of land located in the SW 1/4 of the NW 1/4 of Section 31, Township 28 North, Range 18 West, City of River Falls, St. Croix County, Wisconsin, more fully described as follows: Commencing at the West 1/4 corner of said Section 31; thence N 01°57'40" E 208.71' (rec. bearing on the West line of the NW 1/4 of said Section 31) to the POINT OF BEGINNING of the parcel to be herein described; thence continue N 01°57'40" E 1107.33' on said line; thence S 87°14'25" E 33.00' on the North line of the SW 1/4 of the NW 1/4 of said Section 31; thence S 01°57'40" W 450.00'; thence S 87°14'25" E 290.43'; thence N 01°57'40"E 450.00'; thence S

87°14'25" E 1003.99' on the North line of the SW 1/4 of the NW 1/4 of said Section 31; thence S 01°57'40" W 1309.43'; thence N 87°31'32"W 1118.64' on the E/W 1/2 line of said Section 31 (recorded as N 89°12'40"W); thence N 01°57'40"E 208.71'; thence N 87°31'32" W 208.71' to the POINT OF BEGINNING, containing 36.000 acres.

Date: March 2, 1989

Jerry E. Wilkens
Mayor

Date: March 2, 1989

Loyd E. Ostness
City Clerk

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF PIERCE)

Personally came before me this 2 day of March, 1989, the above named Jerry E. Wilkens and Loyd E. Ostness, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Steven B. By
Notary Public
My commission expires is permanent

THIS INSTRUMENT DRAFTED BY:

George T. Bauman
City Administrator
City Hall
123 East Elm Street
River Falls, WI 54022