

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, the undersigned City of La Crosse, a municipal corporation, desires to develop industrial sites on the following described lands, to-wit:

A parcel of land located in the Southwest 1/4 - Southwest 1/4 of Section 6, and the Northwest 1/4 - Northwest 1/4, Southwest 1/4 - Northwest 1/4, and the Northwest 1/4 - Southwest 1/4 of Section 7, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of said Section 7, Township 16 North, Range 7 West; thence North 0° 30' 26" West, 1,318.88 feet, along the West line of said Section 7, to the South 1/16 line of said Section 7; thence North 86° 09' 52" East, 33.06 feet, along said South 1/16 line to the East line of Lakeshore Drive and the point of beginning; thence continuing North 86° 09' 52" East, 1,185.49 feet, along said South 1/16 line to a point 1,750 feet Westerly of the centerline of the North/South Runway of the La Crosse Municipal Airport; thence North 0° 34' 18" West, 3,197.61 feet, parallel to and 1,750 feet Westerly of said North/South Runway, to a point 1,150 feet Southwesterly of the extended centerline of the Northwest-Southeast Runway; thence North 45° 38' 38" West, 1,663.59 feet, parallel to and 1,150 feet Southwesterly of the extended centerline of the Northwest-Southeast Runway, to a point on the Easterly right of way line of Lakeshore Drive and 33 feet Easterly of the West line of said Section 6; thence South 0° 16' 35" East, 483.82 feet, parallel to and 33 feet Easterly of the West line of said Section 6, along the Easterly right of way line of Lakeshore Drive; thence South 0° 31' 47" East, 2,637.37 feet, parallel to and 33 feet Easterly of the West line of said Section 7, and along the Easterly right of way line of Lakeshore Drive; thence South 0° 30' 26" East, 1,318.84 feet, parallel to and 33 feet Easterly of the West line of said Section 7, and along the Easterly right of way line of Lakeshore Drive to the point of beginning.

Said parcel contains 103.62 acres, more or less.

WHEREAS, the undersigned intends to sell the above described lands for use as industrial sites and to include such sites in a Tax Incremental District to be formed under §66.46, Wisconsin Statutes, to be known as "Tax Incremental District Number Three, City of La Crosse, Wisconsin."

NOW, THEREFORE, in consideration of the aforesaid and for the purpose of preserving the value of the industrial sites contained within the Tax Incremental District, as well as all lands located in the general vicinity of the District, the undersigned hereby declares and provides that all parcels 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 this area 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 this area. 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 forty (40) feet from the front line of any parcel in this area. Employee parking of automobiles shall be prohibited at all times within forty (40) feet of the front street line of any parcel in this area, except for lot 27 which allows within the first 15 feet. Visitor or customer parking may be allowed within the forty (40) foot setback when approved by the Plan Commission but not closer than five (5) feet from the front street line. The forty (40) 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, drive 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, except lot 27 which allows a minimum of 5 feet to any interior side lot line, and no requirements for a combined total. Sideyards on the street side of corners 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, and except for lot 27 which allows a minimum of 15 feet.

4. When parcels are adjacent to properties zoned and used for residential purposes, a planting strip at least fifty (50) feet in depth shall be provided adjacent to such properties. This strip shall be planted with trees and shrubs, and the building of structures thereon shall be prohibited. However, the City Plan Commission of the City of La Crosse may control the planting of trees and shrubs near streets and driveways so as to provide safe sight distances.

When parcels back upon Lakeshore Drive, a planting strip of at least twenty (20) feet in depth shall be provided along Lakeshore Drive. This strip shall be planted with trees and shrubs, and the building of structures thereon shall be prohibited. However, the City Plan Commission of the City of La Crosse may control the planting of trees and shrubs near streets and driveways so as to provide safe sight distances.

5. No building or structure of any type shall be erected, placed or altered on any lot which will occupy more than forty (40) percent of the total area of said lot, except lot 27 which allows for seventy-five (75) percent.
6. 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 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. 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.
7. The front of all buildings and the side or rear of all buildings when facing a street 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, except for lot 27 which allows the addition to provide complementary finishes to the existing building. For the purpose of this restriction, standard, lightweight or cinder concrete block are not considered decorative masonry. Except as otherwise provided herein, the sides and rear of all buildings shall be any material approved by the 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 commission. All faces of all buildings must be kept in good repair and appearance at all times.
8. No building shall be so similar to or so at variance with its neighboring building as to constitute a depreciation to the immediate neighborhood.
9. 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 employee vehicles. Variances may be granted by the City 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.
10. 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 City 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 (6) 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.

11. No operation, manufacture or building use in this area 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.
12. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted in said area.
13. No rubbish may be burned on the premises except in an incinerator especially constructed and designed for this operation.
14. 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 and by purchaser, together with 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) percent 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.

The City shall have ninety (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 ninety (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 14 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 14 of these restrictions shall apply only to the resale of vacant land.

15. Each parcel 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 (10) years each, unless an instrument signed by a majority of the then owners of the parcels in said area, 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 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 15 of these restrictions are subject to the terms and provisions of paragraph 14 of these restrictions.

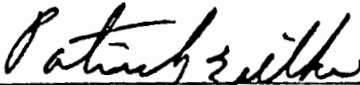
16. The within covenants and restrictions, except the provisions of paragraph 14 of these restrictions, may be modified and amended only upon the recording of an instrument to said effect duly signed by a majority of the then owners of the parcels in this area with the approval thereof by the Common Council 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 15 of these restrictions.

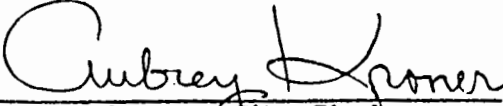
17. The enforcement of the restrictions and covenants contained in this Declaration of Restrictions, shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages. Such proceedings may be commenced by any owner or owners of parcels in said area or the City of La Crosse.

18. 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 its Clerk, and its corporate seal to be hereunto affixed this 18th day of November, 1986.


 Patrick Zielke, Mayor
 City of La Crosse, Wisconsin

In presence of:


 Aubrey Kroner, City Clerk
 City of La Crosse, Wisconsin

State of Wisconsin
County of La Crosse

Personally came before me this 18th day of November, 1986,
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.

Jim Lehrke
Notary Public, La Crosse County, WI
My Commission EXPIRES 9-25-88

File # 2007-09-015

COMMITTEE REPORT

Your Judiciary and Administration Committee having under consideration the annexed resolution amending employee parking setbacks of the Declaration of Restrictions for the La Crosse Airport Industrial Park, and said matter having been referred to the City Plan Commission and same having made and filed its report thereon, recommends the same be adopted.

Respectfully submitted,

SEP 21 2007
LK

Richard P. Becker, Chmn.
Tom Sweeney
Jacie Gamroth
Jim Bloedorn
Dorothy Lenard
Bruce Ranis

REPORT AND
RESOLUTION ADOPTED
SEP 14 2007
BY COUNCIL

Typed: 9-4-07
Approved:

RESOLUTION

WHEREAS, on November 18th, 1986 the City of La Crosse executed the original *Declaration of Restrictions* for the La Crosse Airport Industrial Park (LAIP) which set the standards for development of the LAIP including setbacks, among other things; and

WHEREAS, there is an issue with the forty (40) foot front yard setback requirements for employee parking on lots within the LAIP; and

WHEREAS, after careful consideration and analysis the City Plan Commission recommends amending the *Declaration of Restrictions* for the La Crosse Airport Industrial Park.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of La Crosse hereby amends Section 2. of the *Declaration of Restrictions* for the La Crosse Airport Industrial Park to change the employee, visitor and customer parking of automobiles setback within the front street line from forty (40) feet to ten (10) feet. The language requiring that the ten (10) 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, shall remain.