

NEW PROSPERITY CENTER PROTECTIVE COVENANTS

WHEREAS, the City of Kaukauna, a municipal corporation, and Albany International Corp., a Delaware corporation, are all of the owners of the following described lands, to wit:

All lots in the NEW Prosperity Center Plat, City of Kaukauna, Outagamie County, Wisconsin.

NOW, THEREFORE, in consideration of the aforesaid and for the purposes of preserving the value of the lots contained within the subdivision, the undersigned hereby declares and provides that all lands in the subdivision exclusive of Outlot C, shall be subject to the following restrictions, covenants, and conditions, to wit:

1. Approval of Plans and Specifications. No building, sign or any man-made improvement shall be erected, placed, or altered on any building site in the subdivision until plans for such improvements (including site plan, drainage plan, landscape plan, building profile plan, and other specifications) have been approved by the Kaukauna Industrial and Commercial Development Commission, hereinafter the "Commission". The Commission shall approve or disapprove plans based upon their compliance with these restrictions and other applicable enactments of the City and in consideration of harmony of external design and land use and their impact on other property within and adjacent to the subdivision.

Failure of the aforesaid Commission to act upon such building or improvement plans within sixty (60) days after receipt of the last of the required plans by the Planning Department shall constitute approval of such plans.

2. Setbacks and Bulk Regulations.
 - A. Front Yard. Any part or portion of any building shall be set back at least fifty (50) feet from the lot line adjoining any street.
 - B. Side Yard. Any part or portion of any building shall be set back at least twenty (20) feet from any side lot line.
 - C. Rear Yard. Any part or portion of any building shall be set back at least twenty (20) feet from any rear lot line.
 - D. Building Height. Total building height shall be a maximum of fifty (50) feet, with the exception of antennas, guy wires, or other building apparatuses. The Commission may waive building heights if required to enclose machinery.
 - E. Lot Coverage. No more than ninety-five percent (95%) of a lot shall be covered by the total of its paved and roofed areas.

3. Parking.

- A. All parking lots and entrances shall be paved with either asphalt or concrete surface. Employee and visitor parking, including drives/driveways, may not exceed seventy-five percent (75%) in area of any required front yard. All paved surface shall be a minimum of one (1) foot off any lot line unless an access easement or cross easement exists with the parcel abutting said lot line.
 - B. All parking stalls, measured as 9' x20' standard or 15' x 20' if handicapped, shall be clearly marked and maintained. Aisles shall not be less than eighteen (18) feet in width. Owners of property shall submit in writing an affidavit of current and future needs for parking stalls based on employees and visitors. Such affidavit shall be part of the site plan process.
 - C. All parking areas shall provide, and be indicated on the site plan, a means by which storm water is discharged without impacting adjoining lots or off-site flood elevations. Storm water shall be discharged to an off-site municipally built and controlled collection and detention facility.
 - D. On-street parking of vehicles is prohibited except in designated areas adjoining Van Epern Park and Pond.
4. Van Epern Park and Pond. There is established a storm water detention pond to service the lots in the NEW Prosperity Center for the mutual benefit of the owners of the subdivision. The pond and surrounding land has been designated Van Epern Park and Pond and as such is open to the public. Additional easements have been created for the purpose of extending a trail system for recreation and access to the pond.

No owner or tenant of property shall place any object within the park or easement that would hinder or obstruct the public's use of the park or trail system. Vegetative buffers are permitted subject to approval of a landscape plan as submitted under Section 7.

5. Storm Water.

All storm water intakes shall be screened so as to not allow greater than a four (4) inch sphere to pass. No owner or tenant shall allow any discharge to the storm sewer except storm water. All discharge to storm water system shall be free from any materials prohibited per applicable state or federal regulations.

6. Outdoor Storage.

- A. All areas used for ingress and egress and maneuvering of vehicles shall be paved in either a concrete or asphalt surface of sufficient base and paving depth to accommodate anticipated loads. Product storage area and associated travel lanes to the storage area and approaches to the buildings may, with the approval of the Commission, be surfaced in chip seal asphalt.

- B. Storage of semi-trailers shall be limited to licensed trailers used for product in transit, unless the property includes a transportation business and the business has received the consent of the Commission.
- C. There shall be no outdoor storage of materials, product or equipment on lots of two acres or less except for immediate delivery or pick-up.
- D. Storage of material, product or equipment shall be permitted under the following conditions:
1. All storage shall be a minimum of fifty (50) feet back from the front lot line and fifteen (15) feet from the side and rear lot lines.
 2. All storage shall be screened as approved by the Commission.
 3. Lighting, signage, landscaping and other uses associated with outdoor storage may be placed within the required setback with Commission approval.
 4. Non-traveled portions of a storage area, if appropriately screened and used for moisture control, may be placed with a dust-free surface of washed gravel or asphalt grindings, if approved by the Commission.
7. Landscaping. The following landscape requirements are intended to maintain aesthetic appeal and provide identity for and within the Industrial Park. To accomplish this objective, the Commission shall review a landscape plan in conjunction with the overall site development plan. Landscaping shall be used for aesthetic appeal while addressing the functional considerations of visual screens, energy conservation, direction/identification, environment, recreation, and public safety.
- A. A landscape plan shall be included in all new facilities within the Industrial Park. All required landscape plans shall include the following minimum standards:
- North arrow and scale.
 - Proposed and future buildings, parking, and storage areas.
 - Existing vegetation to remain, type, and approximate size.
 - A planting and development scheme that includes plant types, species, quantity, size, and location; section drawings, cross sections or scale drawings of berms, fences, retaining walls, ponds, group plantings, fountains, statues or other hardscapes.
- B. Open spaces shall be kept in grass, trees, or shrubbery and maintained in good appearance at all times. If grass or weeds exceed twelve (12) inches in height, the City of Kaukauna may cut same and place this cost on the real estate owner's tax bill.

Exemptions may include areas planted in prairie vegetation or wild flowers if part of an approved landscape plan.

- C. All persons acquiring property within the Industrial Park must plant and/or maintain at a minimum one (1) tree of at least four (4) feet in height for every 30,000 square feet of lot. Where conservancy or flood plain easements exist on a lot, this area shall count towards the planting area in both area and as a landscape area. Property owners may, in lieu of planting trees on their property, petition the Commission to plant a tree within Van Epern Park and Pond or within a flood plain or conservation easement. The use of trees shall be encouraged for wind breaks, energy conservation, aesthetic appeal, and to promote the general environment.
8. Building Improvements. Buildings, including sheds or out-buildings, shall be completed with each side of the building in decorative masonry, textured pre-fabricated concrete, smooth concrete finish, or other textured non-metallic surface as approved by the Commission. Exemptions may be made for decorative bands not exceeding four (4) feet in width, windows, door treatments, loading docks, and dock doors. An exemption may also be made for sides of buildings designated for future expansions provided such building sides are treated with spray-on textured finish to imitate a non-metallic surface. This exemption may apply to office areas as approved by the Commission if attached as part of an industrial building as to duplicate a flat textured surface. Paint is not a substitute.

Lighting of the premises for security or to monitor movement shall be directed so minimal lighting occurs beyond the boundaries of the current subdivision.

A site plan and additional documents shall be submitted to the Commission in accordance with Section 1 of these covenants. A building site plan submitted shall include, at a minimum, the following:

- Location of public and private streets and access ways.
 - Parking, lighting and security facilities.
 - Landscape areas.
 - Building size, setbacks, and expansion areas.
 - Storm water management plans.
 - Location of on-site directional signage or other signage.
 - Common areas or cross easements and all other public/private easements.
 - Plan and profile (façade) sheets on all buildings.
9. Signs. Off premise advertising is prohibited. No on-site advertising signage or promotional display shall be within ten (10) feet of any side lot line or edge of paving for a driveway. Signs may not encroach over or within one (1) foot of any front lot line.

The Owner shall place and maintain a uniform address sign as established by the Commission.

10. Term. 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 under them for a period of thirty (30) years from the date these Protective Covenants are recorded; and after which time, said covenants and restrictions shall be automatically extended for a successive period of ten (10) years each unless an instrument signed by a majority of the then owners of the lots in said subdivision, together with the approval thereof of the Common Council of the City of Kaukauna, has been recorded, agreeing to change, modify, or amend said covenants in whole or in part.

In determining a majority of property owners, one (1) vote shall be counted for each owner owning three (3) acres of land or less and one (1) additional vote for each additional full, three (3) acres with a maximum of ten (10) votes for any one property owner. The unsold lands retained by the City shall be included in such voting.

11. Amendment. The within covenants and 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 as evidenced by a resolution duly adopted by at least three-fourths (3/4) favorable vote of all members of the Common Council. The majority of the property owners shall be determined as set forth in Section 10 of these restrictions.

12. Enforcement. The enforcement of the covenants and restrictions contained in these Protective Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any such 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 Kaukauna.

13. Savings Clause. Invalidation of any one of these covenants or restrictions contained within these Protective 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.

IN WITNESS WHEREOF, said City of Kaukauna and Albany International Corp. has caused these presents to be signed by Joseph M. Gaug, Albany International Corp., duly authorized representative, and Eugene J. Rosin, City of Kaukauna, Mayor, and Susan J. Duda, City of Kaukauna, Clerk/Treasurer, the City's corporate seal also to be hereunto affixed this 24th day of October, 2006.

ALBANY INTERNATIONAL CORP.

By: _____
Joseph M. Gaug, Associate General Counsel
And Assistant Secretary

CITY OF KAUKAUNA

By: _____ Attest: _____
Eugene J. Rosin, Mayor Susan J. Duda, Clerk/Treasurer

ACKNOWLEDGEMENT

STATE OF WISCONSIN
OUTAGAMIE COUNTY

Personally came before me this 24th day of October, 2006, the above named, Joseph M. Gaug, Eugene J. Rosin, and Susan J. Duda, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Signed: _____
Thomas J. Janssen
Notary Public, OUTAGAMIE County

My Commission is permanent.