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Register's Office
Racine County, Wis. } SS.
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of Records on page 236-
10. Stanley F. Bialecki
Register of Deeds

VILLAGE OF WATERFORD
INDUSTRIAL PARK

DECLARATION OF RESTRICTIONS

WHEREAS, the Village of Waterford, a municipal corporation, of Racine County, Wisconsin, is the owner of an equitable interest in the following described lands located within the Village of Waterford, County of Racine and State of Wisconsin, to-wit:

All that piece or parcel of land in the Township of Rochester, County of Racine and State of Wisconsin lying West of the center line of State Trunk Highway No. 83 as follows, to-wit:

U. S. Government Lots No. 2 and 3 in Section 2, Township 3 North, Range 19 East.

That part of the Southwest Fractional Quarter (SW frac. 1/4) of Section 2, Township 3 North, Range 19 East, lying East of the center line of State Trunk Highway No. 83, West of the center line of the Fox River and North of the Village limits of the Village of Rochester.

The West One-half (W 1/2) of the Northwest Quarter (NW 1/4) of Section 2, Town 3 North, Range 19 East; Except: Commence at the Northwest corner of said Section 2; thence South along the West line of said Section, 1468.16 feet to the place of beginning; thence continue South along said West line, 275.67 feet; thence North 53° 54' 30" East, 162.39 feet to the center line of a public road; thence North 36° 05' 30" West along said center line, 222.76 feet to the place of beginning.

All land situated in Section 2, Township 3 North, Range 19 East of the 4th P.M., Racine County, Wisconsin; and containing 84 acres, more or less.

AND WHEREAS, the said lands consisting of 84 acres, more or less, was purchased from Morbak, Inc., a Wisconsin Corporation, by Articles of Agreement dated May 27, 1968, and whereas, the said lands have subsequently been rezoned as and for an industrial district; and whereas, the Village of Waterford has developed and contemplates further development of said described lands so as to accommodate the municipal needs of industry in the form of streets, sewer, sanitary and storm, water and other municipal facilities, and will offer for sale, lots and parcels included in said tract for industrial purposes;

AND WHEREAS, the Village of Waterford is desirous of subjecting all lots, tracts and parcels in the said described industrial district to certain restrictions and protective covenants in addition to the industrial requirements set forth in Ordinance No. 96, being the Subdivision Control Ordinance of the Village of Waterford, for the general improvement and in the best interest of the entire industrial district as well as all lands located in the general vicinity of the industrial district.

NOW, THEREFORE, in consideration of the aforesaid and for the purpose of preserving the land values of the lands affected hereby, the Village of Waterford hereby declares and provides that all lands or parts thereof as above described, shall be subject to the following conditions, restrictions and covenants, to-wit:

1. The green drainage strip will be per the latest revision of the engineer's layout, and recorded herewith as Schedule A, and shall be reserved and retained by the Village.

2. All main streets shall be 66 feet wide.

3. Access roads will be by permit only (i.e., alleys, drives).

4. The actual, physical location of all buildings shall be subject to the approval of the Planning Commission.

5. Minimum lot size is established as 100' wide by 300' deep, except as follows:

a. Frontage lots on Jefferson Street will be a minimum of 300' by 300', with a minimum setbeck of Sixty (60) feet.

b. Frontage lots on Buena Park Road will be 100' wide and the depth as permitted by the green drainage strip.

6. Top soil removed in establishing grades and streets shall be banked for use by the industries in landscaping the area or areas; the Village shall have the right to designate the disposition of any spoil or fill from excavations, if removed from the property.

7. No part of portion of any building shall be erected, constructed, or extended nearer than Forty (40) feet from the front line of any parcel in said described industrial area. Employee parking of automobiles shall be prohibited at all times within Forty (40) feet of the front street line of any parcel in said subdivision. Visitor or customer parking may be allowed within the Forty (40) foot setback when approved by the Village Planning Commission but not closer than Ten (10) 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 provide 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 bituminous concrete or Portland cement concrete from the village 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 buildings, or within One (1) year from the date construction is commenced, whichever is first.

8. 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 Forty (40) feet, and the use of such area shall be in accordance with the provisions of paragraph 7 of these restrictions. The parking or storage of company owned trucks, products or equipment shall be prohibited in this area. All aideyards 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.

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.

9. No building or structure of any type shall be erected, placed, or altered on any lot which will occupy more than 45% of the total area of said lot.

10. All grass, trees, and shrubbery must be kept watered in dry weather and in good appearance at all times. All grass must be cut whenever necessary. If grass is not cut, the Village of Waterford may serve notice and if not complied with in Two (2) days, the Village 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 Village of Waterford may serve notice and if not complied with in Two (2) days, the Village may cut same and add this cost to the lot owner's real estate tax bill.

11. The front of all buildings shall be faced with decorative masonry or other material approved by the Planning Commission and said facing shall extend a minimum of Twenty (20) feet on the sides of all buildings adjoining the face or to a natural dividing point approved by said Commission. For the purpose of this restriction, standard, lightweight, or cinder concrete block are not considered decorative masonry.

The sides and rear of all buildings shall be any material approved by the Planning Commission.

Where concrete block masonry is used it shall be painted Two (2) coats of paint and shall be of decorative pattern block or other decorative treatment of plain block approved by the Planning Commission.

All faces of all buildings must be kept in good repair and appearance at all times.

All buildings must be of ordinary construction or better.

12. No building shall be so similar to or so at variance with its neighboring buildings as to constitute a depreciation to the immediate neighborhood.

13. Display advertising within the limits of the above described industrial district shall be restricted to the firm's identification or name fixed to the building in such a manner as not to detract from the building aesthetics or neighboring building aesthetics.

Such identity shall be a part of the building. Plans shall be submitted to the Planning Commission for approval.

14. One parking stall of not less than 180 square feet, excluding drives and approaches, shall be provided on each property for every 1000 square feet of building area or every two (2) employees, whichever amount constitutes the greater number of stalls; parking stalls shall be added on each property as required to accommodate all employees. Variances may be granted by the Planning Commission for warehouse or similar uses upon proof that such parking restrictions are not realistic. Village streets will not be designed by the village to provide parking.

15. 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 Planning 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.

16. No operation, manufacture, or building use in said industrial area shall produce or effect noise, vibration, dust, gas, smoke, toxic matter, or odors to an extent greater than the following maximum allowable levels;

A. Noise -- Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed providing that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured for the purpose of these restrictions shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

At no point on the boundary of any individual parcel or the boundary of the subdivision shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decible levels in the designated octave bands shown in the following table:

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Maximum Permitted Sound Level

(decibels)

Octave Band Frequency, cycles per second.	Along Parcel boundaries	Along Subdivision boundaries
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
above 4800	32	39

B. Vibration -- No industrial operation or activity (except those not under the direct control of the manufacturer), shall cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibration (the periodic displacement, measured ininches, of earth) shall be measured at any point along the exterior boundary of the subdivision with a three component measuring instrument approved by the Village Board, and shall be expressed as displacement in inches.

Frequency (Cycles per second)	Maximum Permitted Displacement along Subdivision Boundaries (in inches)
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

C. Smoke and Particulate Matter -- The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort, or welfare is hereby declared to be a public nuisance, and shall henceforth be unlawful.

For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.

The emission from all sources, within any lot area, of particulate matter containing more than ten percent by weight of particles having a particle diameter larger than 44 microns is prohibited.

Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and the like, within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or acceptable means. Emission of particulate matter from such sources, in excess of the weight limitation hereinafter specified, is prohibited.

a. Smoke--Light Manufacturing District -- The emission of more than ten smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, once during any six--hour period, each stack may emit up to 20 smoke units when blowing soot or cleaning fires. Only during fire--cleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than four minutes.

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

Allowance for Height of Emission*

Height of Emission Above Grade (Feet)	Correction (Pounds Per Hour Per Acre)
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

*Interpolate for intermediate values not shown in table, Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

1. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area--thereby obtaining the gross hourly rate of emission in pounds per acre.

2. From each gross hourly rate of emission derived in (1), above, deduct the correction factor (Interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.

3. Add together the individual net rates of emission derived from (2), above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed one pound per acre of lot area during any one hour.

b. Smoke--Heavy Manufacturing District -- The emission of more than 15 smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, once during any three--hour period, each stack may emit up to 30 smoke units, for blowing soot, and for cleaning fires. During fire--cleaning periods only, a smoke of a density of Ringelmann No. 3 shall be permitted, and then for not more than four minutes per period.

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The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of three pounds per acre of lot area during any one hour, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

Allowance for Height of Emission*

Height of Emission Above Grade (Feet)	Correction (Pounds Per Hour Per acre)
50	0
100	0.5
150	0.8
200	1.2
300	2.0
400	4.0

*Interpolate for intermediate values not shown in table.

Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

1. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area--thereby obtaining the gross hourly rate of emission in pounds per acre.

2. From each gross hourly rate of emission derived in (1), above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.

3. Add together the individual net rates of emission derived in (2), above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed three pounds per acre of lot area suring any one hour.

D. Toxic Matter -- No use shall, for any period of time, discharge across the boundaries of the parcel wherein it is located, toxic matter in such concentrations as to be detrimental to, or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

E. Noxious and Odorous Matter -- No activity or operation shall cause, at any time, the discharge of matter across the lot lines in such concentrations as to be noxious. The emission of odorous matter in such quantities as to be readily detectable without the use of instruments at any point along lot lines is prohibited.

17. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted in said subdivision.

18. No rubbish may be burned on the premises except in an incinerator especially constructed and designed for this operation. Applicable restrictions of paragraph 16 of these restrictions shall apply to rubbish burning.

19. In the event any purchaser of land from the Village elects to sell any portion thereof which is not being used in connection with the business or industry of purchaser, or which 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 Village of Waterford at the price per acre paid for such land 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 5% 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 repurchase by the Village.

The Village 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 Village Board.

In the event of acceptance of such offer by the Village, conveyance shall be by warranty deed free and clear of all liens or encumbrances created by act or default of purchaser.

If the Village 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 Village 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 Village relating to the use of said premises at the time of such sale.

20. 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 or until such described land may revert to Morbak, Inc. per Agreement above referred, 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 majroity of the then owners of the lots in said subdivision, together with the approval thereof by the Village Board 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 owing Three (3) acres of land or less, and one additional vote for each full Three (3) acres, with a maximum of Ten (10) votes for any one property owner.

21. 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 subdivisions with the approval thereof by the Village Board as evidenced by a resolution duly adopted by the Village Board.

The majority of the property owners shall be determined as set forth in paragraph 20 of these restrictions.

22. 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, or both. Such proceedings may be commenced by any owner or owners of lots in said subdivision of the Village of Waterford.

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

Dated at Waterford, Wisconsin, this 11th day of November, A.D., 1968.

In Presence of:

James F. Bremer

VILLAGE OF WATERFORD, A Municipal Corporation.

By Raymond Seidel
President

Countersigned:

E. Alfreda Rebstock
Clerk-Treasurer

STATE OF WISCONSIN,)
) ss.
County of Racine.)

Personally came before me this 11th day of November, A.D., 1968, Raymond Seidel, President, and E. Alfreda Rebstock, Clerk-Treasurer of the above named Municipal Corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Clerk-Treasurer of said Municipal Corporation, and acknowledged that they executed the foregoing instrument as such officers of said Municipal Corporation, by its authority.

James F. Bremer, No[illegible]
Racine County, Wis[illegible]
My commission is p[illegible]

This instrument was drafted by

Attorney James F. Bremer.