

DECLARATION OF RESTRICTIONS
Berlin Industrial Park
First Draft: June 11, 1974

1. No building or any improvement shall be erected, placed or altered on any building site in this park until the plans for such building or improvement, including site plan, landscape plan, building plan and specifications have been approved by the Planning Commission of the City of Berlin or an authorized Control Committee of the Planning Commission. Said commission or committee 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 or committee to act upon such building or improvement plans within sixty (60) days after submission to the City of Berlin Planning Commission shall constitute an approval of such plans.

2. No part or portion of any building shall be erected, constructed, or extended nearer than twenty-five (25) feet from the front line of any parcel in said park. Not less than fifty (50) percent of setback area shall be maintained as decorative area.

Decorative areas, drives and walks shall be completed no later than six (6) months after completion of 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, or extended nearer than ten (10) 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 shall be so similar to or so at variance with its neighboring buildings as to constitute a depreciation to the immediate neighborhood.
5. One parking stall of not less than 180 sq. ft. excluding drive and approaches, shall be provided on each property for every 1000 sq. ft. of building area or for every two 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. City streets will not be designed by the City to provide parking.
6. All material or products stored outside building must be behind the building setback line from the street
7. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted in said park.
8. In the event any purchaser of land from the City of Berlin 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 City of Berlin at the price per acre paid for such land by the purchaser, together with cost of any improvements thereon paid for by the 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 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 Berlin.

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 Berlin 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.

9. Construction of improvements shall commence not later than one hundred eighty (180) days after purchase of site and shall be completed within one (1) year. This paragraph does not apply to the City of Berlin or may be waived by the Planning Commission when an existing property with a building purchases adjoining land for purposes of expansion.
10. 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 ten years commencing July 1, 1974, after which time covenants and restrictions shall be automatically extended for successive periods of ten year each.~~

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

RESOLUTION

RESOLUTION AMENDING RESTRICTIVE COVENANTS IN THE BERLIN INDUSTRIAL PARK

WHEREAS, the City of Berlin, a Wisconsin Municipal Corporation, is the owner of the Berlin Industrial Park, excluding lots heretofore sold, which parcels are described as:

Parcel Number 1: A part of the E 1/2 of the SE 1/4 and a part of the SE 1/4 of the NE 1/4 of Section 10, Township 17 North, Range 13 East, of the Fourth Principal Meridian, City of Berlin, Green Lake County, State of Wisconsin which is more particularly described as follows: Commencing at the East one quarter corner of Section 10, Township 17 North, Range 13 East of the Fourth Principal Meridian; thence North 261.50 feet; thence South 85 degrees 57 minutes West, 250.83 feet to the point of beginning; thence continue South 85 degrees 57 minutes West, 842.40 feet; thence South 1535.00 feet to the centerline of the Rush Lake Road; thence North 88 degrees 33 minutes East 1057.70 feet; thence North 933.00 feet; thence South 88 degrees 33 minutes West, 217.07 feet; thence North 640.20 feet to the point of beginning. Containing 34.65 acres, excepting the Southerly 33.00 feet which is reserved for Highway purposes land is known as the Rush Lake Road.

Parcel Number 2: A part of the SE 1/4 of the S 1/2 of the NE 1/4 of Section 10, Township 17 North, Range 13 East of the Fourth Principal Meridian, City of Berlin, Green Lake County, State of Wisconsin, which is more particularly described as follows: Commencing at the E one quarter corner of Section 10, Township 17 North, Range 13 East of the Fourth Principal Meridian; thence North 261.50 feet; thence South 85 degrees 57 minutes West, 1093.23 feet to the point of beginning; thence continue South 85 degrees 57 minutes West 767.00 feet; thence South 16 degrees 53 minutes West 514.78 feet; thence South 45 degrees 52 minutes East 101.44 feet; thence South 42 degrees 02 minutes East, 1235.70 feet; thence North 88 degrees 33 minutes East 14.30 feet; thence

North 1535.00 feet to the point of beginning.
Containing 20.37 acres. Excepting the
Southwesterly 33.00 feet which is reserved for
Highway purposes (C.T.H. "F") and is known as
the Ripon Road.

WHEREAS, to further protect the City of Berlin and future purchasers of lots in the Industrial Park, the Resolution dated June 11, 1974, should be amended to include additional restrictions;

NOW, THEREFORE, BE IT RESOLVED:

That all restrictive covenants heretofore existing shall be amended to include additional restrictive covenants as follows:

(1) All stockpiles, waste or salvage piles, equipment storage yard and other accumulations of equipment or material that are not housed in a completely enclosed building shall be screened by a wall, fence, or evergreen planting to limit exposure by a minimum of 55%, built to or maintained at a height equivalent or greater than the stored material. Such screening shall comply with the front yard, side yard and rear yard depths provided for buildings on the premises.

(2) All land shall be maintained and kept free of noxious weeds, rubbish and debris by the property owner. It shall be the responsibility of the property owner to keep the grass mowed in the City right-of-way abutting the owner's property up to the street pavement and to the middle of all storm or water drainage culverts located adjacent to lot boundaries on the sides and rear, as well as on the private portion of the property.

If property is not maintained, the City of Berlin may serve notice to maintain and if not complied with in 5 days the City may mow the area or otherwise do maintenance and add this cost to the lot owners real estate taxes.

(3) The interior road layout is not designed for parking and all parking on public right of ways is prohibited. As specified in City Code parking needs are to be planned for to handle all truck and auto needs of the facility.

(4) The City of Berlin retains and reserves the right to enter upon any and all easement areas or out lots on premises known as the Berlin Industrial Park for the purpose of maintaining, renewing, or reconstructing those public utilities and facilities constructed thereon.

(5) Hereafter all parties purchasing land in the area known as the Berlin Industrial Park shall be bound by the amended covenant for newly acquired property as well as property presently being used in conjunction with the same owner or business purchasing additional land.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be recorded in the Office of the Register of Deeds for Green Lake County, Wisconsin, to give public notice of said restrictive covenants to all future purchasers of Berlin Industrial Park Lots.

PASSED, APPROVED and ADOPTED, this 5th day of September, 1990.

ROLL CALL VOTE:

CITY OF BERLIN

_____ YEAS

By _____
Mayor Gordon Schwark

_____ NAYS

_____ ABSENT

ATTEST:

Approved as to Form:

Louise Sedarski
City Clerk

Milton Spoehr
City Attorney