



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Community & Economic Development Committee

Wednesday, May 11, 2022

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[22-0632](#) CEDC Minutes from 4-27-22

Attachments: [CEDC Minutes 4-27-22.pdf](#)

4. Public Hearings/Apearances

5. Action Items

[22-0633](#) Request to approve two (2) Variances to the Deed Restrictions and Covenants to allow for: 1) a second expansion wall to be constructed of metal material on the north face of the building and 2) to allow for an overhead door facing the street on the south face of the building for Farrell Investments, LLC at 3920 E. Endeavor Drive and expansion on the adjacent lot (Lot 11) in Southpoint Commerce Park

Attachments: [Memo on Farrell Equipment Variance Request 5-11-22.pdf](#)

[Variance Request Letter for Farrell Equipment.pdf](#)

[Site Plan for Proposed Addition for Farrell Equipment.pdf](#)

[Landscape Plan for Farrell Equipment.pdf](#)

[SPCP Deed Restrictions.pdf](#)

[Subject Parcel Map for Farrell Equipment.pdf](#)

6. Information Items

[22-0634](#) Neighborhood Program Spring Meeting on Thursday, May 26, 2022 from 6:00 - 7:30 pm at Wilson Middle School, 225 N. Badger Avenue

Attachments: appleton.org/residents/neighborhood-program

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Any questions about items on this meeting are to be directed to Karen Harkness, Director, Community and Economic Development Department at 920-832-6468.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



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Meeting Minutes - Final Community & Economic Development Committee

Wednesday, April 27, 2022

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Chair Alfheim called the meeting to order at 4:30 p.m.

2. Roll call of membership

Present: 5 - Thao, Alfheim, Wolff, Del Toro and Jones

3. Approval of minutes from previous meeting

[22-0524](#)

CEDC Minutes from 3-23-22

Attachments: [CEDC Minutes 3-23-22.pdf](#)

**Thao moved, seconded by Wolff, that the Minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 5 - Thao, Alfheim, Wolff, Del Toro and Jones

4. **Public Hearings/Appearances**

5. **Action Items**

[22-0525](#)

Elect Vice Chair

Aldersperson Wolff was elected as Vice Chair.

**Thao nominated Wolff to be the Vice Chair. Del Toro seconded the nomination.
No other nominations were received. Motion carried by unanimous consent.**

Aye: 5 - Thao, Alfheim, Wolff, Del Toro and Jones

6. **Information Items**

[22-0526](#)

Set Meeting Date & Time

The Community & Economic Development Committee will continue to meet at 4:30 p.m. on Wednesdays of the week following Council.

[22-0527](#)

Designate Contact Person

Director Karen Harkness will continue to be the designated Contact Person.

[22-0528](#)

Presentation by staff on current development projects and opportunities in the City

Attachments: [Road Show MR&KH -4-25-22.pdf](#)

This item was presented and discussed.

7. Adjournment

Thao moved, seconded by Wolff, that the meeting be adjourned at 5:17 p.m.

Roll Call. Motion carried by the following vote:

Aye: 5 - Thao, Alfheim, Wolff, Del Toro and Jones



MEMORANDUM

"...meeting community needs...enhancing quality of life."

TO: Community and Economic Development Committee

FROM: Matt Rehbein, Economic Development Specialist

DATE: May 11, 2022

RE: Farrell Investments, LLC – Variance to Deed Restrictions and Covenants Request

The City has received a request on behalf of Farrell Investments, LLC for two variances to the Deed Restrictions and Covenants for their expansion on Lot 11 in the Southpoint Commerce Park.

Farrell Investments purchased the existing building at 3920 E. Endeavor Drive in 2018. They have outgrown the existing structure and purchased the adjacent Lot (Lot 11) from the City on May 5, 2022. They plan to combine the parcels via Certified Survey Map (CSM), and a Site Plan is under review at the City.

The first is a variance to Section 4.E "Building Materials" to allow for a second expansion wall to be constructed of metal material on the north face of the building (see attached request and elevations). One metal expansion wall is provided for in the Deed Restrictions and Covenants. The proposed plan indicates metal expansion walls on the west and north faces of the building.

The second is a variance to Section 7 "Parking and Loading" to allow for an overhead door facing the street on the south face of the building (see attached request and elevations). Per the request from Farrell Investments, loading and truck traffic will be directed to the rear (north side) of the building, which is consistent with the location of dock doors and other overhead doors, and consistent with the Deed Restrictions and Covenants. The south facing door would be used infrequently for equipment and racking. The proposed site plan indicates landscaping that will help screen the proposed overhead door.

Staff Recommendation:

A variance to the Southpoint Commerce Park Deed Restrictions and Covenants, Section 4.E to allow for two metal expansion walls, one to the north and one to the west, and Section 7 to allow for an overhead door facing the south elevation of the building **BE APPROVED**.

City of Appleton
100 North Appleton Street
Appleton, WI 54911

Attn: Matt Rehbein, Economic Development Specialist
RE: Site Plan #12-22 Farrell Equipment

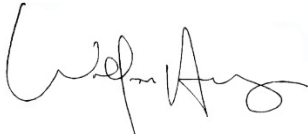
Dear Matt,

We are requesting variances for the following items as shown on our site plan submittal.

- 1) Section 4.E "Building Materials" - It is our intent in the future to expand to the west and the north from our proposed addition and we would like to request permission to not add the 25% of decorative materials on the north elevation. This wall is also fully concealed by our 8'-0" high fence that is fully slated and therefor the wall is not visible from the adjacent properties. We calculated that the decorative material would need to be 7'-4" high along the bottom of the wall to meet the convenance 25% requirement.
- 2) Section 7 "Parking and Loading" - The south wall overhead door is intended to be used only as an equipment and racking entrance and will get very little use. All deliveries and shipped items as a standard for out cold storage will be run thru our north side docks and overhead doors.

If you have any questions feel free to call me, Bill Aubrey 920-410-0336 for any questions.

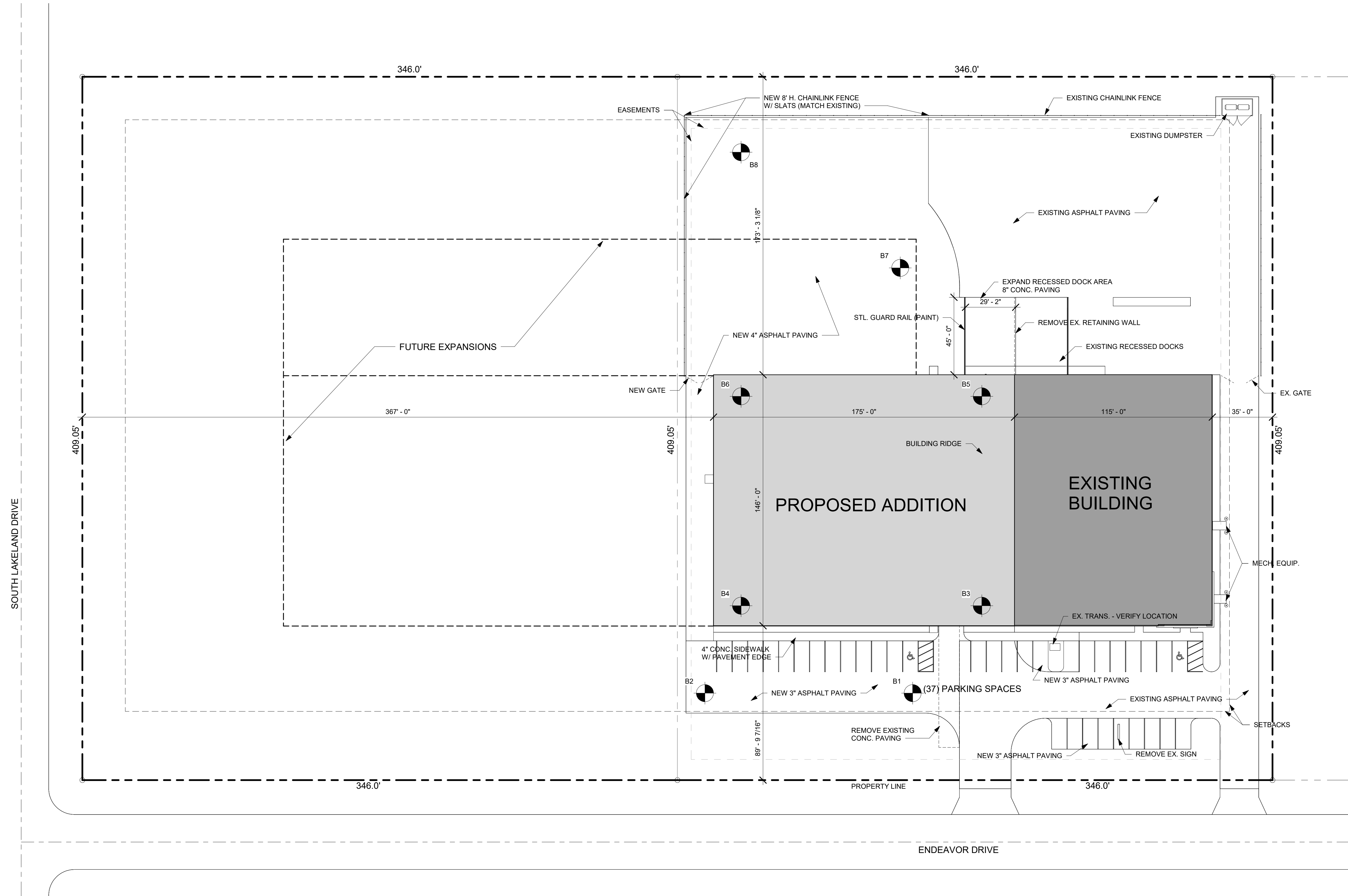
Sincerely,

A handwritten signature in black ink, appearing to read "William Aubrey". The signature is fluid and cursive, with a large initial "W" and "A".

William Aubrey, Architect

STAMPS

PROPOSED ADDITION FOR:
FARRELL EQUIPMENT & SUPPLY CO., INC.
3920 EAST ENDEAVOR DRIVE, APPLETON, WI 54915



1 SITE PLAN
A100 1" = 30'-0"
NORTH

NOTE: SEE CIVIL PLANS FOR ALL FINAL DIMENSIONS AND DETAILS

ISSUED FOR REVIEW:	4/28/22
ISSUED FOR BID:	00/00/00
ISSUED FOR PERMIT:	4/28/22
ISSUED FOR CONSTRUCTION:	00/00/00

Revision	Date	Rev. Description

DRAWN BY: WAA
PROJECT #: 0539002

A100

SHEET TITLE
ARCHITECTURAL SITE
PLAN

P:\0519 Farrell Equipment\051902_Agenda Expansion\051902\051902\A100\0519 Farrell Equipment\051902.rvt

4/28/2022 3:38:50 AM

STAMPS

PROPOSED ADDITION FOR:
FARRELL EQUIPMENT & SUPPLY CO., INC.
3920 EAST ENDEAVOR DRIVE, APPLETON, WI 54915

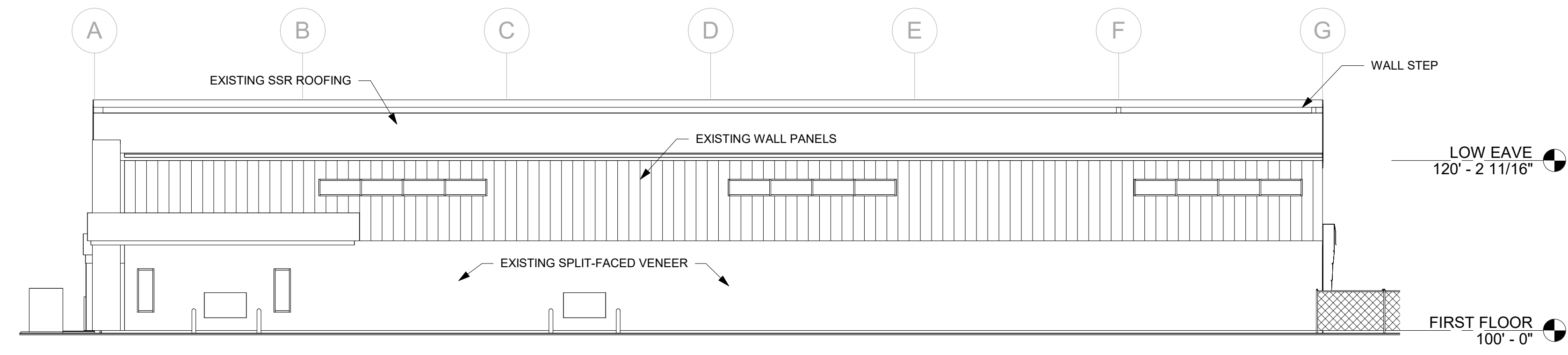
ISSUED FOR REVIEW:	4/12/22
ISSUED FOR BID:	00/00/00
ISSUED FOR PERMIT:	4/12/22
ISSUED FOR CONSTRUCTION:	00/00/00

Revision	Date	Rev. Description

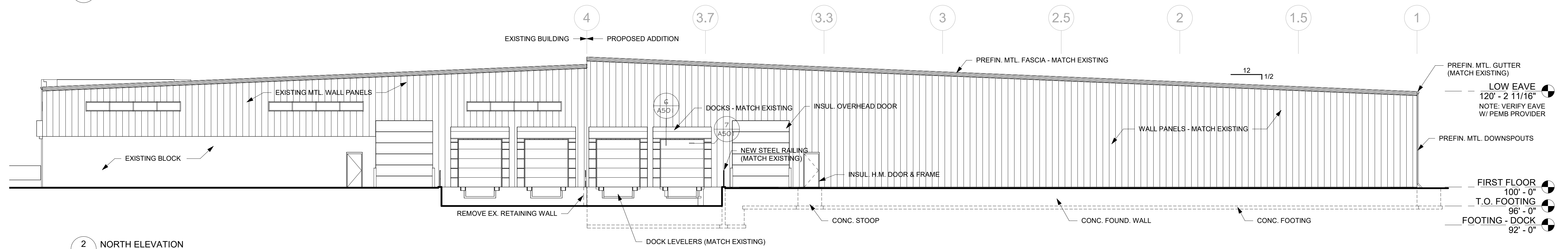
DRAWN BY: WAA
PROJECT #: 0539002

A200

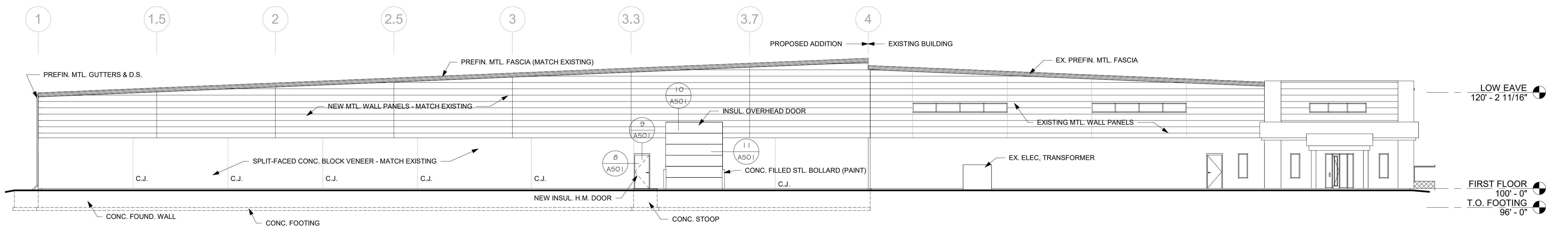
SHEET TITLE
EXTERIOR ELEVATIONS



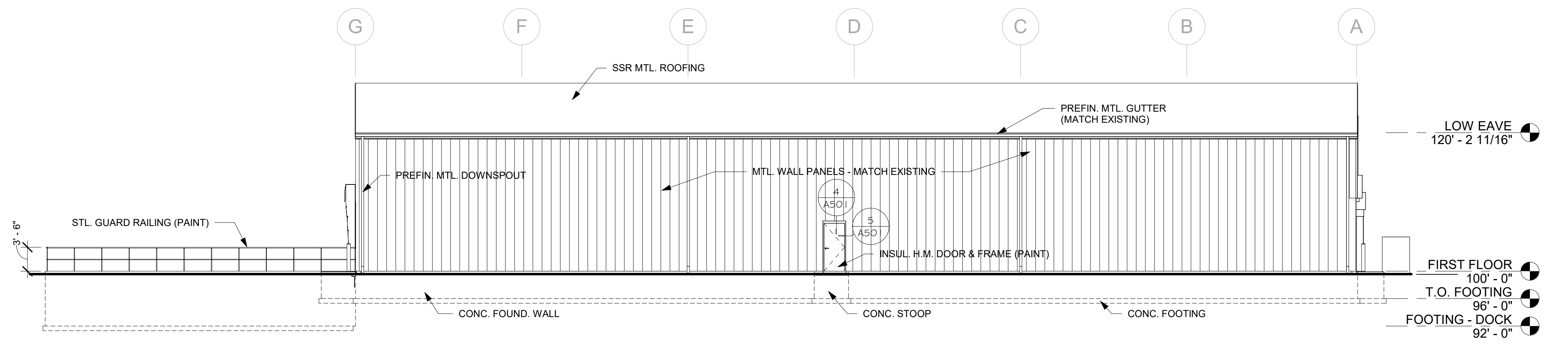
1 EAST ELEVATION
A200 3/32" = 1'-0"



2 NORTH ELEVATION
A200 3/32" = 1'-0"



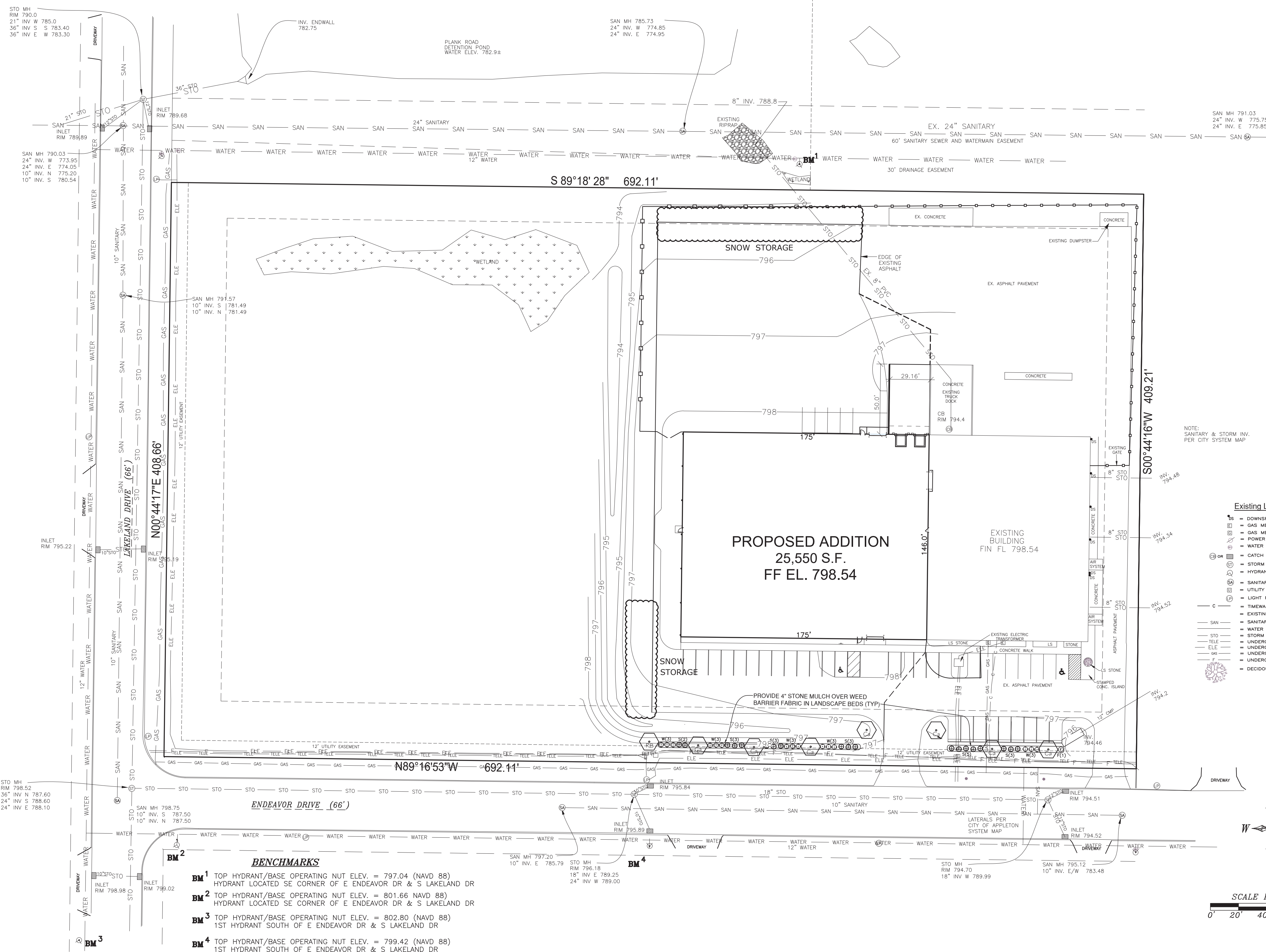
3 SOUTH ELEVATION
A200 3/32" = 1'-0"



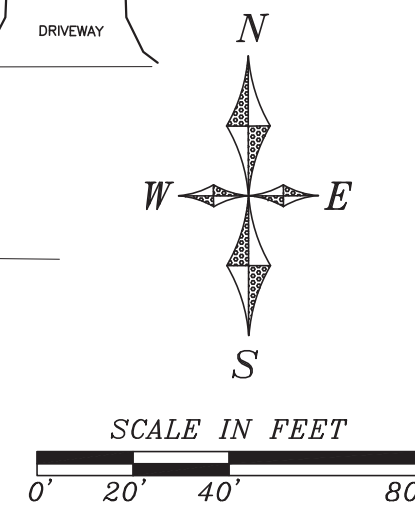
4 WEST ELEVATION
A200 3/32" = 1'-0"

P:\059 Farrell Equipment\0539002_Agenda\Exterior\0539002\0539002\0539002\Farrell Equipment\0522.rvt

4/12/2022 7:45:21 AM



- Existing Legend**
- ⊕ = DOWNSPOUT/W RECOVER
 - ⊕ = GAS METER
 - ⊕ = GAS METER
 - ⊕ = POWER HOLE
 - ⊕ = WATER VALVE
 - ⊕ = CATCH BASIN
 - ⊕ = STORM MANHOLE
 - ⊕ = HYDRANT
 - ⊕ = SANITARY MANHOLE
 - ⊕ = UTILITY PILE
 - ⊕ = LIGHT POLE
 - ⊕ = TIMEWARNER CABLE
 - ⊕ = EXISTING CONTOUR
 - ⊕ = SANITARY SEWER
 - ⊕ = WATER MAIN
 - ⊕ = STORM SEWER
 - ⊕ = UNDERGROUND SPECTRUM
 - ⊕ = UNDERGROUND ELECTRIC
 - ⊕ = UNDERGROUND GAS
 - ⊕ = UNDERGROUND SPECTRUM FIBER OPTIC
 - ⊕ = DECIDUOUS TREE



- BENCHMARKS**
- BM 1** TOP HYDRANT/BASE OPERATING NUT ELEV. = 797.04 (NAVD 88)
HYDRANT LOCATED SE CORNER OF E ENDEAVOR DR & S LAKELAND DR
 - BM 2** TOP HYDRANT/BASE OPERATING NUT ELEV. = 801.66 (NAVD 88)
HYDRANT LOCATED SE CORNER OF E ENDEAVOR DR & S LAKELAND DR
 - BM 3** TOP HYDRANT/BASE OPERATING NUT ELEV. = 802.80 (NAVD 88)
1ST HYDRANT SOUTH OF E ENDEAVOR DR & S LAKELAND DR
 - BM 4** TOP HYDRANT/BASE OPERATING NUT ELEV. = 799.42 (NAVD 88)
1ST HYDRANT SOUTH OF E ENDEAVOR DR & S LAKELAND DR

THE LOCATION OF UNDERGROUND UTILITIES INCLUDING NATURAL GAS, CABLE TV, ELECTRIC AND TELEPHONE ARE BASED ON MARKINGS PLACED BY "DIGGERS HOTLINE" REPRESENTATIVES IN ACCORDANCE WITH OUR INITIAL REQUEST ASSIGNED TICKET NUMBER 2022-09-02935, 2022-09-02940 AND 2022-09-02964, WHICH WAS LOCATED BY SCHULER AND ASSOCIATES SHORTLY AFTER THE GIVEN START TIMES BY "DIGGERS HOTLINE," IN MARCH OF 2022.

Proposed Trees & Shrubs					
Symbol	Common Name	Botanical Name	Size	Form	Qty.
⊕ RB	River Birch	Betula nigra	1 1/2"	Shade Tree	1
⊕ Ca	Robinson Crabapple	Malus 'Robinson'	1 1/2"	Ornamental Tree	6
⊕ S	Magic Carpet Spirea	Spiraea x bumalda 'Magic Carpet'	2'-0"	Shrub	16
⊕ F	Forsythia Lynwood Gold	Forsythia intermedia 'Lynwood'	24"	Shrub	1
⊕ W	Weigela - Wine and Roses	Weigela florida 'Alexandra' WINE AND ROSES	24"	Shrub	15

4300 N. Richmond Street
Appleton, WI 54913-9704
Phone: 920-739-3555
Toll Free: 800-642-8774
Fax: 920-739-3933
www.consolidated-const.com
ccinc@consolidated-const.com



LANDSCAPE PLAN
FARRELL EQUIPMENT & SUPPLY, INC.
3920 E. Endeavor Drive,
Appleton, WI 54915

Description:	
Date:	
Project #:	
Drawn By:	MJ/ICRS
Issue For Permit:	04-12-2022
Issue #:	1
	L101

PLAN PREPARED BY:
SCHULER & ASSOCIATES, INC.
2711 N. MASON STREET, SUITE F
(920) 734-9107
PROJECT NO. 22-4752

Exhibit B Deed Restrictions

S O U T H  P O I N T

C O M M E R C E P A R K

Appleton's Newest Business Opportunity

DECLARATION OF COVENANTS AND RESTRICTIONS

APPLICABLE TO ALL PROPERTIES SOLD IN
SOUTHPOINT COMMERCE PARK PLATS NO. 1, 2 & 3

This conveyance is made subject to the following conditions, covenants, and understandings, which shall be binding upon the vendee and his/her heirs, successors, and assigns:

1. ***Setbacks:***

- A. *Front Yard:* No building shall be constructed on the site nearer than forty (40) feet of the right-of-way of any public street. In the case of corner lots, both forty (40) foot setbacks will apply.
- B. *Side and Rear Yards:* Minimum side and rear yards shall be twenty-five (25) feet.

2. ***Land Use:***

Restrictions on Use. The Restricted Parcel shall be developed and used solely for the following purpose and for no other purpose:

- 1. Manufacturing;
- 2. Research, development and testing laboratories;
- 3. Wholesaling, warehousing and distribution;
- 4. Office operations only if they are an integral part of and a necessary adjunct to a permitted use;
- 5. Retail sales of products manufactured on site and clearly an accessory use to the primary use of the site and provided on premises sales are limited in floor area to no more than (10) percent of the total gross floor area occupied by the permitted or special use;
- 6. Other land uses may be considered for approval by the Community Development Committee if a determination is made that the project fits the development objectives of the City.

3. *Nuisance Factors and Hazards*

- A. In order to protect the interests of all Tenants, no operation shall be conducted which emits offensive or objectionable noise, vibration, smoke, odors, dust, or gases. Precautions should be taken in all research and other approved operations for radiation, radioactivity, fire, and explosion hazards.
- B. No fuel or chemical in-ground or outdoor storage shall be allowed in the Park.

4. *Building Standards*

- A. Any building erected shall be at least 7,500 square feet in area and have a gross floor area equal to at least 10 percent of the land area.
- B. The maximum ratio of building area (footprint) to total parcel size shall in no event exceed forty (40) percent, exclusive of parking and loading areas. The building footprint, all parking, driveways, and loading areas, when combined, may not exceed seventy (70) percent of the total Parcel size.
- C. Buildings shall be designed by an Architect or Engineer. Complete architectural design must be given to all façades of all buildings with all sides and rear elevations being given architectural treatment compatible with the front elevation of the building.
- D. This Industrial Park encourages a variety of architectural styles. However, it is intended that a basic harmony of architecture prevail among the buildings so that no one structure detract from the attractiveness of the overall development.
- E. The front elevation of the building, any elevation facing a street, and externally visible opaque surfaces shall be a minimum of 75% of materials 1-5 (provided, however, that such list shall not be deemed to exclude the use of other accent or exterior trim materials, glass and glazing, and earth berms). The side and rear building elevations that do not face any street shall be a minimum of 25% of materials (1-5). Exception to this requirement would be limited to (1) expandable building side with prior approval from the Site Plan Review Committee.
 - 1. Brick;
 - 2. Architectural precast concrete panels (surface finish to be painted, stained, or exposed aggregate). When using concrete panels as an exterior surface the architect should be careful to avoid a monolithic or monotonous appearance and the use of various textures, colors and accents will be encouraged.
 - 3. Decorative face concrete block. When using decorative face concrete block as an exterior surface the architect should be careful to avoid a monolithic or monotonous appearance and the use of different types and textures (split face, fluted, scored or striated) to provide variety and relief will be encouraged.

4. Cut stone;
5. Exterior insulation and finish systems (EFIS);
6. Metal panels may be used only in combination with one of the approved materials. Any metal siding proposed for use shall be entirely coated with a color fast, abrasion and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Any material utilized to attach the metal siding to the building shall be concealed or the utilization of shadow panels or semi-concealed fastener panels with fasteners painted to match the panels shall be required.
7. Other building materials being developed and to be developed by the construction industry. The use of such materials will be reviewed by the Site Plan Review Committee on a case-by-case basis.

- F. Building materials will be selected for their ability to present a visual statement of a building or structure's strength, attractiveness, and permanence. The building materials used shall be harmonious with the natural environment and with the general character of other buildings and structures in the Park.
- G. Metal trim materials may be used when in keeping with the architectural and aesthetic character of the building or structure.
- H. The Community Development Committee will approve ancillary structures. Approval may be granted only if such structures are necessary to the principal use of the building site, are in architectural and aesthetic conformance with other buildings or structures on the site, are properly screened, meet all requirements of these covenants and are otherwise satisfactory to the Community Development Committee at its sole discretion.

5. ***Landscaping:***

- A. ***Landscape Plan:*** The landscaping upon any building site or lot shall be carried out in accordance with a detailed landscaping plan, which has been reviewed and approved in writing by the City's Site Plan Review Committee. The landscape plan shall include, but not be limited to, plant location, common and botanical names of plant material, planting size, root condition, and quantity of all plant material. The plan shall show all ground cover and mulch areas, landscape and construction materials, and construction details.
- B. ***Landscaping Methods:*** Landscaping may include grading, earth berms, seeding, sodding, raised planters, architectural decorative walls or fencing, trees and shrubs, ground cover and other landscape materials including permanent sprinkler systems, fountains, storm run-off retention ponds, reflective ponds, and landscape lighting.

- C. *Plant Material*: Selected plant material should provide for a variety of shade trees, evergreen trees, and shrubs, ornamental trees and shrubs and ground covers. Plant material selection shall take into consideration the following:
1. Disease and insect resistance;
 2. Hardiness to the area;
 3. The ability to provide seasonal interest;
 4. Future maintenance considerations;
 5. Ability of plant material to accomplish its intended purpose in each placement.
- D. *Time for Completion*: All landscaping shall be completed within ninety (90) days following occupancy, or as soon thereafter as weather will allow if such period occurs within winter months.
- E. *Maintenance*: The owner shall be responsible for maintaining all landscaping as approved on the original plan for his site. Any variation or changes to the landscape plan must be reviewed and approved in writing by the Community Development Department. Landscaped areas, materials, fixtures, and improvements shall be maintained by the owner of the building site, or by such owner's long-term lessee(s) in good condition at all times. Such maintenance shall include watering, mowing, trimming, pruning, spraying, fertilizing, repairing, replacement of dead plantings, planting, transplanting, dusting, treating, and other common landscape maintenance activities necessary to keep the building site landscaping in a healthy state of growth and visually attractive in appearance.

If the owner or the owner's assigns fail to maintain the landscaping and site per the approved landscaping plan in this section, the City of Appleton or its Agent may seek an inspection warrant to enter the site and conduct such maintenance and to seek full reimbursement.

6. *Utility Controls*

All utilities lines shall be located underground where feasible except for high voltage lines. In the event high voltage lines are required, rear locations nearest and parallel with rear lot lines shall be encouraged.

7. *Parking, Loading*

Off-street parking and loading areas shall be provided on each building site and shall be of sufficient size to accommodate all planned or anticipated parking and loading needs of all site occupants and visitors and comply with the City's Zoning Ordinance regarding parking standards.

1. All truck maneuvering must be confined within the boundaries of the property.
2. All parking, driveways, and loading areas shall be paved.
3. Parking shall be permitted within the minimum front yard setback area; however, it shall be located no closer than fifteen (15) feet to the public right-of-way line. Parking shall be setback a minimum of 6' from the side property line.

Truck loading and receiving areas shall occur in the rear of any buildings or structures on any Lot. Truck loading and receiving areas shall be permitted on the side of such building if sufficient visual screening is installed to screen the dock area from the street.

Truck loading and receiving is normally not permitted in the front of such building unless dictated by the site conditions and only if fully screened from the street. In that event, the Community Development Committee shall review and approve the location of the loading dock. The Community Development Committee may assign this review of plans to the Community Development Department.

8. ***Outdoor Storage:***

No outside storage of any kind shall be permitted unless such stored materials are visually screened from all streets and adjoining properties with a suitable fence, vegetation, berm, or combination thereof approved by the Site Plan Review Committee. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines. All refuse containers must be enclosed by a fence of solid material such as will provide a suitable visual screen. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings. All storage areas shall be paved.

9. ***Roof Mounted Equipment:***

Roof mounted equipment shall be so located and/or screened, and painted to minimize visibility from the street and adjacent owners.

10. ***Signs:***

Identification signs shall be permitted to promote only the name and/or trademark of the owner or tenant of the parcel on which the sign is placed. The signs shall not advertise business services. Signs, lighting, etc., are to be indicated on the final site plan submitted to the Site Plan Review Committee for review.

1. Ground signs must be set back a minimum of 10 feet from the right-of-way line and must be of a low profile design subject to approval by the Committee.
2. Signs may not be of unusual size or shape when compared to the improvements situated on the site on which the sign is located.

3. Signs may not be installed above the roofline of a building.
4. Pole signs are prohibited.
5. Signs may not contain or utilize any flashing, blinking, intermittent or moving light as source of illumination.
6. No signs shall be located in or painted on any window.
7. Building signs must comply with the City Sign Code.

11. ***Maintenance Responsibilities:***

- A. Each owner shall keep its property, all contiguous street right-of-way to the edge of the pavement, and all drainage and easement areas in a well -maintained, safe, clean, and attractive condition at all times. Such maintenance includes, but is not limited to the following:
 1. The removal of all litter, trash, refuse, and wastes;
 2. Compliance with the City's noxious weed control ordinance, including the mowing of all grass areas to a height not over 4";
 3. The maintenance of exterior lighting, signs, and mechanical facilities;
 4. The keeping of all exterior building surfaces in a cleaned, well-maintained condition;
 5. The maintenance of all drainage ways including the removal of all debris, weeds, and silt.
- B. The owner of any undeveloped lands shall maintain said lands free of rubbish, noxious weeds, and mosquito breeding pond conditions.

12. ***Site Plan Review:***

Before commencing the construction or alterations of any buildings, additions, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on or to the real estate conveyed hereby, the owner shall first submit its building plans, specifications, site and landscape plans, elevations of all sides of the building, samples of materials proposed for all external surfaces including colors and textures, and an artist's rendering of the project or a scale model to the Site Plan Review Committee in accordance with Section 23-171 of the City Zoning Code. Renderings should show adjacent buildings, landscaping, screening, signs etc.

13. ***Repurchase Rights:***

Failure to Build: In the event the owner of land purchased from the City of Appleton does not commence construction of a building within one (1) year after the date of purchase, the City has the option to repurchase said property. The City shall pay the following repurchase price: the sum of the original purchase price and all special assessments which may have been paid by the buyer or levied against the property after the date of purchase minus the sum of any unpaid property taxes, pro-ration of the current years property taxes to date of closing, title insurance policy premium, real estate commission paid at time of original closing, and any liens and encumbrances on the property of a definite or ascertainable amount. Further, repurchase price shall be adjusted by the amount equal to the amount of an option fee for that year had the property been under option between the City and the Buyer. Conveyance shall be by warranty deed.

Resale of Vacant Land: In the event the owner of land purchased from the City of Appleton elects to sell any portion thereof, which is vacant, the property shall first be offered, in writing, to the City of Appleton. The City of Appleton shall have sixty (60) days from date of receipt of such offer to accept or reject repurchase of the property unless an extension of time may be mutually agreed upon and set forth in writing. The purchase price shall be computed as in the paragraph above (Failure to Build). Conveyance shall be by warranty deed. The seller shall furnish a title insurance policy at the seller's expense. In the event the City does not elect to repurchase the property, the owner may sell the land, but these Declarations of Covenants and Restrictions shall run with the land and be binding on the subsequent owner.

14. ***Subdivision of Lots:***

After a lot has been purchased, such lot shall not be further subdivided without the written consent of the Community Development Committee. No owner may sell, lease or rent less than all of the lot without the prior written consent of the Community Development Committee. The Community Development Committee may delegate this approval authority to the Community Development Department. The foregoing prohibition shall not apply to occupancy leases of space in a building made in the ordinary course of business.

15. ***Waiver of Notice:***

All land sold before major assessable improvements are completed in the business park site shall be subject to the purchaser's waiving notice of assessments and hearings, and such waiver shall be part of the negotiations.

16. ***Variations:***

Notwithstanding anything contained herein to the contrary, the City of Appleton expressly reserves the right at any time to authorize in writing variations from the strict applications of these covenants and restrictions, or any one or more of them, where the circumstances, in its sole

and exclusive judgment, justifies the granting of same.

17. ***Enforcement:***

The Community Development Committee has the responsibility to ensure compliance with the covenants and restrictions through any and all lawful means. In the event that the owner fails to perform in accordance with these covenants and restrictions, the Common Council, upon recommendation of the Community Development Committee, may take whatever corrective measures it deems appropriate and assess the cost thereof against the property in the same manner as a special charge. The Common Council shall give at least thirty (30) days notice to the vendee of any violation and the steps required to correct it prior to taking any action to cure such violation.

18. ***Invalidation:***

The invalidation of any one of the covenants or restrictions herein set forth or the failure to enforce any of said covenants and restrictions at the time of its violation shall in no way affect any of the other covenants or restrictions nor be deemed a waiver of the right to enforce the same thereafter.

19. ***Term:***

Each lot shall be conveyed subject to the covenants and restrictions set forth herein, 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 thirty (30) years from the date of this Declaration of Covenants and Restrictions is recorded, after which time said covenants and restrictions as are then in force and effect shall be automatically renewed for successive periods of ten (10) years each, unless an instrument terminating such covenants and restrictions is recorded with the Outagamie County Register of Deeds by the Common Council as evidenced by a resolution duly adopted by a majority of all members of the Common Council.

Southpoint Commerce Park Appleton, Wisconsin

Calumet Street (County Highway KK)

Slate Highway 441

Destination Drive (Private)

Office Park

Retail Center

Eisenhower Drive

Legend

- For Sale
- Office
- Offer
- Sold
- Industrial Park Boundary
- Ponds
- City Limits

Plank Road (County Highway AP)

9-5700-6
Time Warner Cable
Technical Operations Center

9-5712-1
Mike Roberts

9-5712-2
Lot 2
SCP Plat No. 1
1.44 acres
\$40,000/acre

9-5712-12
Lot 12
SCP Plat No. 1
3.60 acres
Office Use
\$45,000/acre

9-5712-13
Mike Roberts
RPG 4

9-5712-3
Flair
Flexible
Packaging

9-5712-11
Lot 11
SCP Plat No. 1
3.25 acres
\$40,000/acre

9-5712-10
Arrow Moving
Systems, Inc

9-5712-9
Lot 9
SCP Plat No. 1
3.28 acres
Office Use
\$45,000/acre

9-5712-4
Appleton
Hydraulic
Components

9-5712-6
Lot 6
SCP Plat No. 1
3.30 acres
\$40,000/acre

9-5712-7
Lot 7
SCP Plat No. 1
3.30 acres
\$40,000/acre

9-5712-8
Lot 8
SCP Plat No. 1
3.34 acres
\$45,000/acre

9-5712-5
Lot 5
SCP Plat No. 1
2.32 acres
\$40,000/acre

9-5712-19
Lot 19
SCP Plat
No. 2
3.46 acres
\$40,000/acre

9-5712-25
Lot 25
SCP Plat No. 2
4.88 acres
\$40,000/acre

9-5712-15
Lot 15
SCP Plat No. 2
4.83 acres
\$40,000/acre

9-5712-16
Lot 16
SCP Plat No. 2
3.69 acres
\$40,000/acre

9-5712-17
Lot 17
SCP Plat No. 2
4.21 acres
\$40,000/acre

9-5712-18
Lot 18
SCP Plat No. 2
4.07 acres
\$40,000/acre

9-5712-24
Lot 24
SCP Plat No. 2
2.88 acres
\$40,000/acre

9-5712-23
Lot 23
SCP Plat No. 2
2.59 acres
\$40,000/acre

9-5712-22
Lot 22
SCP Plat No. 2
2.59 acres
\$40,000/acre

9-5712-21
Lot 21
SCP Plat No. 2
2.59 acres
\$40,000/acre

9-5712-20
Lot 20
SCP Plat No. 2
14.60 acres
\$40,000/acre

9-5712-37
Lot 37
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-36
Lot 36
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-35
Lot 35
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-34
Lot 34
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-33
Lot 33
SCP Plat
No. 3
1.80 acres
\$40,000/acre

9-5712-32
Lot 32
SCP Plat
No. 3
1.80 acres
\$40,000/acre

9-5712-31
Lot 31
SCP Plat
No. 3
1.65 acres
\$40,000/acre

9-5712-30
Lot 30
SCP Plat
No. 3
1.65 acres
\$40,000/acre

9-5712-29
Lot 29
SCP Plat
No. 3
1.74 acres
\$40,000/acre

9-5712-28
Lot 28
SCP Plat
No. 3
1.69 acres
\$40,000/acre

9-5712-27
Lot 27
SCP Plat
No. 3
1.69 acres
\$40,000/acre

9-5712-26
Lot 26
SCP Plat
No. 3
1.74 acres
\$40,000/acre

9-5712-37
Lot 37
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-36
Lot 36
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-35
Lot 35
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-34
Lot 34
SCP Plat No. 3
2.59 acres
\$40,000/acre

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Lot 33
SCP Plat
No. 3
1.80 acres
\$40,000/acre

9-5712-32
Lot 32
SCP Plat
No. 3
1.80 acres
\$40,000/acre

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Lot 31
SCP Plat
No. 3
1.65 acres
\$40,000/acre

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Lot 30
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1.65 acres
\$40,000/acre

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Lot 29
SCP Plat
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1.74 acres
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SCP Plat
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SCP Plat
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2.59 acres
\$40,000/acre

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Lot 36
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-35
Lot 35
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-34
Lot 34
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-33
Lot 33
SCP Plat
No. 3
1.80 acres
\$40,000/acre

9-5712-32
Lot 32
SCP Plat
No. 3
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Lot 31
SCP Plat
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Lot 30
SCP Plat
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Lot 27
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SCP Plat No. 3
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1.80 acres
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Lot 32
SCP Plat
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1.80 acres
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Lot 31
SCP Plat
No. 3
1.65 acres
\$40,000/acre

9-5712-30
Lot 30
SCP Plat
No. 3
1.65 acres
\$40,000/acre

9-5712-29
Lot 29
SCP Plat
No. 3
1.74 acres
\$40,000/acre

9-5712-28
Lot 28
SCP Plat
No. 3
1.69 acres
\$40,000/acre

9-5712-27
Lot 27
SCP Plat
No. 3
1.69 acres
\$40,000/acre

9-5712-26
Lot 26
SCP Plat
No. 3
1.74 acres
\$40,000/acre

Vantage Drive

Quest Drive

Alliance Drive

Milis Drive

Lakeland Drive

Endeavor Drive

Eisenhower Drive

Coop Road

Officially Mapped Midway Road

Midway Road



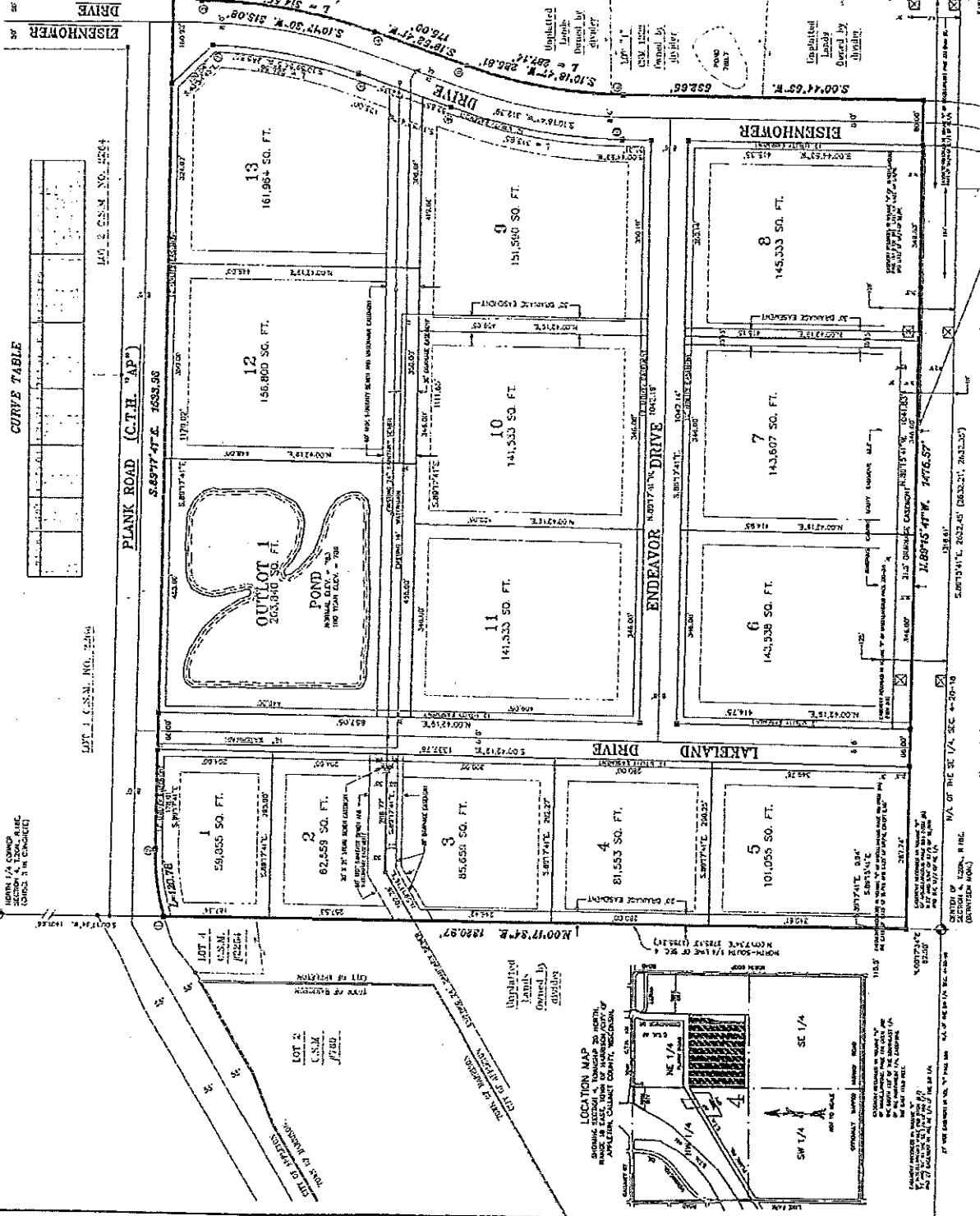
SOUTHPOINT COMMERCE PARK PLAT NO. 1

PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 2264, AND PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 1222, AND PART OF THE NW 1/4 OF THE NE 1/4, THE NE 1/4 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 AND THE SE 1/4 OF THE NE 1/4, IN SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

SHEET 1 OF 2

CURVE TABLE

STATIONING	CHORD BEARING	CHORD DISTANCE	TANGENT DISTANCE	ARC DISTANCE	ANGLE OF CHORD	ANGLE OF TANGENT
5+00.00	N 0° 15' 00" W	50.00	11.50	17.37	15.00	15.00
5+50.00	N 0° 30' 00" W	50.00	11.50	17.37	30.00	30.00
6+00.00	N 0° 45' 00" W	50.00	11.50	17.37	45.00	45.00
6+50.00	N 1° 00' 00" W	50.00	11.50	17.37	60.00	60.00
7+00.00	N 1° 15' 00" W	50.00	11.50	17.37	75.00	75.00
7+50.00	N 1° 30' 00" W	50.00	11.50	17.37	90.00	90.00
8+00.00	N 1° 45' 00" W	50.00	11.50	17.37	105.00	105.00
8+50.00	N 2° 00' 00" W	50.00	11.50	17.37	120.00	120.00
9+00.00	N 2° 15' 00" W	50.00	11.50	17.37	135.00	135.00
9+50.00	N 2° 30' 00" W	50.00	11.50	17.37	150.00	150.00
10+00.00	N 2° 45' 00" W	50.00	11.50	17.37	165.00	165.00
10+50.00	N 3° 00' 00" W	50.00	11.50	17.37	180.00	180.00



LEGEND

- (- - - -) EXISTING 3/4" IRON RAILROAD
- (---) EXISTING 1 1/2" IRON RAILROAD
- (---) EXISTING 2" IRON RAILROAD
- (---) EXISTING 3" IRON RAILROAD
- (---) EXISTING 4" IRON RAILROAD
- (---) EXISTING 6" IRON RAILROAD
- (---) EXISTING 8" IRON RAILROAD
- (---) EXISTING 10" IRON RAILROAD
- (---) EXISTING 12" IRON RAILROAD
- (---) EXISTING 14" IRON RAILROAD
- (---) EXISTING 16" IRON RAILROAD
- (---) EXISTING 18" IRON RAILROAD
- (---) EXISTING 20" IRON RAILROAD
- (---) EXISTING 22" IRON RAILROAD
- (---) EXISTING 24" IRON RAILROAD
- (---) EXISTING 26" IRON RAILROAD
- (---) EXISTING 28" IRON RAILROAD
- (---) EXISTING 30" IRON RAILROAD
- (---) EXISTING 32" IRON RAILROAD
- (---) EXISTING 34" IRON RAILROAD
- (---) EXISTING 36" IRON RAILROAD
- (---) EXISTING 38" IRON RAILROAD
- (---) EXISTING 40" IRON RAILROAD
- (---) EXISTING 42" IRON RAILROAD
- (---) EXISTING 44" IRON RAILROAD
- (---) EXISTING 46" IRON RAILROAD
- (---) EXISTING 48" IRON RAILROAD
- (---) EXISTING 50" IRON RAILROAD
- (---) EXISTING 52" IRON RAILROAD
- (---) EXISTING 54" IRON RAILROAD
- (---) EXISTING 56" IRON RAILROAD
- (---) EXISTING 58" IRON RAILROAD
- (---) EXISTING 60" IRON RAILROAD
- (---) EXISTING 62" IRON RAILROAD
- (---) EXISTING 64" IRON RAILROAD
- (---) EXISTING 66" IRON RAILROAD
- (---) EXISTING 68" IRON RAILROAD
- (---) EXISTING 70" IRON RAILROAD
- (---) EXISTING 72" IRON RAILROAD
- (---) EXISTING 74" IRON RAILROAD
- (---) EXISTING 76" IRON RAILROAD
- (---) EXISTING 78" IRON RAILROAD
- (---) EXISTING 80" IRON RAILROAD
- (---) EXISTING 82" IRON RAILROAD
- (---) EXISTING 84" IRON RAILROAD
- (---) EXISTING 86" IRON RAILROAD
- (---) EXISTING 88" IRON RAILROAD
- (---) EXISTING 90" IRON RAILROAD
- (---) EXISTING 92" IRON RAILROAD
- (---) EXISTING 94" IRON RAILROAD
- (---) EXISTING 96" IRON RAILROAD
- (---) EXISTING 98" IRON RAILROAD
- (---) EXISTING 100" IRON RAILROAD

LOCATION MAP
 SHOWING SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

NE 1/4
SE 1/4
SW 1/4

ADDITIONAL NOTES:
 ALL DIMENSIONS ARE MEASURED AND COMPUTED TO THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE INDICATED.
 ALL DIMENSIONS ARE MEASURED TO THE CORNER OF THE LOT UNLESS OTHERWISE INDICATED.
 ALL DIMENSIONS ARE MEASURED TO THE CENTER OF THE ROAD OR DRIVE UNLESS OTHERWISE INDICATED.
 ALL DIMENSIONS ARE MEASURED TO THE CORNER OF THE LOT UNLESS OTHERWISE INDICATED.

SOUTHPOINT COMMERCE PARK PLAT NO. 1
 SHEET 1 OF 2

SOUTHPOINT COMMENCE PARK PLAT NO. 2

PART OF LOT 4, OF CERTIFIED SURVEY MAP NO. 2264 AND PART OF THE SW 1/4 OF THE NE 1/4, THE NW 1/4 OF THE SE 1/4, THE NE 1/4 OF THE SW 1/4, THE SE 1/4 OF THE NW 1/4 AND THE SE 1/4 OF THE SW 1/4, IN SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly sworn, do hereby certify that the above described plat, together with all the documents, maps, records and surveys thereon, and the survey thereon, were prepared by me or by a duly qualified surveyor, and that the same are true and correct as the same appear on the records of the County Clerk of Calumet County, Wisconsin, and that the same are correct and true as the same appear on the records of the County Clerk of Calumet County, Wisconsin, and that the same are correct and true as the same appear on the records of the County Clerk of Calumet County, Wisconsin.

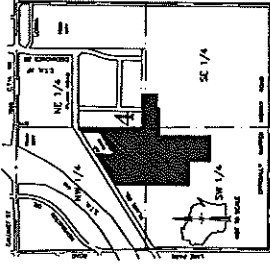
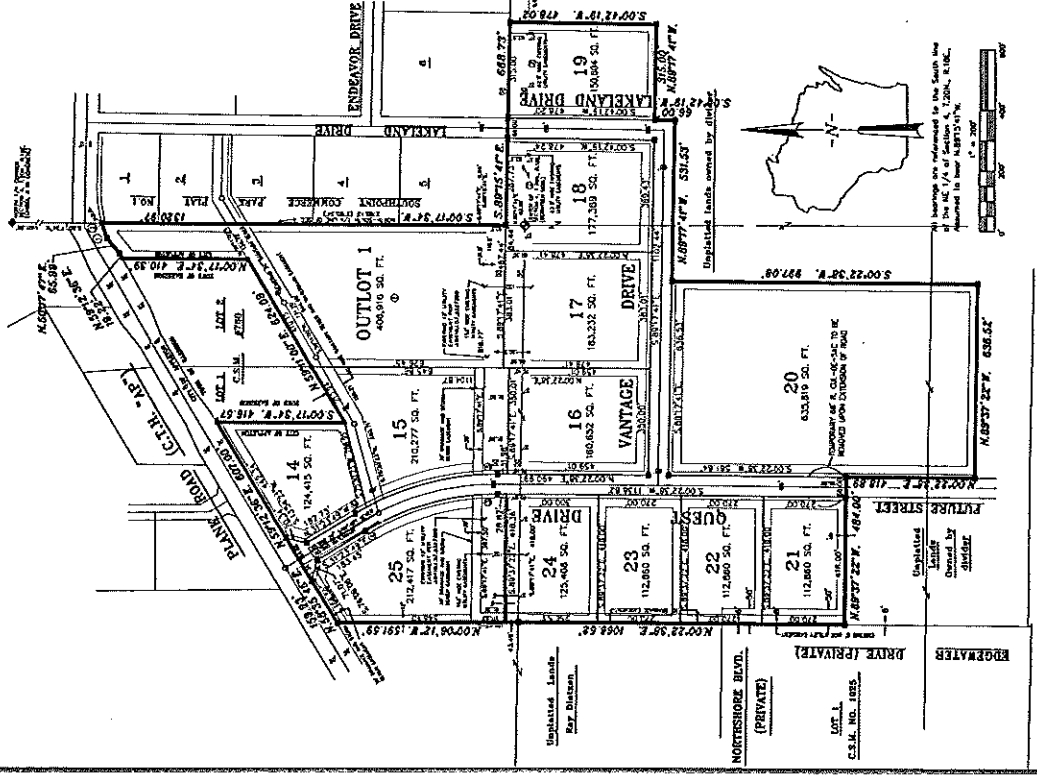
This plat is a correct representation of all existing boundaries, of the land conveyed, and the subdivision thereof. That I have made such land surveys and plots by the direction of court. I have fully complied with the provisions of Chapter 236.54 of the Wisconsin Statutes and the City of Appleton subdivision ordinance in surveying and mapping the same. Given under my hand this _____ day of _____, 2005.

Thomas M. Krueger, Wisconsin Registered Land Surveyor No. 35292E

- LEGEND**
- Dashed line --- Existing 1/2" iron rebar
 - Dashed line --- Existing 3/4" iron rebar
 - Dashed line --- Measurements of record
 - Dashed line --- All other lot corners monumented with 1/2" x 2" iron rebar, 1/2" U.S./Metric foot
 - Circle --- Power pole
 - Circle --- Sanitary manholes
 - Circle --- Watermain hydrants and valves
 - Circle --- Storm sewer inlets and manholes
 - Circle --- Proposed 12' utility easement (unless otherwise noted)
 - SHEET AREA = 232.825 SQ. FT.
 - Solid line --- Property boundary measured and computed to the nearest 1/16" foot.
 - Dashed line --- Measurements and distances are measured and computed to the nearest 1/16" foot.

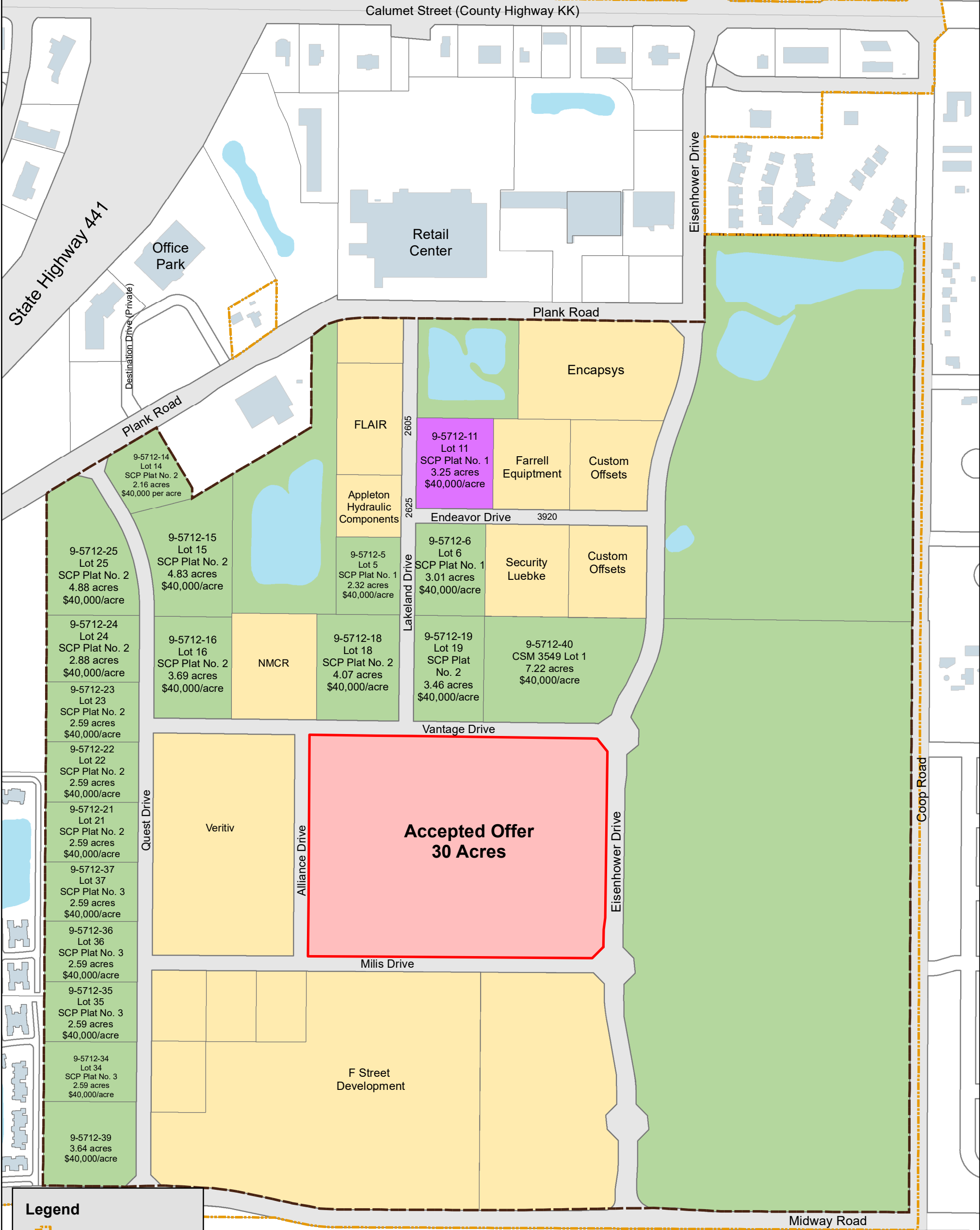
CURVE TABLE

CHORD BEARS	ARC LENGTHS	CHORD BEARS	ARC LENGTHS	CHORD BEARS	ARC LENGTHS
451.81	102.13	451.81	102.13	451.81	102.13
451.81	102.13	451.81	102.13	451.81	102.13
451.81	102.13	451.81	102.13	451.81	102.13
451.81	102.13	451.81	102.13	451.81	102.13



CITY OF APPLETON
DEPARTMENT OF PUBLIC WORKS
Engineering Division
186 North Appleton Street
Appleton, WI 54911
APPLTENG@CITYOFAPPLETON.WI.GOV
FAX: 920.833.4400
THIS INSTRUMENT DRAFTED BY T. KRUEGER

Southpoint Commerce Park Appleton, Wisconsin



Legend

- City Limits
- Park Boundary
- Accepted Offer
- For Sale (City Owned)
- Privately Owned Parcels
- Subject Parcel

