

Document Number

DEED RESTRICTION

DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
3708485

05/08/2003 04:44:21PM

Trans. Fee:
Exempt #:

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003112

After recording return to:

The Center for Industry & Commerce LLC
PO Box 7700
Madison, WI 53707
Attn: Jeff Lee

0810-163-0198-9 and 0810-162-0198-1

Parcel Identification Number(s)

RECITALS:

A. The City of Madison (the "City") is the owner of the property described above (the "Property").

B. The City has entered into an agreement with The Center for Industry & Commerce L.L.C. (the "Developer") under which the Developer would purchase and undertake development of the Property.

C. The City and Developer desire that the Property shall be subject to the restrictions set forth in this Deed Restriction.

NOW THEREFORE, the City and Developer agree that the Property shall be subject to the use restrictions set forth hereinafter:

1. None of the uses set forth below shall be allowed upon the land described above without the prior written approval of the City:

- amusement establishments
- animal hospitals and kennels
- feed mixing and grinding plants
- poultry and rabbits slaughtering and processing
- shell egg business (candling, cartoning and distributing)
- automobile service stations
- banks and financial institutions

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- building material sales establishments
- drug stores
- fuel and ice sales establishments
- furniture and floor covering storage and sales
- mobile home sales and service establishments
- mobile homes or garage displays
- restaurants, including catering services
- taverns
- trailer sales and rental
- truck sales and rental
- motor vehicle salvage business
- mission houses
- restaurant/theater
- massage therapy
- adult entertainment establishments
- brew pubs
- asphalt and concrete batching or ready mix plants
- junk yards and automobile storage yards
- outdoor eating and recreation areas of restaurants and taverns
- railroad freight terminals
- second hand stores and rummage shops
- theaters
- automobile and motorcycle sales and rental establishments
- automobile accessory stores, including installation
- amusement arcades
- drive-in establishments
- specialized educational school facilities
- outdoor eating and recreational areas.

2. The Property is planned for neighborhood commercial uses and such uses shall be restricted in accordance with paragraph 1 above, **except that** the following uses shall be permitted, subject to the restrictions that follow:

- automobile service stations
- banks and financial institutions
- fuel and ice sales establishments
- restaurants, including catering services
- drive-up service windows for banks and financial institutions
 - (a) Uses shall be restricted to neighborhood commercial uses;
 - (b) In multi-tenant buildings, any single tenant suite shall not exceed 5,000 square feet in size; and

- (c) The uses shall be located in multi-use buildings rather than free-standing buildings.

This deed restriction may be amended or terminated in whole or in part by agreement of the City and Developer so long as Developer owns any portion of the Property. Upon Developer selling or otherwise conveying all interests in the Property, these deed restrictions may be amended or terminated in whole or in part by agreement of the City and the owners of not less than two-thirds (2/3) of the square footage (excluding public rights-of-way and lands dedicated to the City or other governmental authority) of the lands comprising the Property. The City shall have the sole right to enforce these deed restrictions.

IN WITNESS WHEREOF, the City has caused this deed restriction to be duly executed as of the date first written above.

AUTHENTICATION

003115

CITY OF MADISON, WISCONSIN,
a municipal corporation

By: Susan J. Bauman
Susan J.M. Bauman, Mayor

By: Sharon Christensen, Deputy for
Ray Fisher, City Clerk

COUNTERSIGNED:

[Signature]
Dean Brasser, City Comptroller

APPROVED AS TO FORM:

James L. Martin
James L. Martin, City Attorney

AUTHENTICATION

Signatures of Susan J.M. Bauman and ^{Sharon Christensen} ~~Ray Fisher~~ ^{Deputy} Mayor and City Clerk, respectively, of the City of Madison, authenticated this 10th day of MARCH, 2003.

James M. Voss
James Voss
Member, State Bar of Wisconsin

Execution of this document by the City of Madison is authorized by Second Substitute Resolution No. 59884, ID No. 31728, adopted by the Common Council of the City of Madison on November 5, 2002.

This document was drafted by: The Center for Industry + Commerce L.L.C.
T. Wall Properties Master Corp.
by: Manager

Terrence R. Wall, president

003116

