

In Re: The Center for Industry & Commerce Plat
Lots 3 through 20 inclusive, see Exhibit A

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
- 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
- offices, business and professional (freestanding)
- restaurants, including catering services
- taverns
- trailer sales and rental
- truck sales and rental
- motor vehicle salvage business
- mission houses
- restaurant/theater
- drive-up service windows for banks and financial institutions
- 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 recreation areas.

2. No free standing offices, business and professional uses, shall be permitted in the land described above, **except that** for permitted industrial uses, not more than seventy percent (70%) of the development may be dedicated to offices related to the permitted industrial use. For purposes of the foregoing calculation, the development shall include the building and active uses such as storage and assembly, which may occur outside of the structure.

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

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 Brassler, City Comptroller

APPROVED AS TO FORM:

James L. Martin
James L. Martin, City Attorney

AUTHENTICATION

Signatures of Susan J.M. Bauman and ^{*Sharon Christensen Deputy*} ~~Ray Fisher~~, 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.*