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OUTAGAMIE COUNTY
JANICE FLENZ
REGISTER OF DEEDS
Fee Amount: $15.00
Total Pages 3

Document Number

DEED RESTRICTION

Recording Area

15.00 (3)

Name and Return Address
Paul Van Berkel
180 W. Wisconsin Ave.
Kaukauna, WI 54130

325-011700
325-011800
Part of 325-012400
Parcel Identification Number

Declaration of Restrictions

In Re: See Legal Description attached as Exhibit A

STATE OF WISCONSIN)
) ss
COUNTY OF OUTAGAMIE

WHEREAS, **the City of Kaukauna** is the owner of the above-described property.

WHEREAS, the **City of Kaukauna** has received a Brownfields Green Space and Public Facility Grant from the Department of Natural Resources ("DNR") pursuant to s. 292.79, Wis. Stats., and ch. NR 173, Wis. Adm. Code.

WHEREAS, the **City of Kaukauna, through its Kaukauna Utilities, an enterprise fund,** submitted an application for this grant to DNR, received on **July 24, 2006**. That application described the intended use of the property for a purpose that DNR determined was eligible for funding under s. 292.79(2), Wis. Stats., and s. NR 173.05, Wis. Adm. Code.

WHEREAS, the **City of Kaukauna** and DNR entered into a grant agreement for grant number **GRN-024** on **December 21, 2006** which described the requirements and responsibilities of the grantee and DNR with respect to this eligible project.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will limit the use of the property to those purposes and land uses identified in the application for at least twenty (20) years from the date the grant agreement was signed by DNR, in order to satisfy the requirement in s. NR 173.17(1)(b), Wis. Adm. Code.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Land Use Restriction. The property described above may only be used for the following purposes:

Facilities used to support the public power production operations of Kaukauna Utilities, an enterprise fund of the City of Kaukauna.

Amendment. The Restrictions imposed upon the Property are attached to and shall run with the land for at least twenty (20) years from **December 21, 2006**, provided however, that they may be extinguished or amended upon the recording of an instrument signed by both DNR, or its successor or assign, and the Property Owner, or his/her successor or assign.

By signing this document, Jeffery W. Feldt asserts that he or she is duly authorized to sign this document on behalf of the City of Kaukauna.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 31ST day of MARCH, 2008.

Kaukauna Utilities
Signature: Jeffery W. Feldt
Printed Name: Jeffery W. Feldt
General Manager

Subscribed and sworn to before me
this 31st day of March, 2008.

Alice A Rasmussen
Alice A. Rasmussen
Notary Public, State of Wisconsin
My commission expires September 4, 20

ALICE A. RASMUSSEN NOTARY PUBLIC STATE OF WISCONSIN

This document was drafted by Paul Van Berkel, Attorney at Law.

EXHIBIT A

All of Lot One (1), Two (2) and Three (3), Block Six (6), of the PLAT OF KAUKAUNA ISLAND NUMBER 4, City of Kaukauna, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, together with westerly half of the vacated alley adjacent to the easterly lot lines of the premises herein;

and,

The non-lotted part of Block 6 of the PLAT OF KAUKAUNA ISLAND NUMBER 4, City of Kaukauna, including the easterly half of the vacated alley within said Block 6;

and,

The part of Lot M, Kaukauna Island Number 4, City of Kaukauna, according to the recorded Assessor's Map of said City, lying east of Island Street and west of the former railroad right-of-way conveyed by Quit Claim Deed recorded February 1, 2008, as Document No 1781407, Outagamie County Registry and south of Block 6 of the PLAT OF KAUKAUNA ISLAND NUMBER 4, all in Outagamie County, Wisconsin.