



City of Appleton

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

Meeting Agenda - Final Community & Economic Development Committee

Wednesday, September 9, 2020

4:30 PM

Council Chambers, 6th Floor

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

[20-1148](#) CEDC Minutes from 8-26-20

Attachments: [CEDC Minutes 8-26-20.pdf](#)

4. Public Hearings/Apearances

[20-1149](#) Community Development Block Grant (CDBG) Notice of Funding Available and Community Needs for the 2021 Program Year (4/1/21 - 3/31/22)
(Associated with Action Item #20-1150)

Attachments: [Funding Available Community Needs - Public Hearing Notice 2020.pdf](#)

5. Action Items

[20-1150](#) City Program Funding Approval and City Proposals for 2021 Community Development Block Grant (CDBG) Funding

Attachments: [City Proposals Memo to CEDC 09-09-20.pdf](#)

[2020-2021 Summer of Service Dept Proposal Application.pdf](#)

[20-1155](#) Request to approve the repurchase of Lot 11 of Plat 1 in Southpoint Commerce Park, Tax Id #31-9-5712-11, consisting of approximately 3.25 acres, from Messenger Property Management, LLC under the terms outlined in Section 13 of the Declaration of Covenants and Restrictions and at an estimated cost of approximately \$126,391 subject to tax pro-rations, outstanding liens, and an assumed closing date of November 15, 2020

Attachments: [Messenger Property Management Repurchase Memo 9-9-20.pdf](#)

[SP Deed Restrictions and Covenants.pdf](#)

[Lot 11 Plat 1 SPCP Repurchase Calculation.pdf](#)

[Subject Parcel Map Messenger Property.pdf](#)

- [20-1156](#) The Community and Economic Development Committee may go into closed session pursuant to State Statute §19.85(1)(e) for the purpose of discussing real estate negotiations regarding the potential repurchase of Lot 11 of Plat 1 in Southpoint Commerce Park and then reconvene into open session

6. Information Items

- [20-1157](#) Introduce Ryne Lodl, Coordinated Entry Specialist

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, August 26, 2020

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:31 p.m.

2. Roll call of membership

Aldersperson Thao arrived at 4:33 p.m.

Present: 5 - Coenen, Reed, Firkus, Otis and Thao

Others present:

Aldersperson Vered Meltzer, District #2

3. Approval of minutes from previous meeting

[20-1095](#)

CEDC Minutes from 8-12-20

Attachments: [CEDC Minutes 8-12-20.pdf](#)

Reed moved, seconded by Otis, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - Coenen, Reed, Firkus and Otis

Excused: 1 - Thao

4. Public Hearings/Appealances

5. Action Items

[20-1096](#)

Request to approve Deed Restrictions and Covenants matching those recorded on Southpoint Commerce Park Plats 1, 2 and 3 be recorded on four (4) parcels, Tax Id #31-9-5712-00, 31-9-5712-39, 31-9-5712-40, and 31-9-5714-00, which were not created as part of Plats 1, 2 or 3 in Southpoint Commerce Park

Attachments: [DR and C Southpoint Parcels Memo_8-26-20.pdf](#)
 [SPCP Deed Restrictions.pdf](#)
 [SPCP Unplatted Lands.pdf](#)

Reed moved, seconded by Coenen, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Coenen, Reed, Firkus, Otis and Thao

[20-1125](#)

Request to approve staff to submit a competitive grant application to the Economic Development Administration (EDA)

Attachments: [MemoEDACompetitive Grant_8-25-20.pdf](#)
 [EDA CARES Act Competitive Grant Summary.pdf](#)
 [ProjectStatement_EastCentralWisconsinRegionalPlanCommissionUpdate 2.pdf](#)

Reed moved, seconded by Firkus, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Coenen, Reed, Firkus, Otis and Thao

6. Information Items

7. Adjournment

Reed moved, seconded by Otis, that the meeting be adjourned at 4:41 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Coenen, Reed, Firkus, Otis and Thao

City of Appleton
Community Development Block Grant Program (CDBG)
Notice of Funding Available and Community Needs Public Hearing

A public hearing will be held at a regularly scheduled Community and Economic Development Committee meeting on Wednesday, September 9th, 2020, beginning at 4:30 p.m. in Council Chambers on the Sixth Floor of Appleton City Hall, 100 N. Appleton Street, Appleton, WI. The primary function of this hearing is to obtain citizen views on priority community needs and the use of the City's CDBG funds for the 2021 program year.

The federal CDBG Program aims to develop viable urban communities through provision of decent housing, suitable living environments and economic opportunities, namely for low- and moderate-income persons. For more information on Appleton's CDBG Program, please visit the web site: <https://www.appleton.org/government/community-and-economic-development/grants-administration> or for questions about project/program eligibility, contact Nikki Gerhard at 920-832-6469 or email at nikki.gerhard@appleton.org.

Run: August 26, 2020



MEMORANDUM

“...meeting community needs...enhancing quality of life.”

TO: Community and Economic Development Committee
FROM: Nikki Gerhard, Community Development Specialist
DATE: September 9, 2020
RE: City Program Funding Approval and City Proposals for 2021 Community Development Block Grant (CDBG) Funding

Per City of Appleton CDBG Policy, the process of allocating 2021 CDBG funds has begun. An award estimate of \$591,226 was budgeted for the 2021 Program Year. \$591,226 is only an estimate and is subject to change upon adoption of the Federal budget. Also, according to City CDBG Policy, the CEDC must approve allocations for City Programs. Those proposed amounts total \$187,325 and are listed in the 2021 Budget as follows:

Housing Rehabilitation Loan Program - **\$29,892**

*CDBG Administrative Costs for the Community and Economic Development Department - **\$82,433**

Appleton Housing Authority - **\$75,000**

*includes funding for provision of HUD required Fair Housing Services

The balance of funds, \$403,091, is first made available to City departments and then community partners. Proposals from City departments were due August 31, 2020. One application was submitted. Upon receipt, the application was thoroughly reviewed by the Community and Economic Development Specialist for eligibility under HUD program regulations, and it was determined that the proposed project was eligible.

The proposal from the Appleton Police Department is for a collaborative program with the Boys and Girls Club known as the Summer of Service. The Summer of Service initiative seeks to engage youth in meaningful, team-based community service projects in order to instill positive attitudes towards education and empower youth to acquire valuable life skills. By teaching teens to work on teams, develop a work ethic, and improve their engagement with others, Summer of Service provides students at risk of not graduating high school an opportunity to stay on track or get back on track to graduating high school. The total request is for \$72,051.06 and would primarily fund staff salaries and fringes but would also finance supplies and materials. The entire proposal is attached.

Per HUD regulations, to be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the level of an existing service above that which has been provided by or on behalf of the unit of general local government. While the Summer of Service program was funded for the 2020-2021PY, due to the COVID pandemic, APD cancelled the program and returned the funding. However, because APD received CDBG funding during the 2019-2020PY, a quantifiable increase needs to be demonstrated by either serving more persons, expanding the geographic service area, increasing staff, or improving the quality of service. New for the program in 2021, Summer of Service plans to integrate Career-Based Learning into the program curriculum and additional work/skill development opportunities through an Appleton Area School District educator.

CEDC is asked to make a recommendation to Common Council for the proposed allocations for City programs and funding for the proposal from the Appleton Police Department. Following CEDC and Council approval of City program funding and City Department application, the next step in the CDBG allocation process are applications from community partners. Per the Community Development Block Grant Policy, after all community partner applications have been received (due September 30, 2020) and determined eligible, CEDD staff will supply the CDBG Advisory Board with the applications and all appropriate guidelines along with a summary of each proposal and an explanation of the proposal score sheet.

These packets of information are expected to be distributed to the Advisory Board members on Friday, October 9, 2020. Board members are asked to allocate funding among the applicants and return their allocations to CEDD staff who will compile all results and will present allocation recommendations at an Advisory Board meeting on October 27, 2020, during which allocation amounts will be finalized based on the anticipated projected award. Funding recommendations from this Board will be presented as an action item to the CEDC on November 11, 2020. CEDC's recommendation will then be presented to the Common Council for final approval.

If you have any questions, please contact me at 832-6469 or nikki.gerhard@appleton.org. Thank you!

Attachments:

1. APD's 2021-2022PY CDBG Application



Community Development Block Grant (CDBG) 2021 CITY PROPOSAL FORM

PART A – CONTACT INFORMATION

1. **Program/Project Name:** Summer of Service
2. **Contact Person Name/Title:** Mike Frisch/School Resource Officer Coordinator
3. **City Department:** Police Department
4. **Supervisor Name/Title (if applicable):** Polly Olson/Captain
5. **Telephone Number:** (920) 832-5930
6. **Fax Number:** (920) 832-5587
7. **Email Address:** mike.frisch@appleton.org

PART B – INDICATORS

1. **To be eligible for funding, the program/project for which you are requesting funding must address one national objective.**

☒ The project meets the needs of low- and moderate-income persons. At least 51 percent of the participants or beneficiaries of the project will meet the low- and moderate-income guidelines listed in Exhibit A.

☐ The project is located in a low- and moderate-income area. In this case, the project must be available to all the residents of one of the areas identified on the map in Exhibit B and primarily residential. Typical activities funded are area street improvements, water and sewer lines, parks and other public facilities.

☐ The project meets the needs of one of the following specific groups of people (low-mod limited clientele): abused children, elderly persons, battered spouses, homeless persons, severely disabled persons, illiterate adults, persons living with AIDS and migrant farm workers.

☐ The project provides housing assistance to low- and moderate-income households. Fundable activities include housing rehabilitation, acquisition of property for housing and homeownership assistance.

☐ The project creates or retains jobs for low- and moderate-income persons.

☐ The project eliminates specific instances of blight or physical decay. The only activities to be funded under this category are acquisition, demolition or rehabilitation of buildings.

Community Development Block Grant (CDBG) 2021 CITY PROPOSAL FORM

2. Program category:

- | | |
|--|---|
| <input type="checkbox"/> Acquisition | <input type="checkbox"/> Housing |
| <input type="checkbox"/> Administration/Planning | <input type="checkbox"/> Public Facilities |
| <input type="checkbox"/> Economic Development | <input checked="" type="checkbox"/> Public Services |

3. Priority need(s) met (use list provided in Exhibit C):

- a) Public Services
- b) _____
- c) _____

4. Proposed output type and number (select more than one if necessary):

- | | |
|--|---|
| <input checked="" type="checkbox"/> 30 persons directly served | <input type="checkbox"/> _____ housing units rehabilitated/acquired |
| <input type="checkbox"/> _____ households directly served | <input type="checkbox"/> _____ jobs created/retained |
| <input type="checkbox"/> _____ businesses rehabilitated | <input type="checkbox"/> _____ other (<i>specify</i> : _____) |

5. Check one HUD-defined objective that best relates to your potential CDBG-funded program:

- ☒ Create Suitable Living Environments → address issues in daily life (social barriers, physical barriers, etc.)
- ☐ Provide Decent Affordable Housing → address individual, family, or neighborhood housing needs
- ☐ Expand Economic Opportunity → address economic development (job creation, commercial rehab, etc.)

6. Check one HUD-defined outcome that best relates to your potential CDBG-funded program:

- ☐ Availability/Accessibility → make basic services more readily available/accessible to low-income persons
- ☐ Affordability → make basic services more affordable for low-income persons in a variety of ways
- ☒ Sustainability → improve the overall viability of communities (blight elimination, LMI benefits, etc.)

PART C – FUNDING INFORMATION

(limit narrative responses to the space provided)

1. CDBG funds requested (minimum of \$10,000): \$72,051.06

2. Percent of total program/project budget that will be covered by this CDBG award: 51.2%

3. Is it anticipated that CDBG funding will be needed for this activity in the future?
If so, describe the reason and plan for future funds.

Yes, future funding will be needed to continue running the Summer of Service program. However, the Appleton Police Department and the Boys and Girls Clubs of the Fox Valley will continue to explore funding options available in the community. Many community grants do not fund multiple years of a program so the pool of opportunities is always changing.

4. If a public service activity was funded through CDBG during the previous program year, describe the growth of the activity/program expected for the 2021PY.

The Summer of Service Program will provide Career Based Learning opportunity for participants along with the AASD

Community Development Block Grant (CDBG) 2021 CITY PROPOSAL FORM

5. Amounts of prior year CDBG awards received by your department:

2020-2021 = \$Cancelled due to Covid-19 2019-2020 = \$63,995.48

2018-2019 = \$51,847.51

6. Detailed program/project budget for CDBG funds (Please be as detailed and specific as possible)

Program/Project Activity	CDBG Award Allotment
Salaries	\$49,310.75
Fringe	\$9,070.31
Office space (program only)	\$
Utilities	\$
Communications	\$
Copies/Printing	\$
Supplies and Materials	\$7,470
Mileage	\$300
Audit	\$
Indirect costs (specify)	\$
Other (specify)	\$2,500
Other (specify)	\$1,200
Other (specify)	\$500
Other (specify)	\$1700
Other (specify)	\$
TOTAL:	\$72,051.06

7. If using the funds for wages/salaries, please list the titles of the positions and the percentage of the total wages/salary for each that will be funded by this CDBG award.

APD Lead: 12% of yearly wage

APD SRO: 5.8% of yearly wage

BGC Senior Director: 9.6% of overall salary

BGC Director: 19.3% of overall wage

Riverview Staff: 5.7% of yearly wage

BGC Staff: 12.5% of yearly wage

BGC Staff: 12.5% of yearly wage

BGC Staff: 3.7% of yearly wage

BGC Staff: 3.7% of yearly wage

8. If the entire amount of your request is not allocated, will the activity still be possible?

And if so, how will the activity be altered to allow for the smaller award?

The Summer of Service program would still be possible. Without funding, the number of staff involved would likely be cut as would our resources for purchasing uniforms and equipment. The stipends would also be reduced or eliminated altogether. Reduced resources would require limiting the number of students served. A reduced stipend would likely impact the number of students who apply as it is a major motivator.

Community Development Block Grant (CDBG) 2021 CITY PROPOSAL FORM

9. SPECIFIC major sources that will/may also fund this program/project in 2021:

Leverage Source (i.e. general funds, capital funds, etc.)	Amount	Status
a) APD In-Kind	\$18,462.03	(select one)
b) BGC lunch program	\$2662	(select one)
c) AASD In-Kind	\$3300	(select one)
d) AmeriCorps	\$35,000	(select one)
e) BGC in-kind	\$9,000	(select one)

10. Describe your efforts to secure additional/complementary funding for your program/project. If this program/project will generate program income, please note the amount and how it will be spent.

This program will not generate any income for the Police Department. The Boys and Girls Clubs of the Fox Valley also attempts to fundraise on behalf of Summer of Service but recent attempts have been insufficient to fully fund Summer of Service. For the past three years, we have also applied for an AmeriCorps NCCC team to assist in leading the program. Each year we must reapply with no guarantee of a team being awarded. The Appleton Area School District also funds one teacher to be involved for the duration of Summer of Service.

PART D – PROJECT DESCRIPTION

(limit narrative responses to the space provided)

1. Describe the activities to be carried out through this grant request and how this activity relates to the mission of your department and the City.

Summer of Service will be held three weeks in August. Participants are placed on supervised teams and assigned to work with different community non-profit partners. The day will be 8am to 4pm during the three weeks of the program. The Appleton Police Department and the Appleton Area School District provide staff to work with and mentor the participants from the three high schools. Students who complete the program are eligible for ½ credit elective work/study credit towards high school graduation.

2. Describe how the project meets the national objective and how it fits into the program category, both chosen above (Part B).

Summer of Service seeks to engage youth in meaningful, team-based community service projects in order to instill positive attitudes towards education and empower youth to acquire valuable life skills. The program provides students at risk of not graduating high school an opportunity to stay on track or get back on track to graduating. Failing to graduate high school increases an individual's risk of living in poverty, addiction, and reduces employment opportunities. The program also recognizes the potential of all youth to contribute in meaningful ways to the communities in which they live through volunteer service. Research shows youth involved in community service do better in school, have less risky behaviors, have a better sense of self and are more empowered.

3. Identify the projected target population the proposed CDBG-funded program/project will serve (i.e. age, race, residency, disability, income level, other unique characteristics/information).

Participants must be students of the Appleton Area School District and enrolled in 10th, 11th, or 12th grade for the year following the Summer of Service. Preference is given to students involved in Juvenile Court, at risk of not graduating, or being recommended as good candidates for the program. While the program does not target a specific demographic other than those mentioned it has been very diverse culturally and economically. In 2019 the program the following examples were identified: 31% African American, 8% Hispanic, 4% American Indian, 50% from a household earning less than \$34,999 38% earning less than \$25,000

Community Development Block Grant (CDBG) 2021 CITY PROPOSAL FORM

4. Describe how this program/project is unique and/or coordinates with others to avoid duplication of services and meets the high priority needs of the community as chosen in Part B.

The Summer of Service Program is very unique due to its wide-ranging collaboration with key stakeholders in the community. The program is led by the Appleton Police Department and the Boys and Girls Club of the Fox Valley. We partner with the Appleton Area School District, Riverview Gardens, Appleton Parks and Recreation, Bethesda Thrift Shop, Appleton Bike Shop, a local artist, and Outagamie County Youth and Family Services. We all work together to provide a safe environment to build work ethic, team work, and improve social engagements with peers and role model adults. In 2021 we plan to integrate career based learning through the Appleton Area School District.

PART E – OUTCOMES

(limit narrative responses to the space provided)

1. Describe how the potential CDBG-funded program relates to the outcome chosen above (Part B).

Summer of Service is a program that serves a very diverse population of students who are credit deficient within the Appleton Area School District. The vast majority of students who enter the program come from low income households with limited education backgrounds. By engaging with students through team-based community service, we give them the opportunity to earn high school credit while serving the community and building important life skills. A large number of students completing the program exhibit fewer behavior issues and increased attendance upon returning to school.

2. Briefly describe data that will be collected and/or analysis used to measure success in achieving the objective and outcome identified above (Part B) for the target population.

We Track the number of students served that earn the .5 credit. We also administer a survey to measure the number of youth who self-report the benefits of the program. In addition, we are working to develop a Memorandum of Understanding with the Appleton Area School District that, if created, will allow Boys & Girls Club staff to begin tracking the graduation of past participants now that we have been running the program for 5 years. We also hope to track student attendance and the number of office discipline referrals that SPS graduates receive upon their return to school to gauge the programs impact.

PART F – ATTACHMENTS

1. Please attach the following information relating to your program/project:

- ☒ Detailed Budget Breakdown (most current)
- ☒ Department Structure Chart
- ☒ Descriptive Material (brochures, flyers, fact sheets, etc.)

PART G – AUTHORIZATION

Lt. Mike Frisch

Name of Department Head

School Resource Officer Coordinator

Title of Department Head

Submitted electronically

Signature of Department Head

08/31/2020

Date

**Community Development Block Grant (CDBG)
2021 CITY PROPOSAL FORM**

EXHIBIT A: FY 2020 Income Limits Documentation System

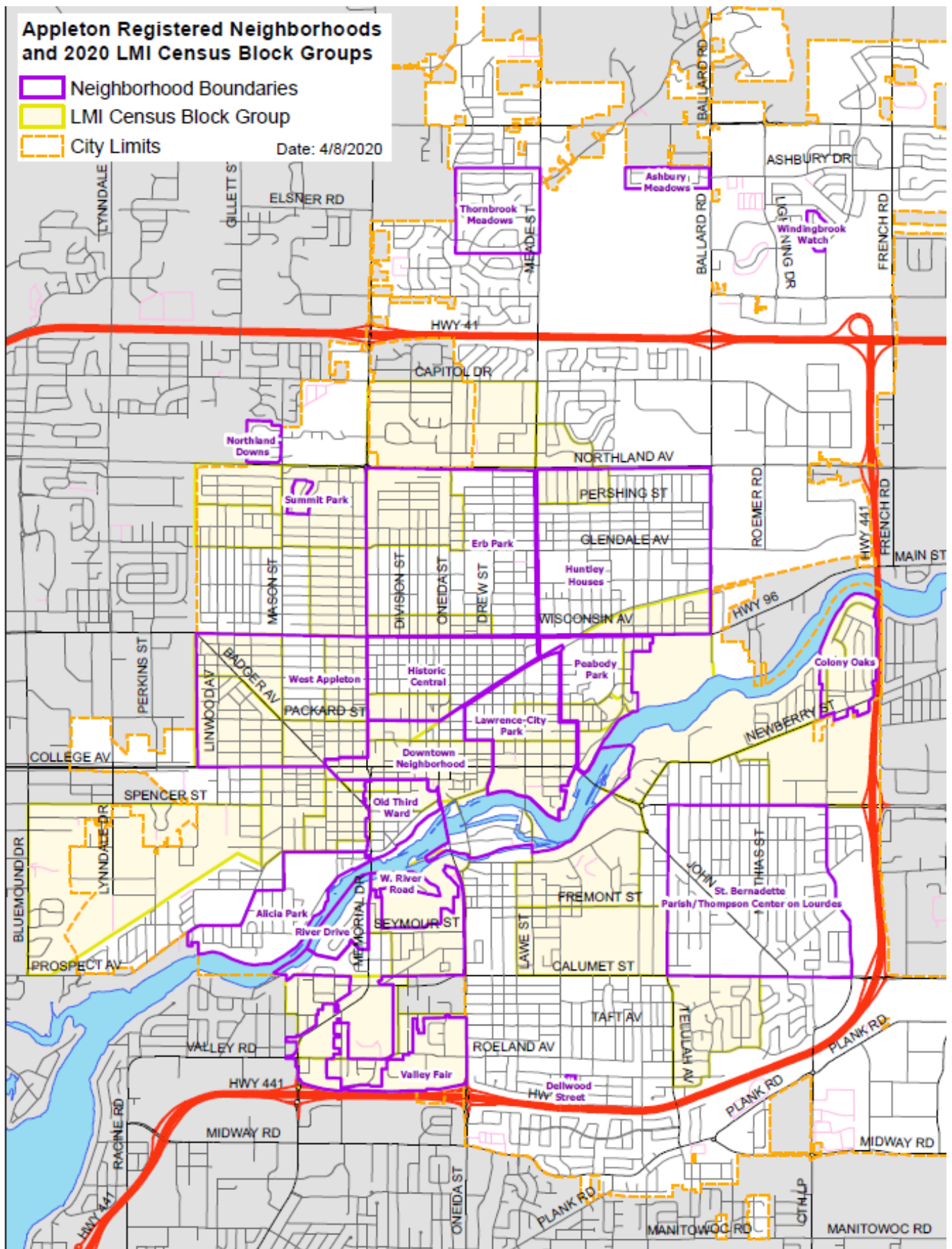
Appleton, Wisconsin MSA

FY 2020 Income Limit Category	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
Extremely Low	\$18,150	\$20,750	\$23,350	\$26,200	\$30,680	\$35,160	\$39,640	\$44,120
Very Low (50%)	\$30,250	\$34,600	\$38,900	\$43,200	\$46,700	\$50,150	\$53,600	\$57,050
Low (80%)	\$48,400	\$55,300	\$62,200	\$69,100	\$74,650	\$80,200	\$85,700	\$91,250

NOTE: The Appleton, WI MSA contains the following areas: Calumet County, WI; and Outagamie County, WI.

Community Development Block Grant (CDBG) 2021 CITY PROPOSAL FORM

EXHIBIT B



Community Development Block Grant (CDBG) 2021 CITY PROPOSAL FORM

EXHIBIT C: Priority Needs – City of Appleton

As an Entitlement Community, the City of Appleton provides grant assistance for local projects through use of Community Development Block Grants (CDBG). Each year, organizations may apply for funding to implement activities that meet the goals and objectives as defined in the City's Five-Year Consolidated Plan. The priority needs for 2020-2024, around which these goals revolve, are included in the following table:

Goals and Outcomes Summary

Five- Year Goals	Five-Year Goal Outcomes
Improve & maintain housing stock	180 owner-occupied homes rehabilitated
Homebuyer assistance	25 first-time homebuyers receive downpayment assistance
Rental rehabilitation	35 rental units rehabilitated
Acquisition for new housing	20 new housing units
Public facilities improvement & maintenance	1,300 persons assisted through allocations to community-based agencies for facility improvement & maintenance activities
Neighborhood revitalization	6,000 persons assisted through various public facility improvements
Public services	800 persons assisted through provision of various public services



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

MEMORANDUM

TO: Community and Economic Development Committee

FROM: Matt Rehbein, Economic Development Specialist

DATE: September 9, 2020

RE: Messenger Property Management Repurchase of Vacant Property, Lot 11 of Plat 1 in the Southpoint Commerce Park, to the City of Appleton

Messenger Property Management, LLC purchased Lot 11, Plat 1 in the Southpoint Commerce Park (Tax Id #31-9-5712-11) comprised of 3.25 acres from the City of Appleton on November 15, 2019 with the intent to build a new food processing facility. Subsequent to that purchase, a parcel suitable for the food processing facility came available adjacent to their existing operations in the City of Appleton. Messenger Property Management acquired the adjacent property and now intends to locate the facility on that site. As a result, Messenger Property Management has informed the City that they do not intend to build on their lot in the Southpoint Commerce Park.

Per the Deed Restrictions and Covenants (attached), the City has the right to repurchase vacant land under Section 13 "Repurchase Rights".

Following the repurchase price calculations outlined in the Deed Restrictions and Covenants, the estimated cost of the land is approximately \$126,391, subject to tax pro-rations, outstanding liens, and an assumed closing date of November 15, 2020. There is \$200,000 in the Industrial Park Land Fund Budget identified for repurchase of vacant land.

Staff Recommendation:

The City exercise its right to repurchase, per the Declaration of Covenants and Restrictions Section 13, for Lot 11 of Plat 1 in the Southpoint Commerce Park **BE APPROVED.**

Exhibit B Deed Restrictions



Appleton's Newest Business Opportunity

DECLARATION OF COVENANTS AND RESTRICTIONS

APPLICABLE TO ALL PROPERTIES SOLD IN
SOUTHPPOINT 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. ***Variances:***

Notwithstanding anything contained herein to the contrary, the City of Appleton expressly reserves the right at any time to authorize in writing variances 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

Office
Park

Retail
Center

Legend

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

Plank Road (County Highway AP)

Eisenhower Drive

Future Pond

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

9-5712-24
Lot 24
SCP Plat No. 2
2.88 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

9-5712-23
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

9-5712-37
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

Vantage Drive

Quest Drive

Alliance Drive

Milis Drive

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

Eisenhower Drive

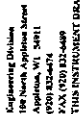
Coop Road

Officially Mapped Midway Road

Midway Road



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.



CALCULATION OF REPURCHASE PRICE PER DEED RESTRICTIONS FOR LOT 11, PLAT 1 SPCP

Purchase Price	\$130,000.00
Sale Date	11/15/2019
Lot Size	3.25 Acres
Sum of Original Purchase Price	\$130,000
Special Assessments (Add)	-
Unpaid Property Taxes (Deduct)	-
Pro-Rata Current Yr. Property Taxes (Deduct)	2,509 *
Title Insurance Premium (Deduct)	-
RE Commission Pd. At Closing (Deduct)	-
Liens and Encumbrances (Deduct)	**
Option Fee (Deduct)	2,600 ***
ESTIMATED REPURCHASE PRICE	\$124,891
TO SELLER PER DEED RESTRICTION LANGUAGE	
Estimated Transaction Costs	\$1,500
TOTAL ESTIMATED COST	\$126,391

*Assumes close date Nov. 15, 2020 (Est. 2020 Tx \$2,693.46)

**Don't know liens/encumbrances

***1 year at 2% of sales price

Southpoint Commerce Park Appleton, Wisconsin

