

## Waiver of Deed Restrictions

Fox Valley Investment Properties, LLC, is the owner of 7.72 acres of property in the City of Appleton's Northeast Business Park Plat No. 2 and encompassing Lot One (1) and Lot Two (2) of Certified Survey Map No. 7369. The above-described property is subject to the Declaration of Covenants and Restrictions recorded in the Outagamie County Register of Deeds Office on November 9, 2001 as Document No. 1435667.

Fox Valley Investment Properties, LLC, now seeks to convey Lot Two (2) of Certified Survey Map No. 7369 to Lightning Office, LLC, for the purposes of the development and construction of an 8,400 square foot office building.

The City of Appleton releases Fox Valley Investment Properties, LLC, and their successors in interest from the provisions of the Restrictive Covenants in effect for said property and filed with the Outagamie County Register of Deeds dated November 9, 2001 as Document No. 1435667, regarding provision number 13 wherein it stated, "**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."

Such release is for the purpose of the conveyance of Lot Two (2) Certified Survey Map No. 7369 from Fox Valley Investment Properties, LLC to Lightning Office, LLC.

This Waiver of Restriction applies solely to the parcel described on the attached Exhibit A.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

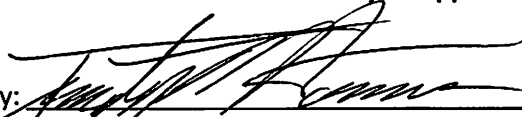
Record and return to:

City of Appleton – City Attorney's Office  
100 North Appleton Street  
Appleton, WI 54911-4799

Tax Key No. 31-1-

Dated this 29 day of June, 2017.

City of Appleton, a Wisconsin Municipal Corporation

By:   
Timothy M. Hanna, Mayor

By:   
Kami Lynch, City Clerk

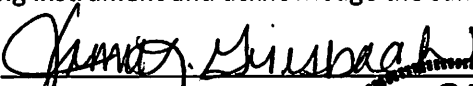
ACKNOWLEDGMENT

State of Wisconsin )  
: ss.  
Outagamie County )

Personally came before me on this 29 day of June, 2017, the above named Timothy M. Hanna and Kami Lynch, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

This instrument was drafted by:  
James P. Walsh, City Attorney

City Law: A17-0469

  
Jamie L. Griesbach  
Notary Public, State of Wisconsin  
My commission expires 12/17/2017

