

RESOLUTION 2026-5529

RESOLUTION APPROVING AMENDMENT TO PROTECTIVE COVENANTS FOR NEW PROSPERITY CENTER

WHEREAS, lands within the NEW Prosperity Center are subject to Protective Covenants dated October 24th, 2006, which are recorded as Document No. 1742383 with the Register of Deeds of Outagamie County, Wisconsin; and,

WHEREAS, said Protective Covenants may be amended only upon the recording of an instrument to said effect duly signed by a majority of the then owners of the lots in said subdivision with the approval thereof by the Common Council as evidenced by a resolution duly adopted by at least a three-fourth's favorable vote of all members of the Common Council; and,

WHEREAS, in determining a majority of property owners one vote shall be counted for each owner owning three acres of land or less, and one additional vote for each full three acres, with a maximum of ten (10) votes for any one property owner, counting the unsold lands retained by the City of Kaukauna; and,

WHEREAS, the City of Kaukauna received duly executed and notarized consents from property owners entitled to vote under Paragraphs 10 and 11 of the Protective Covenants, and the votes cast in favor of the proposed amendment constitute the required majority for amendment of the Protective Covenants; and

WHEREAS, the Industrial Park Commission, at its meeting of October 14th, 2026, made recommendation to approve the amendment;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin that the following amendment be added to the NEW Prosperity Center Protective Covenants:

"2. Setbacks and Bulk Regulations

A. Front Yard. Any part or portion of any building shall be set back at least fifty (50) feet from the lot line adjoining any street. **The Commission may approve a reduced front yard setback. In no event shall the front yard setback be less than twenty (20) feet.**

BE IT FURTHER RESOLVED, that the appropriate City officials are authorized to execute and record any documents necessary to effectuate this amendment.

Adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 20th day of October, 2026.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, City Clerk