

## RESOLUTION 2026-5520

### RESOLUTION APPROVING AMENDMENT TO PROTECTIVE COVENANTS FOR KAUKAUNA INDUSTRIAL PARK

**WHEREAS**, lands within the Kaukauna Industrial Park are subject to Protective Covenants dated September 8<sup>th</sup>, 1975, which are recorded as Document No. 699644 in Volume 988 of Records, Page 693, 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 11 and 12 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 June 29<sup>th</sup>, 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 Kaukauna Industrial Park Protective Covenants:

**"Limited Exception for Outdoor Storage.** Notwithstanding the provisions of these Protective Covenants relating to building setbacks, landscaping, and outdoor storage, the City of Kaukauna may, at its discretion, approve the placement of fencing and the use of outdoor storage areas on property owned by Team Industries within the South Industrial Park.

Any such fencing and/or storage shall be permitted only upon approval by the City of Kaukauna and pursuant to a written agreement with the City, and shall be subject to all conditions, restrictions, and requirements established by the City, including, but not limited to, requirements for screening, materials, setbacks, location, and operational use.

The City of Kaukauna reserves the right, at any time and in its sole discretion, to modify, restrict, or prohibit such fencing or storage if it determines that such action is necessary to address safety, aesthetic, or operational concerns, or to ensure compliance with applicable regulations.

Notwithstanding the foregoing, no fencing, storage, or other improvements shall be permitted in any area that interferes with required vision clearance, sight lines, or traffic visibility, as determined by the City of Kaukauna.

This exception shall apply only to property owned by Team Industries and shall not be construed as permitting or authorizing similar fencing or storage conditions on other properties within the subdivision.

Except as expressly provided herein, all other provisions of these Protective Covenants shall remain in full force and effect.”

**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 7<sup>th</sup> day of July, 2026.

APPROVED: \_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTEST: \_\_\_\_\_  
Kayla Nessmann, City Clerk