

RESOLUTION 2026-5519

RESOLUTION APPROVING AMENDMENT TO PROTECTIVE COVENANTS FOR KAUKAUNA INDUSTRIAL PARK

WHEREAS, lands within the Kaukauna Industrial Park are subject to Protective Covenants dated September 8th, 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 29th, 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 Prospect Lane Parking. Notwithstanding the provisions of Paragraph 6 of these Protective Covenants, the City of Kaukauna may, at its discretion, designate and permit parking within the public right-of-way along the west side of Prospect Lane, but only in such locations and configurations as are expressly approved by the City of Kaukauna.

Any such parking 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, as may be amended from time to time, including, but not limited to, limitations on the type, number, orientation, and duration of parking spaces, as well as requirements necessary to preserve traffic safety,

visibility, pedestrian access, and truck maneuverability.

The City of Kaukauna reserves the right, at any time and in its sole discretion, to modify, restrict, suspend, or terminate any such permitted parking if it determines that such action is necessary to address safety concerns, traffic operations, or compliance with applicable regulations.

This exception shall apply only to the specific area described herein and shall not be construed as permitting or authorizing parking on any other public street 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 7th day of July, 2026.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, City Clerk