

WHEREAS, City of Sully (referred to as City) is the owner of certain property in Jasper County, Iowa which property is more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof (hereinafter referred to as the "Property"); and

WHEREAS, City desires to develop the Property as an industrial park, and to be zoned commercial under the zoning ordinances of the City of Sully; and

WHEREAS, City desires to establish certain restrictions and covenants for the benefit of owners within the Sully Business Park;

NOW THEREFORE, City by the execution and recording of this document hereby declares that all property shall be held, occupied, sold, and conveyed subject to the restrictions and covenants hereinafter set forth.

- 1. PURPOSE:** The purpose of these restrictions and covenants is to set forth certain conditions and restrictions to insure the development of a desirable environment for industrial development, to insure that the development is compatible with adjacent land use, and to insure that the development brings jobs and economic growth to the City of Sully and the surrounding area.
- 2. Duration:** These covenants, conditions, or restrictions shall run with the land and be binding on all parties and all persons or entities claiming by, through, or under them, until January 1, 2022, at which time the covenants shall be automatically extended for successive 20 year periods on the filing of a verified claim by the owner of any one lot in the subdivision, pursuant to Section 614.24, Code of Iowa, unless a majority of the then owners of lots in the subdivision modify or terminate the covenants by the execution and recording of an instrument in writing with respect thereto. These covenants may be amended prior to January 1, 2022, by an instrument in writing, executed by the majority of the then owners of lots in the subdivision. Any such amendment must be approved by the City and recorded.
- 3. DECLARATION:** City declares that the Property described in the attached Exhibit "A" shall be held subject to the conditions, restrictions, and covenants set forth in this document, each and all of which are for the benefit of each owner of any portion of the Park, and each and all of which shall apply to and bind the respective successors in interest of the property and any portion of the property.
- 4. Land Selling Price:** City shall set the initial selling price per acre.
- 5. Minimum Taxable Valuation:** Each acre within the business park will have a minimum taxable value of \$30,000 per acre.
- 6. Project Incentives:** The property tax rebate that can be obtained is based upon the taxable valuation and the number of new jobs created and retained. Project incentives pertain only to projects in the new Business Park.
 - a. Taxable Valuation:** Property must have a minimum taxable valuation of \$100,000 (not including land valuation) to qualify for any credit. For each \$100,000 of taxable valuation (not including land valuation), a credit of \$2,500 is available. The Jasper County Auditor will determine the taxable valuation amount. The credit will be applied in the form of a property tax rebate. Property improvements in subsequent years will not be eligible for the incentive. This incentive is not available if taxable valuation (not including land valuation) is less than \$100,000.
 - b. New Jobs:** For each new full time job created and active within 6 months of project completion, a credit of \$2,500 is available. If after 3 years, total number of new jobs has decreased, the \$2,500 credit for each decreased job must be repaid or it will be added to the property tax amount for the current year. Jobs that are transferred as a result of business expansion or the consolidation of businesses are not eligible for this incentive.

7. PROHIBITED USES OF PROPERTY: While the City Code provides a definition of permitted uses for property zoned commercial, the following operations and uses **shall not** be permitted in the park.

- a. Junkyard or salvage yard.
- b. Distillation of bones
- c. Dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals, or other refuse
- d. Fat rendering
- e. Stockyard or slaughter of animals
- f. Activity that causes excessive or offensive dust, air, noise, water pollution; vibration, emission of odorous, toxic or non-toxic mater; or activity that creates a high potential for an uncontained explosion
- g. Activity that would present a danger to the residents of the City of Sully or generate unreasonable or excessive smoke, traffic or air and water pollution that would create an unreasonable nuisance.
- h. Residential

8. Permitted Uses: The following uses are permitted to locate within the Park.

- a. Laboratories, offices, telemarketing, or similar facilities
- b. Product manufacture or assembly within enclosed structures
- c. Distribution centers
- d. All industrial uses except those that would present danger to residents of the City of Sully or generate excessive noise, smoke, traffic, or air and water pollution that would create a nuisance as defined in the City Code.
- e. Wholesaling and warehousing
- f. Production, processing, servicing, testing, repair or storage of materials, equipment or goods.
- g. Agricultural activities
- h. Services which are necessary to assist the permitted uses including, but not limited to, accounting, legal, printing, research, day care, and mailing centers.

9. Parking: No on street parking will be allowed

10. Dumping / Waste / Refuse Removal: All refuse containers shall be screened from the public.

Refuse containers shall not be located in the front of a building. On-site dumping of materials, containers, or by-products of a business is forbidden. It is the responsibility of the owner to arrange for the proper disposal through a private contractor.

11. Water Run-Off: Each lot in the park will be graded such that run-off drains to the street ditch or to the drainage swale.

12. Easements: Perpetual easements are reserved for the purposes and over the areas shown on the final plat of the Business Park.

13. Review and Approval of Building Plans: All building and site plans shall be submitted to the City of Sully for approval to insure compliance with these regulations. All plans should be submitted to the City Council for approval to insure compliance with the covenants.

14. Building Setbacks: Buildings shall be setback 35 feet from any street side property line. For the back and side setback, a distance of 5 feet from the property line must be maintained. The setback distance is measured from the property line to the building edge. The building edge would include any building overhang or building front entrance.

15. Truck Loading: Truck loading docks shall be installed in such a location and in such quantity to permit trucks to load and unload behind the street.

16. Signage: The building identification sign shall be ground mounted or building mounted, front set back at least 25 feet, 150 feet from intersections and limited to one. All signs must be approved prior to construction by the City Council. City Council approval shall not be unreasonably withheld so long as in keeping with professional and tasteful aesthetics of the park.

17. Time For Construction: City reserves the right to re-purchase parcels if owner does not start construction within 1 year (12 months) of property purchase from the City or does not substantially complete the construction of proposed project in two years. City will have the absolute right to purchase the parcels for seventy-five percent (75%) of the original purchase price.

18. Parking Areas: Shall have an all-weather surface and appropriate seeding.

19. Exterior Lighting: All wiring for exterior lighting shall be underground; glare onto adjacent properties shall be minimized. Light standards restricted to neutral or dark colors. Light sources shall be color corrected high-pressure sodium or equivalent.

20. Drainage Tile: If agricultural drainage tile is found during construction of a building in the Park, the lot owner shall preserve the tile so that it continues to provide drainage. The lot owner may move the tile to accommodate the building construction. If the tile is moved, the lot owner shall relocate and reconnect the tile to allow adequate drainage.

21. Driveway Requirements: Driveways cannot be located in the turning radius of any street intersection. City of Sully Zoning Administrator may set specific requirements for driveway width and size of driveway drainage pipe. The City of Sully will not furnish required drainage pipe for driveways.