

**PROTECTIVE COVENANTS
HILLCREST INDUSTRIAL PARK
COLMAN, SOUTH DAKOTA**

Whereas, The Corporation intends to develop and offer for sale lots and tracts in Hillcrest Industrial Park, Colman, South Dakota; and is desirous of subjecting all parcels within the development to certain covenants, easements, restrictions, conditions and charges as hereinafter set forth;

The Corporation does hereby impose and charge all parcels within the Hillcrest Industrial Park with certain exceptions, covenants, agreements, easements, restrictions, conditions, and charges as set forth herein, hereby specifying that said Declarations shall constitute covenants to run with the land, and shall be binding on all parties and all persons claiming under them, and for the benefit of and limitations upon all future owners in said development.

1. COMPLETION DATE

Building of the business must commence within 12 months of the date of purchase from CEDC with completion within 12 months from that date. In the event that construction has not been started and completed, CEDC reserves the right to purchase the lot back at 80% of the original purchase price.

2. EASEMENTS RESERVED

Easement and rights-of-way for utilities, storm sewer, and drainage Purposes and functions are hereby expressly reserved to The Corporation, its successors and assigns over the areas as shown for that use, including, but not limited to those easements hereinafter granted.

Such easements may be used for the construction, installation, maintenance and location of underground electric or communication cables, storm drainage or sanitation sewers, pipelines for supplying gas, water or heat, including mains and

service pipes. Full disclosure of the easements and their locations are available at the City Offices on Main Street, Colman, SD.

The purchasers of lots and tracts within this development shall at their own cost and expense keep and preserve that portion of the easement and right-of-way within their own property lines at all times in a good condition of repair and maintenance.

1. GRANT OF EASEMENTS

a. Land Use. The property shall be used only for those purposes permitted by the zoning ordinances of the City of Colman and the environmental laws of the State of South Dakota.

b. Prohibited Operations and Uses.

The operation and use of drilling for and/or removal of oil, gas, or other hydrocarbon substances on any property subject to these Protective Covenants shall not be permitted without prior written consent of The Corporation.

The following operations and uses shall not be permitted on any property subject to these Protective Covenants:

Residential uses

Trailer or mobile home courts

Labor camps

Junkyards

Distillation of bones

Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals or refuse

Fat rendering

Stockyard

Refining of petroleum or its products

The raising of animals of any kind or nature

c. Types of Construction. Exterior walls of all buildings should be constructed of new materials: masonry, steel materials or wood or the kind, type and use of materials shall be subject to the

ordinances of the City of Colman. Any exception to this policy will need the approval of the Colman Economic Development Corporation on a case-by-case basis.

- d. **Approvals of Plans.** Before commencing the construction or alteration of any buildings, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on or to any site or lot, the property owner shall first submit site plans and specifications to The Corporation for its review. The Corporation will advise in writing the approval or denial of the plans as submitted. A building permit and approval is required from the City of Colman.
- e. **Minimum Yard Requirements.** The Corporation may or may not want minimum lot requirements as determined by needs of the business. Minimum distance between any two buildings on the same tract or lot should be 20 feet. Front setbacks should be 25 feet. Side setbacks should be 10 feet. Rear setbacks should be 20 feet.

Parking Facilities. The owner shall provide the necessary parking off the street based on anticipated employees and workflow.

In no case shall any storage, servicing or dismantling of automobiles or other vehicles or loading operations be permitted in the required parking areas. All parking shall be hard surfaced with appropriate curb.

- f. **Loading Area Requirements.** All loading and unloading operations shall be off-street. No loading or unloading shall be permitted in the parking or lawn areas or in a location, which will interfere with ingress or egress thereto. Loading areas shall be hard surfaced. No loading docks shall be constructed facing any public street or highway unless the loading dock and every part thereof is at least seventy-five (75) feet inside the lot line of the street or highway on which said loading dock fronts.
- g. **Outside Storage.** Outside open storage may be stored in the rear yard when properly screened from view from all sides by means of an opaque fence or wall (as opposed to a screen fence)

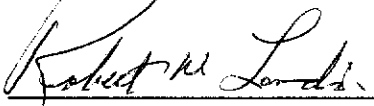
minimum of 6 feet high, which shall be maintained in good condition.

- h. Outdoor signs.** Outdoor signs identifying the name, business, and products of the occupant of any given site may be utilized with the prior approval of The Corporation and/or the City of Colman. Such signs shall not be larger than six (6) feet in height and ten (10) feet in length. Appropriate logos will be permitted.
- i. Maintenance of Undeveloped Areas.** That portion of each tract that is not improved with buildings, parking facilities, loading facilities shall be seeded with grass and deemed a lawn area. No part of any of the land area shall be planted or cultivated with row crops.
- j. Fences.** All fencing for screening, security or other purposes shall be attractive in appearance and shall be industrial appropriate of galvanized, nonferrous material or wood. No fence, masonry wall, hedge or mass planting shall be permitted to extend beyond the building setback lines set forth by the applicable planning and zoning ordinances without first obtaining prior written approval of The Corporation. A Building permit is required from the City of Colman.
- k. Zoning and Building Regulations.** The use and building regulations as now or hereafter imposed by the provisions of the Zoning and Building Ordinances of the City of Colman, South Dakota and shall apply throughout the development except as such may be modified by a duly constituted authority.
- l. Replatting and Subdividing.** The owner of any lot or parcel within this development shall never at any time replatt, subdivide or re-subdivide any lot into a small lot or parcel or in any other manner change this plat without first obtaining the prior written approval of The Corporation.

- m. Wastes.** No garbage or de-composable animal or vegetable wastes shall be placed or stored upon any lot or tract except in tightly covered metal or plastic containers. All other refuse shall be placed in containers or enclosures in a manner not constituting a nuisance by reason of wind-litter, disorderly appearance or abnormal fire hazards. The owner shall be responsible for the removal of garbage and other refuse from his premises at least once each week.
- n. Exterior Illumination.** Illumination will be required on all exterior wall facing streets or proposed streets and for all parking areas and walkways between buildings and parking areas unless otherwise waived or modified in writing.
- o. Duty of Maintenance.** Owners and occupants of any part of The Properties shall jointly and severally have the duty and responsibility, at their sole cost and expense, to keep that part of The Properties so owned or occupied, including builds, improvements, and grounds in connection therewith, in a well-maintained, safe, clean and attractive condition at all times. Such maintenance includes, but is not limited to the following: prompt removal of all snow, litter, trash, refuse and wastes; lawn mowing, tree and shrub pruning; watering; keeping exterior lighting and mechanical facilities in working order; keeping lawn areas alive, free of weeds and attractive; keeping parking areas, driveways and roads in good repair; complying with all government health and police requirements; striping of parking areas and repainting of improvements and repair of exterior damages to improvements.
- p. Enforceability.** Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.
- q. Severability.** In any paragraph or part thereof of this Declaration be declared invalid, illegal or inoperative for any reason, the remaining parts so far as possible and reasonable shall remain fully effective and operative.

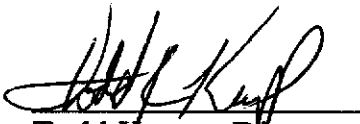
- r. Revisions. This Declaration will remain in force until such time as The Corporation determines a need for revision.
- s. Top-Soil, Black Dirt. Excess or extra top-soil or black dirt will be retained by CEDC or the city of Colman for future use in either the commercial or residential developments as needed.

Approved by the Colman Economic Development Corporation's Board of Directors this 6th day of July, ~~2019~~, 2020.


Robert W. Landis, President


Terry Thompson, VP


Brooke M Rollag, Sec/Treasurer


Todd Keupp, Director


Lori Hansen, Director


Brent Nelson, Director