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Prepared by:
Dennis E. Olson
Economic Development Director
304 South Main Avenue, PO Box 95
Brandon, SD 57005
Phone: (605) 366-2387



Recorded Aug 10, 2021 at 08:15
In Book 295 of Misc. on Page 878

Julie D. Risty, Register of Deeds
Minnehaha County, South Dakota

By [Signature], Deputy 30pd

R127454

**DECLARATION OF RESTRICTIONS
AND PROTECTIVE COVENANTS AND CONDITIONS
ROVANG INDUSTRIAL PARK**

This Declaration is made this 18th day of June 2021 by the Brandon Development Foundation, Inc., a South Dakota non-profit corporation, with its principal office located in Brandon, South Dakota, hereinafter called the "Foundation", and the undersigned property owners.

RECITALS

WHEREAS, the Foundation intends to develop and offer for sale lots and tracts to be located within the Rovang Industrial Park (herein referred to as the ("Development")), and are desirous of and intend to subject all of the land located within the Development to certain covenants, easements, restrictions, conditions, and charges as hereinafter set forth;

NOW, THEREFORE, the said party does hereby impose and charge the following described real property located in Brandon, South Dakota, with the following covenants, agreements, restrictions, and charges as set forth in this Declaration hereby specifying that this Declaration shall constitute covenants running with the land and shall be binding upon, and for the benefit of all owners of lots or tracts. to be platted within Rovang Industrial Park, Brandon, South Dakota, as follows:

Tract 1, Rovang Industrial Park in the Southwest Quarter (SW 1/4) of Section Twenty-Two (22), Township One Hundred Two (102) North, Range Forty Eight (48) West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof.

DECLARATIONS

1. Land Use.

The property in the Development shall be used only for those purposes as permitted by the zoning ordinances of the City of Brandon and the environmental laws of the State of South Dakota as the same may be amended or changed from time to time. The Brandon Development Foundation's intended use of this property is for industrial purposes only.

2. Type of Construction.

The kind, type, and use of materials shall be subject to the ICC International Building Code as contained in the Revised Ordinances of the City of Brandon, State of South Dakota, as the same may be amended or changed from time to time, and as approved by the Site Committee of the Foundation as set forth in paragraph three below. The Site Committee of the Foundation shall be comprised of members of the Board of Directors of the Foundation.

3. Approval of Plans.

- A. Before commencing the construction of the principle building, including: enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on any tract or lot, the property owner shall first submit site plans and specifications therefore to the Site Committee of the Foundation for its prior written approval. The Site Committee agrees that approval shall not be unreasonably withheld provided, however, that the building or other structures or improvements shown thereon are harmonious in design and construction with the then existing buildings, structures, and improvements in the Development.
- B. Plans submitted must include all drawings and specifications as required by the City of Brandon to obtain a building permit that may change from time to time. In addition submitted specifications must contain sufficient data to indicate all materials and finishes for all foundations, framework, exterior walls, and roofs of buildings, and for all outside storage, fencing, and walls.
- C. The Site Committee shall approve or disapprove the plans and specifications within three (3) business days after the plans and specifications have been submitted. Approval or disapproval shall be presented in writing.

4. Easements and Rights-of-Way.

The easements, dedicated rights-of-way for utilities, easements for storm sewer drainage purposes and functions, and the dedicated streets and highways shall be shown on the plat or plats of Tract 1, Rovang Industrial Addition filed or to be filed by the Foundation and shall be for the uses and purposes as marked and noted on such plat or plats.

5. Zoning and Building Regulations.

The use and building regulations as now or hereafter imposed by the provisions of the Zoning & Building Ordinances of the City of Brandon, South Dakota, shall apply

throughout the Development except as the same may be modified by the duly constituted authority.

6. Exceptions and Modifications.

The Board of Directors of the Foundation shall be authorized to make such exceptions to, or modifications of, these Declarations as unusual circumstances or special situations may warrant; provided, however, that such exceptions or modifications shall not invalidate these Declarations in principal or general objectives. Except for unusual circumstances or special situations the Foundation shall enforce these Declarations in a non-discriminatory manner.

7. Duration.

These Declarations shall run with the land and be binding upon all present and future owners of any part of the land within the Development

8. Severability.

If 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.

9. Enforcement.

Enforcement shall be the Foundation or any real property owner within the Development, by proceedings at law or in equity against any person or persons violating or attempting to violate any of these Declarations, either to restrain such violation or attempted violation, for specific performance, and/or to recover damages, including reasonable attorney fees. This Declaration shall be construed in accordance with the laws of the State of South Dakota.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned parties have executed this Declaration of Restrictions and Protective Covenants and Conditions, the day and year as written above.

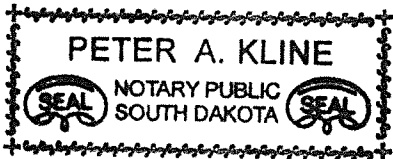
BRANDON DEVELOPMENT
FOUNDATION, INC.

By: *Dennis E. Olson*
Dennis Olson, Director

STATE OF SOUTH DAKOTA)
): SS
COUNTY OF MINNEHAHA)

On this, the 18th day of June, 2021, before me, personally appeared Dennis Olson, who acknowledged himself to be a Director of **Brandon Development Foundation, Inc.**, a South Dakota non-profit corporation, and that he, as such Director, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Director.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Peter A. Kline
Notary Public – State of South Dakota

My Commission Expires:
(seal) My Commission Expires August 20, 2024

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