

BK/PG: 1562/1139-1155

12005801

17 PGS : AL - RESTRICTIONS

SHARON BATCH: 87539

06/28/2012 - 09:34 AM

VALUE 0.00

MORTGAGE TAX 0.00

TRANSFER TAX 0.00

RECORDING FEE 0.00

DP FEE 0.00

REGISTER'S FEE 0.00

TOTAL AMOUNT 0.00

STATE OF TENNESSEE, ANDERSON COUNTY

TIM SHELTON

REGISTER OF DEEDS

COVENANTS AND RESTRICTIONS

FOR THE

DAVID JONES INDUSTRIAL PARK

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COVENANTS AND RESTRICTIONS

FOR THE

DAVID JONES INDUSTRIAL PARK

KNOW ALL MEN BY THESE PRESENTS: That Anderson County, Tennessee, a political subdivision of the State of Tennessee, is the owner of land lying within the boundaries of Anderson County, Tennessee, which is designated as the David Jones Industrial Park, for and in consideration of the mutual covenants existing or hereafter to exist by and between itself and the grantee or grantees of any site or lot lying within the boundaries of the David Jones Industrial Park, does hereby adopt and place the following restrictions upon any and all sites and lots within the David Jones Industrial Park.

DEFINITIONS

- A. The David Jones Industrial Park of Anderson County, Tennessee, shall hereinafter be referred to as "DJIP".
- B. The Anderson County Economic Development Association, shall hereinafter be referred to as "ACEDA".
- C. The Anderson County Regional Planning Commission, shall hereinafter be referred to as "ACRPC".

PURPOSE

It is the intent and purpose of these covenants and restrictions to insure proper use and appropriate development and improvement of each building site in DJIP; to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property; to guard against the erection of structures built of improper or unsuitable materials; to encourage the erection of attractive improvements on each site; to prevent haphazard and inharmonious improvement of building sites; to secure and maintain property setbacks from streets and adequate free spaces between structures; and in general to provide adequately for the highest and best quality of improvement of DJIP.

OBJECTIONABLE USES

- A. No use will be made of any lot or any portion thereof or any building or structure thereon at any time, nor shall any materials or products be manufactured, processed, or stored thereon or therein, which shall cause an undue fire hazard to adjoining properties, which shall constitute a nuisance or cause the emission of noxious odors, liquids, gases, dust, fumes or smoke, or cause noises or other conditions which shall constitute a violation of any applicable law of the United States, the State of Tennessee, local government jurisdictions, or any ordinance or resolution promulgated there under.
- B. In addition, the following uses are specifically prohibited:
1. Auto wrecking, salvage yards, used materials yards, junk yards, or dumps
 2. Asphalt plants.
 3. Acid manufacture for sale as an end product.
 4. Animal hospitals.
 5. Bulk gasoline or oil storage tanks and other facilities which would be a fire hazard.
 6. Slaughter houses and packing sheds.
 7. Primary paper mills.
 8. Mining and quarrying operations.
 9. Landfills.
 10. Agricultural uses.
 11. Automobile/truck repair.
 12. Any use or activity which emits or produces excessive odors, dust, fumes, smoke, toxic waste, or noise in the opinion of the ACEDA.
- C. Construction and alteration of improvements in DJIP shall be in accordance with the requirements of all applicable Building, Zoning and other Codes and Regulations of local, State and/or Federal agencies.
- D. Notwithstanding the foregoing, or any provisions or restrictions contained herein, the Anderson County Board of Commissioners may approve upon majority vote to allow and approve a public convenience center or waste transfer station on property owned by Anderson County and/or operated by the County or designated contractor within the DJIP for the sole purposes of providing household waste disposal and community recycling efforts subject to the Operational Guidelines for such facility approved by the Anderson County Board of Commissioners on February 21, 2012 or as amended by vote of at least two-thirds (2/3) of County Commission.

SUBDIVISION AND RESALE RIGHTS

The property within DJIP cannot be subdivided without the written consent of ACEDA, and the original owner, Anderson County. The Board of Commissioners of Anderson County, Tennessee shall have the first option to repurchase the vacant subdivided property at the cost of the original sale price within the first three years of the original transfer of deed from Anderson County to the grantee. If the sale of subdivided property occurs after three years the Board of Commissioners of Anderson County shall have the option to repurchase the vacant subdivided property at the cost of the original sale price plus no more than five percent (5%) per year after the three year period set forth above subject to a maximum of fifteen percent (15%).

RECAPTURE

If after the expiration of twelve (12) months from (a) the date of the execution and delivery of any deed by Anderson County to any site in DJIP, or (b) the date that possession of such site is granted to a user, the owner or user of such site shall not in good faith have begun construction of an industrial building thereon, then Anderson County shall have the option and privilege of repurchasing said site from the owner thereof at the same price paid to Anderson County for same or terminating the user's occupancy of said site as appropriate; provided, however, that, upon the approval of ACEDA Board, Anderson County may, in writing, from time to time extend the time period in which such building may be begun. Each extension shall not exceed 12 months and only two extensions may be granted per site. If no improvements to said property have been started after the second extension Anderson County shall have the first option to repurchase said property at the cost of the original sale price.

DURATION OF COVENANTS

Each term, condition and covenant herein contained shall continue in full force and effect and be binding upon the grantees, their heirs, successors and assigns, and upon each of them, and upon all parties and all persons claiming under them, for a period of thirty (30) years from and after the twenty sixth day of July, 1993, and shall be continued automatically thereafter for successive periods of twenty-five (25) years each, provided, however, upon the recommendation of ACEDA, that the majority of the membership of the Board of County Commissioners of Anderson County may at any time hereafter release and relieve all or any part of the conditions and covenants contained herein, or may at any time hereafter release and relieve all or any part of the conditions and covenants contained herein, or may at any time hereafter repeal in its entirety any one or more of the same, or may at any time hereafter alter, change, or modify any one or more of the same, by executing and acknowledging an appropriate instrument in writing for such purpose and filing the same of record in the Office of the Register of Deeds of Anderson County, Tennessee. Upon the recommendation of ACEDA Anderson County at an expedited, special called meeting of the Anderson County Board of Commissioners, may waive compliance with these protective covenants in whole or in part for a particular owner upon good cause shown.

COVENANTS RUN WITH THE LAND

The covenants and conditions contained in this instrument shall run with, bind and inure to the benefit of and be enforceable by Anderson County, its successors and assigns.

ENFORCEABILITY

Complaints of non-compliance with any of the terms and conditions embodied herein shall first be sent to the ACEDA President. Complaints are authorized only from existing tenants and property owners inside the geographic boundaries as established by the Anderson County Board of Commissioners. When a complaint is received, the ACEDA President shall immediately undertake an investigation of the matter, notify the appropriate property owner and tenant(s) and attempt to resolve the matter within ten (10) days from the date of the initial complaint. If the non-compliance issue has not been fully resolved within ten(10) days, the ACEDA President shall make a full report to the ACEDA Executive Committee for additional guidance and recommendation for corrective measures. Upon majority vote of the ACEDA Executive Committee, recommendations for full compliance shall be immediately sent to the Anderson County Board of Commissioners for additional action and resolution. Upon receipt of written correspondence from the ACEDA Executive Committee, the Anderson County Board of Commissioners shall refer the matter upon majority vote to the Anderson County Law Director. If the Law Director is unsuccessful in resolving the matter within thirty (30) days, the Law Director shall present investigative findings to the Board of Commissioners for additional action. Upon majority vote of the Board of Commissioners the Law Director shall institute legal proceedings to mandate full compliance with the terms and conditions set forth herein.

If the issue involves litter along the roadways and needs immediate attention, and is not being resolved by the County, the ACEDA President shall immediately endeavor to contact the Anderson County Solid Waste Director to rectify the issue. If after one business day, the issue is not resolved, the ACEDA President with authorization of the ACEDA Executive Committee, is authorized to hire a third party to resolve the litter issue and bill the County for the costs.”

Violation of any of said covenant or condition, or breach of any agreement herein contained shall give Anderson County, its successors or assigns, in addition to all other remedies, the right (but not the obligation) to enter upon the land as to which such violation or breach exists and summarily to abate and remove any erection or thing or correct any condition that may constitute such violation or breach at the expense of the then owner of such land, which expense shall be a lien on such land enforceable in Equity; provided, however that no such entry shall be made unless the violation or breach has not been remedied and corrected within thirty days after delivery of notice of such violation or breach from Anderson County, its successors or assigns to the occupant of the premises on which the violation or breach has occurred or in the alternative within

thirty days after mailing such notice, by first class mail, postage prepaid, to the record owner of such premises at his or its last known address.

INVALIDATION

- A. The failure of Anderson County to enforce any provision of these covenants or conditions in a particular situation shall not be deemed a waiver or abandonment of such provision as it may apply in any other situation or the same or a similar situation at any other location in DJIP or of any other provision of these covenants and conditions.
- B. Invalidation by Court adjudication or the failure to enforce any provision of these covenants and conditions shall not effect the validity of any other provision, nor be deemed a waiver of the right to enforce same, and all other provisions thereof shall remain in full force and effect.

CONSTRUCTIVE NOTICE AND ACCEPTANCE

Every person who now or hereafter owns or acquires any right, title, or interest in or to any portion of said property is and shall be conclusively deemed to have consented and agreed to every covenant and condition herein, whether or not any reference to this declaration is contained in the instrument by which such person acquired an interest in said property.

RIGHT OF WAIVER

ACEDA reserves the right at any time to approve in writing such minor variances or waiver in writing compliance with any of the covenants and conditions set forth here in as ACEDA, in its sole discretion, may deem necessary, except variances or approvals relating to the authority or jurisdiction of ACRPC, Board of Zoning Appeals, or Board of Adjustment and Appeals.

DEVELOPMENT STANDARDS

Only one principal building on any lot. Only one principal building and its customary accessory buildings may be erected on any lot, unless site plan is submitted to ACEDA and ACRPC and developed as a Planned Unit Development and meets all Zoning Regulations and approved by ACRPC.

Lot must abut a public street. No building shall be erected on a lot which does not abut at least one publicly approved and accepted street.

Reductions in lot area prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area. This section shall not apply when a portion of a lot is acquired for a public purpose.

Access control standards. In order to promote the safety of motorists and pedestrians and to reduce traffic congestion and conflict, the following shall apply:

- A. A point of access for vehicles onto a street shall not exceed 40 feet in width. All points of access shall be so constructed as to provide for proper drainage.
- B. There shall be no more than two points of access to any one public street for each 400 feet of lot frontage or fraction thereof; provided, however, that lots less than 100 feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within 75 feet of the right of way line of any public intersection.
- D. Where two driveways are provided for one lot frontage, the clear distance between driveways shall not be less than 50 feet. Vehicles may not back directly into a public street.
- E. Maximum speed limit is 25 mph.

Grading, soil erosion, and sedimentation control standards.

- A. Any person engaged in any land-disturbing activity, including cutting, filling, borrowing, stockpiling, or other activity where material or ground cover is removed, shall employ such reasonable measures as are needed to protect all public and private property from injury by such activities and to avoid causing by such activities and contamination, building up of sedimentation, reduction of drainage capacities, or flooding. Such person shall conform to the following practices:
 - 1. Identify critical areas - Onsite areas which are subject to severe erosion and offsite areas which are especially vulnerable to damage from erosion and/or sedimentation are to be identified and receive special attention.
 - 2. Limit time of exposure - All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time, not to exceed 12 months except by written approval of ACEDA and ACRPC.
 - 3. Limit exposure areas - All land-disturbing activities are to be planned and conducted to minimize the size of the area to be exposed at any one time.
 - 4. Control upgrade surface water - Surface water runoff originating upgrade of exposed areas should be controlled to reduce downgrade erosion and sediment loss during the period of exposure.
 - 5. Control sedimentation - All land disturbing activities are to be planned and conducted so as to minimize offsite sedimentation damage.
 - 6. At no time shall any water run off be permitted to drain into a public roadway.

- B. Any land-disturbing activity conducted on property developed, maintained, managed, or sold by Anderson County shall be in accordance with the following requirements:
1. Existing natural vegetation shall be retained to the maximum extent feasible, consistent with the purpose of such activity.
 2. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 30 working days of completion of any phase of grading, be planted or otherwise provided with a ground cover, devices, or structure sufficient to retain erosion.
 3. Whenever land-disturbing activity is undertaken on a tract comprising more than one acre, or if more than one contiguous acre is uncovered, mitigation measures sufficient to restrain erosion must be provided within 30 working days on that portion of the tract upon which further active construction is not being undertaken, including the watershed and drainage basin of a functioning sediment control basin.
 4. A vegetative cover bond will be required whenever land-disturbing activity is undertaken. The bond shall accompany the erosion and sedimentation control plan and shall be of sufficient amount to ensure that the work items set forth in the plan can be implemented should the developer fail to do so. Said bond shall be placed with ACRPC as required by state law.

Air and water quality, and noise standards.

The following air and water quality, and noise standards shall apply:

- A. Air quality
All applicable State and Federal air quality standards and permitting requirements will be met for actions effecting property developed, maintained, managed, or sold by Anderson County.
- B. Water quality
All applicable State and Federal water quality standards and permitting requirements will be met for actions affecting property developed, maintained, managed, or sold by Anderson County.
1. Use of conventional septic tank soil absorption systems shall not be permitted on property developed, maintained, managed, or sold in the DJIP.
 2. No private wells for potable water shall be permitted.
- C. Noise
The following noise standards shall be applicable to the industrial development district:
1. Noise quality - No sirens, bells, whistles are permitted. Outdoor loudspeakers are prohibited, except as approved in writing by ACEDA and ACRPC.

2. Acceptable Industrial Noise Levels (measured at property boundary).

<u>Descriptor</u>	<u>Industrial</u>
L _n	65db
L _d	70db
L _{dn}	75db
L ₁₀	75db
L ₁	80db
L _{0.1}	85db

Flood hazard reduction standards

- A. All site plans shall conform to the current FEMA regulations and Anderson County Zoning Resolution requirements.
- B. All development within the floodway and flood fringe areas shall comply with the minimum requirements of the National Flood Insurance Program and Executive Order Nos. 11988 and 11990,

Off street loading and unloading standards. Shall meet Anderson County Zoning requirements.

Storage

- A. No accessory building shall be constructed to permit the keeping of materials, supplies, products or equipment in the open or exposed to public view except specifically approved in writing by ACEDA.
- B. When necessary to store or keep materials in the open, the lot or area shall be fenced with a screening fence at least high enough to screen the materials from sight at ground level; said storage to be limited to the rear two-thirds of the property.
- C. Bulk storage above ground, including gasoline and petroleum products on the outside of the buildings, shall be subject to compliance with rules and regulations of any governmental agency or agencies having jurisdiction over such matters.
- D. All dumpsters or garbage receptacles shall be screened by an opaque fence with the location to be limited to the rear two-thirds of the property.

Gasoline service station standards. The following standards shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right of way lines of a distance of not less than 40 feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than 40 feet to any street right of way line.

INDUSTRIAL DEVELOPMENT STANDARDS.

The standards set out in this section shall be applicable to all industrial development which occurs on the transferred land.

- A. **Minimum lot**
Lots shall have a minimum size of two acres and a minimum width at the front building setback line of 100 feet.
- B. **Maximum site coverage**
Buildings, accessory facilities, parking, and materials handling and transfer facilities shall not cover more than 70 percent of the lot. No building or accessory facilities above ground shall extend beyond the building setback line(s) into the setback area.
- C. **Setback shall meet Anderson County Zoning regulations.**
- D. **Building height**
All buildings shall be limited to a height of 60 feet above finished grade, measured from the average elevation of the finished lot grade at the roofline; provided, however, that towers tanks, fire or parapet walls, skylights, communication masts, flagpoles, chimneys, penthouses for elevator equipment, stairways, ventilating fans, or similar equipment or similar structures may exceed this height.
- E. **Construction and materials**
Any industrial or accessory building shall be of masonry, concrete, or pre-engineered steel construction or its equivalent or better. The exterior of the front wall and the side wall shall be attractively finished. Buildings located on corner lots must comply with this requirement on two sides. Brick of unnatural tones and asbestos siding are prohibited. The exterior finish of the remainder of the side walls shall be common brick, concrete, concrete blocks, tile bricks. Metal buildings are permitted only by ACEDA's Board after construction specifications are submitted and provided that the metal building has an exterior color of white, off-white, beige, or grey. When the side or rear walls are constructed of concrete or concrete block, unless the exterior finish is stucco, gunite, or their equal, the joints shall be rubbed down and covered sufficiently with waterproofing paint. All other materials and colors not specifically noted above must have the written approval of ACEDA.
- F. **Underground Utilities and Pipes**
No outside pipe, conduit, cable, line or the like for water, gas, sewage, drainage, or steam service shall be installed or maintained upon any lot above the surface of the ground, except for hoses and moveable pipes used for irrigation or other purposes if approved by ACEDA. All auxiliary machinery, equipment, or facilities used on any lot in connection with any such energies or services shall be located upon a lot only in such manner and upon such conditions as approved by the ACEDA.

G. Parking:

1. For each building constructed, there shall be provided paved parking areas so as to provide dust-free, all weather surfaces according to plans specified herein and maintained thereafter in good condition. Each parking area shall be served by adequate driveways and space for the movement of vehicles. The parking lots shall be lined to identify individual spaces. Such parking shall be attractively landscaped and approved by ACEDA and the ACRPC.
2. Standards for design of parking lots
 - a. Except for handicapped parking each parking space shall be no less than 180 square feet.
 - b. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

H. Loading

1. All provisions for vehicle loading shall be provided on the lot with no on-street vehicle loading permitted.
2. All loading and unloading facilities, including truck and equipment parking and maneuvering spaces shall be constructed entirely within the building setback lines.
3. Vehicle loading shall be confined to rear and sides of buildings not adjacent to principal streets.
4. All loading areas shall be paved.

I. Environmental Controls

1. Regulations - No use of the property shall be established, maintained, or permitted or any operation thereon which violates these standards or any regulations of any public body having jurisdiction over such activities. Detailed plans for the management of such operations may be required before approval by ACEDA.
2. Solid Waste - All improvements on any lot shall be kept in a clean, neat and sanitary condition and shall comply in all respects with all government health, fire and police requirements. Each owner shall remove at its expense any solid waste or scrap of any character which has accumulated on said lot. During construction or improvement of any lot, the owner shall keep the sight free from unsightly accumulations of solid waste and construction materials; and construction trailers or structures employed with construction shall be kept in a neat and orderly manner. The handling, storage, transfer, and disposal of solid waste shall comply with the Tennessee Department of Environment.
3. Liquid Waste - No liquid waste shall be discharged into the public sewerage and treatment system which is dangerous to public health or safety or is deemed unacceptable by the manager of any waste

treatment plant. Any pretreatment that may be required or the use and disposal of hazardous wastes must be approved by Clinton Utilities Board and/or Anderson County Utility Board, or their successors. Storm drainage and surface run-off shall be segregated from industrial and sanitary waste. All sources of contamination, such as operating areas, loading or unloading areas, and equipment and cleaning and maintenance areas shall not contaminate surface run-off. The volume, quality, and point of discharge of liquid wastes shall comply with the regulations promulgated by the Division of Water Pollution Control of the Tennessee Department of Environment and Conservation, or its successors.

4. Air Pollution - No operation, or combination of operations, shall emit any solid, liquid, or gaseous matter that is at any point in concentrations or amounts that are noxious, toxic, or corrosive and which will have a tendency to cause injury or damage to property, business, or vegetation. Regulations promulgated by the Division of Air Pollution Control of the Tennessee Department of Environment and Conservation, its successors or assigns, shall govern air quality.
5. Fire - The manufacture, transportation, utilization, and storage of flammable materials shall be conducted in accordance with accepted standards for safety and fire prevention. Such standards shall include the National Fire Codes and the appropriate standards of the American Petroleum Institute, the Manufacturing Chemists Association, and other organizations that promulgate standards of good practice. No flammable liquids may be discharged into the public sewerage and treatment system.
6. Explosive materials - The manufacture of materials or products which decompose by detonation is prohibited (including, but not limited to, all primary, high, and blasting explosives, unstable organic compounds, and strong oxidizing agents in concentrations greater than 35%). The utilization of these materials or products in manufacturing processes is permitted only when authorized by ACEDA and ACRPC, and no storage is permitted except such accessory storage as may be authorized for use in the manufacturing process or other production. In any case, such storage shall be in accordance with the rules and regulations governing explosives promulgated by the State of Tennessee and other authorities having jurisdiction.
7. Radioactive materials are not permitted.
8. Glare - Operations or processes producing intense glare shall be performed so that direct or sky-reflected glare is not discernable beyond the lot line. This restriction shall not apply to floodlighting of the building for aesthetic purposes provided that the intensity and brilliance of such lighting does not annoy adjacent property owners or impair the visibility on public thoroughfares.

9. Electromagnetic radiation and interference - No operation, or combination of operations, on any lot shall create a source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources. Further, said operations shall not cause abnormal degradation in performance of other electromagnetic radiators or receptors.
 10. Animals - No livestock, poultry, or other animals shall be kept on any lot.
- J. Signs
1. Ground signs, billboards, and all objects of an unsightly nature are prohibited. Normally the occupants, trademark, and/or trade name may be displayed on the building in the same manner in which they are generally used by the occupant.
 2. One wall sign designating the industry will be permitted on the front facade of the building the size to be no larger than 5% of the front facade or 500 square feet whichever is less. Additional directional signs the size to be no larger than six square feet will be allowed.
 3. No sign shall be lighted by means of flashing or intermittent illumination.
 4. There shall be no sign erected which will obstruct vision.
 5. Each occupant has the right to place a sign on the cluster sign erected by Anderson County.
 6. One (1) construction sign denoting the architects, engineers, contractor and related subjects, shall be permitted upon commencement of construction. Such sign shall conform to applicable zoning regulations.

Plans and specifications

- A. Submission - No site improvements shall be commenced, erected, placed, moved onto, or permitted to remain on any lot, nor shall any existing structure upon any lot be altered in any way which materially changes the exterior appearance thereof, nor shall any new use be commenced on any lot subject to these standards until plans and specifications have been submitted in writing by the owner or lessee to ACEDA, ACRPC, or the appropriate agency which issues building permits.
- B. Information required
1. Plans and specifications shall be submitted and shall contain such information and shall be in such form as may be required by ACEDA, ACRPC or the appropriate agency which issues building permits but in any event shall include information described in this section. The submission of plans and specification to ACRPC shall be made in two phases, preliminary and final design.

- a. Location and orientation of all structures showing the kind, shape, dimension, height, materials, color scheme, and location with respect to a particular lot.
 - b. Location of driveways, parking lots, loading areas, easement areas and their relationship to existing and adjacent structures and lots.
 - c. Location for utilities and drainage.
 - d. Grading plan relating to existing conditions both onsite and on adjacent property to proposed construction.
 - e. Site clearing plan.
 - f. Conceptual landscape plan.
 - g. Description of any environmental situations which may not comply with the requirements contained herein.
2. Information which shall be furnished during the final design phase shall include detailed plans, working drawings, and specifications reflecting the approved preliminary site plan and including:
1. Detailed plans of structures with elevations showing exterior materials and exact finishes and colors.
 2. Details of site improvements, such as parking lots, loading areas, curbing, walks, fences, and special screening.
 3. Detailed grading and drainage plans.
 4. Detailed landscape plan indicating size and species of all plantings.
 5. Driveways, easements, and rights of way.
 6. Location and details for signs and lighting.
 7. Detailed plan for ensuring compliance with environmental controls.
3. Disapproval
- a. ACEDA and ACRPC shall have the right to disapprove any plans and specifications submitted hereunder because of any of the following:
 1. Failure to comply with any of the standards described herein.
 2. Failure to include information in such plans and specifications as may have been reasonably requested.
 3. Objection to the exterior design, appearance, or materials of any proposed structure.
 4. Objection on the grounds of incompatibility of any proposed improvements or use with existing improvements or uses upon other lots in the DJIP.
 5. Objection to the location of any proposed structure upon any lot or with reverence to other lots in the DJIP.
 6. Objection to the grading plan for any lot.

7. Objection to the color scheme, finish, proportions, style of architecture, height, bulk, or appropriateness of any proposed structure.
 8. Objection to the number or size of parking spaces or to the design or location of parking areas proposed for any lot.
 9. Any other matter which, in the judgment of ACEDA or ACRPC, would render the proposed improvements or use inharmonious with the general plan of improvement of the property located upon other lots or other properties in the DJIP.
4. Where ACEDA or ACRPC shall disapprove any plans and specifications submitted hereunder or shall approve the same only as modified or upon specified conditions, such disapproval or qualified approval shall be accompanied by a statement of the grounds upon which such action was based. In any such case, ACEDA or ACRPC shall if requested, make reasonable efforts to assist and advise the applicant in order that an acceptable proposal can be prepared and submitted for approval.

Implementation of plans

1. Construction commencement - Construction of an approved principal building shall begin within one year from the date said lot is received by the owner or lessee; provided, however, anything in this paragraph to the contrary notwithstanding, ACEDA may extend in writing the time in which such construction shall begin with a maximum of two twelve month extensions permitted.

EASEMENTS AND RIGHTS OF WAY

1. Reservation
Nonexclusive easements and rights of way are hereby expressly reserved for Anderson County, its successors and assigns in, on, over, and under (a) those areas on each lot with respect to which easements are shown on the recorded subdivision plat relating thereto; or (b) if no easements are shown on any such plat, to a strip of land within lots line of each lot 20 feet in width in front and rear of the lot and 10 feet in width on each side of the lot (not adjacent to a street), each said distance being measured in each case from the lot line toward the center of the lot.
2. Easements and rights of way are reserved for the following purposes:
 - a. For the erection, installation, construction and maintenance of :
 1. poles, wire, lines, and conduits, and the necessary or proper attachment in connection with the transmission of electricity, telephone, community antenna television cables, and other utilities and similar facilities; and

2. storm water drains, land drains, public and private sewers, pipelines for supplying gas, water, and heat, and for any other public or quasi-public utility facility or function.
 - b. For public pathways and open space corridors.
 - c. For roads, streets, highways, and railroads.
3. Access
 - a. Anderson County and ACEDA and its respective agents, successors and assigns shall have the right to enter upon all parts of the easement area of each lot for any of the purposes for which said easement and rights of way are reserved.
 - b. Anderson County shall also have the right at the time of, or after, grading any street or any part thereof, to enter upon any abutting lot and grade the portion of such lot adjacent to such street.

COMBINATION OR SUBDIVISION OF LOTS

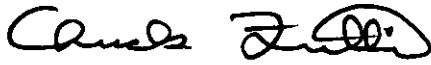
1. Combination - Contiguous lots held in common ownership and designated for the same land use may for the purpose of these standards be treated as one entire lot; provided that the owner thereof shall file with ACEDA and ACRPC a written statement declaring its intention to treat such contiguous lots as one lot, and any severance of ownership of such contiguous lot shall thereafter be subject to the provision contained herein.
2. Subdivision
 - a. No lot shall be subdivided without the written approval of ACEDA and ACRPC. In the event such subdivision is approved and a portion of a lot or two or more contiguous lots, is severed in ownerships for the remainder of such lot or contiguous lots, such portion so severed, and the remaining portion of such lot or contiguous lots, shall each thereafter be treated for all purposes hereunder as separate lots.
 - b. Newly formed lots shall comply with the requirements contained herein.
 - c. No improvements may be placed or altered on any newly formed lots unless and until requirements contained herein shall have been complied with, and plans and specifications shall have been approved by ACEDA and ACRPC may withhold such approval if, in their sole discretion, they determine that any standard contained herein shall have been violated.
3. Lease Agreement - The combination or subdivision of lease lots for the purpose of subleasing or renting by lessee shall not be permitted except as approved in writing by ACEDA.

BE IT REMEMBERED THAT THE ANDERSON COUNTY BOARD OF COUNTY COMMISSION MET IN SPECIAL SESSION ON APRIL 16, 2012 WITH THE FOLLOWING COMMISSIONERS PRESENT: JOHN ALLEY, ZACK BATES, ROBIN BILOSKI, JERRY CREASEY, CHUCK FRITTS, WHITEY HITCHCOCK, DUSTY IRWIN, TIM ISBEL, ROBERT MCKAMEY, STEVE MEAD, RICK MEREDITH, BUZZ PATRICK, JOHN SHUEY AND TRACY WALDELL. ABSENT: MARK ALDERSON AND JERRY WHITE.

1. Commissioner Meredith moved to adopt the revised Covenants and Restrictions for the David Jones Industrial Park. Seconded by Commissioner Irwin.

Voting Aye: Alley, Biloski, Creasey, Fritts, Hitchcock, Irwin, Isbel, Mead, Meredith, Patrick and Shuey. NO: Bates, McKamey and Wandell. Absent: Alderson and White. Motion carried.

Commissioner McKamey moved to adjourn.



Chuck Fritts, Chairman
County Commission



Jeff Cole
County Clerk



THIS IS A CERTIFIED COPY

JEFF COLE, COUNTY CLERK