

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
UNIVERSITY PARK, SOUTHERN ILLINOIS UNIVERSITY AT EDWARDSVILLE

THIS DECLARATION is made as of this 3rd day of August, 1989, by Laurence K. Pettit for and on behalf of the Board of Trustees of Southern Illinois University, a body politic and corporate of the State of Illinois, governing Southern Illinois University at Edwardsville ("Declarant").

ARTICLE I

RECITALS

WHEREAS, Declarant is the owner of certain real property in the County of Madison, State of Illinois, which is more particularly described on Exhibit "A: attached hereto ("University Park"); and

WHEREAS, Declarant wishes to establish certain covenants, conditions, and restrictions relative to the development, improvement, and use of University Park; and

WHEREAS, Declarant has designated the President of Southern Illinois University or his designee to administer and enforce the covenants, conditions, and restrictions set forth herein, who shall hereafter be referred to as "Administrator;" and

WHEREAS, Declarant wishes to confer upon the Administrator the authority to act on its behalf relative to the administration and enforcement of this Declaration.

NOW, THEREFORE, Declarant hereby declares that University Park and any and all interests therein shall be held subject to the following covenants, conditions, and restrictions. This Declaration is made in order to assure that University Park is developed and used in such a fashion as will enhance and protect the value of University Park and shall be binding upon all persons or entities now or hereafter holding any interest in University Park, their heirs, successors, and assigns. These covenants, conditions, and restrictions shall run with University Park and shall be binding upon all persons or entities having or later acquiring any rights, title, or interest in University Park, or any part thereof.

IT IS FURTHER DECLARED that the Administrator shall be and is hereby empowered to enforce, administer compliance with, and to otherwise act for and on behalf of and to bind the Declarant in all respects whatsoever related to this Declaration, without however, restricting Declarant's right to so act on its own behalf.

ARTICLE II

PERMITTED USE

A. INTENT FOR FACILITIES:

It is the intent of the provisions of this Article to establish a research and office park in which research, education, training and corporate facilities, corporate and

divisional headquarters, and prototype production facilities requiring a high degree of scientific input will be developed.

It is further the intent of this Article that permitted prototype production operations shall be those requiring the application of continuous or recurrent research rather than the production process for mass commercial operations.

B. USES PERMITTED:

1. Laboratories, offices, and other facilities for research, basic and applied, testing and consulting, conducted by or for any individual, organization, or concern, whether public or private.
2. Production or assembly of prototype products and processes but only on the scale necessary for full investigation of the merits of a product or process. In no case shall any such product(s) be produced in such quantity as would reasonably be considered inventory that is primarily or customarily held for commercial sale.
3. Conference centers.
4. Corporate and divisional headquarters.
5. Professional, recreational, and retail services incidental to and in support of any uses permitted in paragraphs 1 through 4 above, such as conference/hotel centers, food services, banking facilities, venture capital corporations, personal services, post office, mailing centers, training institutes, and like uses.
6. Incidental operations required to maintain or support any use permitted in paragraphs 1 through 7 above, such as maintenance shops, power plants, waste water treatment facilities, the keeping of animals and machine shops.
7. Any other uses reasonably related to the intended character of University Park provided same are first fully authorized in writing by the Administrator.

ARTICLE III

DEFINITION OF TERMS

Building: Any structure, either temporary or permanent, having a roof, floor, and walls.

Building Heights: The vertical distance measured from Grade to the highest point of coping of a flat roof; to the deck line of a mansard roof; to the average height of the highest gable of a hip or gambrel roof.

Common Area Open Space: Any portion of University park that is neither a Street nor a Net Lot Area and which is made available from time to time for the non-exclusive use of all Lessees of Lots and their employees, agents, and invitees.

Development Parcel Area: The Development Parcel Area is the Net Lot Area plus any pro rata share of Common Area Open Space dedicated for public use such as streets, lakes, landscaped areas, walkways or others.

Driveway: A Paved Area located entirely on a Lot which provides vehicular access between a Building and an abutting Street.

Easement: An area within University Park that is designed and designated as a public or park-wide space requirement. Easements are controlled and maintained by the Administrator, and in some cases, may be considered as Common Area Open Space.

Grade: The Grade shall be the level of the Lot if the finished Grade is level, or if the Lot is not entirely level, the Grade shall be determined by averaging the elevation(s) of the Lot.

Improvements: Any Building, fence, wall, roadway, loading facility, outside storage facility, parking area, utilities, or any other type of structure that changes a Lot from its natural state.

Island: A raised and landscaped area in a Street, Driveway or Parking Lot.

Landscaped Areas: The total ground area of a lot requiring landscape treatment, excluding any area allocated to a Building footprint, Parking Lot, and Driveway. Included in the Landscape Area are all yards, patios, sidewalks, parking lot islands, medians, and planters.

Lessee: A tenant under a lease of a Lot in University Park.

Lot: Any parcel of land under a single leasehold ownership.

Lot Width: The straight line distance between the Side Net Lot Lines measured between the two points where the Front Net Lot Line intersects the Side Net Lot Lines.

Net Lot Area: The ground area available for building, parking, or yard landscaping. The Net Lot Area is the Development Parcel Area minus its pro rata share of University Park Streets, Common Area Open Space, paths, and the like.

Net Lot Lines: The Front, Side, and Rear Lot Lines separating the Net Lot Area from the adjacent property.

1. Front Net Lot Line: In the case of an Interior Lot, is that Net Lot Line which abuts a Street. In the case of a Corner Lot, there exists two Front Net Lot Lines.
2. Rear Net Lot Line: That Lot Line opposite the Front Net Lot Line. In the case of Side Net Lot Lines which intersect, the Rear Net Lot Line shall be an imaginary line parallel to the Front Net Lot Line not less than ten (10) feet long lying farthest from the Front Net Lot Line.
3. Side Net Lot Line: Any Lot Line connecting the Front and Rear Net Lot Lines.

Parking Lot: An area, other than a Street or Driveway, devoted to unenclosed parking stalls.

Parking Stall: The area, appropriately marked with distinguishing lines, in which one vehicle is to be parked.

Paved Area: An all weather surface such as asphalt or concrete.

Plans: Drawings and specifications prepared in accordance with the requirements of Articles V, VI, and VII.

Street: A dedicated public right-of-way, other than an alley, which affords a means of access to an abutting Lot.

University Campus: The campus of Southern Illinois University at Edwardsville, exclusive of University Park.

Yard: The space on any Lot which is required to be unoccupied and unobstructed from the ground upward except as otherwise provided in this Declaration and as defined herein:

1. Front Yard: A yard extending the full width of the Lot, the depth of which is the minimum distance between the Front Net Lot Line and the nearest point of any Improvement excluding utilities.
2. Rear Yard: A yard extending the full width of the Lot, the depth of which is the minimum distance between the Rear Net Lot Line and the nearest point of any Improvement excluding utilities.
3. Side Yard: A yard between any Improvement and the Side Net Lot Line, extending from the Front Yard to the Rear Yard, the width of which is the minimum distance between the Side Net Lot Line to the nearest point of any Improvement excluding utilities.

ARTICLE IV

NUISANCES, VIOLATIONS, AND SAFETY FACTORS

No Building or Lot in University Park at any time shall be used for: (a) the manufacture, storage, distribution or sale of any products or items which shall create an unusual fire hazard to Buildings or lands in or adjacent to University Park; (b) any business which constitutes a nuisance or causes the emission or odors or gasses which could reasonably be expected to be injurious to products or persons in University Park; (c) any purpose or use in violation of the applicable laws of the United States, the State of Illinois or Madison County; (d) any storage of material or the use of equipment or research processes which cause earth tremors or vibrations beyond the boundaries of any Lot upon which they are situated; (e) the storage of explosives; or (f) any use in contravention of any of the terms or conditions of this Declaration or the applicable lease.

ARTICLE V

PLAN COMPLIANCE

No Improvements shall be commenced, erected, or constructed, nor shall any addition thereto, or change or alterations therein, be made until there has been full compliance with the Plan review procedures as set forth in Article VI and VII and the applicable Lease and said Plans have been approved by the Administrator.

ARTICLE VI

PLAN SUBMITTAL

All required Plans will be submitted to the Administrator for review in accordance with this Declaration and the terms of the applicable lease. The Administrator reserves the right to approve or disapprove, in writing, the Plans relative to all particulars therein including but not limited to the location and method of construction of any Building, the quality, type of materials, and colors used; harmony of external design with other existing or planned University Park or University Buildings and landscaping; and location as the same relates to topography, setbacks, Grade, Driveways, Parking Lots, and size of University Park or University Buildings.

Unless otherwise stated herein to the contrary, all Plans submitted must be on 24" x 36" sheets at a scale of 1" = 20' for Site Plans and 1/8" = 1' for Building plans, with printing capable of being reduced by 50% while retaining legibility. In instances where the required scale will not fit on 24" x 36" sheets, 30" x 42" will be considered the maximum size. Thereafter, the scale can be reduced.

With each submission as hereinafter required, the Administrator may require additional information. Lessees should not proceed further in the design process than the Administrator, or the basic intent of the process of working together will be thwarted.

ARTICLE VII

LOT AND BUILDING DESIGN AND PLAN REVIEW PROCEDURE

The process for obtaining the Administrator's review and approval of Plans is as follows:

- A. PREDESIGN CONFERENCE: Prior to committing to any Lot or Building design, Lessee and his professional consultants shall meet with the Administrator to review the design standards of University Park and Lessee's proposed design. The Administrator will work with Lessee to determine the size of Lot needed to accommodate Lessee's building and site needs.

At this meeting Lessee will be expected to outline to the Administrator, as much as possible, the project in terms of its land use, Building size, Building mass arrangement, number of potential employees, kinds of projects, material use expected (especially any hazardous materials), financing budget, and proposed construction timetable. Information at the conference will include a 1" to 50' topographic map of the Lot and an identification of special conditions and the trees which the Administrator considers important to retain.

- B. SCHEMATIC PLAN REVIEWS: During the planning process, the Administrator (or his or her representative) will be available to review conceptual and schematic drawings, attend planning team meetings, and interact with Lessee's design team. Culmination of the schematic plan reviews will be Lessee's Preliminary Plan submittal.
- C. PRELIMINARY PLAN REVIEW: At this stage Lessee shall be responsible for submitting three (3) sets of preliminary Plans and one (1) set of reproducible sepias detailing the following Lot, site, and Building information:
1. Lessee's name, address, and telephone number, the name, address, and telephone number of the firm(s) preparing the plans, the Lot designation, the scale and north arrow, the date, legal description of Net and Development Parcel Area, and the date of submission.
 2. Location plan of the proposed Improvements, dimensions of Front, Side, and Rear Yards, and other related site development information and calculations.
 3. Clearing, grading, and drainage plan showing proposed clearing limits, existing and proposed contours at one foot intervals, and drainage plan with erosion control measures indicated. Existing plant materials of significant value shall be indicated as well. This information is requested for Madison County review at this stage and will be supplied to the County by the Administrator.
 4. Utilities plan showing sanitary sewer, water, electric, gas, telephone, industrial waste disposal method, and exterior Building, Parking Lot, and exterior lighting systems. (The final submission shall include catalogue cuts and mounting details for all exterior fixtures.) The utilities plan shall also disclose the peak utility requirements of the proposed Improvement.
 5. Landscape and irrigation plan showing existing and proposed plant material and water sources for all planted areas. (The final submission shall indicate quantity, quality, species, and sizes for the plant material.)
 6. Parking Lot and service area (including garbage container areas) layout plans.
 7. Elevations of Buildings from all sides at an appropriate scale sufficient to clearly indicate the placement and massing of the Buildings. The following Building details shall also be provided:
 - a. Heights of all Improvements. The final submission shall indicate, by two dimensional drawing and graphic representation, the mounting heights of all lighting fixtures.
 - b. Windows, doors, and other fenestrations.

- c. All exterior materials and colors. (The final submission shall include the manufacturer's name and catalogue numbers of all materials and colors and/or samples of same.)
 8. Roof Plan at an appropriate scale indicating the location and sizes of all roof mounted equipment and proposed method for screening all equipment.
 9. Exterior sign location plan at an appropriate scale. (The final submission shall include details for all signs and graphics.)
 10. A plan for traffic engineering, showing anticipated number and types of vehicles and how they will be routed.
 11. Pedestrian pathway connections to adjacent common area pedestrian pathway(s).
 12. Outline specifications for proposed construction.
 13. A detailed description of the operation of the proposed Improvement and its generation of noise, odors, and particulates.
- D. DESIGN DEVELOPMENT PLAN REVIEW AND APPROVAL: Based on approval of preliminary plans, Lessee shall submit detailed Plans consisting of 3 full sets of blueprints and a set of reproducible sepias in accordance with the requirements outlined below.
1. A dimensioned site plan sheet at 1" equals 50' or larger showing the relationship of the Building's location on the Lot relative to existing and proposed topography, landscaping, drainage, etc.
 2. Drawings (dimensioned at 1/8" equals 1' or larger) showing the front, rear, and side elevations and heights of the proposed Building(s).
 3. Drawings (dimensioned at 1/8" equals 1" or larger) showing the proposed layout of the internal floor plan, including detailing of roof construction.
 4. A colored rendering of the Building showing general character of the structure (height, Building mass, colors, and Building landscape materials proposed).
 5. A cross section of Lessee's Lot and those adjacent lots containing Improvements at a scale of 1" = 20' in longitudinal and transverse directions, indicating the relationship of the Buildings and Parking Lots and major grading to the Street, and major landscaping. The site plan and sections will be sufficiently accurate to permit analysis of Building mass, visual screening, erosion control, drainage, tree protection, and landscape architectural design.

6. Samples of all exterior Building materials to be utilized showing textures, colors, fenestration, and other detailing necessary for actually depicting the finished Building and its Lot.
7. Specifications for architectural, structural, mechanical, electrical, and site elements.
8. Detailed drawings showing the proposed design of all exterior signs, including elevation, dimensions, location, material, lettering, color, and lighting. This would include drawings depicting the design of the main entrance onto the Lot.
9. A report detailing the operation relative to environmental questions of noise, odor, glare, vibration, smoke, dust, ashes, radiation, hazardous or noxious wastes, and any other factors requested by the Administrator.
10. Right-of-way lines of existing and proposed Streets and sidewalks immediately adjoining and within the proposed Lot, and the names of all proposed Streets.
11. Location of curb cuts for the Lot.
12. Location of curb cuts for adjacent Lots (if known).
13. Location, dimension, and proposed use of all parking, loading and stacking areas, and access drives.
14. Information for fire department, indicating type of roof construction and where sprinklers and smoke domes are to be provided.
15. Location of all Building entrances.
16. If Lessee has taken an adjoining Lot or Lots, a preliminary site plan showing the relationships between all Lots. This will include all Buildings, parking, and parking structures.
17. Water supply plan, including location of fire hydrants.
18. Sewage load estimate and disposal plan.
19. Industrial and hazardous waste disposal plan.
20. Estimated number of employees.
21. Lot calculations and landscape plan indicating location, type, and size of existing trees and vegetation, identifying those to be preserved and location, type and size of trees, vegetation, and other amenities to be provided, prepared by a registered landscape architect.

The yard calculations, at a minimum, shall show total Net Lot Area, area devoted to Building footprint, area devoted to paving for Parking Lots and

Driveways. The balance of the Net Lot Area will be considered as areas available for landscaping in hardscape or plants.

22. Location of all common areas.
23. Locations of all lighting fixtures, fences, street furniture, directional signs, types of lighting at-grade illumination levels, and light cutoffs.
24. A grading plan showing existing and finished Grades and proposed methods of handling storm runoff from roof and paved Areas and existing tree protection.
25. Storm drainage calculations by a person licensed to design a storm drainage system.
26. A completely filled out Building Officials and Code Administrators International, Inc. (BOCA) evaluation form.
27. Such other reasonable information as may be required by the Administrator including a full set of contract documents for the construction.

Approval, rejection or recommendation of the Design Development Plant by the Administrator shall not be unreasonably withheld. The Administrator reserves the right to request a meeting with Lessee or Lessee's architect to discuss the design at this stage.

The Administrator will return to Lessee one complete set of drawings and specifications marked approved and signed by the Administrator.

- E. WORKING DRAWINGS AND CONSTRUCTION SPECIFICATIONS: Upon final Plan approval from the Administrator, Lessee will be responsible for submitting Building plans to the appropriate governmental authorities for their review and approval as to conformance to local and state building safety codes in accordance with their review process. No construction shall commence until required permittals are obtained.

The Administrator reserves the right to request a meeting with Lessee or the appropriate governmental authorities to discuss any modifications necessary to make the design conform to the approved Plans. If requested, this meeting must be held prior to any site clearing, development or building.

Lessee, prior to the start of construction, will submit three (3) sets of its final required working drawings and construction specifications and one complete set of mylars to the Administrator to ensure adherence to the previously approved site plan design, and to provide an on-site record of the Building and site.

- F. REVIEW PROCEDURES AND TIME: In each submission phase within a given time after submission, a review meeting will be held and the Administrator will provide a written approval, an approval conditioned upon certain clearly stated modifications, or a denial of the application with a statement of the major

changes required for resubmission. The review time periods will be as stated in each lease of a Lot.

- G. SUBSTANTIAL COMPLETION: When substantial completion of construction has been reached, the Administrator will be notified and will then have ten (10) days to inspect the facility and approve it for occupancy based on its conformance.

ARTICLE VIII

DEVELOPMENT DESIGN STANDARDS

A. SITE DEVELOPMENT CRITERIA:

- 1. Coverage: Buildings will occupy no more than thirty percent (30%) of a Lot. Paved Areas will cover no more than an additional 50% of a Lot when reduced by internal landscaped areas.
- 2. Height: For Lots adjacent to South University Drive and to the University Campus on the west, building height shall be a maximum of forty (40) feet above the natural grade at the edges of the Building. The exceptions to this will be a conference center, which may be higher. This forty (40) foot height limitation shall also apply to Lots adjacent to East University Drive. Heights of Buildings on other Lots will generally be limited to fifty-five (55) feet but will be reviewed on an individual basis for additional height depending upon their location and relationship to other Buildings.
- 3. Setbacks: Setbacks are determined from the Net Lot Lines and depend upon the adjacent use:

<u>Use</u>	<u>Building</u>	<u>Parking</u>
South and East University Drives	100'	50'
Park Drive (Main Drive through University Park	75'	50'
Internal Park Roads	50'	50'
Campus Parking Areas	50'	None
Route 157	100'	50'
Golf Course	50'	25'
Adjacent Development Parcel	30'	15'
Open space	10'	5'
Drives Within the Parcel (except drop-off)	30'	15'

- 4. Parking: No parking will be allowed on streets within University Park or on drives within a Lot. It will therefore be necessary for each Lot to provide for its own parking needs on-site. Parking will be in the following ratios:

One Parking Stall per three hundred (300) gross square feet of Building area, or one (1) Parking Stall per 1.5 general office or research person, one Parking Stall for each management person, and one visitor Parking Stall for each ten management persons.

Upon submission of evidence to the satisfaction of the Administrator that less parking will be needed, then the parking Stalls will not need to be constructed. They must, however, be shown on the site plan and the Administrator will reserve the right to have the Parking Stalls constructed in the future if any capacity problem emerges.

All Parking lots will be curbed with concrete and surfaced with bituminous concrete, concrete or an approved equal material.

5. Service: Loading and service areas will be located on the side or back of the buildings and will be constructed with screening walls of the same materials as the Building so that no refuse areas or loading doors or docks are visible from the closest Net Lot Lines or from any Street or developed (or planned) Common Area Open Space.
6. Signage: All signage shall be reviewed by the Administrator in detail for conformance with this Declaration and with the same material and form as the Building architecture. No internal lighting of signs will be allowed. One identification sign will be allowed at the entrance to each Lot. This sign shall not be more than four (4) feet high. One Building identification sign of smaller size will be allowed at or near the main entry and not above the first floor level. Traffic control signs will be of the minimum size usable for the purpose and will be designed to be visually unobtrusive.
7. Lighting: Lighting should be provided for all entrances, walkways, parking lots, and loading areas. Building facades themselves may be lit if the lighting quality is soft, the source is not visible, and it compliments the architecture. The Building identification signage will be externally lit.
8. Drainage: Each Lot will be responsible for the collection and retention of its own storm drainage and the release of such drainage at a location and rate approved by the Administrator and in a way which does not cause erosion problems. When an adjacent Lot drains onto a Lot, this drainage shall also be provided for. A study and calculations by a licensed professional engineer will be required to design the system.
9. Landscape: All Parking Lots and the perimeters of all Parking Lots (or garages) shall be screened on the Street sides and on sides abutting other Lots and Common Area Open Space with low walls or earth berms at a height of approximately three (3) feet or with dense evergreen plantings of shrubs in double offset rows at approximately four (4) feet on center.

When visible from any Street, Common Area Open Space or Parking Lot, loading and trash areas should be screened by dense double offset rows of evergreens five (5) feet high so that as much of the loading dock as practical is screened from view. Planting areas or Islands in the Parking Lots shall include trees planted within protected planting areas at one three inch (3") caliper tree per three Parking Stalls. Planting of trees in Parking Lots should be sufficient to visually divide the expanse of paved parking so that no continuous open Parking Lot exceeds one half acre in

size. Tree species used in parking areas shall be tolerant of exhaust emissions, have high enough branches to avoid danger to pedestrians, not be prone to physical damage, and not produce fruits or other forms of litter. Tree planting will be done along all Driveways at one (1) three inch (3") caliper tree at thirty (30) feet on center on each side of the Driveway. A landscape design concept will be provided for each Lot. The concept will compliment the architectural concept of the Building and exhibit the design quality and attention to the importance of the landscape which is exhibited by University Park.

Special landscaping conditions will apply to the west sides of Lots adjacent to the University Campus where a landscaped earth berm will be required to a height of twelve (12) feet above the existing grade at the center of the berm. All landscaped areas and the main turf areas between the Building and Street shall have a time controlled irrigation system which will be used to maintain the quality of the vegetation. Special attention will be given to the preservation of existing trees on the Lots. This will include any trees with a trunk diameter above six (6) inches at three feet above the ground and all forested areas where both large trees and understory growth will be preserved with exceptions made by the Administrator. Building and Parking Lots as well as site grading must be carefully considered in relation to the preservation of the existing trees which may occur on a Lot.

10. Utilities: All utilities and related accessories, except as authorized by the Administrator, will be underground as they pass through the Lot.

B. BUILDING APPEARANCE:

1. Architectural Character: Buildings shall be contemporary in character and will avoid eclectic or traditional styles. They will, in all cases, be expected to have certain similarities to the character and appearance of the buildings on the University Campus. This will include a general horizontal emphasis in massing and fenestration along with the predominant use of materials similar to those used on the University Campus. Within these guidelines, it is expected that the individual identity of the Building will be able to be exhibited by the ways in which materials and elements are combined in the design and, in particular, with the design of the Building's entrance areas.
2. Materials, Colors, and Textures: Predominant exterior materials are to be the brick of a similar color to the buildings on the University Campus, natural concrete and tinted glass similar to the University Campus. Additional materials will be allowed in limited amounts as a means of adding individuality. Highly polished or reflective materials or bright, non-earth tone colors will be limited to special features which will accent parts of the Buildings, not set off an entire façade.
3. Roofs and Massing: Both flat and sloped roofs will be acceptable within the context of Buildings with a horizontal emphasis and massing. Projections of vents, stacks, arials, and towers will not be allowed to

show in any significant way unless they are screened or integrated into the design and of the architectural form of the Building. This will include mechanical equipment and skylights. The roof surfaces should receive the same design attention as the Building facades because many of them will be visible from part of University Park and from the upper floors of the University Campus. The roofs should appear neat, well organized, and as part of the architectural concept of the Building. The color and materials should be chosen to be medium to dark gray or brown so as to relate well to the Buildings but draw very little attention to themselves.

4. Glare: Glare, whether direct or reflected, such as from floodlights, high temperature processes, or glazing at any angle other than plumb in the vertical plane, and as differentiated from general illumination, shall not be visible at any Net Lot Line.
 5. Exterior Lighting: Any light used for exterior illumination shall direct light away from adjoining properties.
 6. Special Equipment: Satellite dishes and other similar pieces of equipment will be located on the ground or not openly visible on Building roofs. If placed on roofs they will be completely screened from view from all Streets, Parking Lots, adjacent Lots, Common Area Open Spaces, and the University Campus by walls of a material compatible with the Building architecture. If placed on the ground they will be so screened with such walls or by dense double rows of evergreen plantings.
 7. Walls and Fences: These elements may be used with discretion to create decorative effects or for the screening of elements on the Lot. Fences will be of high quality materials such as wrought iron and will be custom designed to relate to the architectural character of the Building. No perimeter security fencing will be allowed and no fencing may run more than twenty-five percent (25%) of the Front Net Lot line. Maximum height for fences will be four (4) feet unless a special decorative effect is approved by the Administrator. Walls will be constructed of the same materials used in the Building facades and will be limited to three (3) feet in height except where they are being used to screen service areas or where making a transition from the Building façade.
 8. Accessibility: All Buildings, Lots, and Parking Lots will be accessible to disabled individuals. This will include both visitor areas and all general work spaces and administrative areas. The only exceptions will be portions of Buildings and Lots which are service and maintenance oriented. Disabled Parking Stalls will be provided at a ratio of two percent (2%) of the total Stalls or a minimum of three (3). The specific guidelines for accessibility should be American National Standards Institute, Inc. – ANSI A117.1 – 1980. Included in the definition of disabled individuals and the commensurate improvements designed for their use should be the sight and hearing impaired as well as the orthopedically disabled.
- C. Construction: The construction of University Park will take a number of years. Consequently, it will be important for the Administrator to maintain control over

the factors which affect the way University park looks and operates during that time.

1. Access: Heavy truck and equipment access via South and East University Drive and Park Drive will be restricted to certain hours. The Administrator may limit use to only one of these roads for construction access. In the event that a secondary access to University Park is opened, construction traffic will be required to use it at all times. Designation of construction access will be at the discretion of the Administrator. This may consist of a temporary road parallel to Ppark Drive or a temporary extension of Park Drive to East University Drive or Illinois Route 157 or another access. Only one construction access point will be allowed from the permanent road system to each Lot. Any debris or dirt will be removed from the Street at that point daily.
 2. Temporary Facilities: Temporary structures and utilities will be set up in an orderly way and maintained as such until their removal at the point of substantial completion of construction. The construction limits and location of these temporary facilities will be shown as part of the final development plans approved by the Administrator.
 3. Materials and Equipment: Locations for storage and stockpiling of debris will be shown on the final plans and will be located in unobtrusive places. Temporary construction fences may be required. Soil stockpiling will be seeded and maintained erosion-and weed-free. Construction signs will be limited to the approved size of the permanent sign.
 4. Erosion Control: The final plans will indicate all means of controlling erosion and sedimentation by limiting the area of grading, dissipating storm run-off, stabilizing graded areas quickly, protecting disturbed areas from run-off flow, and retaining sediment within the Lot. Erosion control measures will be shown in the final plans and specifications for construction.
 5. Tree Protection: The limits on construction will be minimized and clearly shown on the final plans trees within the limits of construction to be retained. Such trees will be protected by barriers at their drip line. Severe grading around existing trees will be designed to avoid root damage or the modification of existing relationships between soil level, drainage, and the root system. Any utility cuts will either be outside the drip line or will be drilled under the center of the tree to avoid substantial root damage.
- D. ENVIRONMENTAL PERFORMANCE: It is the intent of this section to provide that all activities by Lessees minimize and/or eliminate activities which may potentially create conditions that are offensive and/or hazardous. For that purpose compliance with the items presented in this section is required. In addition to the listed environmental performance items, each Lessee is responsible for compliance with all applicable City, State, County, and Federal environmental laws and regulations. Each Lessee is responsible for informing the Administrator of all environmental laws and regulations that are applicable to Lessee's operations and the status of Lessee's compliance with these laws and

regulations. In addition, the Administrator will be copied on all environmentally related correspondences sent to and received from vendors, government agencies, and all other groups. Each Lessee shall develop emergency contingency plans and employ persons with safety and/or environmental training where appropriate. A copy of the emergency plan will be provided to the Administrator prior to its implementation. Each Lessee will also identify a single individual with the authority to communicate with the Administrator on any of the items presented in this section.

1. Noise and Vibrations: For the purposes of noise control, all of University Park will be defined as Class B land, as defined under the State of Illinois Noise Pollution Control Regulations as adopted by the Illinois Pollution Control Board on June 26, 1973, and published in the Pollution Control Board Newsletter – Number 70, and all regulations for Class B land shall apply. Ground vibration at any Net Lot Line shall not exceed a peak velocity of 0.05 in/sec when measured at or below ground level. When construction activities are occurring near the Net Lot Lines, related ground vibration shall not exceed 0.5 in/sec (i.e., pile driving, blasting, etc.).
2. Odors and Air Emissions: Odors from any use shall not be discernible at any Net Lot Line. The values given in Table II (Odor Thresholds), Chapter 5, "Physiological Effects," in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., copyright 1951, shall be used as standard in case of doubt concerning the character of odors emitted. In such case, the smallest value given in Table III shall be the maximum odor permitted. Particulates and all other emissions generated by a Lessee's activities shall be licensed via the Prevention of Significant Deterioration (PSD) permit, if applicable by the Illinois Environmental Protection Agency. In any case, particulate emissions will be regulated in accordance with State and/or Federal law. No fugitive particulates from material piles including raw material, products, by-products, and waste piles will be allowed. Also no emissions containing hazardous wastes/materials as defined by RCRA, TOSCA, and FIFRA or subsequent revisions of the Acts will be allowed from any source.
3. Drainage: Each Lot's storm water drainage system will be allowed to flow unrestricted and run-off water will not be allowed to make contact with potential sources of contamination related to a Lessee's operations. Construction activities will require drainage and erosion control which will be implemented prior to construction. In all cases, the smallest practical area of a Lot shall be exposed at any time during development or construction, and exposed soil shall be replanted at the earliest possible date. However, excessive application of fertilizers and biocides will not be allowed. All erosion and siltation control devices shall be regularly inspected and maintained during development. Where fill is necessary to attain the approved finished Grade of any Lot in University Park, it shall be free of waste materials and shall not contain noxious materials that will give off odors of any kind. No top soil shall be allowed to be stripped from any Lot within University Park and removed from within the boundaries of

University Park without the express written consent of the Administrator. Where applicable, storm water diversion will be allowed only if a National Pollution Discharge Elimination System (NPDES) permit is granted by the Illinois Environmental Protection Agency.

4. Hazards: Any operation shall be carried on with reasonable precautions against fire and explosion hazards. All areas inside and outside of a Building shall conform to all current National Fire Protection Association (NFPA) fire and life safety codes. Only minimum quantities of materials including raw materials, reagents, products, by-products and wastes will be stored on-site. Storage, handling, and use of hazardous and/or explosive materials will be in accordance with Illinois Environmental Protection Agency, U.S. Environmental Protection Agency, and Illinois Department of Mines and Minerals rules and regulations, if applicable.
5. Biologicals: Use of biological agents including laboratory animals will be allowed upon plan approval by the Administrator. No treatment of infectious, pathogenic or etiologic waste will be allowed on-site. A Lessee must arrange for proper off-site disposal of all waste products.
6. Radioactivity: Operations shall cause no dangerous radiation at any Net Lot Line or in any area where people outside Net Lot Lines could be expected as specified by the regulations of the United States Nuclear Regulatory Commission (NRC). The most current section of Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," shall govern the use of radioactive materials. All sources of ionizing radiation will be licensed by either the NRC or the Illinois Department of Health.
7. Electromagnetic Radiation: Any electrical radiation shall not adversely affect at any point, any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
8. Waste: All sewage and industrial waste shall be treated and disposed in such manner as to comply with the air emissions, solid and hazardous waste, and water quality standards applicable. Pretreatment of wastes on-site prior to sewer discharge will be subject to Administrator approval. Direct surface discharge of wastes on-site will not be permitted.
9. Building Materials: No Building materials which will create an exposure hazard to occupants of a facility in excess of Occupational Safety and Health Agency (OSHA) standards will be allowed. All waste and construction materials are to be collected and properly disposed. No waste construction materials are to be incorporated into the fill or a Lot.
10. Violations and Accidental Spills: All environmental violations including accidental spills are to be reported immediately upon detection to the appropriate agency. Each Lessee is responsible for the cleanup and will copy the Administrator on all correspondence sent or received which is

relative to the violation/spill including cleanup. Cleanup plans are subject to review and approval by the Administrator prior to implementation.

Wherever in this Article a rule, regulation, standard or other governmental action is referenced, that reference shall be construed to include such rule, regulation, standard or action as amended from time to time.

ARTICLE IX

MAINTENANCE

Each Lessee shall at all times, keep its Lot, Buildings, and Improvements in a safe, clean and neat, and sanitary condition and shall comply with all laws, ordinances, and regulations pertaining to health and safety. Each Lessee shall provide for the timely removal of trash and rubbish from its Lot.

During construction it shall be the responsibility of each Lessee to ensure that, while Improvements are under construction, Lots are kept free of unsightly accumulations of rubbish and scrap materials, and that construction materials, trailers, and the like are kept in a neat and orderly manner.

ARTICLE X

BUILDING CODES

Lessee shall comply with all applicable city, county, state, and federal codes, regulations, and ordinances. In the absence of local or state codes governing Building use, construction and/or maintenance, the Administrator will apply the 1987 BOCA Basic Codes as published by the Building Officials and Code Administrators International, Inc.

ARTICLE XI

ROAD AND EASEMENT CUTS

No Street right-of-way or Common Area Open Space Easements shall be cut or opened. All utility lines shall be buried or pushed under the Street.

ARTICLE XII

TRENCHING OR BLASTING

No Lessee shall use explosives for the purpose of constructing foundations, trenches, etc., without the express permission of the Administrator. Such explosives shall only be used by licensed personnel to ensure that adjoining Buildings do not suffer structural damage resulting from actions of the party utilizing the explosives.

Any Lessee utilizing explosives shall inform adjacent Building owner/occupants within the blasting area of their use and time of explosion.

ARTICLE XIII

ENERGY CONSERVATION

Due to the importance of energy conservation and the advantages of incorporating new energy measures, the Administrator shall establish standards which shall be followed by Lessee and which shall be subject to Plan review.

Each Lessee, through its consultants, shall be required to submit a detailed analysis outlining its proposed approach to providing heating, cooling, lighting, and other energy requirements of the Building. Areas to be considered shall include:

1. Building shape, mass, orientation, and placement
2. Types of materials and their insulation characteristics.
3. Fenestration, including the exact placement of all glass and shading devices.
4. Mechanical systems characteristics, including methods of cooling and heat recovery.
5. Energy characteristics, including the application of direct solar or photovoltaic energy.

The Administrator shall maintain a policy of encouraging land planning arrangements by individual Lessees which can be directed to the conservation of energy or to the creation of nontraditional energy sources. For example, the Administrator may waive Side or Rear Yard setback requirements in favor of no setbacks if two (2) or more Lessees present a sound plan for clustering their Buildings. In addition to fulfilling the design and development criteria described in the preceding sections of this Declaration, such a plan shall have to demonstrate the energy-conserving measures that can be effected by clustering the Building elements.

ARTICLE IXV

PUBLIC ART

Over the years a public outdoor art program shall be developed. In order to fund this program, all University Park Lessees shall be asked to voluntarily participate.

ARTICLE XV

ISSUANCE OF A CERTIFICATE OF COMPLIANCE

Upon final inspection of the Administrator, and when it has been found that the proposed construction has been completed, in accordance with applicable Building codes, ordinances, rules, and regulations and also in accordance with this Declaration, the

Administrator shall issue a temporary or final Certificate of Compliance. No Building shall be occupied without the issuance of a Certificate of Compliance.

ARTICLE XVI

PROJECT SUPERVISION

Lessee agrees to allow the Administrator's project construction manager and the Administrator's agents free access onto the Lot for the purpose of assuring the Administrator that the facility is being constructed in accordance with the approved Site Plans.

ARTICLE XVII

SPECIAL ASSESSMENTS/UNDERGROUND UTILITIES

Each Lot shall, prior to initial occupancy of a Building, be appropriately serviced by a Street and sewer and water lines for which Lessee may be subject to special assessments by the utilities involved.

ARTICLE XVIII

RIGHTS-OF-WAY/EASEMENTS

Each Lessee subject to this Declaration hereby agrees to cooperate with the Administrator in the planning and granting of all easements necessary and reasonable for the further development of University Park.

ARTICLE XIX

AMENDMENT AND ENFORCEABILITY

Declarant reserves the right to convey, grant easements in or across, or dedicate portions of University Park from time to time for such purposes as Declarant deems reasonably necessary or desirable for the full development of University Park as contemplated herein, and, in furtherance thereof, to withdraw said portion from this Declaration.

This Declaration may be amended from time to time by Declarant without the necessity of first obtaining the approval, joinder, or consent of any other person or entity.

The right to enforce the terms and conditions of this Declaration is vested solely in the Administrator and Declarant, jointly and severally, and no other person or entity shall have the right to enforce the same without the prior written consent of the Administrator. The remedies for any breach or violation shall include all rights and remedies provided at law or in equity, including but not limited to the right of injunction and specific performance.

ARTICLE XX

LEASES

Each Lessee in University Park must execute a lease of real estate in University Park. The lease will be subject to and incorporate by reference this Declaration and This Declaration references such lease. Both documents are intended to and shall govern the relationship between Declarant and Lessees. Both documents will be construed together and consistently.

ARTICLE XXI

CODES, STANDARDS, LAWS, ETC.

Whenever reference is made to, or compliance is required with any law, regulation, statute, ordinance, code guideline, manual or standard (governmental or private), such reference or compliance will be construed to refer to the form, version or status of any such law, regulation, statute, ordinance, code, guideline, manual or standard as it or they exist at the time this Declaration or a lease becomes applicable to a Lot or Lessee and as amended thereafter as required by law.

ARTICLE XXII

AGREEMENT

IN WITNESS WHEREOF, the undersigned have executed this Declaration on the 3rd day of August, 1989.

DECLARANT: Board of Trustees of
Southern Illinois University, a body
politic and corporate of the State of
Illinois

By: s/ Lawrence Pettit

Title: Chancellor

ATTEST:

S/ Sharon Holmes
Executive Secretary