

AMENDMENT TO

**DECLARATION AND STATEMENT OF A RESERVATION OF RIGHTS,
CONDITIONS, COVENANTS, RESTRICTIONS AND EASEMENTS AFFECTING
REAL ESTATE OF JUNIATA BUSINESS AND INDUSTRY, INC.**

THIS AMENDMENT, made the ____ day of _____, 2019, by
JUNIATA BUSINESS AND INDUSTRY, INC. (“Declarant”).

BACKGROUND

On June 18, 1974, Juniata County Development Commission, as Owner, pursuant to the General Development Plan of Juniata County Industrial Park (the “Park”), recorded Juniata County Industrial Park General Development Plan/Plot and Park Use and Building Conditions and Restrictions in Misc Book 46, Page 176 (herein at times referred to as the “First Restrictions”).

On June 6, 1984, Declarant, intending to supplement and amend the restriction on use and building contained in the First Restrictions, recorded the Declaration and Statement of a Reservation of Rights, Conditions, Covenants, Restrictions and Easements Affecting Real Estate of Juniata Business and Industry, Inc., dated June 6, 1984, in the Office of Recorder of Deeds of Juniata County in Misc Book 58 Page 134, which was amended by instrument recorded in the aforesaid office in Misc Book 59, Page 383 (collectively, as amended and with the First Restrictions, the “1984 Declaration” and, at times in other recorded documents referred to by Declarant as the “Old Restrictions”). The 1984 Declaration applied to Lots 1-11 of the Park.

On March 5, 1998, Declarant recorded the Declaration and Statement of a Reservation of Rights, Conditions, Covenants, Restrictions and Easements Affecting Real Estate of Juniata Business and Industry, Inc., - For Phase III Expansion Area of Juniata County Industrial Park, Lots 101-115, in the Office of Recorder of Deeds of Juniata County in Record Book 230 Page 1092 (the “1998 Declaration” and heretofore at times in other documents referred to by Declarant as the “New Restrictions.”)

As evidenced by an Affidavit Affecting Title to Real Estate recorded December 14, 1999, in the Office of Recorder of Deeds of Juniata County in Record Book 257 page 753, Fred E. Naylor Secretary, on behalf of the Declarant affirmed that upon election duly carried out in April and May of 1998 and carried by owners of more than 75% of the affected land area effected by the 1984 Declaration, the 1984 Declaration was replaced by the 1998 Declaration, whereby the 1998 Declaration became the governing instrument applicable to all the properties within the Juniata County Industrial Park, including those originally subject to the 1984 Declaration (Lots 1-11), and the properties subject to the 1998 Declaration (Lots 101-15), and the 1984 Declaration became null and void. The resulting 1998 Declaration is herein below referred to as the “Declaration.”

Pursuant to an Amendment recorded April 17, 2014, at Instrument Number 201401164, the Declaration was amended to permit certain sales and service of agricultural equipment, vehicles and supplies.

In accordance with Article 6, Paragraph J of the Declaration, having received the written approval of not less than the owners of seventy-five percent (75%) of the fee simple title of the properties subject to these covenants and restrictions, based on the total number of square feet owned as compared to the total area restricted, as certified by the undersigned officer, Declarant hereby amends the Declaration, as set forth below.

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

1. The foregoing Background is incorporated herein by reference. Terms used in this Amendment shall have the definitions given in the Declaration, unless a definition is specifically given herein.

2. Articles 3 and 4 of the Declaration are amended and restated as follows:

Article 3. Industrial Lands, Permitted Uses.

Permitted uses in the real estate subject to this Declaration shall consist of industrial and commercial uses that are compatible with the activities and other uses permitted in the Juniata County Industrial Park. Proposed uses will be assessed and reviewed in terms of traffic, proposed storage of raw materials and manufactured products, potential for excessive noise, odors and vibrations, potential for safety hazards to neighboring land uses, treatment and disposal of domestic and industrial waste, aesthetic compatibility with the objectives and existing development of the Juniata County Industrial Park, and size and scale. Without limiting the permitted uses, the following are examples of permitted uses:

- a. Compounding, processing, packaging, and treatment of materials, goods, and food products;
- b. Treatment, finishing, processing and fabrication of metal products;
- c. Wholesale business and storage;
- d. Contractors, storage of building materials, lumber, etc.;
- e. Truck terminals, transfer and distribution facilities;
- f. Administrative offices, research, testing, and experimental laboratories;
- g. Government uses, except dumps, landfills, waste disposal or similar uses;
- h. Public utility facility or use;

- i. Warehousing, retail and wholesale sales and service of new and used agricultural equipment, vehicle or supplies; and
- j. Additional permitted uses considered compatible with intended development of the Juniata County Industrial Park as allowed by JBI.

Article 4. Industrial Lands, Prohibited Uses

No part of the real property subject to this Declaration shall be used for any purpose or business that is prohibited by the zoning applicable to the Juniata County Industrial Park. No portion of any parcel or lot may be occupied for any use which is in violation of any applicable ordinance, law or regulation of any government entity having jurisdiction over the use of all or any part of the Juniata County Industrial Park or for any use of the local zoning determinations. Further, the following uses or any uses substantially similar to any of the following are expressly prohibited in the Juniata County Industrial Park:

- a. Retail sales and services, except for the sale of surplus goods manufactured on site, with written approval of JBI;
- b. Stores and personal service shops for the conducting of community retail business;
- c. Business, professional and financial offices;
- d. Studios for teaching dancing, art, music or similar cultural subjects;
- e. Specialty shops for custom work and articles to be sold at retail on the premises such as baking, confectionery, dressmaking, tailoring and printing;
- f. Boarding and lodging houses, nursing and rest homes;
- g. Restaurants, cafes, tearooms and other places serving food and beverages;
- h. Personal service shops such as barber, beauty, shoe repair, dry cleaning and laundromats;
- i. Mortuaries and undertaking establishments;
- j. Indoor theaters and commercial recreation uses such as billiard or pool parlors, bowling alleys and indoor pools and skating rinks;
- k. Fraternal clubs, lodges, social clubs, recreational clubs and youth clubs;
- l. Medical and dental clinics;
- m. Automobile parking lots and parking garages;

- n. Accessory buildings and uses customarily incidental to the above uses;
- o. Auto wrecking, salvage yards, used material yards, storage or baling of waste or scrap paper, rages, scrap metals, bottles or junk. This provision shall be interpreted to prevent an independent business of the above type or kind, but it shall not be considered prohibitive to store scrap material, if the scrap material is used in the business in which the industrial enterprise is engaged, or if the scrap is from the business in which the industrial enterprise is engaged, but in all cases, the aforesaid scrap shall be stored in an orderly manner, utilizing proper screening and shall be subject to prior approval by JBI;
- p. Central mixing plant for asphalt, mortar, plaster or concrete;
- q. No refining or mining operations of any kind, or quarrying shall be permitted upon or in any of the lots subject to this Declaration; nor tanks, tunnels, mineral excavations, or shafts be permitted upon or in any of the lots subject to this Declaration; or
- r. Retail sales and service, except as may be permitted in Article 3 of this Declaration and except for sales of surplus goods manufactured on the site, with approval of Grantor.

IN WITNESS WHEREOF, JUNIATA BUSINESS AND INDUSTRY, INC., has executed this Amendment as of the date first above written.

JUNIATA BUSINESS AND INDUSTRY, INC.

By: _____

Name: _____

Title: _____

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF JUNIATA :

On this, the ____ day of _____, 2019, before me, a Notary Public, personally appeared _____, known to me (or satisfactorily proven) and who acknowledged himself to be the _____ of Juniata Business and Industry, Inc., a Pennsylvania corporation, and as such officer being authorized so to do, signed the foregoing instrument in the name of the corporation and acknowledged the foregoing to be its act and deed and desired the same to be recorded as such.

Witness my hand and notarial seal this ____ day of _____, 2019.

Notary Public

My Commission Expires: