

RESTRICTIONS

PETITION 9346

Use black ink & print legibly

WHEREAS, Robert H. Johnson, Jeffrey T. Lavake

is/are owner(s) of the following described real estate in the
Town of Christiana in Dane County,
further described as follows:

(Use reverse side if more space is needed for the complete property description.)

Property Description:

Lot 4, Certified Survey Map # 11614, recorded in the Dane County Register of Deeds Office.

DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #

4138178

11/30/2005 05:09PM

Trans. Fee:
Exempt #:

Rec. Fee: 15.00
Pages: 3

002662

Recording area

Name and return address:

Robert H. Johnson
275 HWY 124P
Cambridge, WI 53523

016/0612-024-8425-0

016/0612-024-8420-0
PARCEL IDENTIFICATION NUMBER(S)

3/15

WHEREAS, said owner(s) desires to place certain restrictions on the above-said real estate, to bind the owner(s) and those who may acquire title hereafter.

002663

WHEREAS, the restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to these restrictions by the following who are named as grantees and beneficiaries with enforcement rights:

1. The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of the County zoning ordinance at the time the enforcement action is commenced, and;
2. The Town Government of the Town of Christiana, Dane County, provided that the lands are within the jurisdiction of said Town at the time the enforcement action is commenced, and;
3. The owner(s) of record of any lands that are located within 300 feet of the subject property.

THEREFORE, the following restrictions are hereby imposed: *(Use reverse side or attachment if more space is needed.)*

- 1) Limit uses exclusively to repairs, storage and service of contractor's machinery and equipment; bulk fuel storage, sales and storage of lumber and building material; and parking or storing of motor vehicles.
- 2) Prohibit outside storage.
- 3) Prohibit further division of the parcel.

The restrictions set forth herein may be amended or terminated in the following manner: 002664

1. The owner(s) of the subject property may submit a written petition calling for the amendment or termination of the restrictions. Such petition must be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning and Natural Resources Committee (or successor committee), which shall then schedule and hold a public hearing on the petition.

The petition shall also be referred to the Town Government of the Town in which the subject property is located. The Zoning and Natural Resources Committee shall issue a written report on the petition to the County Board of Supervisors. The County Board shall, by majority vote, approve or reject the petition. Amendment or termination of the restrictions shall also require the approval of the Town Board.

2. Upon approval of the petition calling for amendment or termination of the restrictions, the owner(s) of the subject property shall draft the amendatory covenant instrument. The owner(s) shall then execute and record the amendatory covenant with the Dane County Register of Deeds.
3. A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

Date 11-22-05

 Date

 Signature of Grantor (owner)

 Signature of Grantor (owner)

 *Name printed
Robert H. Johnson

 *Name printed

Date 11-22-05

 Date

 Signature of Grantor (owner)

 Signature of Grantor (owner)

 *Name printed
Jeffrey T. Levaire

 *Name printed

 Date

 Signature of Grantor (owner)

 *Name printed

 Date

 Signature of Grantor (owner)

 *Name printed

This document was drafted by:
 (print or type name below)

Steven J. Johnson

*Names of persons signing in any capacity must be typed or printed below their signature.
 P&D form 2/20/2001

STATE OF WISCONSIN, County of DANE.

Subscribed and sworn to before me on 11/22/05 by the above named person(s).

Signature of notary or other person authorized to administer an oath (as per s. 706.06, 706.07)

Print or type name:

Michael D. Rumpf
 Title Notary Public Date commission expires: IS PERMANENT

IN FAVOR: Steven Johnson; Jeff Levake; Rudi Buttner; Teresa Smith

OPPOSED:

STAFF: P&D, HWY, EH

TOWN: Town approved, with conditions

Motion by Pertzborn/McDonell to recommend approval with the following conditions; carried, as amended, 4-0.

- 1) Conditions for proposed Lot 1 on the preliminary Certified Survey Map submitted as part of Rezone Application #9346 (northwest most lot) (C-1 to C-2):
 - a. Deed restriction limiting uses exclusively to a heating and cooling contractor business; repairs, storage, and service of contractor's machinery and equipment; rental of warehouse space.
 - b. Deed restriction prohibiting outside storage of materials for business.
 - c. Deed restriction prohibiting further division of the parcel.
- 2) Conditions for proposed Lot 2 on the preliminary Certified Survey Map submitted as part of Rezone Application #9346 (northeast most lot) (C-1 & C-2 to C-2):
 - a. Deed restriction limiting uses exclusively to major repairs to motor vehicles; sales of new and used motor vehicles; and parking or storing of motor vehicles.
 - b. Deed restriction limiting the total number of vehicles to 125 for the business (limit includes vehicles for repair & sale).
 - c. Deed restriction prohibiting further division of the parcel.
- 3) Conditions for proposed Lot 3 on the preliminary Certified Survey Map submitted as part of Rezone Application #9346 (west central lot) (C-1 to LC-1):
 - a. Deed restriction limiting uses exclusively to an electrical contractor business and related uses.
 - b. Deed restriction prohibiting outside storage of materials.
 - c. Deed restriction prohibiting further division of the parcel.
- 4) Conditions for proposed Lot 4 on the preliminary Certified Survey Map submitted as part of Rezone Application #9346 (southern most lot) (C-1 & C-2 to C-2):
 - a. Deed restriction limiting uses exclusively to repairs, storage and service of contractor's machinery and equipment; bulk fuel storage, sales and storage of lumber and building material; and parking or storing of motor vehicles.
 - b. Deed restriction prohibiting outside storage of materials.
 - c. Deed restriction prohibiting further division of the parcel.

25. PETITION # 9347 BY HENRY CAMPBELL & BRITNEY LACOSTE to change the zoning from RH-1 Rural Homes to B-1 Local Business - Deed Restricted on property located at 4981 Scherbel Road in part of the SW 1/4 NE 1/4 Section 32, Town of Berry.

IN FAVOR: Henry Campbell

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, no conditions

Motion by McDonell/Jensen to recommend approval with the following conditions; carried, as amended, 4-0.

- 1) Deed restrict the lot to limit permitted uses on the property exclusively to an advertising business and related office uses;
- 2) Deed restrict both the B-1 lot and the remainder of the applicants property prohibiting roadside signage for the business.

26. PETITION # 9348 BY GEORGE & PEGGY SHALABI to change the zoning from A-1 EX Exclusive Agricultural to RH-3 Rural Homes on property located East of 9556 County Highway Y in part of the S 1/2 SE 1/4 Section 13, Town of Mazomanie.

IN FAVOR: Brandon Finley

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: No Town action

Motion by McDonell/Pertzborn to postpone; carried, 4-0.

27. CONDITIONAL USE PERMIT # 1985 BY SPRINGDALE EVANGELICAL LUTHERAN CHURCH to allow Religious Use for expansion of existing church on property located at 2752 Town Hall Road in part of the W 1/2 SE 1/4 Section 8, Town of Springdale.

IN FAVOR: Kimberly Stenerson

OPPOSED: None

STAFF: P&D, HWY, EH

TOWN: Town approved, no conditions

Motion by Jensen/McDonell to approve; carried, 4-0.

28. PETITION # 9356 BY NORSETTER TRUST to change the zoning from A-1 EX Exclusive Agricultural to RH-1 Rural Homes on property located at 3352 Peterson Road in part of the SE 1/4 NW 1/4 Section 12, Town of Dunn.

IN FAVOR: Dave Norsetter