

DANE COUNTY REGISTER OF DEEDS

Doc No 2805555

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RETURN TO

JAMES Gibson  
3537 OLD Stone Rd.  
Stoughton Wi. 53589

TAX Parcel # 26051025484503

RESTRICTIONS

I. WHEREAS, JAMES S. GIBSON  
is/are the owner/s of the following described land in the  
Town of RUTLAND Dane County, Wisconsin,  
to-wit:

Part of Lot #1 Dane County Certified Survey Map #1888, located in the NE 1/4 SE 1/4 Section 25, Town of Rutland described as follows: Beginning at the Southeast corner of Lot #1 of said CSM 1888; thence S 88° 43' 49" West along the South line of said Lot #1, 360.00 feet; thence N 01° 23' 02" West parallel with the East line of said Lot #1, 250 feet; thence N 88° 43' 49" East parallel with said South line, 360.00 feet to the East line of said Lot #1, said line also being the Westerly right-of-way line of Danks Road (formerly known as Rutland Dunkirk Town Road); thence S 01° 23' 02" East along said East line, 250.00 feet to the point of beginning.

II. WHEREAS said owner desires to place certain restrictions thereon, to bind the owner and those who may acquire title hereafter.

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III. NOW, THEREFORE, in consideration of the mutual benefits passing to and from the owner and those who may hereafter purchase said land and the parties named as beneficiaries of these restrictions, the following restrictions are hereby imposed:

1. Subject to the recording of a deed restriction specifying that there shall be only one employee and that all unlicensed vehicles shall be stored inside the structure.

These restrictions shall constitute covenants running with the land and shall be binding upon all parties now owning any part of said land, their successors, heirs and assigns, and all parties holding under them unless, pursuant to paragraphs 5 or 6 of this instrument, said restrictions are amended or terminated.

IV. The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the land subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights:

- (a) The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of zoning ordinance of said County at the time the enforcement action is commenced; and
- (b) The Town Government of the Town Rutland Dane County, Wisconsin provided that the lands are within the governmental jurisdiction of said Town at the time the enforcement action is commenced.
- (c) The owner(s) of record of any land/s which are located within 300 feet of the subject site.

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V.

The restrictions set forth in paragraph 3 above may be amended in the following manner:

- (a) A written petition calling for the amendment of the restrictions may be made by the persons who are, at the time of the petition, owner/s of the lands subject to the restriction. Such petition shall be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning & Natural Resources Committee (or successor committee) which committee shall schedule and hold a public hearing on the petition in the same manner as public hearings for zoning amendment petitions are noticed and scheduled. Following such hearing, the committee shall issue a written report on the petition to the County Board of Supervisors which shall, by majority vote, approve or reject the petition. If approved, the petitioner/s shall draft the amendatory covenant instrument, have same executed by the owner/s of the lands subject to the restrictions and record same.
- (b) Such amendment shall also require approval of the Town Board.

VI. The restrictions set forth in Paragraph 3 above may be terminated in the following manner:

- a) Termination may be accomplished through County Board approval of a petition for termination of the restrictions. The procedures for introducing and processing the petition shall be as provided in Paragraph 5(a) hereof, except that the petition shall call for termination rather than amendment of the restrictions and the instrument which is recorded shall be an instrument of termination. Such termination shall also require approval of the Town Board.
- (b) A rezone of the property to a different zoning district shall also act to repeal the covenant controls.

