

SHARED DRIVEWAY EASEMENT AGREEMENT for CSM_____ (Revised)

This non-exclusive shared driveway easement agreement between owners of Agricultural Lot 1 (grantors) and Residential Lot 2 (grantees) provides unrestricted access; it is understood that granters, owners of Lot 2, shall continue to use the easement for ongoing farming activities and as a seasonal access for customers. This document also acknowledges and affirms a prior right-of-way agreement requested by the Town of Oregon to reduce the number of driveways on Tipperary Road. The existing agreement is for the first 300 feet and provides access to the owners of lot 1 of CSM 2206, recorded as doc #1494606 in Vol 744 page 617, dated November 8, 1976.

This shared driveway easement shall constitute a covenant running with the land. The Town of Oregon, and County of Dane are co-holders of the following described easement, and as such have full enforcement right.

LEGAL DESCRIPTION:

The North 66.00 feet of the SW 1/4-NW 1/4 of Section 16, T.5N-R.9E commencing from the center of Tipperary Road to residential Lot 1 of CSM_____, a length of approximately 1,211 feet.

TERMS AND CONDITIONS

This shared driveway will be maintained to provide access for emergency vehicles, school buses and other equipment as determined by the town engineer, local fire department and EMS services.

The year-round maintenance of the shared driveway shall be allocated as specified in the Road Maintenance section of this agreement, and shall be binding among the current property owners, their heirs, successors and assigns.

It is agreed that the Town of Oregon, at its sole discretion, or Dane County can inspect and conduct repair work on the shared driveway, at the expense of the beneficiaries involved if they fail to adequately maintain the driveway.

It is agreed to dedicate the shared driveway easement to the Town of Oregon as a future town road right-of-way, if at any time the town, in its sole discretion, accepts it.

All buildings constructed on the parcels serviced by this shared driveway easement shall be the setback from said shared driveway easement as specified in Section 10.17(3)(b).

Permanent, unimpeded access similar to that of a public road will be provided for emergency service responders, utility services and others.

Any modifications to this shared driveway easement agreement will require the written pre-approval of the Town of Oregon and Dane County Zoning and Land Regulation Committee.

ROAD MAINTENANCE AGREEMENT

The cost of constructing and maintaining an all season gravel road within the 66 foot easement that meets the requirements of the Terms and Conditions section of this document, will be shared equally by the owners of Agricultural Lot 1 and the owners of Residential Lot 2. Year-round maintenance will include, but not be limited to: grading to remove potholes, addition of aggregate as needed, brush removal and snow plowing as needed. An accounting system will be maintained. Failure to make payment and/or provide in kind serves by either party is grounds for litigation. The cost of any additional maintenance that may be required by the Town of Oregon or Dane County will also be equally shared.