

**DECLARATION OF RESTRICTIVE
COVENANT**

WHEREAS, Vetesnik Enterprises, LLC is/are the sole owner(s) of the following described real estate in the Town of Burke, Dane County, Wisconsin further described as follows:

- Lots 1 and 2 , Certified Survey Map No. 12830, part of the SE ¼ of the SE ¼ of Section 5, T 8 N, R 10 E, Town of Burke, Dane County, Wisconsin

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

WHEREAS, the rezoning of the portion of Lot 1 CSM 12830 North of Token Creek to C-2 supersedes the previous deed restriction (recorded as document No. 4623767).

WHEREAS, amended deed restrictions were required by the Town of Burke's conditional approval for the rezoning, dated _____, 2017, and by Dane County's conditional approval for the rezoning, dated _____, 2017.

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 this restriction by the following who are named as Grantees and beneficiaries with enforcement rights:

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

NOW, THEREFORE, the following restrictions are hereby imposed:

1. ~~The proposed C-2 Zoning District parcel~~Lot 1 CSM 12830 shall be deed restricted to prohibit the construction of buildings south of Token Creek, to prohibit the installation of any billboard signage on the entire Lot, and to allow the display of recreational equipment and accessory storage buildings offered for sale on the gravel surface, up to a maximum of 15 objects on display, as approved by the Town and County as more particularly described on Exhibit A (Site and Landscape Plan) attached hereto.
2. The northerly arm of ~~the proposed C-2 Zoning District parcel~~Lot 2 CSM 12830 shall be deed restricted to limit the land uses to an on-premise advertising sign and temporary outdoor display of recreational vehicles and accessory storage buildings offered for sale, up to a maximum of 20 objects on display.

Recording area

Name and return address:
Parent Parcel Number(s): 0810-054- <u>9685-09670-1</u> 0810-081- <u>9710-08090-2</u>

3. ~~The C-2 Zoning District parcel~~ Lot 2 CSM 12830 shall be deed restricted limiting the permitted uses exclusively to the following: 10.14(1)(a) all uses permitted in the C-1 Commercial District without limitations as to size; 10.14(1)(b) major repairs to motor vehicles; 10.14(1)(c) sales of new and used motor vehicles; 10.14(1)(d) sales of new and used mobile homes, recreational equipment rental, sales and service; 10.14(1)(e) sales of new and used contractor's machinery and equipment; 10.14(1)(f) repairs, storage and service of contractor's machinery and equipment; 10.14(1)(g) parking or storing of motor vehicles; 10.14(1)(s) warehouses.

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

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 Land Regulation Committee (or successor committee), which shall then schedule and hold a public hearing on the petition.

The petition shall then be referred to the Town Government of the Town in which the subject property is located. The Zoning and Land Regulation 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 an 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. The rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

VETESNIK ENTERPRISES, LLC

Date

Date

Signature of Grantor (owner)

Signature of Grantor (owner)

*Name printed

*Name printed

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

STATE OF WISCONSIN, County of _____

Subscribed and sworn to before me on _____ by the above named person(s).

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

*Names of persons signing in any capacity must be typed or printed below their signature.

Print or type name: _____

Title _____ Date commission expires: _____