



DEED RESTRICTION
Conditional Use Permit 2501

Use black ink & print legibly

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
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Recording area

Name and return address:

Paul Morrison
7741 State Hwy 69
Belleville, WI 53508

Whereas, Morcoy Compound, LLC

is owner of the following described real estate in the
Town of Montrose, Dane County, Wisconsin further
described as follows:

Parcel Number:
0508-314-9000-7

LEGAL DESCRIPTION:

That part of the Southeast 1/4 of Section 31, Town 5 North, Range 8 East, in the Town of Montrose, Dane County, Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said Section 31; thence North 89° 38' 52" West along the South line of Section 31, 459.86 feet to the true point of beginning of the lands being described; thence continuing North 89° 38' 52" West, 1566.47 feet; thence North 0° 47' 1 0" West, 2255.29 feet to the centerline of State Trunk Highways 69 & 92; thence South 73° 23' 49" East along said centerline, 1219.77 feet; thence South 7° 24' 30" West, 1123.47 feet to an iron rod; thence South 35° 33' 26" East. 985.92 feet to the point of beginning.

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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 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 Montrose, 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.

THEREFORE, the following restrictions are hereby imposed:

1. The property contains two separate farm residences (two single-family dwellings) as allowed under Conditional Use Permit #2501 as part of a farm operation. Upon the sale of the property to an unrelated third party, the conditional use permit will expire. Future owners shall be required to obtain a new conditional use permit for farm residences on the property or bring the property into compliance with Dane County Zoning Ordinances.
2. The property contains existing two residences as allowed under the Town of Montrose Comprehensive Plan density policies. Further residential development of the property is prohibited.

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. A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

9-18-20
 Date _____

 Signature of Grantor (owner)
Paul Morrison

 *Name printed

 Date _____

 Signature of Grantor (owner)

 *Name printed

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

Dane County Planning & Development

*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 Sept 18, 2020 by the above named person(s).

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

Print or type name: Karleigh MacWilliams

Title Treasury Management Date commission expires: 01/06/2023

Notary Public
State of Wisconsin
Karleigh MacWilliams



Dane County Zoning Division

City-County Building
210 Martin Luther King, Jr., Blvd., Room 116
Madison Wisconsin 53703
(608) 266-4266/266-9083
Fax (608) 267-1540

DANE COUNTY CONDITIONAL USE PERMIT #2501

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.101(7) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit # 2501 for a secondary farm residence conditioned upon Dane County Code of Ordinances Section 10.101(7)(d)2 and subject to the additional conditions listed below:

EFFECTIVE DATE OF PERMIT: August 26, 2020

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

LOCATION: 7741 State Highway 69, Town of Montrose, Dane County, Wisconsin.

Legal Description:

That part of the Southeast 1/4 of Section 31, Town 5 North, Range 8 East, in the Town of Montrose, Dane County, Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said Section 31; thence North 89° 38' 52" West along the South line of Section 31, 459.86 feet to the true point of beginning of the lands being described; thence continuing North 89° 38' 52" West, 1566.47 feet; thence North 0° 47' 1 0" West, 2255.29 feet to the centerline of State Trunk Highways 69 & 92; thence South 73° 23' 49" East along said centerline, 1219.77 feet; thence South 7° 24' 30" West, 1123.47 feet to an iron rod; thence South 35° 33' 26" East. 985.92 feet to the point of beginning.

CONDITIONS:

1. The balance of the property be deed restricted to prohibit further residential development.
2. The conditional use permit for a farm residence shall expire on the sale of the property to an unrelated third party. Continued use of a farm residence after sale to an unrelated third party shall require approval of a new conditional use permit.
3. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation. Continued use of residence with a revoked conditional use

permit shall require approval of a rezone petition to a zoning district that allows nonfarm residential use.

4. The landowner must record a notice document with the Register of Deeds on the subject property notifying current and future owners of the Conditions 2 and 3 above.
5. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
6. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Uniform Dwelling Code.
7. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
8. Existing onsite wastewater sewage disposal systems serving the farm residence must be inspected by a licensed plumber to determine its suitability. Any deficiencies must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
9. If the farm residence is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.
7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.
8. If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220 (1).

EXPIRATION OF PERMIT

Upon the allowed land use's cessation or abandonment for a period of one year, this conditional use permit will be deemed to have been terminated and any future use shall be in conformity with the ordinance.