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CHRIS PLANASCH, REGISTER OF DEEDS

Chris Planasch

DODGE COUNTY, WI
Fee Amount: \$30.00 Pages: 4

DEED RESTRICTION

In Re: A parcel of land located in the SE ¼ of the SE ¼ and the NE ¼ of the SE ¼ of Section 35, T9N, R15E, Town of Emmet, Dodge County, Wisconsin, more particularly described as set forth on Exhibit "A" attached hereto.

(the "Property")

WHEREAS, Windwood, LLC has applied to the Town of Emmett to rezone the property from AG – General Agriculture to the C-C Convenience Commercial District; and

WHEREAS, the Town Board of the Town of Emmet has concluded that the proposed rezoning of the Property is generally in the public interest except for certain uses within the C-C Convenience Commercial District which would not be in the public interest or consistent with sound land use planning to permit under existing conditions in the area; and

WHEREAS, Windwood, LLC is willing to restrict the allowable use of the Property so as to permit rezoning of the Property to C-C Convenience Commercial District, but not allow those certain uses which the Town Board of the Town of Emmet deems to be contrary to the public interest and sound land-use planning.

NOW, THEREFORE, the following restrictions are hereby imposed:

1. Upon the final approval necessary to rezone the Property to the C-C Convenience Commercial District under the Town of Emmet Zoning Code, the only permitted uses to which the Property may be put shall be:

- Business offices
- Caterers
- Churches
- Clubs (Not including strip clubs or similar erotic entertainment establishments or clubs that include the discharge of firearms or archery).
- General Farming, except farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms.

Return to and Drafted By:
Attorney Matthew J. Fleming
Murphy Desmond S.C.
P.O. Box 2038
Madison, WI 53701-2038

Tax Parcel No. 016-0915-3541-001

Professional Offices

Restaurants (including restaurants serving alcohol beverages with a valid alcohol license and banquet facilities.)

Truck gardening, nurseries, and greenhouses only for propagation of plants.

2. The forgoing terms describing allowable uses shall be interpreted consistent with how those terms are used in the Town of Emmet Zoning Code. Nothing in this Deed Restriction shall be construed as a limitation on the available Conditional Uses for which the owner of the Property may apply in accordance with the Town of Emmet Zoning Code.

3. The restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the Properties subject to this restriction by the Town of Emmet, who is herein named as a beneficiary with enforcement rights, provided that the Property is within the jurisdiction of said Town of Emmet at the time the enforcement is commenced.

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

a) The owner of the subject Property may submit a written petition calling for the amendment or termination of the restrictions as to said Property. Such petition must be submitted to the Town of Emmet to be processed in the manner required by the Town Zoning Code for rezoning petitions or, if the Property is not then within the jurisdiction of the Town of Emmet, submitted to the municipality then having jurisdiction over the Property.

b) A rezoning of the subject Property to a different zoning district shall also act to terminate the restrictions set forth herein as to said Property.

5. This Restriction shall be binding upon the Parties hereto, their respective heirs, successors and assigns.

6. The Restriction declared herein shall be a permanent restriction and shall be construed as a restriction and covenant running with the land.

[signatures on following page]

WINDWOOD, LLC

Lee Bruce
Lee Bruce, Member

Jeanne Whitish
Jeanne Whitish, Member

STATE OF WISCONSIN)
) ss.:
COUNTY OF DANE)

Personally came before me, this 5th day of February, 2020, the above named Lee Bruce and Jeanne Whitish, to me known to be such person(s) who executed the foregoing instrument and acknowledge that he executed the same for the purposes therein contained.

Lisa M. Sherrard

Notary Public, State of Wisconsin
My Commission: 08/12/2022



EXHIBIT A

PARCEL OF LAND TO BE ZONED C-C

A parcel of land located in the SE1/4 of the SE1/4 and the NE1/4 of the SE1/4 of Section 35, T9N, R15E, Town of Emmet, Dodge County, Wisconsin to-wit:

Commencing at the East 1/4 corner of said Section 35; thence S00°53'39"E, 1325.16 feet along the East line of said SE1/4; thence S89°06'21"W, 396.22 feet to the point of beginning; thence S89°06'34"W, 769.05 feet; thence S00°53'27"E, 407.50 feet to a point of curve; thence Southeasterly along a curve to the left which has a radius of 203.00 feet and a chord which bears S30°52'36"E, 202.91 feet; thence S60°51'45"E, 188.89 feet to a point of curve; thence Southeasterly along a curve to the right which has a radius of 97.00 feet and a chord which bears S28°51'16"E, 102.83 feet; thence S03°09'13"W, 488.73 feet; thence N89°15'49"E, 13.25 feet; thence N85°15'34"E, 218.68 feet; thence N22°13'16"E, 168.06 feet; thence N11°25'08"E, 276.16 feet; thence N01°30'39"W, 202.36 feet; thence N29°10'40"E, 271.99 feet; thence N00°53'27"W, 379.35 feet to the point of beginning. Containing 644,143 square feet (14.788 acres).