



SUBDIVISION APPLICATION Madison Plan Commission

215 Martin Luther King Jr. Blvd; Room LL-100
PO Box 2985; Madison, Wisconsin 53701-2985
Phone: 608.266.4635 | Facsimile: 608.267.8739

**** Please read both pages of the application completely and fill in all required fields****

This application form may also be completed online at www.cityofmadison.com/planning/plan.html

NOTICE REGARDING LOBBYING ORDINANCE: If you are seeking approval of a development that has over 40,000 square feet of non-residential space, or a residential development of over 10 dwelling units, of if you are seeking assistance from the City with a value of \$10,000 (including grants, loans, TIF or similar assistance), then you likely are subject to Madison's lobbying ordinance (Sec. 2.40, MGO). You are required to register and report your lobbying. Please consult the City Clerk's Office for more information. Failure to comply with the lobbying ordinance may result in fines.

1a. Application Type.

Preliminary Subdivision Plat Final Subdivision Plat Land Division/Certified Survey Map (CSM)

If a Plat, Proposed Subdivision Name: _____

1b. Review Fees. Make checks payable to "City Treasurer." Note: New fees effective May 2012 (!)

- For Preliminary and/or Final Plats, an application fee of \$250, plus \$50 per lot or outlot contained on the _____
- For Certified Survey Maps, an application fee of \$250 plus \$200 per lot and outlot contained on the CSM _____



2. Applicant Information.

Name of Property Owner: McKenzie 300 Corporation Representative, if any: John McKenzie
Street Address: 9201 Waterside Street City/State: Middleton, WI Zip: 53562
Telephone: (608) 335-0036 Fax: () Email: johnmc300@yahoo.com
Firm Preparing Survey: Mead & Hunt, Inc. Contact: Sean Walsh
Street Address: 6501 Watts Road City/State: Madison, WI Zip: 53719
Telephone: (608) 273-6380 Fax: (608) 273-6391 Email: sean.walsh@meadhunt.com

Check only ONE – ALL Correspondence on this application should be sent to: Property Owner, OR Survey Firm

3a. Project Information.

Parcel Addresses (note town if located outside City) : 1,2,5,8,9,15 River Birch Court & 809 Big Stone Trail, Madison
Tax Parcel Number(s): 070816306166, 070816306174, 070816306182, 070816306190, 070816306207, 070816306215, 070816306223
Zoning District(s) of Proposed Lots: R1 School District: Mid-Cr Plains

→ Please provide a Legal Description on your CSM or plat. Note your development schedule in your Letter of Intent.

3b. For Properties Located Outside the Madison City Limits in the City's Extraterritorial Jurisdiction:

Date of Approval by Dane County: _____ Date of Approval by Town: _____

→ For an extraterritorial request to be scheduled, approval letters from both the Town and Dane County must be submitted.

4. Subdivision Contents and Description. Complete table as it pertains to your request; do not complete gray areas.

Land Use	Lots	Outlots	Acres
Residential	2		3.8
Retail/Office			
Industrial			
Other (state use):			

Land Use	Lots	Outlot	Acres
Outlots Dedicated to the Public (Parks, Stormwater, etc.)			
Outlots Maintained by a Private Group or Association			
PROJECT TOTALS	2		3.8

OVER →

5. **Required Submittals.** Your application is required to include the following (check all that apply):

- Map Copies** (prepared by a Registered Land Surveyor):
 - For Preliminary Plats, **eighteen (18) copies** of the drawing drawn to scale are required. The drawing is required to provide all information as set forth in Section 16.23 (7)(a) of the Madison General Ordinances. The drawings shall include, but are not limited to, a description of existing site conditions and natural features, delineation of all public and private utilities that serve the site (denote field located versus record drawings), the general layout of the proposed subdivision, the dimensions of lots and outlots, widths of existing and proposed rights of way, topographic information, and any other information necessary for the review of the proposed subdivision.
 - For Final Plats, **sixteen (16) copies** of the drawing are required to be submitted. The final plat shall be drawn to the specifications of Section 236.20 of the Wisconsin Statutes.
 - For Certified Survey Maps (CSM), **sixteen (16) copies** of the drawing are required. The drawings shall include all of the information set forth in Sections 16.23(7)(a)&(d) of the Madison General Ordinances, including existing site conditions, the nature of the proposed division and any other necessary data. Utility data (field located or from utility maps) may be provided on a separate map submitted with application.
 - All surveys submitted with this application are required to be collated, stapled and folded so as to fit within an 8 1/2" X 14" folder. An **8-½ X 11-inch reduction of each sheet** shall also be submitted.
- Letter of Intent: Twelve (12) copies** of a letter describing the proposed subdivision in detail including, but not limited to: the number and type/ use of lots proposed with this subdivision; existing conditions and uses of the property; development and phasing schedule for the project, and; the names of persons involved (contractor, architect, landscaper, business manager, etc.). ***The letter of intent for a subdivision can be the same document as the letter of intent required for a concurrent Land Use Application for the same property. **A letter of intent is not required for Subdivision Applications for lot combinations or split duplexes.**
- Report of Title and Supporting Documents:** All plats and certified surveys submitted for approval shall include a Report of Title satisfactory to the Office of Real Estate Services as required in Section 16.23 of the Madison General Ordinances. A minimum of **two (2) copies** of a City of Madison standard 60-year Report of Title shall be obtained from a title insurance company. **Title insurance or a title commitment policy is NOT acceptable** (i.e. a Preliminary Title Report or a Record Information Certificate). The applicant shall submit a copy of all documents listed in the Report of Title for each copy of the report submitted.
- For any plat or CSM creating common areas to be maintained by private association: Two (2) copies** of proposed development restrictions and covenants shall be submitted for City approval prior to recording of the survey instrument.
- For Surveys Outside the Madison City Limits:** A copy of the approval letters from both the Town where the property is located and Dane County must be submitted with your request. The City of Madison may not consider a survey within its extraterritorial jurisdiction without prior approval **Town and Dane County**.
- For Surveys Conveying Land to the Public:** A Phase I Environmental Site Assessment Report may be required if any interest in these lands are to be conveyed to the public. Please contact the City's Office of Real Estate Services at 266-4222 for a determination as soon as possible.
- Electronic Application Submittal:** All applicants are required to submit a copy of this completed application form, and preliminary and/or final plats or Certified Survey Map as individual Adobe Acrobat PDF files compiled either on a non-returnable CD-ROM to be included with their application materials, or in an e-mail sent to pcapplications@cityofmadison.com. The transmittal shall include the name of the project and applicant.

6. **Applicant Declarations:**

The signer attests that the application has been completed accurately and all required materials have been submitted:

Applicant's Printed Name Sean Walsh **Signature** 
Date 10/16/12 **Interest In Property On This Date** Agent for owners



Mead & Hunt, Inc.
M & H Architecture, Inc.
6501 Watts Road
Madison, Wisconsin 53719
608-273-6380
meadhunt.com

October 16, 2012

City of Madison Planning Division
215 Martin Luther King Jr. Boulevard
Madison, WI 53701

Subject: Letter of Intent

Consolidation and re-division of lots 466-472 and Vacated River Birch Court, Eighth Addition to Blackhawk Subdivision, City of Madison.

McKenzie 300 Corporation is the owner of the subject property located in the southwest quarter of section 16, Township 7 North, Range 8 East, City of Madison

McKenzie 300 Corporation wishes to consolidate seven (7) lots and one cul-de-sac street identified as River Birch Court, located in the Eighth Addition to Blackhawk Subdivision for the purpose of re-dividing into two (2) lots by Certified Survey Map. The proposed re-configuration consists of combining Lots 466-472 and the right-of-way of River Birch Court into two (2) lots for sale and residential development. The new parcels will be approximately 1.4 acres and 2.4 acres in size. The parcels are currently zoned R1 and there is no proposal to change the zoning.

Mead & Hunt, Inc., along with personnel from McKenzie Corporation and Alderman Paul Skidmore, have met with the City of Madison Planning Division personnel to present the concept of the proposal. During the conceptual meeting, critical elements were discussed, and preliminary proposals reviewed and commented on by the Planning Department staff. Alderman Skidmore has indicated his support for the proposal and willingness to sponsor through the review process. In addition to the CSM submittal, a petition for the vacation of River Birch Court will be developed through Mr. Eric Pederson with City Engineering based upon exhibit and description provided by Mead & Hunt, Inc.

If the land division is not approved by the City Plan Commission or the Common Council, the owners wish to have the Street Vacation Petition withdrawn.

Mead & Hunt, Inc., on behalf of McKenzie 300 Corporation, hereby submits the following items along with the City of Madison Land Division Application:

- City of Madison Land Division Application and review fees.
- Site Plan delineating existing conditions including topography and utilities as marked by Diggers Hotline.

City of Madison Planning Division

October 16, 2012

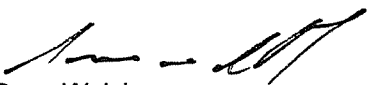
Page 2

- Title Report by Dane County Title Company based upon the 60-year search criteria as required by the City of Madison Land Division Ordinance.
- Certified Survey Map consisting of two proposed lots.

If you have any questions, please contact me.

Sincerely,

MEAD & HUNT, Inc.



Sean Walsh

RLS

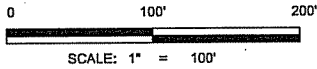
Attachments

cc: Mr. John McKenzie, McKenzie 300 Corporation
Mr. Paul Berns
Mr. Aris Gialamis

DANE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING LOTS 466, 467, 468, 469, 470, 471 AND 472 AND VACATED RIVER BIRCH COURT, OF THE EIGHTH ADDITION TO BLACKHAWK SUBDIVISION, LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 8 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

SURVEY FOR:
MR. PAUL BERNS
9906 FALLEN LEAF
MIDDLETON, WI 53562

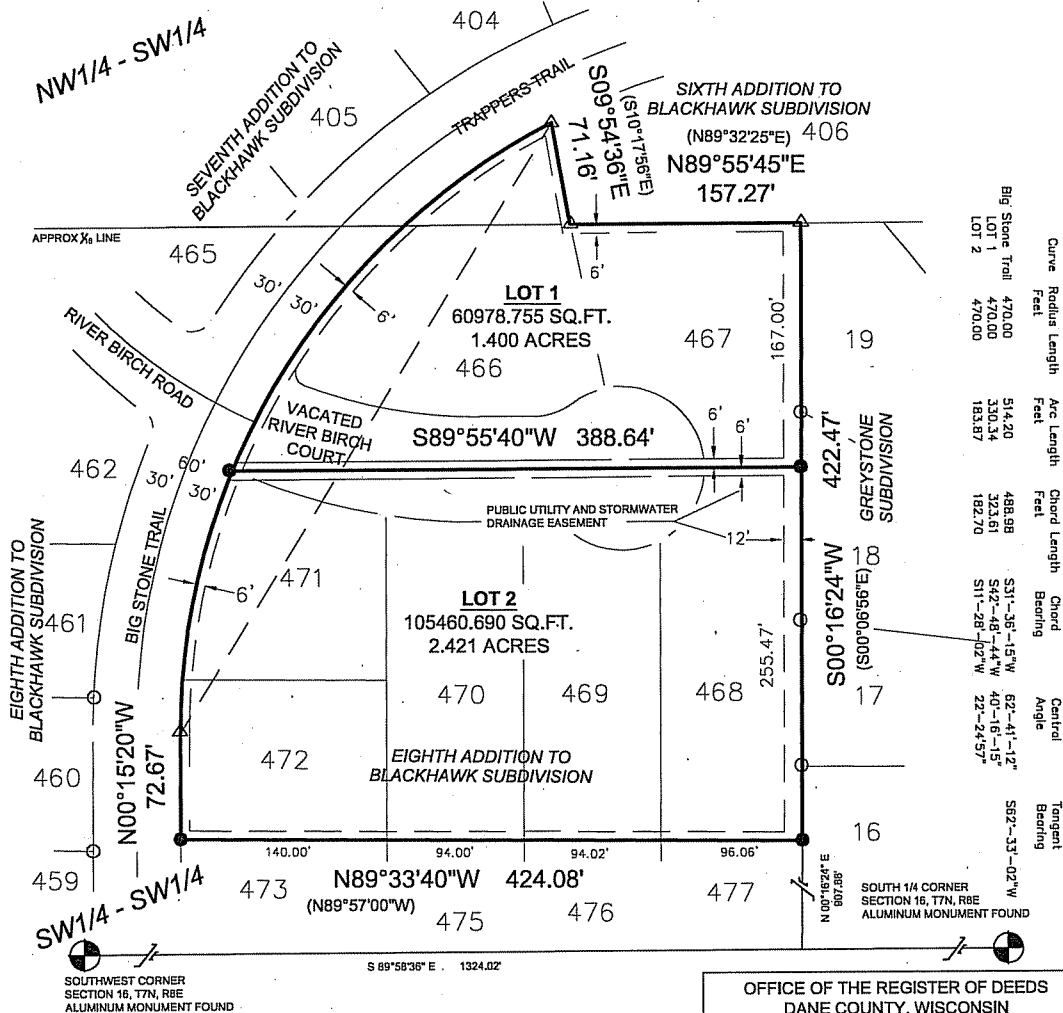


BASIS OF BEARINGS
CALCULATED FROM
SECTION 16 REBAR
& 89°58'36\"/>

LEGEND

- INDICATES 3/4"x24" REBAR PLACED 1.5 LBS/FT.
- INDICATES 3/4" DIA. REBAR LOCATED
- △ INDICATES 1-1/4" DIA. REBAR LOCATED
- (00.00) INDICATES DIMENSION AS PREVIOUSLY RECORDED

NOTES: SEE SHEET 3 OF 3 FOR NOTES PERTAINING TO THE LANDS LYING WITHIN THIS CSM.



Curve	Radius	Length	Chord	Chord	Central	Tangent
Feet	Feet	Feet	Feet	Bearing	Angle	Bearing
Big Stone Trail	470.00	514.20	488.98	S31°-36'-15\"/>		

OFFICE OF THE REGISTER OF DEEDS
DANE COUNTY, WISCONSIN

RECEIVED FOR RECORDING _____

2012 AT _____ O'CLOCK _____ M

AND RECORDED IN VOLUME _____

OF _____ ON PAGE _____

REGISTER OF DEEDS

Mead & Hunt
Mead & Hunt, Inc.
6501 Watts Road
Madison, WI 53719
608.273.6380
fax: 608.273.6391
www.meadhunt.com

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DANE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING LOTS 466, 467, 468, 469, 470, 471 AND 472 AND VACATED RIVER BIRCH COURT, OF THE EIGHTH ADDITION TO BLACKHAWK SUBDIVISION, LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 8 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

SURVEY FOR:
MR. PAUL BERNS
9906 FALLEN LEAF
MIDDLETON, WI 53562

SURVEYOR'S CERTIFICATE

I, SEAN M. WALSH, REGISTERED WISCONSIN LAND SURVEYOR, DO HEREBY CERTIFY: THAT IN FULL COMPLIANCE WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES AND THE LAND DIVISION REGULATIONS OF THE CITY OF MADISON, AND UNDER THE DIRECTION OF THE OWNERS OF SAID LAND, I HAVE SURVEYED, DIVIDED AND MAPPED THE LANDS SHOWN HEREON; THAT SUCH MAP CORRECTLY REPRESENTS ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF; THAT SAID LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 8 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16;
THENCE SOUTH 89°58'36" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1324.02 FEET;
THENCE NORTH 00°16'24" EAST, 907.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 468 AND THE POINT OF BEGINNING OF THE LANDS HERINAFTER DESCRIBED;
THENCE NORTH 89°33'40" WEST, 424.08 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF BIG STONE TRAIL;
THENCE NORTH 00°15'20" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 72.67 FEET TO THE POINT OF CURVATURE OF A 470.00 FOOT RADIUS ARC CONCAVE TO THE SOUTHEAST;
THENCE NORTHEASTERLY, 514.20 FEET ALONG SAID EAST RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 62°41'12" AND A CHORD BEARING NORTH 31°36'15" EAST TO THE END OF SAID CURVE;
THENCE SOUTH 10°54'38" EAST, 71.16 FEET;
THENCE NORTH 89°55'45" EAST, 157.27 FEET;
THENCE SOUTH 00°16'24" WEST, 422.47 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED LANDS CONTAIN 166,440 SQUARE FEET OR 3.821 ACRES.

CITY OF MADISON PLAN COMMISSION CERTIFICATE

APPROVED FOR RECORDING PER THE SECRETARY OF THE CITY OF MADISON PLAN COMMISSION

BY: _____ DATE: _____
STEVEN R. COVER, SECRETARY PLAN COMMISSION

CITY OF MADISON COMMON COUNCIL CERTIFICATE

RESOLVED THAT THIS CERTIFIED SURVEY MAP LOCATED IN THE CITY OF MADISON, WAS HEREBY APPROVED BY ENACTMENT NUMBER _____, FILE ID NUMBER _____, ADOPTED ON THE _____ DAY OF _____, 2012 AND THAT SAID ENACTMENT FURTHER PROVIDED FOR THE ACCEPTANCE OF THOSE LANDS DEDICATED AND RIGHTS CONVEYED BY SAID CERTIFIED SURVEY MAP TO THE CITY OF MADISON FOR PUBLIC USE.

DATED THIS _____ DAY OF _____, 2012.

MARIBETH L. WITZEL-BEHL, CITY CLERK
CITY OF MADISON, DANE COUNTY WISCONSIN

CORPORATE OWNER'S CERTIFICATE

MCKENZIE 300 CORPORATION, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS PLAT.

MCKENZIE CORPORATION DOES FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED TO BE SUBMITTED TO THE CITY OF MADISON FOR APPROVAL OR OBJECTION:

IN WITNESS WHEREOF, THE SAID MCKENZIE 300 CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY RICHARD MCKENZIE, IT'S PRESIDENT AND COUNTERSIGNED BY JOHN MCKENZIE, IT'S SECRETARY, AT MADISON WISCONSIN, AND IT'S CORPORATE SEAL TO BE HEREUNTO AFFIXED ON THIS _____ DAY OF _____, 2012

IN PRESENCE OF:

MCKENZIE 300 CORPORATION _____
(print name)

PRESIDENT

COUNTERSIGNED: _____
(print name)

SECRETARY

STATE OF WISCONSIN) ss
DANE COUNTY)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____ 2012, THE ABOVE NAMED

TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME

(NOTARY SEAL) _____

NOTARY PUBLIC, _____ WISCONSIN

MY COMMISSION EXPIRES _____



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DANE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING LOTS 466, 467, 468, 469, 470, 471 AND 472 AND VACATED RIVER
BIRCH COURT, OF THE EIGHTH ADDITION TO BLACKHAWK
SUBDIVISION, LOCATED IN PART OF THE SOUTHWEST QUARTER OF
THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST
QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP
7 NORTH, RANGE 8 EAST, CITY OF MADISON, DANE COUNTY,
WISCONSIN.

SURVEY FOR:
MR. PAUL BERNS
9906 FALLEN LEAF
MIDDLETON, WI 53562

NOTES

LOTS/BUILDINGS WITHIN THIS CSM ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMITS ARE ISSUED.

ALL LOTS CREATED BY THIS CERTIFIED SURVEY MAP ARE INDIVIDUALLY RESPONSIBLE FOR COMPLIANCE WITH CHAPTER 37 OF THE MADISON GENERAL ORDINANCES IN REGARD TO STORM WATER MANAGEMENT AT THE TIME THEY DEVELOP.

ALL LOTS WITHIN THIS CSM ARE SUBJECT TO PUBLIC EASEMENTS FOR DRAINAGE PURPOSES WHICH SHALL BE A MINIMUM OF 6 FEET IN WIDTH MEASURED FROM THE PROPERTY LINE TO THE INTERIOR OF EACH LOT EXCEPT THAT THE EASEMENTS SHALL BE 12 FEET IN WIDTH ON THE PERIMETER OF THE CSM. FOR PURPOSES OF TWO (2) OR MORE LOTS COMBINED FOR A SINGLE DEVELOPMENT SITE, OR WHERE TWO (2) OR MORE LOTS HAVE A SHARED DRIVEWAY AGREEMENT, THE PUBLIC EASEMENT FOR DRAINAGE PURPOSES SHALL BE A MINIMUM OF SIX (6) FEET IN WIDTH AND SHALL BE MEASURED ONLY FROM THE EXTERIOR PROPERTY LINES OF THE COMBINED LOTS THAT CREATE A SINGLE DEVELOPMENT SITE, OR HAVE A SHARED DRIVEWAY AGREEMENT, EXCEPT THAT THE EASEMENT SHALL BE TWELVE (12) FEET IN WIDTH ALONG THE PERIMETER OF THE PLAT. EASEMENTS SHALL NOT BE REQUIRED ON PROPERTY LINES SHARED WITH GREENWAYS OR PUBLIC STREETS. NO BUILDINGS, DRIVEWAYS, OR RETAINING WALLS SHALL BE PLACED IN ANY EASEMENT FOR DRAINAGE PURPOSES. FENCES MAY BE PLACED IN THE EASEMENT ONLY IF THEY DO NOT IMPEDE THE ANTICIPATED FLOW OF WATER.

IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.

THE INTRA-BLOCK DRAINAGE EASEMENTS SHALL BE GRADED WITH THE CONSTRUCTION OF EACH PRINCIPLE STRUCTURE IN ACCORDANCE WITH THE APPROVED STORM WATER DRAINAGE PLAN ON FILE WITH THE CITY ENGINEER AND THE ZONING ADMINISTRATOR, AS AMENDED IN ACCORDANCE WITH THE MADISON GENERAL ORDINANCES.

THE PUBLIC STORM SEWER EASEMENTS DEDICATED TO THE CITY OF MADISON ON THE FACE OF THIS CERTIFIED SURVEY MAP ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- A) THE PROPERTY OWNER RESERVES THE RIGHT TO USE AND OCCUPY THE PUBLIC STORM SEWER EASEMENT AREAS IN A MANNER CONSISTENT WITH THE RIGHTS HEREIN CONVEYED, PROVIDED THAT SUCH USE AND OCCUPANCY SHALL NOT INTERFERE WITH OR DISTURB THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT AND/OR MODIFICATION OF THE PUBLIC STORM SEWER FACILITIES.
 - B) NO ABOVE-GROUND IMPROVEMENTS SHALL BE LOCATED IN THE PUBLIC STORM SEWER EASEMENT AREAS BY THE CITY OR THE PROPERTY OWNER, WITH THE EXCEPTION THAT GRATES, SEWER ACCESS STRUCTURE COVERS AND OTHER ACCESS POINTS TO THE PUBLIC STORM SEWER FACILITIES SHALL BE PERMITTED AT GRADE LEVEL, AND WITH THE EXCEPTION THAT PAVEMENT AND/OR CONCRETE FOR DRIVEWAY PURPOSES SHALL BE PERMITTED.
 - C) PLANTINGS AND LANDSCAPING WITHIN THE PUBLIC STORM SEWER EASEMENT AREAS SHALL NOT OBSTRUCT ROUTINE MAINTENANCE BY THE CITY. IN THE EVENT OF REPAIR OR RECONSTRUCTION, PLANTINGS AND LANDSCAPING MAY BE REMOVED BY THE CITY WITHOUT REPLACEMENT OR COMPENSATION TO THE PROPERTY OWNER.
 - D) THE PROPERTY OWNER SHALL NOT CHANGE THE GRADE OF THE PUBLIC STORM SEWER EASEMENT AREAS WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY'S ENGINEERING DIVISION.
- THE PUBLIC STORM SEWER EASEMENTS MAY NOT BE AMENDED, MODIFIED, TERMINATED OR RELEASED WITHOUT THE WRITTEN CONSENT OF ALL PARTIES HERETO, OR THEIR RESPECTIVE SUCCESSORS-IN-INTEREST.

LANDS LYING WITHIN THIS CSM ARE SUBJECT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR THE PLAT OF BLACKHAWK SUBDIVISION RECORDED IN DOCUMENTS NUMBER 2676316 AND 2711619.

LANDS LYING WITHIN THIS CSM ARE SUBJECT TO THE DECLARATION OF CONDITIONS AND COVENANTS FOR THE PLAT OF SEVENTH ADDITION TO BLACKHAWK SUBDIVISION RECORDED IN DOCUMENTS NUMBER 3857638 AND 3857639

LANDS LYING WITHIN THIS CSM ARE SUBJECT TO THE DECLARATION OF CONDITIONS, COVENANTS AND CONDITIONS FOR THE PLAT OF EIGHTH ADDITION TO BLACKHAWK SUBDIVISION RECORDED IN DOCUMENT NUMBER 4266849.

LANDS LYING WITHIN THIS CSM ARE SUBJECT TO THE DECLARATION OF CONDITIONS AND COVENANTS FOR THE PLAT OF EIGHTH ADDITION TO BLACKHAWK SUBDIVISION RECORDED IN DOCUMENTS NUMBER 4268850, 4281340 AND 4281341