



CSM Name
Zingg CSM

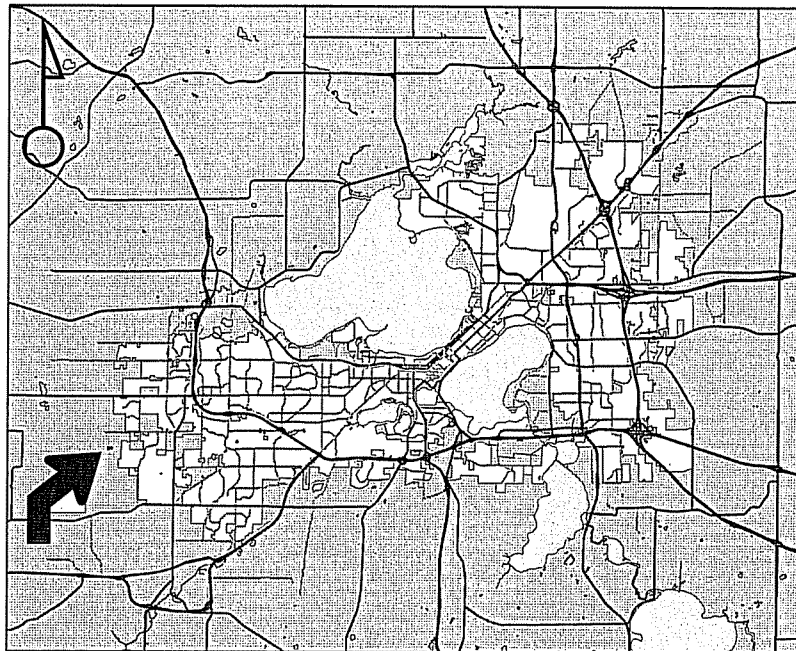
Location
3371 Meadow Road

Applicant
David C. Zingg/Ross Michaels –
Notbohm Michaels Surveying

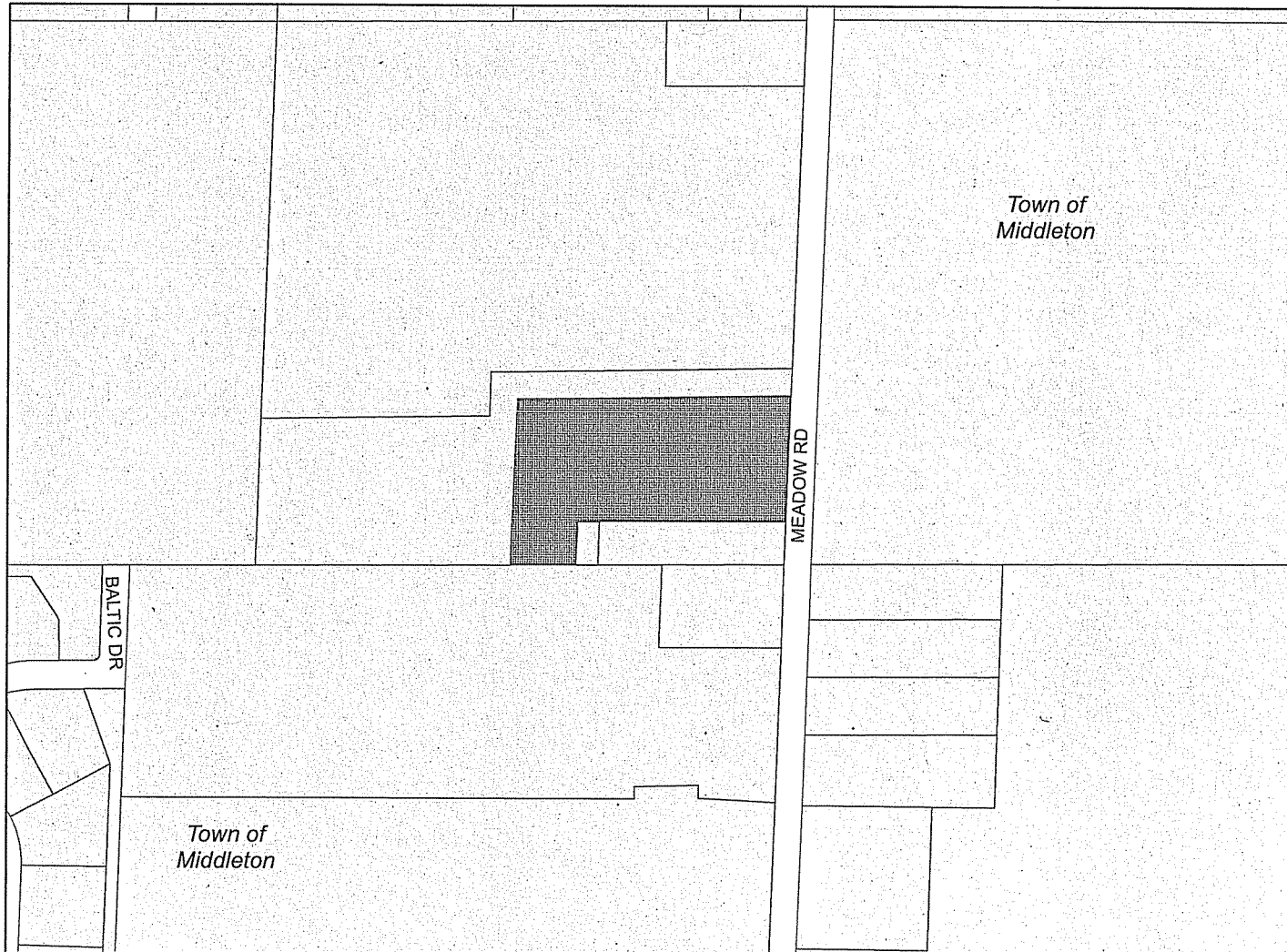
Within City Outside City

Proposed Use
2 residential lots in Town of
Middleton

Public Hearing Date
Plan Commission
06 February 2012



For Questions Contact: Tim Parks at: 261-9632 or tparks@cityofmadison.com or City Planning at 266-4635



Scale : 1" = 400'

City of Madison, Planning Division : RPJ : Date : 23 January 2012





**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, or 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."

- For **Preliminary and Final Plats**, an application fee of \$200, plus \$35 per lot or outlot contained on the plat drawing.
- For **Certified Survey Maps**, an application fee of \$200 plus \$150 per lot and outlot contained on the certified survey.

2. Applicant Information.

Name of Property Owner: DAVID CZINIB Representative, if any: Bradley Dattke
Street Address: 3371 MEADOW RD City/State: VERONA WI Zip: 53593
Telephone: (608) 695-7753 Fax: () Email: bdattke@chorns.net

Firm Preparing Survey: Notbohm Michaels Surveying Contact: Ross Michaels
Street Address: 6314 Odana Rd. City/State: MADISON WI Zip: 53719
Telephone: (608) 277-0503 Fax: (608) 441-9849 Email: ross@notbohm-michaels.com

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

3a. Project Information.

Parcel Address: 3371 MEADOW ROAD in the City or Town of: MIDDLETON
Tax Parcel Number(s): 038-0708-321-9310-9 School District: MIDDLETON
Existing Zoning District(s): A-1, LC-1 Development Schedule: ASAP
Proposed Zoning District(s) (if any): _____ Please provide a Legal Description on your CSM or plat.

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

Date of Approval by Dane County: 17 OCT 2011 Date of Approval by Town: 17 OCT 2011

In order for an extraterritorial request to be processed, a copy of the approval letters from both the town and Dane County must be submitted

4. Survey Contents and Description. Complete table as it pertains to the survey; do not complete gray areas.

Land Use	Lots	Outlots	Acres	Land Use	Lots	Outlots	Acres
Residential	2	0	5.0	Outlots Dedicated to the Public (Parks, Stormwater, etc.)			
Retail/Office				Outlots Maintained by a Private Group or Association			
Industrial							
Other (state use)							
PROJECT TOTAL	2	0	5.0				

OVER →

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

- Surveys** (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 it pertains to the proposed subdivision 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 **8-1/2 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. **The requirement to include a letter of intent is not required for 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. The survey firm and property owner should refer to the Report of Title when preparing the plat or CSM.
- For any plat or CSM creating common areas to be maintained by private association:** Two 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.
- Completed application and required fee (from Section 1b):** Make all checks payable to "City Treasurer."
- Electronic Application Submittal:** All applicants are required to submit a copy of the completed application form, legal description 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. Applicants unable to provide the materials electronically should contact the Planning Division at 266-4635 for assistance.

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

Applicant's Printed Name Bradley J. Dalk Signature Bradley J. Dalk
Date 12/12/11 Interest In Property On This Date Purchase of one of lots

For Office Use Only	Date Rec'd	PC Date	Alder District	Amount Paid: \$
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CERTIFIED SURVEY MAP

LOT 2, CERTIFIED SURVEY MAP NO. 9111, RECORDED IN VOLUME 51 OF CERTIFIED SURVEY MAPS, PAGE 119, AS DOCUMENT NO. 3049852 AND LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 32, T7N, R8E, TOWN OF MIDDLETON, DANE COUNTY, WISCONSIN

CURVE TABLE

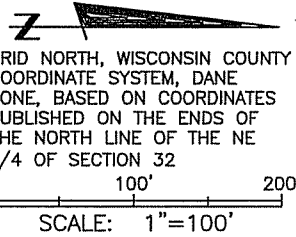
CURVE NO.	RADIUS	ARC LENGTH	CENTRAL ANGLE	CHORD LENGTH	CHORD BEARING	TANGENT BEARING TO NORTH
C1	260.00'	17.12'	03°46'24"	17.12'	S 00°01'19" W	N 01°51'53" W

NOTE: See Sheet 3 for the locations of buildings, septic features, well, trees, driveways, steep slopes, vision triangles and zoning information.

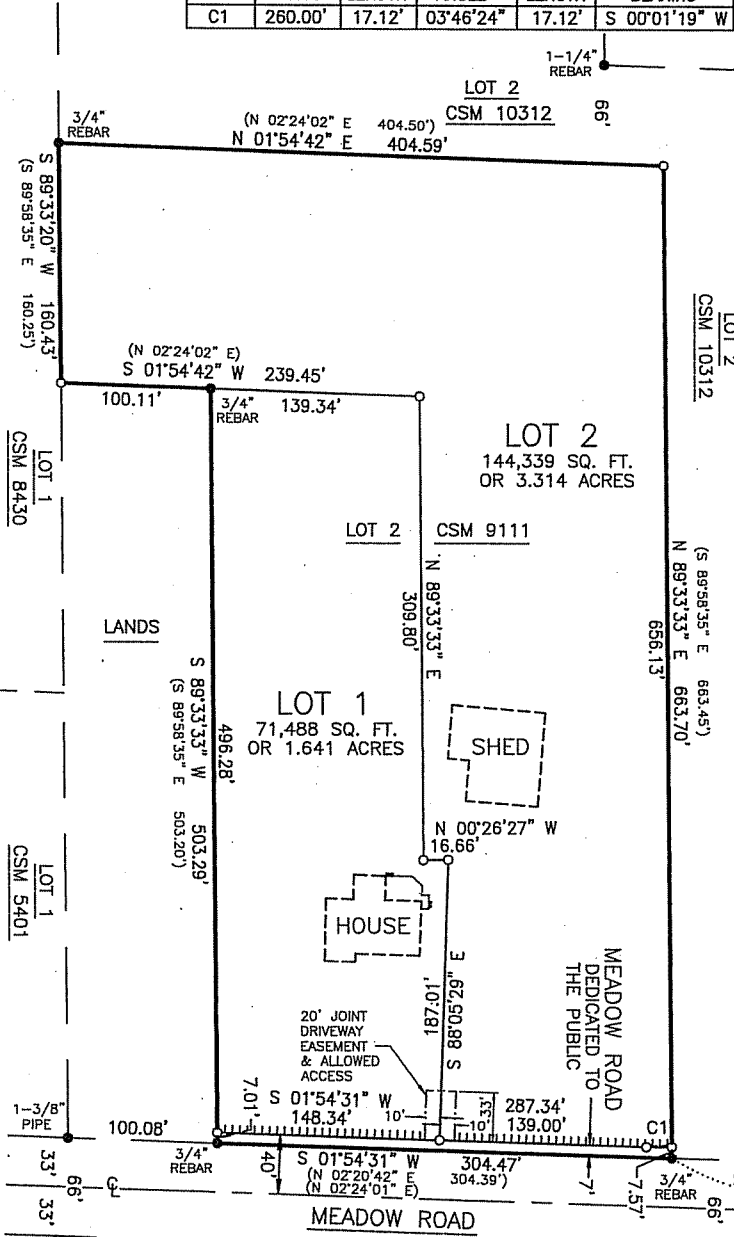
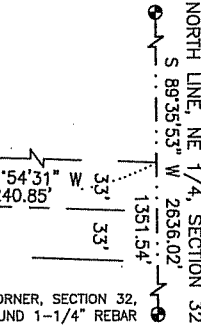


Revised: October 26, 2011
Revised: November 4, 2011

LOT 1
CSM 10312



NORTH 1/4 CORNER, SECTION 32, T7N, R8E, FOUND ALUMINUM MONUMENT
N: 472,266.80, E: 771,003.01
(472,266.80) (771,003.06)



LEGEND

- 3/4" X 18" REBAR SET WEIGHING 1.50 LB./FT.
- IRON STAKE FOUND - DESCRIBED ON MAP
- () PREVIOUSLY RECORDED DIMENSION
- CERTIFIED SURVEY MAP BOUNDARY
- NEW LOT LINE
- OTHER LOT OR RIGHT-OF-WAY LINE
- EASEMENT LINE
- ||||| NO VEHICULAR ACCESS

NORTHEAST CORNER, SECTION 32, T7N, R8E, FOUND 1-1/4" REBAR
N: 472,265.29, E: 773,638.96

Notbohm Michaels Surveying, Inc.
6314 Odana Road
Madison, WI 53719
(608) 277-0503

OFFICE MAP NO. 893-S
SHEET 1 OF 4 SHEETS

CERTIFIED SURVEY MAP

LOT 2, CERTIFIED SURVEY MAP NO. 9111, RECORDED IN VOLUME 51 OF CERTIFIED SURVEY MAPS, PAGE 119, AS DOCUMENT NO. 3049852 AND LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 32, T7N, R8E, TOWN OF MIDDLETON, DANE COUNTY, WISCONSIN

NOTES:

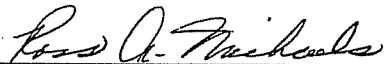
1. Refer to building site information contained in the Dane County Soil Survey.
2. Meadow Road will likely become a major north-south road.
3. Further Land Divisions by Certified Survey may be restricted for a period of up to five (5) years under the provisions of Section 11-7-3 of the Town of Middleton Land Division and Subdivision Ordinance.
4. Vision Triangles: Existing trees may remain, but can be removed by the Town of Middleton at the Town's sole discretion at any time. No other structure, berm or vegetation of any kind, which exceeds a height of 2.5 feet above the average elevation of the roadway and driveway within the vision triangles, except for necessary highway and safety signs or approved public utility lines, shall be permitted within the vision triangles. No plant material which obscures safe vision of the approaches to the intersection shall be permitted. Grasses and similar turf, however, would be considered acceptable.

SURVEYORS CERTIFICATE:

I, Ross A. Michaels, Wisconsin Registered Land Surveyor, do hereby certify: that in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Middleton, and under the direction of David C. Zingg, owner of said land, I have surveyed, divided and mapped the lands described on this certified survey map; that this map correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is located in the Southwest 1/4 of the Northeast 1/4 of Section 32, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin, containing 5.004 acres of land and described as:

Lot 2 of Certified Survey Map Number 9111, recorded in Volume 51 of Certified Survey Maps on page 119 as Document Number 3049852, more fully described as follows:
Commencing at the Northeast corner of said Section 32; thence S89°35'53"W, 1351.54 feet along the north line of the Northeast 1/4 of said Section 32; thence S01°54'31"W, 2240.85 feet to the northeast corner of said Lot 2 and the point of beginning of this description; thence continuing S01°54'31"W, 304.47 feet along the east line of said Lot 2; thence S89°33'33"W, 503.29 feet along the south line of the easterly portion of said Lot 2; thence S01°54'42"W, 100.11 feet along the east line of the southerly portion of said Lot 2; thence S89°33'20"W, 160.43 feet along the south line of the westerly portion of said Lot 2; thence N01°54'42"E, 404.59 feet along the west line of said Lot 2; thence N89°33'33"E, 663.70 feet along the north line of said Lot 2 to the point of beginning of this description.

Dated this 4TH day of NOVEMBER, 2011



Ross A. Michaels, S-1696
Date of survey: September 14, 2011
Revised: October 26, 2011
Revised: November 4, 2011



REGISTER OF DEEDS CERTIFICATE

Received for recording this _____ day of _____, _____ at _____ o'clock ____M., and recorded in Volume _____ of Certified Survey Maps of Dane County, Wisconsin on Pages _____.

Kristi Chlebowski, Register of Deeds

OWNER:
David C. Zingg
3371 Meadow Road
Verona, WI 53593

SURVEYED FOR:
Bradley Dahlk
3352 Meadow Road
Verona, WI 53593



**Notbohm Michaels
Surveying, Inc.**
6314 Odana Road
Madison, WI 53719
(608) 277-0503

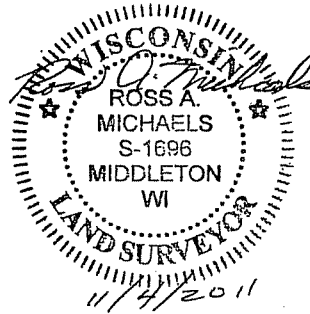
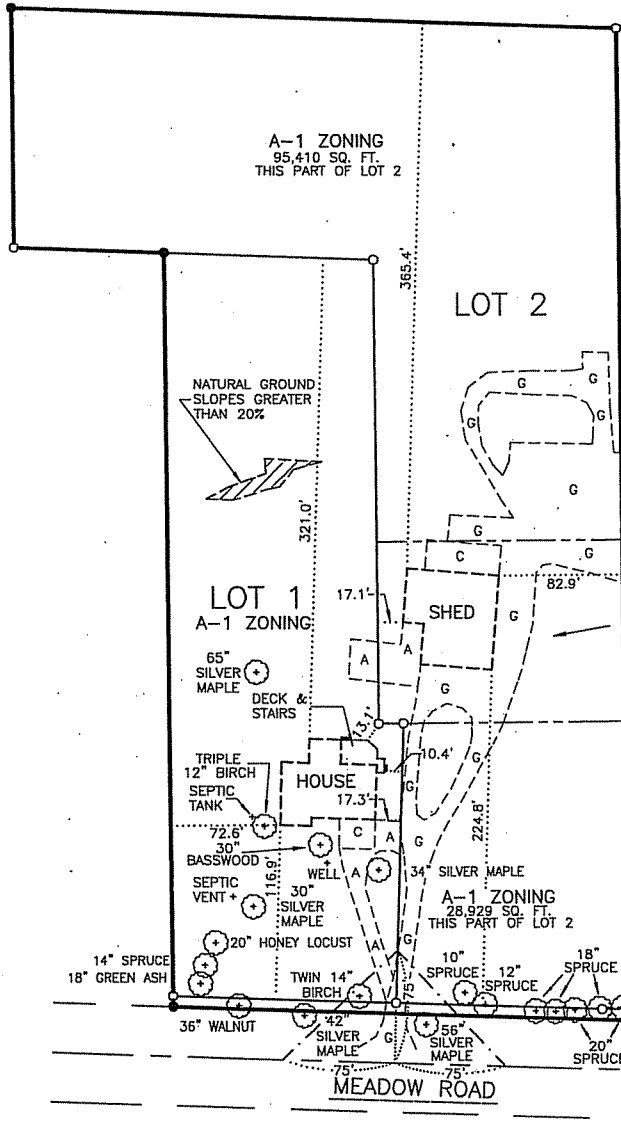
OFFICE MAP NO. 893-S
SHEET 2 OF 4 SHEETS

DOCUMENT NO. _____ CERTIFIED SURVEY MAP NO. _____, VOL. _____, PAGE _____

CERTIFIED SURVEY MAP

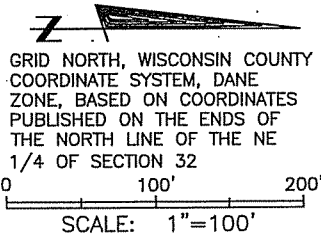
LOT 2, CERTIFIED SURVEY MAP NO. 9111, RECORDED IN VOLUME 51 OF CERTIFIED SURVEY MAPS, PAGE 119, AS DOCUMENT NO. 3049852 AND LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 32, T7N, R8E, TOWN OF MIDDLETON, DANE COUNTY, WISCONSIN

DETAIL OF
BUILDINGS, SEPTIC, WELL, TREES,
DRIVEWAYS, ZONING & EASEMENTS



Revised: October 26, 2011
Revised: November 4, 2011

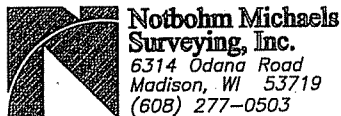
LC-1 ZONING
20,000 SQ. FT.
THIS PART OF LOT 2



GRID NORTH, WISCONSIN COUNTY
COORDINATE SYSTEM, DANE
ZONE, BASED ON COORDINATES
PUBLISHED ON THE ENDS OF
THE NORTH LINE OF THE NE
1/4 OF SECTION 32

LEGEND

- CERTIFIED SURVEY MAP BOUNDARY
- NEW LOT LINE
- OTHER LOT OR RIGHT-OF-WAY LINE
- VISION TRIANGLE LINE
- ZONING BOUNDARY
- C CONCRETE SURFACE
- A ASPHALT SURFACE
- G GRAVEL SURFACE



OFFICE MAP NO. 893-S
SHEET 3 OF 4 SHEETS

CERTIFIED SURVEY MAP

LOT 2, CERTIFIED SURVEY MAP NO. 9111, RECORDED IN VOLUME 51 OF CERTIFIED SURVEY MAPS, PAGE 119, AS DOCUMENT NO. 3049852 AND LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 32, T7N, R8E, TOWN OF MIDDLETON, DANE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided, dedicated and mapped as represented on this certified survey map. I also certify that this certified survey map is required by S.236.10 or S.236.12, Wisconsin Statutes or by S.75.17(1)(a), Dane County Code of Ordinances, to be submitted to the Town of Middleton, the City of Madison and the Dane County Zoning and Land Regulation Committee for approval.

David C. Zingg, owner

State of Wisconsin)
Dane County)

Personally came before me this _____ day of _____, _____, the above named David C. Zingg, owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin
My commission expires _____

TOWN OF MIDDLETON CERTIFICATE

This certified survey map is hereby approved for recording by the action of the Town of Middleton. The Town of Middleton hereby accepts the lands dedicated to the public on this certified survey map.

Approved on _____

David D. Shaw, Town Clerk

Date

DANE COUNTY CERTIFICATE

Approved for recording per Dane County Zoning and Land Regulation Committee action of _____

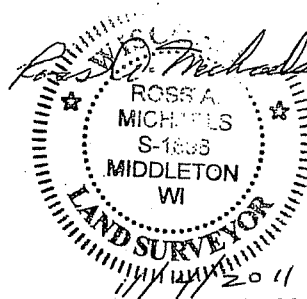
Daniel J. Everson, Authorized Representative

CITY OF MADISON CERTIFICATE

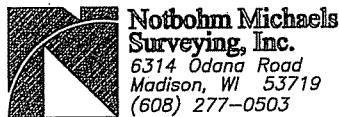
Approved for recording per the City of Madison Plan Commission.

Steven R. Cover
Secretary of Madison Plan Commission

Date



Revised: October 26, 2011
Revised: November 4, 2011



OFFICE MAP NO. 893-S
SHEET 4 OF 4 SHEETS

DOCUMENT NO. _____ CERTIFIED SURVEY MAP NO. _____, VOL. _____, PAGE _____

DANE COUNTY
REGISTER OF DEEDS

Doc No 3049851

DEED RESTRICTION

1998-11-24 05:46 PM
Trans. Fee 0.00
Rec. Fee 14.00
Pages 3

In re: Part of the SW 1/4 of the NE 1/4 of Section 32, Town of Middleton, Dane County, Wisconsin, described as follows: Commencing at the North quarter corner of said Section 32. Thence S02°42'06" West for distance of 1324.66 feet; thence S89°54'10" East for a distance of 1291.92 feet; thence S02°23'42" West for a distance of 916.10 feet; thence N89°58'35" West for a distance of 200.26 feet to the point of beginning; thence S00°01'25" West or a distance of 165.00 feet; thence N89°58'35" West for a distance of 121.21 feet; thence N00°01'25" East for a distance of 165.00 feet; thence S89°58'35" East for a distance of 121.21 feet to the point of beginning.

001832

RETURN TO:
Ronald M. Trachtenberg, Esq.
Wendel & Center, LLP
Post Office Box 2019
Madison, WI 53701-2019

PIN: 19-0708-321-9040-6

- I. WHEREAS, Frederick Lubcke is the owner of the above described land in the Town of Middleton, Dane County, Wisconsin;
- II. WHEREAS, said owner desires to place certain restrictions thereon, to bind the owner and those who may acquire title hereafter;
- III. NOW, THEREFORE, in consideration of the mutual benefits passing to and from the owner and those who may hereafter purchase said land and the parties named as beneficiaries of these restrictions, the following restriction is hereby imposed:

That the rezone area (LC-1 Limited Commercial District) shall be limited to a landscape business only and that the rezone area shall be limited to 20,000 square feet;
- IV. The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the land subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights:
 - (a) The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of zoning ordinance of said County at the time the enforcement action is commenced; and
 - (b) The Town Government of the Town of Middleton, Dane County, Wisconsin provided that the lands are within the governmental jurisdiction of said Town at the time the enforcement action is commenced.

3/4

- (c) The owner(s) of record of any land/s which are located within 300 feet of the subject site provided that the lands are under the jurisdiction of the zoning ordinance of said County and within the governmental jurisdiction of said Town at the time the enforcement action is commenced.

V. The restrictions set forth in paragraph 3 above may be amended in the following manner:

- (a) A written petition calling for the amendment of the restrictions may be made by the persons who are, at the time of the petition, owner/s of the lands subject to the restriction. Such petition shall be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning and Natural Resources Committee (or successor committee) which committee shall schedule and hold a public hearing on the petition in the same manner as public hearings for zoning amendment petitions are noticed and scheduled.

Following such hearing, the committee shall issue a written report on the petition to the County Board of Supervisors which shall, by majority vote, approve or reject the petition. If approved, the petitioner/s shall draft the amendatory covenant instrument, have same executed by the owner/s of the lands subject to the restrictions and record same.

- (b) Such amendment shall also require approval of the Town Board.

VI. The restrictions set forth in paragraph 3 above may be terminated in the following manner:

- (a) Termination may be accomplished through County Board approval of a petition for termination of the restrictions. The procedures for introducing and processing the petition shall be as provided in paragraph 5(a) hereof, except that the petition shall call for termination rather than amendment of the restrictions and the instrument which is recorded shall be an instrument of termination. Such termination shall also require approval of the Town Board.
- (b) A rezone of the property to a different zoning district shall also act to repeal the covenant controls.

IN WITNESS WHEREOF, the said grantor has hereunder set his seal this 23rd day of November, 1998.

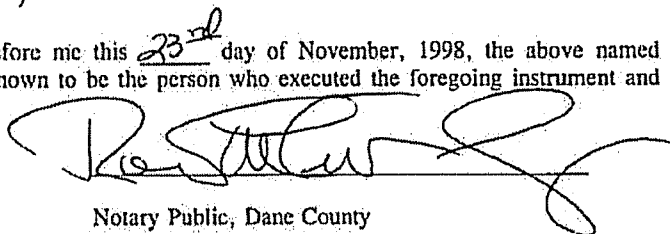

 Frederick Lubcke (SEAL)

ACKNOWLEDGMENT

001834

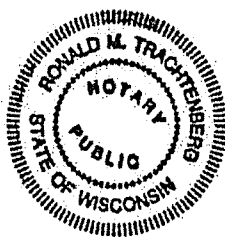
STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Personally came before me this 23rd day of November, 1998, the above named Frederick Lubeke to me known to be the person who executed the foregoing instrument and acknowledged the same.



Notary Public, Dane County
State of Wisconsin
My commission is permanent/~~expires~~ _____

This Instrument Drafted By:
Attorney Ronald M. Trachtenberg
Wendel & Center, LLP
P.O. Box 2019
Madison, Wisconsin 53701-2019



RESTRICTIVE COVENANT

DANE COUNTY
REGISTER OF DEEDS

Doc No 3049853

1998-11-24 05:46 PM
Trans. Fee 0.00
Rec. Fee 14.00
Pages 3

In re: Lots 1 and 2, Certified Survey Map No.
9111, in the Town of Middleton, Dane
County, Wisconsin.

001839

RETURN TO:
Ronald M. Trachtenberg, Esq.
Post Office Box 2019
Madison, WI 53701-2019

PARCEL NO.:
19-0708-321-9040-6

This Restrictive Covenant is made this 23rd day of November, 1998,
by Frederick Lubcke ("Lubcke") in favor of the City of Madison ("City"), a Wisconsin
municipal corporation, located in Dane County, Wisconsin.

WITNESSETH:

WHEREAS, Lubcke is the fee title holder of Lots 1 and 2, Certified Survey Map No.
9111, in the Town of Middleton, Dane County, Wisconsin (the "Property");

WHEREAS, the Property lies within the City's statutory extraterritorial plat approval
jurisdiction;

WHEREAS, Lubcke desired to divide the Property into two (2) lots, one for the
continued use as a single-family detached dwelling and one for the construction of a new single-
family detached dwelling for Lubcke, and applied to the City for approval of said land division;

WHEREAS, the full range of City municipal services and facilities were not available
and are not available to the Property at this time; the land division does not fully satisfy the
City's extraterritorial requirements as they relate to the non-agricultural land criteria; and the
Owner is aware that the City may, at some future time, annex adjacent lands within the area and
extend municipal services into the area; and

WHEREAS, the City Plan Commission agreed to approve the Owner's Certified Survey
Map, as referenced above, creating the two (2) lots, upon the condition that the Owner execute
this Restrictive Covenant, which condition was voluntarily offered by Owner, with full
knowledge of Hoepker v. City of Madison Plan Commission, 209 Wis.2d 633, 563 N.W.2d 145
(1997), which shall be a recordable instrument, binding the current and future owner(s), their
heirs, successors, and assigns of the Property to annex to the City;

3/4

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby covenants and agrees, for himself and his heirs, successors and assigns of the Property, for the benefit of the City as follows:

1. Prior to any request for further subdivision of the Property, he will, as Owner and resident elector as the case may be, draft, execute and file a petition with the City to annex the Property to the City.
2. Upon municipal water service and/or sanitary sewer service being available to the Property and upon the request of the City, he will, as Owner and resident elector as the case may be, draft, execute and file a petition with the City to annex the Property to the City, and upon such annexation, to connect the Property to said municipal water service and/or sanitary sewer service.
3. The Owner further agrees to obtain the signatures on any said annexation petition of any and all resident electors then residing on the Property and hereby covenants to include in any future residential lease or mortgage for the Property a condition requiring all residential occupant electors thereunder to sign any such annexation petition upon presentation in conformity with Wisconsin law. The Owner agrees and acknowledges that said annexation shall comply with statutory procedure and shall be circulated, signed and filed in accordance with such law. Such obligation shall continue and include subsequent annexation petitions should any annexation be overturned by judicial order based upon alleged procedural defect and shall be fulfilled only upon successful annexation to the City. The Owner, his heirs, successors and assigns and any resident electors and residential tenant electors shall comply with this Restrictive Covenant provision by signing and supporting any annexation of the Property to the City.
4. Any single-family detached dwelling to be constructed on Lot 1 shall be constructed within the building envelope as shown on the Certified Survey Map creating Lot 1, except that the Planning Unit Director of the Department of Planning and Development of the City of Madison or the Plan Commission of the City of Madison may grant authorization to build outside said building envelope.
5. Until Lot 1 is developed to a more intensive use, the northern two-thirds (2/3rds) of Lot 1 shall be maintained as active agricultural land as required under the City of Madison criteria for agricultural land subdivision.
6. Lot 1 and Lot 2 shall not be further subdivided or developed unless approved by the Plan Commission of the City of Madison.
7. This Restrictive Covenant shall run with the land for an initial period of forty (40) years, be recorded in the office of the Dane County Register of Deeds and be binding upon the Owner, his heirs, successors and assigns, including purchasers and any successor or assign having a subsequent interest in the Property. Rerecording of this Restrictive Covenant or any other document expressly referring to this Restrictive Covenant by any party shall extend its effectiveness for an additional forty (40) year period.

8. This Restrictive Covenant shall be subject to enforcement by the City by specific performance in a court of law or equity should the Owner, his heirs, successors or assigns in interest, refuse to abide by the terms and conditions of the Restrictive Covenant. Such refusing person or entity shall pay to the City all court costs and reasonable attorneys fees which the City expends in any action in specific performance in which the City prevails.

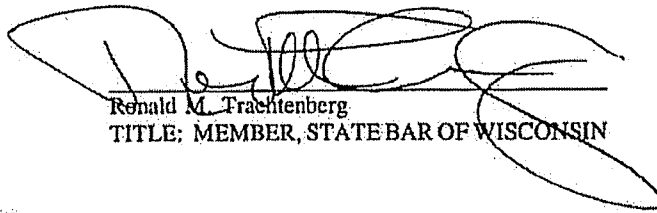
9. In the performance of the provisions of this Restrictive Covenant, the parties agree not to discriminate against any employee or applicant because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs or student status.

IN WITNESS WHEREOF, the Owner hereto has caused this Restrictive Covenant to be executed as of the day and year first above written.

 (SEAL)
Frederick Lubcke

AUTHENTICATION

Signature of Frederick Lubcke authenticated this 23rd day of November, 1998.


Ronald M. Trachtenberg
TITLE: MEMBER, STATE BAR OF WISCONSIN

This Instrument Drafted By:
Attorney Ronald M. Trachtenberg
Wendel & Center
P.O. Box 2019
Madison, Wisconsin 53701-2019