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DANE COUNTY

REGISTER OF DEEDS

DOCUMENT #

**4487348**

12/17/2008

04:00PM

Exempt #:

Rec. Fee: 13.00

Pages: 2

**DECLARATION OF CONDITIONS AND COVENANTS  
PROUDFIT STREET MEDIAN AND  
PEDESTRIAN IMPROVEMENTS  
CITY OF MADISON, DANE COUNTY, WISCONSIN**

Record this document with the Register of Deeds

Prepared by and return to:  
City of Madison  
210 Martin Luther King Jr. Blvd.,  
Room 115  
Madison, WI 53703

**TAX PARCEL NUMBERS**

0709-234-1015-7

0709-234-1016-5

0709-234-0706-3

0709-234-0707-1

0709-234-0708-9

0709-234-0709-7

2  
13

DECLARATION OF CONDITIONS AND COVENANTS

CITY OF MADISON, DANE COUNTY, WISCONSIN

WHEREAS, Urban Land Development, LLC, owner of Lots 2 & 3 in Certified Survey Map No. 11210 recorded on the 13th day of October, 2004 in Volume 67 of Certified Surveys on pages 302 - 309 in the office of the Register of Deeds of Dane County, Wisconsin, and owner of 159, 163, 167, and 171 Proudfit Street (also known as parts of Lots 11 - 13 of Warren's Addition) will be benefited through the installation of median break and pedestrian improvements by the City of Madison on Proudfit Street.

NOW, THEREFORE, Urban Land Development, LLC hereby declares and provides that Lot(s) 2 & 3 of CSM 11210 and 159, 163, 167, and 171 Proudfit Street are subject to the following conditions and covenants:

1. The owner concurs with the City of Madison's policy to promote the general welfare of the City through the installation of a median break in Proudfit Street at Lorillard Court and pedestrian improvements within the public right-of-way of Proudfit Street at W. Main Street and at Brittingham Place.
2. The owner acknowledges that it will pay for 50% of the construction cost for the median and pedestrian improvements with it's share of the total cost not to exceed \$57,500.00.
3. The owner, its successors and assigns hereby waives all special assessment notices and hearings with respect to its share of the cost of said median break and pedestrian improvements as required by Section 66.0703(7)(b) of the Wisconsin Statutes and Section 4.09 of Madison General Ordinances and further agrees that the benefits to the above described lot(s) for the construction of said median break and pedestrian improvements, which will be divided proportionately among said lot(s) which it may elect to pay in eight equal successive annual installments.
4. The City of Madison shall have the right annually during the payment period, to place an amount equal to one-eighth of said charge above specified, together with interest on all unpaid balances thereof at the prevailing interest rate on the tax roll to be collected, together with the general taxes in the same manner as if said charge had been levied as a special assessment against the property, and as if said annual amounts were installments of special assessment.
5. In the event of a default in the payment of any of the said eight annual installments above specified, the collection of the same shall be enforced by the City of Madison by action for debt or by sale of the property for nonpayment of taxes.

This space is reserved for recording data.

Return to:

City Engineering Division  
Rm. 115, City-County Building  
Madison, Wisconsin

Tax Parcel No.

0709-234-1015-7  
0709-234-1016-5  
0709-234-0706-3  
0709-234-0707-1  
0709-234-0708-9  
0709-234-0709-7

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 10th day of December, 2008.

Thomas M. Penjals

STATE OF WISCONSIN)  
COUNTY OF DANE ) SS

Personally came before me this 10th day of December, 2008, the above named Thomas M. Penjals, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public  
NOTARY PUBLIC

My Commission Expires: 12-12-10

Drafted by: City Engineering Division  
Rm. 115, City-County Building  
Madison, Wisconsin

JD