



**DECLARATION OF RESTRICTIVE COVENANT**

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
5448431  
10/17/2018 11:06 AM  
Trans Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 6

**IN RE:** A parcel of land located in the City of Madison, Dane County, Wisconsin at 3630 Milwaukee Street, as described in Exhibit A attached hereto, and hereinafter referred to as the "Property."

**THIS RESTRICTIVE COVENANT** is executed this 17<sup>th</sup> day of October, 2018, by Leo J. Duren as Trustee of the Duren Income Trust (hereinafter referred to as the "Declarant").

**WHEREAS**, the Declarant is the owner of the Property; and

**WHEREAS**, the Declarant has sought approval of a demolition permit from the City of Madison Plan Commission for an existing commercial building located on the Property; and

**WHEREAS**, the Declarant has not proposed a use of the Property following the demolition; and

**WHEREAS**, Item No. 10 of the City's Letter of Conditional Approval for the demolition permit dated September 19, 2018 requires the Declarant to restrict the Property before the City shall grant final approval of the demolition permit and issuance of a raze permit, said letter attached hereto as Exhibit B;

**NOW, THEREFORE**, the Declarant, as owner of the Property, does hereby covenant and agree as follows:

- 1) Following demolition of the building currently on the Property and prior to the construction of a new building on the Property, the Plan Commission shall approve the proposed building and use of the Property prior to the issuance of any permits for new construction. The approval process, standards of approval for the proposed use of the Property, and any conditions shall be those for Demolition and Removal contained in Section 28.185 of Madison General Ordinances, also known as the Zoning Code.
- 2) This Declaration of Restrictive Covenant shall constitute a covenant that shall run with the land described herein and shall be binding upon the Declarant and the heirs, successors and assigns of the Declarant.
- 3) This Declaration of Restrictive Covenant shall terminate upon the Plan Commission's approval of the proposed alternative use of the Property and the City of Madison's issuance of permits for new construction on the Property, and shall not otherwise be released or modified except by written agreement executed by the Declarant and the Director of the Planning Division of the City of Madison.
- 4) This Declaration of Restrictive Covenant and any future modifications or release shall be recorded in the Office of the Dane County Register of Deeds.

**[SIGNATURE FOLLOWS ON THE NEXT PAGE]**

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO: Leo J. Duren  
Duren Income Trust  
3602 Cascade Road  
Madison, Wisconsin 53704

Tax Parcel No:  
**251-0710-042-0095-4**

c/g  
6

**DUREN INCOME TRUST,  
DATED: October 17, 2018**

By: *Leo J. Duren*  
Leo J. Duren

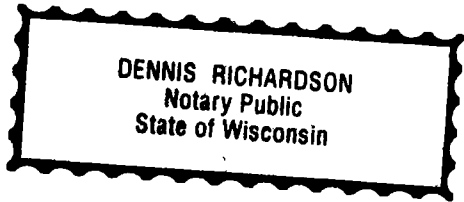
State of Wisconsin )  
                                  )ss.  
County of Dane        )

Personally came before me this 17<sup>th</sup> day of October 2018 the above named Leo J. Duren known by me to be the person who executed the foregoing instrument and acknowledged the same.

*Dennis J. Richardson*  
Notary Public, State of Wisconsin

Dennis J. Richardson  
Type or print name

My Commission: 1-10-20



**EXHIBIT A**  
Legal Description

A parcel of land located in the NW 1/4 of Section 4, Township 7N, Range 10E, Commencing at the W 1/4 Corner OF said section, thence N01°11'40"E, 33.06 feet; thence N89°15'10"E, 320 feet to the Point of Beginning, N89°15'10"E, 150 feet; N00°44'50"W, 762 feet; S89°15'10"W, 40 feet; N00°44'50"W, 60 feet; S89°15'10"W, 15 feet; N00°44'50"E, 95 feet; S89°15'10"W, 50 feet; N00°44'50"W, 50 feet; S89°15'10"W, 45 feet; N00°44'50"E, 967 feet to the Point of Beginning; said description excludes lands taken for right of way. Said described parcel contains 130,375 square feet or 3.0 acres, more or less.