

DECLARATION OF CONDITIONS AND COVENANTS

CSM NUMBER 14072

CITY OF MADISON, DANE COUNTY, WISCONSIN



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Tx:8720485

**KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS**

**DOCUMENT #
5207587**

01/06/2016 8:29 AM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 1

WHEREAS, 5422 Portage Road, LLC, owner of Lot 1, in Certified Survey Map No. 14072, recorded on the 14th day of SEPTEMBER, 2015, in Volume 94 of Certified Surveys on page(s) 215-227 in the office of the Register of Deeds of Dane County, Wisconsin, will be benefited through the installation of street, sidewalk and utility improvements by the City of Madison.

NOW, THEREFORE, 5422 Portage Road, LLC, hereby declares and provides that Lot 1 is subject to the following conditions and covenants:

- The owner concurs with the City of Madison's policy to promote the general welfare of the City through the installation of public infrastructure improvements including, but not limited to, street, sidewalk and utility improvements to serve the development at 4103-4119 Portage Road.
- The owner has willingly agreed to execute the waiver of assessments to complete the infrastructure improvements as was required for the for the City Contract known as *Contract for the Construction of Public Works Improvements to be Accepted by the City of Madison for 4103-4119 Portage Road - Di Loreto Avenue Extension*, City Contract No. 2433 and have assessments allocated to said properties if the City is required to install the improvements and assess the costs under the terms of the contract.
- The owner acknowledges that it is the City of Madison's policy to assess the above described lot(s) the full cost of said improvements, including inspection, engineering, and supervision costs if the City Performs the Owner's obligations under the terms of the contract.
- The owner, its successors and assigns hereby waives all special assessment notices and hearings as required by Section 66.0703(7)(b) of the Wisconsin Statutes and Section 4.09 of Madison General Ordinances with respect to any public infrastructure improvements completed by the City under the terms of the contract, and further agrees that the benefits to the above described lot(s) for the construction of said improvements, will be divided proportionately among said lot(s) which it may elect to pay in eight equal successive annual installments.
- 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.
- 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.
- Upon the completion and acceptance of the improvements as required under *Contract for the Construction of Public Works Improvements to be Accepted by the City of Madison for 4103-4119 Portage Road - Di Loreto Avenue Extension*, City Contract No. 2433, this declaration of conditions and covenants shall hereby be released, null and void without the necessity of recording a termination document.

This space is reserved for recording data.

Drafted by and Return to:

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

TAX PARCEL NO.

Lot No. Parcel No.
1 0810-222-0204-8/0810-222-0298-1

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 11th day of September 2015.

5422 PORTAGE ROAD, LLC

By: T. Wall Enterprises Manager, LLC, its Manager

By: Terrence R. Wall, President

STATE OF WISCONSIN
COUNTY OF DANE) SS

Personally came before me this 11th day of September, 2015, the above named

Terrence R. Wall, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

F. Taylor Brengel
NOTARY PUBLIC F. Taylor Brengel

My Commission Expires: is Permanent

