



DECLARATION OF CONDITIONS AND COVENANTS

CERTIFIED SURVEY MAP NO. 14072

CITY OF MADISON, DANE COUNTY, WISCONSIN

**KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS**

**DOCUMENT #
5207588**

01/06/2016 8:29 AM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 1

WHEREAS, 5422 Portage Road, LLC owner of Lot(s) 1-3 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 improvements by the City of Madison on Portage Road abutting said lot(s).

NOW, THEREFORE, 5422 Portage Road, LLC hereby declares and provides that Lot(s) 1-3 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 public infrastructure improvements by the City of Madison on Portage Road adjacent to said lots to fulfill the requirements related to the Subdivision approval.
2. The owner acknowledges that it is the City of Madison's policy to assess the above described properties the full cost of the infrastructure improvements, as required for the approval of said Certified Survey Map, including inspection, engineering, and supervision costs, grading, storm sewer, sanitary sewer, water main, stormwater management, street, sidewalk, curb and gutter, pavement, street lighting, restoration, and other incidentals as required for the improvements for said Certified Survey Map. After the initial construction of the improved Portage Road reconstruction, said road shall be governed by Section 10.09 of the Madison General Ordinances.
3. 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 and further agrees that the benefits to the above described lot(s) for the construction of said improvements, will be divided proportionately among said lots 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.

Drafted and Return to

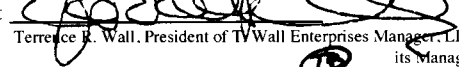
Brenda Stanley
City Engineering Division
Rm. 115, City-County Building
Madison, Wisconsin

Tax Parcel Numbers:

- Lot 1 0810-222-0264-8/0810-222-0298-1
- Lot 2 0810-222-0205-6/0810-222-0297-3
- Lot 3 0810-222-0266-4/0810-222-0296-5

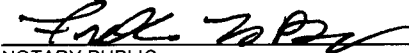
IN WITNESS WHEREOF, we have hereunto set our hands and seals this 11th day of September, 2015.

5422 PORTAGE ROAD, LLC

BY: 
Terrence R. Wall, President of TV Wall Enterprises Manager, LLC.
its Manager

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.


NOTARY PUBLIC F. Taylor Brengel, ESQ.

My Commission Expires: is Permanent

**FREDERICK TAYLOR BRENGEL
Notary Public
State of Wisconsin**