

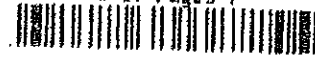
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DECLARATION OF RESTRICTIONS

November 23, 2017 3:04 PM

CHRIS MANASCH - Registrar  
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# of Pages 7



Document Number:

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Parcel ID Number: see attached Exhibit "A"

THIS DECLARATION is made by the City of Waupun, a Wisconsin municipal corporation ("the City")

The City owns various lots held for residential development, as more particularly described on Exhibit "A" to this Declaration of Restrictions. These lots may be collectively identified here as the "real estate" or the "Subdivision." The City desires to subject the real estate to the conditions, covenants, restrictions, reservations, and easements set forth below, for the benefit of the real estate and for the benefit of each lot owner in the Subdivision of the real estate.

THEREFORE, the City makes the following declaration as to limitations, restrictions and uses to be imposed on the lots constituting the Subdivision, and directs that these declarations shall constitute covenants to run with each lot in the Subdivision as provided by law, to be binding and for the benefit of and limitation of all future owners of each lot in the Subdivision, this Declaration of Restrictions being designed for the purpose stated below.

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## ARTICLE I: PROPERTY SUBJECT TO DECLARATION

Each of the lots identified on Exhibit "A" to this Declaration of Restrictions shall be subject to these restrictions.

## ARTICLE II: PURPOSE

The purpose of these restrictions is to insure the use of the Subdivision for attractive residential purposes only, to prevent nuisances and the impairment of the attractiveness of the real estate, and to maintain the desired tone of the community, and thereby secure to each site owner the full benefit and enjoyment of his or her home, with no greater restriction on the free and undisturbed use of his or her lot site than is necessary to insure the same advantages to the other owners in the Subdivision.

## ARTICLE III: CONSTRUCTION AND USE RESTRICTIONS

(a) Each and every residential dwelling constructed in the Subdivision shall contain the following minimum first-floor living area: 1,600 square feet if the structure is a two-story single family dwelling; 1,400 square feet if the structure is a one-story single family dwelling; and 1,250 square feet for each unit if the structure is a two-family dwelling.

(b) Each single family residential dwelling shall have a private enclosed garage sufficient in size to store not less than two (2) automobiles. The garage shall be connected to the street by a properly surfaced asphalt or concrete driveway, which driveway shall be installed and completed within one (1) year from the installation of curb and gutter along the street directly adjacent to the property, unless a written extension is granted by the City of Waupun Building Inspector. The garage shall be located within the building setback lines as specified in the Waupun Municipal Code.

(c) Construction of a residential dwelling and issuance of an occupancy permit

except one sign of not more than 6 square feet in area advertising the property for sale or rent or to advertise the property during any construction or sales period; and one sign of not more than 2 square feet in area designating the names of the residents of the property, without reference to any business or trade of such persons.

(h) No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats and other normal household pets may be kept so long as not kept, bred or maintained for any commercial purpose nor in any unreasonable number.

(i) No lot shall be used or maintained as a dumping ground for trash, garbage, recyclable materials, refuse or debris of any kind. No trash, garbage, recyclables or waste materials shall be kept on the lot except in sanitary containers. Waste and recyclable containers may not be placed outdoors or at the curb except for the waste pickup, and handling and disposal of waste shall be done in keeping with the ordinances and policies of the City of Waupun. All incinerators and other equipment and materials for the storage or disposal of such waste materials shall be kept in a clean and sanitary condition, suitably screened from view from streets and adjoining lots, and located at suitably safe distances away from any buildings.

(j) No motorcycles, snowmobiles, trail bikes, dune buggies, off-street motorized vehicles, or recreational vehicles of any kind shall be operated on any lot, driveway, parking area or open space within the Subdivision, except for necessary travel to and from the Subdivision. No noxious or offensive odors, activities, or conditions shall be permitted to exist in, on or about any residential dwelling or lot, which may be, or may become, any annoyance or nuisance to the neighborhood. No building or construction materials shall be stored on any lot outside of a dwelling or garage, other than during

periods of actual construction or remodeling and only for as long as may be necessary therefore.

(k) Each lot owner shall perform periodic yard maintenance as may be necessary to keep the lot neat and clean in appearance, including without limitation, the mowing of grass and the removal of weeds, leaves and unsightly debris. However, nothing contained in this subparagraph shall prohibit lot owners from maintaining portions of their real estate in its natural environment, which areas shall not be subject to this restriction.

#### **ARTICLE IV: ENFORCEMENT**

These restrictions shall operate as covenants running with the land for the benefit of any and all persons who may now own, or who may in the future own, lots in the Subdivision, and such persons are specifically given the right to enforce these restrictions through any proceedings, at law or in equity, against any person or persons violating or threatening to violate such restrictions, and to recover any damages suffered by them, for any violation thereof. However, no violation or breach of any covenant, condition, restriction or other term or provision of these declarations shall under any circumstances cause a reversion of title.

#### **ARTICLE V: MODIFICATION AND TERMINATION**

The covenants, agreements, conditions, reservations and restrictions created here may be waived, terminated or modified with respect to the entire Subdivision with the written consent of the owners of seventy-five percent (75%) of the lots in the Subdivision. No such waiver, termination or modification shall be effective until the proper instrument in writing shall be executed and recorded in the office of the Register of Deeds for Dodge County, Wisconsin.

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**ARTICLE VI: PARTIAL INVALIDITY**

If any covenant, condition or restriction contained here, or any portion thereof, is found to be invalid or void such as invalidity shall in no way affect any other covenant, condition or restriction contained in this declaration.

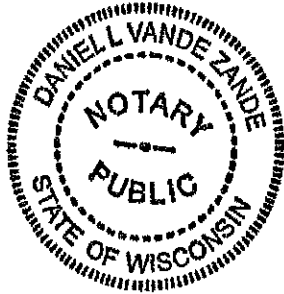
Dated this 20<sup>th</sup> day of November, 2017.

City of Waupun

By *Julie J. Nickel*  
Julie J. Nickel  
Mayor

**ACKNOWLEDGMENT**

Personally appeared before me this day and year above written, Julie J. Nickel, as Mayor of the City of Waupun, to me known to be the person who executed this Declaration of Restrictions and acknowledged the same.



*Daniel L. Vande Zande*  
Daniel L. Vande Zande  
Notary Public, Wisconsin  
My Commission: 15 permanent

This Declaration of Restrictions were drafted by Attorney Daniel L. Vande Zande.

**EXHIBIT "A"**

**SUBDIVISION PROPERTY DESCRIPTION**

Lots Two (2), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20) and Twenty-One (21) of Mayfair Estates, City of Waupun, Dodge County, Wisconsin.