

DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

Document Number

Document Title

533658

DUNN COUNTY, WI
REGISTER OF DEEDS
JAMES M. MRDUTT

RECORDED ON
05/02/2006 11:20AM

REC FEE: .31.00
FEE EXEMPT #:

PAGES: 11

Recording Area *pd 31.00*

Name and Return Address *ENJ*
Atty. Phillip James Addis
504 Main St., Suite 200
La Crosse, WI 54602-1104

251 1042-07

Parcel Identification Number (PIN)

THIS DOCUMENT DRAFTED BY:

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Law Offices of Phillip James Addis, LLC
504 Main St., Suite 200
La Crosse, WI 54602-1104
(608) 784-1355

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document.
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***Declaration of Covenants, Conditions and Restrictions
of Lot 3 through 14 of the
Dancing Oaks Addition to the City of Menomonie Dunn County.***

1. These covenants and restrictions are made for the purpose of creating and keeping the above described development, insofar as possible, desirable, attractive, beneficial, free from nuisances, and in suitable appearance, and for the purpose of guarding against fires and unnecessary interference with the natural beauty of the subdivision, all for the mutual benefit and protection of all of the owners of homes in the development. The subdivision will have sewer, water, natural gas, electrical service and cable TV, when available. Some of the roads within the subdivision that serve the Twinhomes are private roads and are shown on the Plat for the development. Residents will receive police protection, municipal fire protection, trash/brush/leaf collection and all other City services.
2. The declarations herein shall be covenants running with the land as provided by law, and shall be binding on all parties and all persons claiming under them.
3. **LAND USE:** No lot shall be used except for a residential building. All units must be owner-occupied except that if an owner purchases an entire building (2 units) they may choose to lease out one unit, as long as the owner occupies the adjoining unit as a their primary residence. No lot in the development may ever be subdivided into smaller tracts or lots nor conveyed or encumbered in any less than the original dimensions as shown on the recorded plat.
4. **BUILDING TYPE:** No structure of a temporary character, including but not limited to basements, tents, garages, shacks, mobile homes or other outbuildings shall be used on any lot at any time as a residence, either temporary or permanent. Building size restrictions:
 - A. A single family dwellings, 1,400. sq. ft. of usable living space per each dwelling unit, (not including porches or garages).
 - B. Maximum height: 18 feet - single story, 35 feet - two stories.

Attached garages mandatory, which will service a minimum of 2 cars per dwelling unit. All construction must be "stick built" construction. No modular housing is permitted. No building shall be erected, placed or altered unless first approved as to architecture, style and other aesthetic considerations by the Architectural Control Committee. A fee of \$100.00 must be submitted with a plan.

Approvals and response to any plans will be made within 10 business days of submission. Any exterior amendments to the plans must be submitted to the Architectural Control Committee and will be responded to within 5 business days. A copy of the Architectural Control Committee requirements and approval are attached hereto as Appendix "A". All construction must be completed within 8 months from the date of commencement. All lots must have construction commenced on them within 2 years of purchase.


5. **DRIVEWAYS:** A hard-surface driveway is required for all dwelling units. Permissible materials include concrete, asphalt, paving brick or similar material, with a minimum width of 18 feet. The driveway must be completed within 9 months from date of the commencement of home construction and must be built in compliance with all City of Menomonie ordinances regulating the same.
6. **STORAGE AND REPAIR OF VEHICLES AND BOATS:** Motor homes, camping trailers, boat trailers, boats, buses and any type of truck with over a one-ton payload capacity shall not be stored or parked on any lot or driveway or street within the subdivision for more than three days (guests-two week maximum). No car repairs whatsoever, except an emergency repair in order to move the vehicle to another location may be undertaken in any area of the Planned Development District.
7. **SIGNS:** NO signs, billboards, or other advertising structures of any kind shall be erected or maintained or constructed on any lot for any purpose whatsoever, except for identification of residence and except those used in any sale of any lot or home in the development and home occupations. Such signs must be in compliance with all City of Menomonie ordinances regulating the same.
8. **LANDSCAPING:** The entire front yard and side yard lawns (to the back of structure) shall be seeded or sodded completely and the remaining yard lawn areas seeded at the time of occupancy. No weed, bushes, thistles, grasses or other noxious organic or plant-like organisms shall be permitted to grow upon any lot to such an extent as to create a nuisance. Owners who have not built shall, nevertheless, keep their lot free of noxious or nuisance organisms. Decorative ponds and flower or planting beds are allowed. The development will have boulevard trees. It will be the lot owner's responsibility to maintain boulevard trees in accordance with city ordinances. The lot owner may also place or save as existing a minimum of two trees, not less than (2" to 3" DBH) within the confines of said lot. In no event, may more than 10% of the existing trees may be removed from the lot, without the advanced written consent of the Architectural Control Committee.

9. **YARD WASTE:** No grass clippings, branches, vines, leaves or yard waste of any kind may be disposed of on any lot, out lot, in any ravines, waterways or parks or on City property.
10. **FENCES:** Fences are allowed only in the back yard portion of a lot and must be no more than 6' high. All fences must be of a vinyl or wood construction.
11. **PETS/ANIMALS:** No wild, semi-wild or domestic mammals, reptiles or birds may be kept or maintained upon any individual dwelling unit, except that an individual Lot may have no more than one dog and/or one cat, not exceeding 20 pounds per animal. These animals may not be kept, bred or maintained for any commercial purpose. Pet owners shall be responsible for removal of all pet waste. (The number and licensing of all domesticated animals must comply with all ordinances of the City of Menomonie and County of Dunn.)
12. **ANTENNAS/DISHES:** NO exposed radio, telephone, ham radio, TV or microwave receiving or transmitting antennas or masts allowed. Allowance is made for satellite TV dishes not exceeding 24 inches in diameter, which may only be placed in the rear of the residence.
13. **SIDEWALKS:** The development will have sidewalks in accordance with City of Menomonie ordinances and the specifications contained in the Planned Development District, as shown on the Plat. Construction material for sidewalks shall be concrete. It will be the adjoining lot owner's responsibility to maintain these sidewalks in accordance with City of Menomonie ordinances. Sidewalks will be installed at the same time as curb, gutter and streets.
14. **TRASH/WASTE/JUNK:** No storage or retention of rubbish, trash, junk, garbage or other waste shall be permitted or suffered on any lot. Trash, garbage and waste may be placed, for disposal purposes only, in proper sanitary receptacles. All such containers shall be stored within garages, or sheltered from view by fencing so as not to be visible from the street or neighboring lots. No junk or unlicensed cars, trucks or other type motorized vehicles shall be allowed to be stored outdoors including but not limited to snowmobiles, motorcycles, 3 wheelers, 4 wheelers, boats, trailers or campers. Rubbish and trash shall be picked up DAILY and stored in a covered dumpster-type container during all phases of home construction.
15. **STORAGE SHEDS/KENNELS:** No storage shed or outside dog kennels will be allowed.

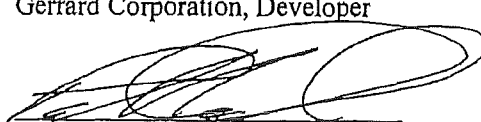
23. **EXTERIOR LIGHTING AND FLAGPOLES:** Any and all flagpoles must be less than 20 feet tall in order to be placed on any lot in the PDD. Low density, low impact security lighting is allowed, but no light pole greater than seven feet may be used for mounting or holding an exterior light.
24. **RETAINING WALLS:** Any retaining walls built on the property must be of masonry construction and approved by the Architectural Control Committee. No timbers or railroad ties may be used in the construction of retaining walls.
25. **SETBACK:** No improvements or structures are allowed between the right-of-way line and any highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, driveways, wells and septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in Wisconsin Statutes Section 236.293 and shall be enforceable by the Wisconsin Department of Transportation or its assigns.
26. **ACCESS TO HIGHWAYS:** No owner, possessor, user or licensee or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right-of-way of any US highway. It is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in Wisconsin Statutes Section 236.293.
27. **CITY OF MENOMONIE:** All lots are to be bound by the Municipal Codes for the City of Menomonie or any successors in interest for the same.
28. **SNOW STORAGE AND UTILITY EASEMENTS:** Utility and snow storage easements may exist along various lots within the subdivision as shown on the plat map.
29. **EXTERIOR COLORS FOR TWINHOMES:** For all Twinhomes, the exterior color scheme and design must remain the same as the attached unit.
30. **PARTY WALL AGREEMENT:** A party wall agreement exists for all Twinhomes. All effected owners agree to be bound by the same.

These covenants are hereby made a part of this development and are recorded against all of the property, which is known as the Dancing Oaks Addition to the City of Menomonie by virtue of our signatures hereunder.

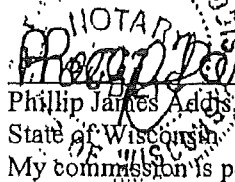
Gerrard Corporation, Developer


Peter Gerrard, agent

Gerrard Corporation, Developer


Paul Gerrard, agent

Subscribed and sworn to before me, the above signatures of Peter Gerrard and Paul Gerrard on behalf of Gerrard Corporation, this 27th day of March, 2006.


Phillip James Addis, Notary Public
State of Wisconsin
My commission is permanent.

NO HOME CONSTRUCTION OF ANY KIND SHALL COMMENCE UNTIL SUCH TIME AS THESE COVENANTS/RESTRICTIONS ARE SIGNED BY THE DESIGNATED LOT/HOME OWNER(S) IN THE PRESENCE OF A NOTARY PUBLIC.

Lot/Home Owner: _____ Date: _____

Lot/Home Owner: _____ Date: _____

Subscribed and sworn to before me
this _____ day of _____, 2006.

Notary Public, State of Wisconsin
My commission expires: _____

Address: 916 17th Street SE
Legal: Lot 8, Dancing Oaks Addition, City of Menomonie, Dunn County,
Wisconsin.

Address: 948 17th Street SE
Legal: Lot 9, Dancing Oaks Addition, City of Menomonie, Dunn County,
Wisconsin.

Address: 952 17th Street SE
Legal: Lot 10, Dancing Oaks Addition, City of Menomonie, Dunn County,
Wisconsin.

LEGAL DESCRIPTIONS:

Address: 1785 Wilson Avenue

Legal: Lot 14 of Dunn County Certified Survey Map No. 3210, recorded in the Office of the Register of Deeds for Dunn County, Wisconsin, in Volume 15 of Certified Survey Maps, at Page 10, as Document No. 524775; being a part of Lot 1 of Dunn County Certified Survey Map No. 3154 recorded in Volume 14 of Certified Survey Maps, at Page 134, as Document No. 522142; located in the North half of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Township 28 North, Range 13 West, City of Menomonie, Dunn County, Wisconsin.

Address: 1783 Wilson Avenue

Legal: Lot 13 of Dunn County Certified Survey Map No. 3210, recorded in the Office of the Register of Deeds for Dunn County, Wisconsin, in Volume 15 of Certified Survey Maps, at Page 10, as Document No. 524775; being a part of Lot 1 of Dunn County Certified Survey Map No. 3154 recorded in Volume 14 of Certified Survey Maps, at Page 134, as Document No. 522142; located in the North half of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Township 28 North, Range 13 West, City of Menomonie, Dunn County, Wisconsin.

Legal Descriptions

DANCING OAKS ADDITION TO THE CITY OF MENOMONIE

Being a part of Lot 2 of Certified Survey Map No. 3154 recorded in Volume 14 of Survey Maps, Page 134, as Document No. 522142, located in the Southeast Quarter of the Southwest Quarter of Section 25, Township 28 North, Range 13 West, City of Menomonie, Dunn County, Wisconsin.

Recorded: September 6, 2005

Document No. 526811

Volume 8 of Plats

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Address: 1762 Wilson Avenue
Legal: Lot 11, Dancing Oaks Addition, City of Menomonie, Dunn County, Wisconsin.

Address: 1764 Wilson Avenue
Legal: Lot 12, Dancing Oaks Addition, City of Menomonie, Dunn County, Wisconsin.

Address: 832 17th Street SE
Legal: Lot 3, Dancing Oaks Addition, City of Menomonie, Dunn County, Wisconsin.

Address: 836 17th Street SE
Legal: Lot 4, Dancing Oaks Addition, City of Menomonie, Dunn County, Wisconsin.

Address: 868 17th Street SE
Legal: Lot 5, Dancing Oaks Addition, City of Menomonie, Dunn County, Wisconsin.

Address: 872 17th Street SE
Legal: Lot 6, Dancing Oaks Addition, City of Menomonie, Dunn County, Wisconsin.

Address: 912 17th Street SE
Legal: Lot 7, Dancing Oaks Addition, City of Menomonie, Dunn County, Wisconsin.

Address: 916 17th Street SE
Legal: Lot 8, Dancing Oaks Addition, City of Menomonie, Dunn County,
Wisconsin.

Address: 948 17th Street SE
Legal: Lot 9, Dancing Oaks Addition, City of Menomonie, Dunn County,
Wisconsin.

Address: 952 17th Street SE
Legal: Lot 10, Dancing Oaks Addition, City of Menomonie, Dunn County,
Wisconsin.
