

2104713

Recorded

May 24, 2017 11:21 AM

OUTAGAMIE COUNTY
SARAH R VAN CAMP
REGISTER OF DEEDS

Fee Amount: \$30.00
Total Pages: 4

**DECLARATION OF OUTLOT RESTRICTIONS
AND COVENANTS FOR
FOX HIGHLANDS SUBDIVISION
IN THE TOWN OF GREENVILLE,
OUTAGAMIE COUNTY, WISCONSIN**

Re: Lots 1 through 79

Recording Area

Drafted by:

Dan O'Callaghan

Michael Best & Friedrich LLP

1S. Pinckney St., Ste. 700

Madison, WI 53703

PIN(s): See attached

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WHEREAS, School Road At 76, LLC, a Wisconsin limited liability company, ("Declarant") is the owner of Lots 1 through 79 (each, a "Lot," collectively, the "Lots") and Outlots 1 through 5, inclusive (each, an "Outlot," collectively, the "Outlots"), in the plat of Fox Highlands, in the Town of Greenville, Outagamie County, Wisconsin, recorded in the office of the Outagamie County Register of Deeds on the 24TH day of MAY, 2017, in Vol. * of Plats, Pages * as Document No. 2104711 (the "Subdivision"); *Cabinet M Pages 55-60

WHEREAS, Declarant intends to develop Lots 1 through 26, inclusive, and 28 through 78, inclusive as a community of seventy-seven (77) single-family home sites; and

WHEREAS, Lot 27 is intended for development as multifamily housing consisting of a total of thirty-two (32) residential units; and

WHEREAS, Lot 79 is intended for development as multifamily housing consisting of a total of twenty-four (24) residential units; and

WHEREAS, Outlot 1, Outlot 4, Outlot 5 and certain easement areas located on Lot 27 and Lot 79, as depicted on the Subdivision plat, are intended to contain certain stormwater facilities necessary to support the residential uses developed within the Subdivision; and

WHEREAS, Outlot 2, Outlot 3 and certain easement areas located on Lot 27 and Lot 79, as depicted on the Subdivision plat, are intended to contain certain recreational trails and provide open space to be enjoyed by all of the residential uses developed within the Subdivision; and

WHEREAS, Declarant desires to provide for the common ownership of the Outlots by all owners of Lots within the Subdivision, as tenants in common, according to the percentage interests set forth on

Exhibit A attached to this Declaration, and to control the purposes for which the Outlots are used, as well as obligating the owners of said Lots to be bound by certain restrictions and covenants for the benefit of the owners of said Lots as a whole and individually; and

NOW THEREFORE, the Declarant hereby declares and provides that all Lots within the Subdivision are hereby subject to the following restrictions and covenants:

I. Ownership of Outlots and Maintenance of Stormwater Improvements

- A. Each Lot in the Subdivision shall have, appurtenant to such Lot, an undivided ownership interest in each of the Outlots. The undivided percentage interest in the Outlots (the "Percentage Interest") appurtenant to each Lot shall be as set forth on Exhibit A attached hereto.
- B. Each Lot's Percentage Interest in the Outlots is an undivided interest appurtenant to the Lot and may not be transferred separately from, or severed from, title to the Lot.
- C. Any related storm water facilities, detention ponds, culverts, catch basins, swales, and other similar improvements (collectively, the "Stormwater Improvements") to Outlots 1, 4 and 5 and the easement areas located on Lot 27 and Lot 79, as depicted on the Subdivision plat, shall be maintained by the Lot owners in accordance with the Best Management Practices set forth in the approved Stormwater Management Plan (the "Management Plan") on file with the Town of Greenville, or its successor (the "Town"). Maintenance costs shall be shared and paid by the Lot owners in proportion to their Percentage Interest.
- D. The Town is authorized to access Outlots 1, 4 and 5 and the easement areas located on Lot 27 and Lot 79 to conduct inspections of the Stormwater Improvements as necessary to ascertain that said improvements are being operated and maintained in accordance with the Management Plan and acceptable engineering standards.
- E. If the Lot owners fail to maintain and repair the Stormwater Improvements, the Town is granted the right to maintain and repair said Outlots and improvements in accordance with the Management Plan or otherwise as the Town determines is reasonably necessary. The cost of any maintenance and repair measures undertaken by the Town pursuant to this Declaration shall be assessed against the Lots in proportion to the Lot owners' Percentage Interest in accordance with the provisions of Sec. 66.0627, Wis. Stats. Any such assessment against a Lot that is not paid by a Lot owner within sixty (60) days after billing shall be deemed a delinquent special charge and shall become a lien upon the non-paying owner's Lot. Such delinquent charges shall be extended upon the current or next tax roll as a delinquent tax against the Lot for which payment has not been received by the Town, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charges.
- F. No fencing shall be permitted on any Outlots, including along School Road where a landscape berm will be installed between rear lot lines and a public multi-use path,

except as may be required by applicable law as part of the approved storm water facilities.

II. Time Period for Covenants; Amendments; Severability; Code Requirements; Enforcement

- A. This Declaration shall run with the land and shall be binding upon all owners of Lots subject to this Declaration in perpetuity.
- B. Invalidation of any one of these restrictions and covenants shall in no way affect any other provisions, which other provisions shall remain in full force and effect.
- C. The provisions of this Declaration may be enforced by the owner(s) of any Lot and by the Town.
- D. This Declaration shall be interpreted consistent with the laws of the State of Wisconsin. Jurisdiction and venue shall lie with the Circuit Court for Outagamie County, Wisconsin.

IN WITNESS WHEREOF, the Declarant has executed this Declaration this 4th day of May, 2017.

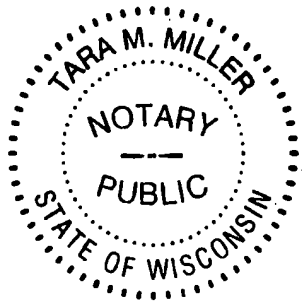
SCHOOL ROAD AT 76, LLC

By: David M. Jenkins
Name: DAVID M. JENKINS
Title: MANAGER

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS.
COUNTY OF OUTAGAMIE)

Personally came before me this 4th day of May, 2017, the above-named David M. Jenkins, to me known to be Manager who executed the foregoing and acknowledged the same.



Tara M. Miller
Notary Public, State of Wisconsin
My Commission Expires: 04/24/2020

EXHIBIT A

Percentage Ownership Interest in Outlots

Lot	Ownership	Lot	Ownership
1	1/133	41	1/133
2	1/133	42	1/133
3	1/133	43	1/133
4	1/133	44	1/133
5	1/133	45	1/133
6	1/133	46	1/133
7	1/133	47	1/133
8	1/133	48	1/133
9	1/133	49	1/133
10	1/133	50	1/133
11	1/133	51	1/133
12	1/133	52	1/133
13	1/133	53	1/133
14	1/133	54	1/133
15	1/133	55	1/133
16	1/133	56	1/133
17	1/133	57	1/133
18	1/133	58	1/133
19	1/133	59	1/133
20	1/133	60	1/133
21	1/133	61	1/133
22	1/133	62	1/133
23	1/133	63	1/133
24	1/133	64	1/133
25	1/133	65	1/133
26	1/133	66	1/133
27	32/133	67	1/133
28	1/133	68	1/133
29	1/133	69	1/133
30	1/133	70	1/133
31	1/133	71	1/133
32	1/133	72	1/133
33	1/133	73	1/133
34	1/133	74	1/133
35	1/133	75	1/133
36	1/133	76	1/133
37	1/133	77	1/133
38	1/133	78	1/133
39	1/133	79	24/133
40	1/133		
		TOTAL: 133/133	