

**TOWN OF WINDSOR
TOWN BOARD RESOLUTION 2015-28**

**RESOLUTION REMOVING RESTRICTIONS ON TRANSFER FROM PLAT OF
WOLF HOLLOW PHASE 3 AND 4 LOTS AND APPROVING DECLARATION
RESTRICTING SALE OR TRANSFER OF CERTAIN LOTS IN REPLAT**

WHEREAS, Wolf Hollow Windsor, LLC ("**Developer**") executed a Memorandum of Development Agreement and Declaration Restricting Sale or Transfer of Certain Lots in the Plat of Wolf Hollow (the "**Restriction**"), which was recorded in the Dane County Register of Deeds on September 29, 2014, as Document No. 5100748, and which indicated that no transfers of the Phase 3 Lots or the Phase 4 Lots were to occur prior to the release of the Restriction; and,

WHEREAS, the Town of Windsor ("**Town**") and Developer entered into a Development Agreement for the development of Phase 3 of the Plat of Wolf Hollow, as set forth in and recorded in the Dane County Register of Deeds office on October 8, 2014 as Document No. 5103233 ("**Development Agreement**"); and

WHEREAS, the Developer has satisfied the requirements for release of the Phase 3 Lots; and,

WHEREAS, the Town no longer wishes to restrict transfer of the Phase 4 Lots under the Restriction related to the Plat of Wolf Hollow (the "**Plat**") because the Phase 4 Lots will be included in the Plat of Wolf Hollow at Pleasant Prairie Creek, a Replat (the "**Replat**") and governed by requirements related to development of the Replat; and,

WHEREAS, the Town wishes to proceed with Release and Restriction of the Transfer of Lots in the Plat and the Replat in a reasonable and appropriate manner, all as set forth in this Resolution.

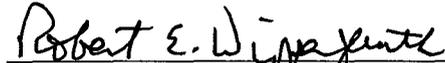
NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Windsor as follows:

1. The Plat Release, attached as Exhibit A and incorporated by reference, is hereby approved and the Town Chairperson and Town Clerk are authorized to execute same on behalf of the Town, obtain needed signatures and record the Release.
2. The Replat Restriction, attached as Exhibit B and incorporated by reference, is hereby approved and the Town Chairperson and Town Clerk are authorized to execute same on behalf of the Town, obtain needed signatures and record the Restriction.

[Signatures on following page.]

The above and foregoing Resolution was duly adopted at the regular meeting of the Town Board of the Town of Windsor on the 21st day of May, 2015, by a vote of 5 in favor and 0 opposed.

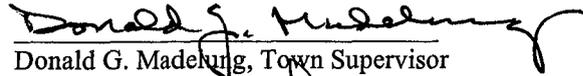
TOWN OF WINDSOR



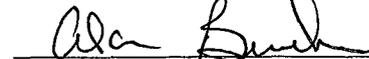
Robert E. Wipperfurth, Town Chairman



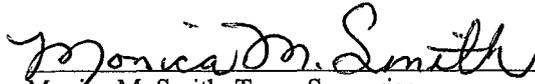
Bruce Stravinski, Town Supervisor



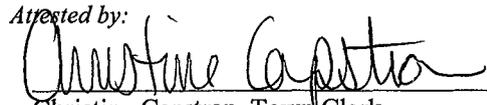
Donald G. Madelung, Town Supervisor



Alan Buchner, Town Supervisor



Monica M. Smith, Town Supervisor

Attested by:


Christine Capstran, Town Clerk



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**KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS**

**DOCUMENT #
5178092**

**08/19/2015 2:44 PM
Trans. Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 4**

**PLAT OF WOLF HOLLOW,
DANE COUNTY, WISCONSIN:**

**RELEASE OF RESTRICTIONS ON SALE OR
TRANSFER OF PHASE 3 LOTS AND PHASE 4 LOTS
IN THE PLAT OF WOLF HOLLOW**

RECITALS

WHEREAS, Wolf Hollow Windsor, LLC, a Wisconsin limited liability company ("**Developer**") was authorized to proceed with phased construction in phases identified as Lots 64, 71 through 83 (inclusive), 67 and 68 (collectively, "**Phase 3 Lots**"), and 84 through 94 (inclusive), 116 through 160 (inclusive) and 162 through 171 (inclusive) (collectively, "**Phase 4 Lots**"), in the plat known as Plat of Wolf Hollow, a recorded plat in Volume 58-079B of Plats on Pages 401-405, as Document Number 4079382 in the office of the Register of Deeds for Dane County, Wisconsin (the "**Plat**"), has requested from the Town of Windsor (the "**Town**") the authority to construct necessary public infrastructure in the Plat and market the Plat in the phases identified and defined above; and

WHEREAS, the Developer also obtained approval of two Certified Survey Maps that adjust the boundary lot lines for Lots 71, 72, 73, 74 and 75 of the Plat as depicted on Certified Survey Map No. 13792, and recorded as Document No. 5094796, Vol. 91, Pages 148-153 ("**Dusky Glen East CSM**") and for Lots 76, 77, 78 and 79 of the Plat as depicted on Certified Survey Map No. 13793, and recorded as Document No. 13793, Vol. 91, Pages 154-159 ("**Dusky Glen West CSM**"); and

WHEREAS, the Lots in the Dusky Glen East CSM (renumbered as Lots 272, 273, 274 and 275) and the lots in the Dusky Glen West CSM (renumbered as Lots 276, 277, 278 and 279) replace the lots in the Plat that were numbered as Lots 71 through 79 (inclusive) and are part of the Phase 3 Lots; and

WHEREAS, pursuant to the Memorandum of Development Agreement and Declaration Restricting Sale or Transfer of Certain Lots in the Plat of Wolf Hollow (the "**Restriction**"), which was recorded in the Dane County Register of Deeds on September 29, 2014, as Document No. 5100748, no transfers of the Phase 3 Lots or the Phase 4 Lots were to have occurred prior to the release of the Restriction; and

WHEREAS, the Town Board is now ready to release the Restriction as set forth herein.

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Amy Anderson Schweppe
Town of Windsor
4084 Mueller Road
DeForest, WI 53532

DRAFTED BY:

Constance L. Anderson, Town Attorney
Anderson Consults, LLC
Madison, WI 53704
Connie@AndersonConsultsWI.com

PARCEL IDENTIFICATION NUMBERS:

See Exhibit A

AGREEMENT

NOW THEREFORE, in consideration of the above recitals, which are incorporated herein by reference, and other valuable consideration, the sufficiency of which is hereby acknowledged, the Town and Developer agree, for themselves and their heirs, successors and assigns, as follows:

1. **Release of Restriction on Phase 3 Lots.** The prohibition on sale or transfer of the Phase 3 Lots created by the **Restriction** recorded in the Dane County Register of Deeds on September 29, 2014, as Document No. 5100748, is hereby fully and forever released. See Exhibit A for a full listing of the Phase 3 Lots.

2. **Release of Restriction on Phase 4 Lots.** The prohibition on sale or transfer of the Phase 4 Lots created by the **Restriction** recorded in the Dane County Register of Deeds on September 29, 2014, as Document No. 5100748, is hereby fully and forever released. See Exhibit A for a full listing of the Phase 4 Lots.

3. **Release Binding on Heirs, Successors and Assigns.** This Release runs with the land and shall be binding on the parties hereto and their respective heirs, successors and assigns. The terms Windsor or Town shall also include any successor local governmental entity to the Town of Windsor that has primary local government jurisdiction over the property that is the subject of this document, and the successor shall be recognized without the need for further action by the parties.

IN WITNESS WHEREOF, Wolf Hollow Windsor, LLC, Developer, has caused this Release to be signed by Matt K. Neumann, President of Neumann Companies, Inc., and its authorized representative, on this 21 day of May, 2015.

WOLF HOLLOW WINDSOR, LLC

By: *Matt K. Neumann*
Matt K. Neumann, President
Neumann Companies, Inc., sole member

ACKNOWLEDGEMENT

STATE OF WISCONSIN

COUNTY OF Waushara

Personally came before me this 21 day of May, 2015, the above-named Matt K. Neumann, who identified himself as the President and duly authorized representative of Wolf Hollow Windsor, LLC, and who executed the foregoing instrument and acknowledged the same.

Wendy Griffin * *Wendy Griffin*

Notary Public, State of Wisconsin
My Commission is Permanent/Expires: 2/5/17

Neumann Companies, Inc., sole member
WENDY GREEN
Notary Public
State of Wisconsin

IN WITNESS WHEREOF, the Town of Windsor, has caused this Release to be signed by Robert E. Wipperfurth, Town Chairperson and its authorized representative, and attested to by Christine Capstran, Town Clerk, on this 21 day of May, 2015.

TOWN OF WINDSOR

By: Robert E. Wipperfurth
Robert E. Wipperfurth, Town Chairperson

Attest: Christine Capstran
Christine Capstran, Town Clerk

ACKNOWLEDGEMENT

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 21 day of May, 2015, the above-named Robert E. Wipperfurth and Christine Capstran, known to me as the Town Chairperson and Town Clerk of the Town of Windsor, and who executed the foregoing instrument and acknowledged the same.

Amy Anderson Scheppe

Notary Public, State of Wisconsin
My Commission is ~~Permanent~~/Expires: May 23, 2017



Attachment Incorporated by Reference:

Exhibit A: Lot and Parcel Numbers for Phase 3 Lots and Phase 4 Lots

EXHIBIT A

**Phase 3 Lots and Phase 4 Lots –Plat of Wolf Hollow, Town of Windsor, Dane County, WI
Lot and Tax Parcel Identification Nos.**

Phase 3 Lots

<u>LOT#</u>	<u>PARCEL NUMBER</u>	<u>LOT#</u>	<u>PARCEL NUMBER</u>		
64	0910-294-2184-0	82	0910-294-4082-0	275	0910-294-4029-0
67	0910-294-2217-0	83	0910-294-4093-0	276	0910-294-4042-0
68	0910-294-2228-0	272	0910-294-4007-0	277	0910-294-4055-0
80	0910-294-2290-0	273	0910-294-4015-0	278	0910-294-4068-0
81	0910-294-2301-0	274	0910-294-4022-0	279	0910-294-4081-0

Phase 4 Lots-----

<u>LOT#</u>	<u>PARCEL NUMBER</u>	<u>LOT#</u>	<u>PARCEL NUMBER</u>	<u>LOT#</u>	<u>PARCEL NUMBER</u>
84	0910-294-4104-0	125	0910-294-4305-0	149	0910-294-4569-0
85	0910-294-4115-0	126	0910-294-4316-0	150	0910-294-4580-0
86	0910-294-4126-0	127	0910-294-4327-0	151	0910-294-4591-0
87	0910-294-4137-0	128	0910-294-4338-0	152	0910-294-4602-0
88	0910-294-4148-0	129	0910-294-4349-0	153	0910-294-4613-0
89	0910-294-4159-0	130	0910-294-4360-0	154	0910-294-4624-0
90	0910-294-4170-0	131	0910-294-4371-0	155	0910-294-4635-0
91	0910-294-4181-0	132	0910-294-4382-0	156	0910-294-4646-0
92	0910-294-4192-0	133	0910-294-4393-0	157	0910-294-4657-0
93	0910-294-4203-0	134	0910-294-4404-0	158	0910-294-4668-0
94	0910-294-4214-0	135	0910-294-4415-0	159	0910-294-4679-0
116	0910-294-2546-0	136	0910-294-4426-0	160	0910-294-2570-0
117	0910-294-2557-0	137	0910-294-4437-0	161	0910-294-2581-0
118	0910-294-4228-0	138	0910-294-4448-0	162	0910-294-2592-0
119	0910-294-4239-0	139	0910-294-4459-0	163	0910-294-4693-0
120	0910-294-4250-0	140	0910-294-4470-0	164	0910-294-4704-0
121	0910-294-4261-0	141	0910-294-4481-0	165	0910-294-4715-0
122	0910-294-4272-0	142	0910-294-4492-0	166	0910-294-4726-0
123	0910-294-4283-0	143	0910-294-4503-0	167	0910-294-4737-0
124	0910-294-4294-0	144	0910-294-4514-0	168	0910-294-4748-0
125	0910-294-4305-0	145	0910-294-4525-0	169	0910-294-4759-0
126	0910-294-4316-0	146	0910-294-4536-0	170	0910-294-4770-0
123	0910-294-4283-0	147	0910-294-4547-0	171	0910-294-4781-0
124	0910-294-4294-0	148	0910-294-4558-0		



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**KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS**

**DOCUMENT #
5178093**

**08/19/2015 2:44 PM
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Pages: 5**

**PLAT OF WOLF HOLLOW
AT PLEASANT PRAIRIE CREEK, A REPLAT,
TOWN OF WINDSOR, DANE COUNTY, WISCONSIN:**

**DEED RESTRICTION PROHIBITING SALE OR
TRANSFER OF CERTAIN LOTS AND PROVIDING
FOR PHASED DEVELOPMENT OF THE REPLAT**

RECITALS

WHEREAS, Wolf Hollow Windsor, LLC, a Wisconsin limited liability company ("**Developer**"), on its own behalf as owner and as agent for owner of certain lots affected hereby and formerly part of the Plat of Prairie Creek Subdivision and the Plat of Pleasant Hill Estates, in the plat known as **PLAT OF WOLF HOLLOW AT PLEASANT PRAIRIE CREEK, A REPLAT ("Replat")** a recorded plat in Volume 60-040A of Plats on Pages 198-200 as Document Number 5171521 in the office of the Register of Deeds for Dane County, Wisconsin, has requested from the Town of Windsor (the "**Town**") the authority to construct necessary public infrastructure in the Replat and market the Replat in phases; and

WHEREAS, the Developer's authority to proceed with phased construction of the Replat is subject to, among other things, the Developer recording this deed restriction prohibiting the sale or transfer of certain lots included in future construction phases without first obtaining and recording written prior approval of the Town.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals, which are incorporated herein by reference, and other valuable consideration, the sufficiency of which is hereby acknowledged, the Developer and Town agree as follows:

1. **PHASED DEVELOPMENT.** Development of the Replat shall occur in the phases identified and described on Exhibit B, which is attached and incorporated by reference.
2. **DEED RESTRICTION PROHIBITS TRANSFER OF LOTS IN REPLAT PRIOR TO RELEASE. WITH THE SOLE EXCEPTION OF THE LOTS IDENTIFIED AS PHASE 1 (SEE EXHIBIT B), NONE OF THE LOTS IN THE REPLAT SHALL BE SOLD OR TRANSFERRED TO A THIRD PARTY UNTIL SUCH TIME AS A RELEASE IS RECORDED BY WINDSOR IN THE DANE COUNTY REGISTER OF DEEDS OFFICE, RELEASING A PARTICULAR PHASE OF THE REPLAT FOR SALE OR TRANSFER TO THIRD PARTIES.**

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Amy Anderson Schweppe
Town of Windsor
4084 Mueller Road
DeForest, WI 53532

DRAFTED BY:

Constance L. Anderson, Town Attorney
Anderson Consults, LLC
Madison, WI 53704
Connie@AndersonConsultsWI.com

PARCEL IDENTIFICATION NUMBERS:

See Exhibit A

3. **ENTITLEMENT TO RELEASE.** The Developer shall be entitled to a release of the deed restriction contained herein at such time as: (a) the Developer and Town enter into a Development Agreement for the Replat and the required surety is provided to the Town to ensure the performance of the Development Agreement and construction of the necessary public infrastructure; and (b) at least 80% of the lots in the prior approved phase have been sold to bona fide third parties.

4. **BINDING ON SUCCESSORS AND ASSIGNS.** This Deed Restriction shall be binding on the Developer's heirs, successors and assigns. If Windsor's governmental structure changes as a result of incorporation, merger or consolidation, this Deed Restriction shall continue in force and the new government entity shall be considered Windsor's successor with respect to this Deed Restriction, without the need for further action by the Developer or Windsor.

IN WITNESS WHEREOF, Wolf Hollow Windsor, LLC, Owner, and authorized agent for all owners of lots within the Replat, has caused this Deed Restriction to be signed by Matt K. Neumann, President of Neumann Companies, Inc., its authorized representative, in Dane County, Wisconsin this 2 day of June, 2015.

WOLF HOLLOW WINDSOR, LLC

By: *MK*
 Matt K. Neumann, President
 Neumann Companies, Inc., sole member

ACKNOWLEDGEMENT

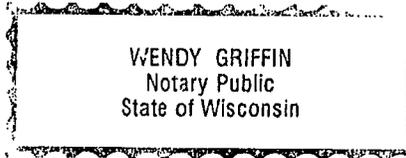
STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 6 day of June, 2015, the above-named Matt K. Neumann, who identified himself as the President and duly authorized representative of Wolf Hollow Windsor, LLC, and who executed the foregoing instrument and acknowledged the same. Neumann Companies, Inc., sole member

Wendy Griffin *Wendy Griffin

Notary Public, State of Wisconsin
 My Commission is Permanent/Expires: 2/5/17



IN WITNESS WHEREOF, the Town of Windsor, has caused this Deed Restriction to be signed by Robert E. Wipperfurth, Town Chairperson and its authorized representative, and attested to by Christine Capstran, Town Clerk, on this 21 day of May, 2015.

TOWN OF WINDSOR

By: Robert E. Wipperfurth
Robert E. Wipperfurth, Town Chairperson

Attest: Christine Capstran
Christine Capstran, Town Clerk

ACKNOWLEDGEMENT

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 21 day of May, 2015, the above-named Robert E. Wipperfurth and Christine Capstran, known to me as the Town Chairperson and Town Clerk of the Town of Windsor, and who executed the foregoing instrument and acknowledged the same.

[Signature]

Notary Public, State of Wisconsin
My Commission is ~~Permanent~~/Expires: May 23, 2017

Attachment Incorporated by Reference:
Exhibit A: Lot and Parcel Numbers for Lots in Replat
Exhibit B: Phased Development Plan



EXHIBIT A
PLAT OF WOLF HOLLOW AT PLEASANT PRAIRIE CREEK, A REPLAT.
 Lot and Tax Parcel Identification Nos.

Phase 1

Lot Number	Parcel ID Number
301	068/ 0910-294-2901-0
302	068/ 0910-294-4902-0
303	068/ 0910-294-4913-0
304	068/ 0910-294-4924-0
305	068/ 0910-294-4935-0
306	068/ 0910-294-4946-0
307	068/ 0910-294-4957-0
308	068/ 0910-294-4968-0

348	068/ 0910-294-5268-0
349	068/ 0910-294-5279-0
350	068/ 0910-294-5290-0
351	068/ 0910-294-5301-0
352	068/ 0910-294-5312-0
353	068/ 0910-294-5323-0
354	068/ 0910-294-5334-0
355	068/ 0910-294-5345-0
356	068/ 0910-294-5356-0
357	068/ 0910-294-2927-0
358	068/ 0910-294-2938-0
359	068/ 0910-294-2949-0
360	068/ 0910-294-2960-0
361	068/ 0910-294-5371-0
362	068/ 0910-294-5382-0
363	068/ 0910-294-5393-0
364	068/ 0910-294-5404-0
365	068/ 0910-294-5415-0
366	068/ 0910-294-5426-0

Phase 2

Lot Number	Parcel ID Number
309	068/ 0910-294-4979-0
310	068/ 0910-294-4990-0
311	068/ 0910-294-5001-0
312	068/ 0910-294-5012-0
313	068/ 0910-294-5023-0
314	068/ 0910-294-5034-0
315	068/ 0910-294-5045-0
316	068/ 0910-294-5056-0
317	068/ 0910-294-5067-0
318	068/ 0910-294-5078-0
319	068/ 0910-294-5089-0
320	068/ 0910-294-5100-0
321	068/ 0910-294-5111-0
322	068/ 0910-294-5122-0
323	068/ 0910-294-5133-0
324	068/ 0910-294-5144-0

339	068/ 0910-294-5169-0
340	068/ 0910-294-5180-0
341	068/ 0910-294-5191-0
342	068/ 0910-294-5202-0
343	068/ 0910-294-5213-0
344	068/ 0910-294-5224-0
345	068/ 0910-294-5235-0
346	068/ 0910-294-5246-0
347	068/ 0910-294-5257-0

EXHIBIT B
PLAT OF WOLF HOLLOW AT PLEASANT PRAIRIE CREEK, A REPLAT.
Phased Development Plan

Phase 1 **Lots 301 - 308 and Lots 348 - 366**

Phase 2 **Lots 309 - 324 and Lots 339 - 347**