

STATE OF WISCONSIN)
DUNN COUNTY)

Resolution on Zoning Ordinance Amendment

2014-5

RECEIVED

APR 15 2014

Julie G. Miller

TO THE DUNN CO. ZONING (PRD) COMMITTEE:

I, Cheryl Miller, Clerk of the Town of Red Cedar, Dunn Co., State of Wisconsin, do hereby certify that the following is a true and correct copy of a resolution adopted by the Town Board of the Town of Red Cedar at a meeting held on the 14th day of April, 2014.

Resolution No. 2014-5 Extending Time for Disapproving Petition for County Zoning Amendment

WHEREAS, Section 59.69(5)(e)3m, Wisconsin Statutes, provides that if a town affected by a proposed amendment disapproves of the proposed amendment, the town board may file a certified copy of a resolution adopted by such board disapproving of the petition with the County Zoning Committee and the County Clerk prior to, at, or within ten (10) days after the public hearing; and

WHEREAS, if the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, the County Zoning Committee may not recommend to the County Board approval of the petition without change, but may only recommend approval with change or recommend disapproval; and

WHEREAS, Wis. Stats. 59.69(5)(e), (3), and (3m) authorizes Town Boards to extend its time for disapproving any proposed amendment by 20 days (for a total of thirty [30] days beyond the date of the public hearing) by adopting a resolution to that effect and filing a certified copy of said resolution with the County Clerk;

NOW, THEREFORE, be it resolved that the Town Board of the Town of Red Cedar considered on the 14th day of April, 2014, petition by Bruce Olson to amend the Dunn County Zoning Ordinance to rezone lands from Agricultural Residential (A3) to Commercial (C) -- described as being located in the SW ¼ of the SE ¼ of Section 16, T27N-R12W, Town of Red Cedar, Dunn County, Wisconsin more particularly described as follows: Commencing at the South Quarter Corner of said Section 16; thence, along the west line of said Southeast ¼, North 00°37'20" West, 56.98 feet to the northerly right of way of C.T.H. 'J' and the POINT OF BEGINNING; thence along said west line, North 00°37'20" West 431.96 feet; thence, South 88°49'15" East 775.47 feet; thence South 00°37'20" East, 431.96 feet to the northerly right of way of said C.T.H. 'J'; thence, along said northerly right of way, North 88°49'15" West, 775.47 feet to the point of beginning. Parcel contains 7.69 acres and lies north of C.T.H. 'J' and west of 640th Street -- and hereby requests an extension to allow the town review process to take place.

PASSED AND ADOPTED by a majority vote of the Town Board of the Town of Red Cedar, Dunn County, Wisconsin, on a roll call vote with a quorum present and voting and proper notice having been given, this 14th day of April, 2014.

RED CEDAR TOWN BOARD:

Ron Robelia, Chairman

Debra Gotlibson, Supervisor #1

Andy Gansberg, Supervisor #2

Dave Leach, Supervisor #3

Doug Miller, Supervisor #4

ATTEST:

Cheryl Miller
Cheryl Miller, Town Clerk

(Town Seal)

Environmental Services Department – Planning and Zoning Div.
390 Red Cedar St., Suite C
Menomonie, WI 54751

Filed: April 15, 2014
Posted: April 18, 2014

Dunn County Clerk
800 Wilson Ave., Room 147
Menomonie, WI 54751



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Tx:4016073

602080

DUNN COUNTY, WI
REGISTER OF DEEDS
HEATHER M. KUHN

RECORDED ON
04/29/2014 11:43 AM

REC FEE: 30.00
FEE EXEMPT #:
PAGES: 3

Document Number

COVENANT
Title of Document

See attached.

Recording Area

Name and Return Address:
Thomas W. Grieshelmer
Bakke Norman, S.C.
2919 Schneider Ave
P.O. Box 280
Menomonie, WI 54751

024-1124-01-000

Parcel Identification Number (PIN)

Submitted by:
Thomas W. Grieshelmer
Bakke Norman, S.C.
2919 Schneider Ave
P.O. Box 280
Menomonie, WI 54751

THIS PAGE IS PART OF THIS LEGAL DOCUMENT – DO NOT REMOVE.

This information must be completed by submitter: document title, name & return address; and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.
WRDA Rev. 12/22/2010

RESTRICTIVE COVENANT

This RESTRICTIVE COVENANT ("Covenant") is made by Brumite, LLC. ("Declarant"), owners of 7.69 acres of real property located in the SW ¼ of the SE ¼ of Section 16, Township 27 North, Range 12 West of the 4th Principal Meridian, located in and forming a part of the Town of Red Cedar, Dunn County, Wisconsin, being more commonly known as and located at E 6325 County Road J and E 6341 County Road J, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 16;
thence, along the west line of said SE 1/4, North 00°37'20" West, 56.98 feet to the northerly right of way of C.T.H. 'J' and the POINT OF BEGINNING;
thence, along said west line, North 00°37'20" West, 431.96 feet;
thence, South 88°49'15" East 775.47 feet;
thence, South 00°37'20" East, 431.96 feet to the northerly right of way of said C.T.H. 'J';
thence, along said northerly right of way, North 88°49'15" West, 775.47 feet to the point of beginning.

The Declarant, for the benefit of the of the above-described land, and its present and future owners, hereby imposes the following restrictions and covenants which shall run with the land and be binding upon and inure to the benefit of the owners thereof, their heirs, successors and assigns.

1. Use Restriction. The commercial use of the above property shall be limited to holding and conducting of wedding receptions, graduation parties, and other similar gatherings (Events) on the above mentioned property between the months of May and October; conducting game farm activities and providing lodging for sporting clay activities throughout the year.
2. Restriction on Event Hours of Operation. All musical performances or operation of musical equipment associated with an Event on the above described property shall cease by 12:00 AM. All buildings used for an Event on the above described property shall be closed by 12:30 AM. All guests or attendees of the Event, other than those guests or attendees staying over night on the property, shall vacate by 1:00 AM.
3. Term of Restriction. This use restriction shall be effective until such time as an alternative use or termination of the covenant is approved by the Town of Red Cedar.
4. Amendment. The restrictions recited above may not be amended, modified or removed without the prior approval from the Town of Red Cedar.
5. Severability. If any provision of this Restrictive Covenant is declared invalid under applicable

law, the affected provision will be considered omitted or modified to conform to applicable law, and all other provisions will remain in full force and effect.

6. Binding on Successors. The restrictions recited above shall run with the land and shall be binding upon Declarant, its successors and assigns.

Dated this 29 day of APRIL, 2014.

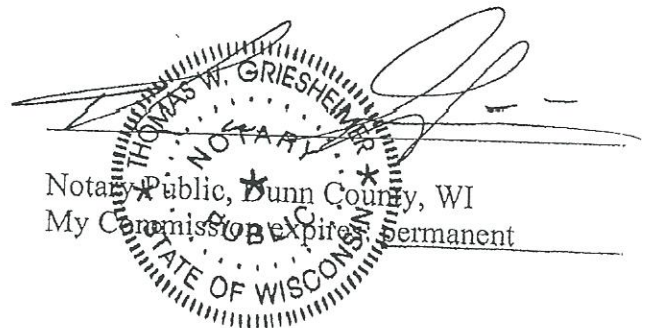
Brumite, LLC.

By: Bruce Olson
Bruce Olson, President

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
DUNN COUNTY)

Personally came before me this 29 day of April, 2014, the above named Bruce Olson to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.


Notary Public, Dunn County, WI
My Commission Expires: Permanent

This instrument drafted by:
Thomas W. Griesheimer
Bakke Norman, S.C.
2919 Schneider Ave
P.O. Box 280
Menomonie, WI 54751