

DECLARATION OF RESTRICTIONS

Document Number

Document Title

DOCUMENT#: 1081247
07-11-2023 at 4:12 PM
MICHELE JACOBS
REGISTER OF DEEDS
WALWORTH COUNTY, WISCONSIN
Pages: 5 Fee Amount: \$30.00

Recording Area

Name and Return Address
Fidelity Title, Inc.
101 E. Washington St.
Burlington, WI 53105

Parcel Identification Number (PIN)

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

**Declaration of Restrictions for Lyons Hillside Subdivision Addition No. 1, a
recorded plat in the Township of Lyons, Walworth County, Wisconsin.**

This Declaration with an effective date of 7-6-2023 is made by Dennis P. Tully and Paul C. Mueller, hereinafter called "Developer" being the owners of certain real estate known as Lyons Hillside Subdivision Addition No.1, a recorded plat.

Whereas the Developer is dedicated to provide certain standards of development and improvements to said real estate; and whereas this Declaration will carry out the aforesaid standards and will assure each subsequent owner of real estate in Lyons Hillside Subdivision Addition No. 1 of the continuance of these standards.

NOW, THEREFORE, in consideration of the premises and the mutual promises of the parties hereto to be bound by these restrictions and protective covenants, the parties hereby impose upon the subject lands the following conditions and restrictions hereinafter set forth which shall inure to the benefit of, and pass with all said property and each and every parcel therein, and shall apply to and bind the successors in interest and any owner thereof.

These restrictions are to run with the land and be binding on all parties hereto and all persons claiming under them for a period of twenty-five (25) years from the date of recordation, at which time, shall be automatically extended for successive periods of ten (10) years unless the record owners of two-thirds (2/3) or more of the lots in said subdivision shall:

Execute a written document modifying, amending or rescinding this document, in whole or in part; any subsequent revisions or amendments to the restrictions set forth herein shall be required to be approved by the Town of Lyons and recorded in the Offices of Record for Walworth County, Wisconsin.

RESTRICTIONS ARE AS FOLLOWS:

1. All residences shall be custom built in traditional period design. The face of every outside wall of any residence shall be constructed of either brick, stone, cedar, aluminum or vinyl siding.
2. All residences shall have roofs constructed of either wood shingles, asphalt shingles, tile or slate.
3. Two family dwellings shall have a minimum floor area as follows:

Single Story- 900 square feet minimum per unit

Two Story- 1,200 square feet minimum per unit with a minimum of 600 square feet on the first floor.

For purposes of this provision, "Floor Area" shall be defined as the area within the exterior wall lines of a building and shall not include floor space below grade, basements, garages, breezeways and unenclosed porches, attics and other areas not furnished of useable as living quarters.

4. A one (1) or two (2) car garage per unit shall be constructed on a building site and shall be directly attached to the residential structure or attached by a breezeway. No construction of any apron for the purpose of storing any vehicle shall be permitted.
5. To minimize dust and to enhance the appearance of the subdivision, the driveway or driveways shall, within one (1) year after issuance of an occupancy permit for a building site, be surfaced with concrete, blacktop or brick.
6. All power lines, media service lines, or any other cable or conduit running from any utility service lines or transformers to any unit shall be underground.
7. No fence of any kind shall be permitted to extend nearer to any street than from the front foundation of the principal structure.
8. No animals may be kept or maintained upon any lot or unit except domestic dogs, cats, or other usual and ordinary household pets.
9. No noxious, offensive or dangerous activity or any kind may be conducted upon any lot; nor may any trade, business or profession be carried on, and generally, no activities may be conducted which would constitute a nuisance to other owners or residents of units within the subdivision.
10. Each lot owner must strictly adhere to, and finish grade their lot, in accordance with the master grading plan on file in the office of the developers or the office of the Town of Lyons Building Inspector. The developers and/or Town building inspector shall have the right to enter upon any lot, at any time, for the purpose of inspection, maintenance, and correction of any drainage condition.
11. Within 9 months of the final completion of construction of a residence, each lot owner shall plant, outside the public right-of-way, at least one tree of a native Wisconsin deciduous species and of at least six feet in height for each 50 feet of frontage. The chart below references the number of trees required for each individual lot.

LOT	FRONTAGE	NUMBER OF STREET TREES REQUIRED
31	198	4
32	100	2
33	100	2
34	130	3
35	86	2
36	47	1
37	81	2
38	147	3
39	114	2
40	107	2
41	88	2
42	92	2

12. No signs or any character, kind or description shall be maintained upon any lot in the subdivision except temporary "For Sale" or "For Rent" signs of a size not greater than twenty-four by thirty inches.

13. A portion of Lots 35, 36, 37, 38, 39, & 40 are located within 500' of the current wastewater treatment facilities of the Town of Lyons Sanitary District No. 2. This facility preceded the creation of these lots and owners of subject lots are aware there may be potential nuisances associated with the operation of this facility. Owners of said lots agree not to object to the operation of the existing treatment facility or construction of future treatment facilities. The 500' radius lines noted on the Plat are for informational purposes only and do not create any restriction of residential construction on these lots.

14. CREATION OF LOT OWNERS ASSOCIATION:

Purchasers of lots within Lyons Hillside Subdivision Addition No. 1 will also agree to accept and receive ownership of a one-twelfth (1/12) interest in Outlot 1 as shown on the recorded plat of said subdivision and will automatically be a member in equal standing with other lot owners in said association. The creation and existence of this association is for the express purpose of maintenance and repair, when needed, of the required water retention pond located within said outlot. In the event the Association is not maintained as required herein, the Town of Lyons shall have the right to enforce all of the terms and provisions of this agreement, and shall be granted all powers of the Association, in the Association's stead. Any costs or fees incurred by the Town in enforcing the provisions which would be normally carried out by the Association shall be paid for by all property owners in pro rata shares and may be placed upon the tax rolls as a special assessment. Said outlot is restricted for use as a water retention pond only and no buildings, improvements or any type of storage use whatsoever is allowed.

15. The restrictions, protection and covenants herein contained shall be in addition to any restriction and conditions now or hereafter imposed upon such property by any municipal or county zoning ordinance. Also, any subsequent revisions or amendments to the restrictions set forth herein shall be required to be approved by the Town of Lyons and recorded in the Offices of Record for Walworth County Wisconsin.

16. After the expiration of one (1) year from the date of its completion, any building or other structure built or erected within the subdivision shall be deemed to comply with the provision of this declaration unless written notice shall have been given to the owner of such building or other structure specifying the nature of the violation and demanding its removal or abatement.

IN WITNESS WHEREOF, The parties hereto have executed this instrument on this 6th day of July, 2023.

Dennis P. Tully Paul C. Mueller
Dennis P. Tully Paul C. Mueller

State of Wisconsin
County of Racine

Personally came before me this 6 day of July, 2023, Dennis P. Tully and Paul C. Mueller, to me known to be the persons who executed the foregoing instrument.

Andrew J. Tully
NOTARY PUBLIC STATE OF WISCONSIN
Andrew J. Tully

This instrument was drafted by Paul C. Mueller

My Commission Expires:
3-5-2025

