

# NATURE TRAIL PHASE III

## RESTRICTIVE COVENANTS

WHEREAS, the undersigned is the developer of lots 153 thru 201, Nature Trail Plat, being located in the City of Neenah, Winnebago County, Wisconsin.

WHEREAS, the above described lots within Nature Trail subdivision do have restrictive covenants and it is the desire of the owners hereto to preserve and protect the beauty and value of all the land owned by them in said Nature Trail Plat for the benefit of all the owners thereof, their heirs and assigns.

THEREFORE, it is mutually agreed by the parties hereto, their heirs, personal representatives and assigns that all lots described above in said Nature Trail Plat are subject to the following restrictive covenants which shall be construed as running with the land:

- I. MINIMUM DWELLING SPACE REQUIRED FOR LOTS 153 thru 164, 175, 176, 182, 195 thru 201
  1. Single story dwellings shall contain a minimum of 1400 square feet on the ground floor, excluding breezeways or attached garage.
  2. One-and-one-half- or two-story dwellings shall contain a minimum of 1000 square feet of floor space on the ground floor, excluding breezeways and attached garage.
  3. All bi-levels and tri-levels shall contain a minimum of 1500 square feet of living space, excluding breezeways and attached garage.
  4. All dwellings shall have an attached garage of no less than 576 square feet.
- II. MINIMUM DWELLING SPACE REQUIRED FOR TWINDO OR DUPLEX LOTS 165 THRU 174, 177 THRU 181 AND 183 THRU 194
  1. Single story twindo or duplex dwellings shall contain a minimum of 1,200 square feet of living space per unit on the ground floor excluding breezeways and attached garage. All duplex or twindo buildings are to have no less than 450 square feet of attached garage per living unit.
  2. All duplex or twindo buildings of any other style shall have not less than 1,500 square feet of living space per unit. All duplex or twindo dwellings are to have not less than 450 square feet of attached garage per living unit.
- III. RESTRICTIVE COVENANTS FOR TWINDO AND DUPLEXES AND SOME SINGLE FAMILY RESIDENTIAL LOTS 160 THRU 197
  1. All duplex or twindo dwellings shall have a roof pitch of no less than a 5-12 pitch.
  2. All duplex or twindo dwellings shall have decorative masonry on part or all of the dwelling's façade and part or all of the garage façade of each unit.
  3. All twindo dwellings or duplexes converted to twindominium will require a condominium agreement and Declaration of Condominium, and recorded condominium plat.
  4. There shall be no rear yard fences on lots 189 thru 194.

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5. Twindo, duplex and residential lots 160 thru 197 shall have no outdoor (front, rear or side) playground equipment, jungle gyms, swing sets, trampolines or any other type of outside apparatus. There shall be no in-ground or above ground swimming pools, tennis courts, basketball courts, etc. The front, rear and side yards are to be lawn or landscaped areas, and are to be kept in a visually pleasing condition.
6. Twindo and duplex lots 165 thru 174, 177 thru 181 and 183 thru 194 will require that the entire building be constructed at one time. There shall be no half buildings allowed.
7. Any legal or licensed house pet shall not exceed 30 lbs. There shall be no outside pets of any kind, and no dog runs, kennels, coops, or any other cage that is used as a pet holding or exercise area for any pet regardless of kind or species. Exception to this restrictive covenant would be a seeing eye dog that is strictly an indoor aid to the blind person.
8. Twindo, duplex and single family residential lots 160 thru 197 shall have no outbuildings of any kind.
9. All restrictive covenants in item IV of the bylaws do apply to all lots in phase III/2nd addition (lots 153 thru 201).

#### IV. OTHER RESTRICTIONS

1. The exterior of all dwellings shall be complete before occupancy.
2. No building shall be moved onto any lot.
3. No trailer, tent, shack, basement, garage, barn or other outbuilding shall be used temporarily or permanently as a residence.
4. No building material shall be placed on any lot more than thirty (30) days prior to the time that construction is to begin.
5. Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, plantings, or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements or dedicated areas. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of each lot, except for those improvements for which a public authority or utility company is responsible.
6. There shall be no impediments that will affect the water flow of the rear yard storm sewer drains.
7. No unlicensed vehicles will be permitted on any lot unless stored within a garage, and no motor home, trailer, camping trailer, boat, tent, snowmobile, or other similar vehicle shall be parked or kept upon the lot at any time unless out of sight in a garage.
8. No animals may be kept or permitted upon the premises excepting animals which are bona fide pets and which are under complete control within the confines of the owner's lot at all times, or are on a leash and which do not make noise or constitute a nuisance.

NOTE: Lots 160 through 197 Section III Item Number 7 does also apply.

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9. All excess excavated material to be moved from any lot in this subdivision shall be used as fill material on other lots in this subdivision which need fill material. The owner of any lot which has excess fill material shall make arrangements with one or more other lot owners as to the location to unload said excess fill material and shall be responsible for hauling material to that location. The recipient of the fill material shall be responsible for leveling and grading the material after it is unloaded. Lot owners in the subdivision are responsible for making their own arrangements to dispose of or acquire fill material. If all developed lots are filled, the developer retains the right to have the fill moved to undeveloped areas within Nature Trail Plat.
10. Only one outbuilding shall be permitted on any lot and the outbuilding shall contain a maximum of 144 square feet of floor space and shall not exceed 11 feet in total height. Said outbuilding must not be a tin shack. Said outbuilding must be of the same material and design as the residence.  
NOTE: Lots 160 through 197 Section III Item Number 8 does also apply.
11. All future transfers of any such lots shall be made subject to the conditions, covenants, obligations, city codes, and restrictions herein set forth. It is understood that the acceptance of a deed by any purchaser is to be considered an agreement to observe and abide by said conditions, covenants, obligations, city codes, and restrictions for the protection of all owners of said property.

IN WITNESS WHEREOF I have hereto set my hand and seal this  
# 30<sup>th</sup>

day of Nov, 2004.

Nature Trail Properties, a Limited Liability Company

By: Jeffrey J. Welhouse  
Jeffrey J. Welhouse

Personally came before me this 30<sup>th</sup> day of November, 2004, the above named Jeffrey J. Welhouse is to be known to be the developer and partner of Nature Trail Plat, Jones Farms, LLC, a Wisconsin Limited Liability Company, to be known to be the person who executed the foregoing instrument and acknowledged the same as the act of said Limited Liability Company.

Linda M. Stuebel  
Notary # 8.27.06

This instrument was drafted by: Jeffrey J. Welhouse

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## GENERAL INFORMATION

1. All lots are fully improved with sanitary sewer, water, storm sewer, gas, electric, phone, cable, storm sewer lateral to front lot line and rough road.
2. All sidewalks are to be paid for by the developer, and all trails and walkways inside the development's dedicated areas are to be paid for by the City of Neenah. The developer has donated \$100.00 per lot to the City of Neenah for said walkways and trails.
3. All lots will have curb and gutter and a finished concrete or bituminous street. This item will be assessed to the property owner of record at the time of installation. The City of Neenah does have a payment plan available.
4. The developer and the City of Neenah, along with the engineering firm of OMNNI Associates, have spent a lot of time, energy, and money to establish the proper drainage plan for this property. So at the time of an offer to purchase, you will receive a copy of your lot's ground elevation grade at exterior building wall. At the time of your home construction, you and/or your builder will be expected to follow the proper elevation grade to insure the proper drainage of your lot and the proper drainage of the entire subdivision.
5. When establishing the drainage of Nature Trail Plat and adjacent areas, it is necessary to start at the water discharge point. This engineering practice sets the storm sewer depth and ultimately establishes the final road grade, which in turn sets the final house grade. In Nature Trail Plat, this process caused some lots to be low and some lots to be high. The developer plans to move and shape the lower areas with either fill that has been moved on to the site or with fill that has been striped and moved to the needed areas. The end result is some lots will require deeper building walls. The developer has tried to identify the lots with deeper building footings and walls, however, there could still be lots that require special building wall construction.

Lots with 6 foot walls 195, 196, 197, 198, 199, 200, 201.

During construction, you or your contractor shall take the proper steps to insure the stability of the building by installing proper wall depths and/or footings. The lots with 6 foot garage walls are identified above; however, other lots may require extra depth building walls or footings.

6. To insure and protect the integrity and design of Nature Trail Subdivision in its conception, the Developer and the City of Neenah have agreed that there shall be no fences in the areas listed below, also this restriction does show up on the face of the recorded plat.

Lots with no rear yard fences shall be: 189 thru 194, 196, 197, 201.

Please note that any and all fences must be erected according to the City of Neenah's building codes and fence restrictions.