

RELEASE OF DECLARATION OF COVENANTS AND RESTRICTIONS

Document Number

Document Title

Recording Area

Peter Turke
Turke & Steil s.c.
613 Williamson Street, Suite 201
Madison, WI 53703

Name and Return Address

See Exhibit A

Parcel Identification Number (PIN)

RELEASE OF DECLARATION OF COVENANTS AND RESTRICTIONS

THIS RELEASE OF DECLARATION OF COVENANTS AND RESTRICTIONS (this “Release”) is made as of this ___ day of _____, 2026, by and between the Community Development Authority of the City of Whitewater, Wisconsin, a body politic established and created by the City of Whitewater, Wisconsin, a municipal corporation (“Whitewater CDA Owner”) and the City of Whitewater, Wisconsin, a municipal corporation (the “City”).

WHEREAS, Whitewater CDA Owner is the current owner of certain real property more particularly described on Exhibit A attached hereto (the “Whitewater CDA Property”);

WHEREAS, the City is a prior owner of the Whitewater CDA Property and at the time the City owned the Whitewater CDA Property, the City executed a certain Declaration of Covenants and Restrictions on December 19, 20005, and recorded as Document No. 663590 in the Office of the Register of Deeds for Walworth County, Wisconsin on December 22, 2005 (the “Declaration”);

WHEREAS, pursuant to Article X of the Declaration, any owner or owners of the Whitewater CDA Property or the City may seek to enforce the restrictions and covenants contained in the Declaration;

WHEREAS, pursuant to Articles IX of the Declaration, two-thirds (2/3) of owner or owners of the Whitewater CDA Property may vote to terminate the covenants, restrictions and provisions contained

in the Declaration, provided the Common Council of the City approves such termination (after review and recommendation by the Plan and Architectural Review Board of the City of Whitewater);

WHEREAS, Whitewater CDA Owner has voted to terminate the covenants, restrictions and provisions contained in the Declaration, the Common Council of the City has approved such termination (after review and recommendation by the Plan and Architectural Review Board of the City of Whitewater) via resolution # _____; and

WHEREAS, Whitewater CDA Owner and the City desire to execute and record this Release to provide notice that the Declaration has been terminated and Whitewater CDA Owner and the City have released any and all rights in connection therewith.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby confirmed, Whitewater CDA Owner and the City hereby terminate the Declaration, and Whitewater CDA Owner and the City hereby release and forever discharge and release all rights, title, interests, and obligations created by or relating to the Declaration. The Declaration is of no further force or effect. This Release sets forth the entire agreement between Whitewater CDA Owner and the City with respect to the matters set forth herein. There have been no additional oral or written representations or agreements. This Release shall bind Whitewater CDA Owner, the City and their respective successors and assigns. This Release may be executed in any number of counterparts, each of such counterparts, for all purposes, shall be deemed an original but all of such counterparts taken together shall constitute but one and the same instrument.

Effective as of this _____ day of _____, 2026.

[Remainder of Page is Intentionally Blank; Signature Pages Follow]

Community Development Authority of the City of
Whitewater, Wisconsin, a body politic established and
created by the City of Whitewater, Wisconsin, a
municipal corporation

By: _____
Name: _____
Title: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this ____ day of _____, 2026, the above-named
_____ to me known to be the _____ of
_____, a _____, who executed the foregoing instrument and
acknowledge the same on behalf of said _____.

Name: _____
Notary Public, State of Wisconsin
My Commission _____

APPROVED:

City of Whitewater, Wisconsin, a municipal corporation

By: _____
Name: John Weidl
Title: City Manager

ATTEST:

By: _____
Name: Heather Boehm
Title: City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this ____ day of _____, 2026, the above-named _____ to me known to be the _____ of _____, a _____, who executed the foregoing instrument and acknowledge the same on behalf of said _____.

Name: _____
Notary Public, State of Wisconsin
My Commission _____

APPROVED AS TO FORM:

By: _____
Name: Steven T. Chesebro
Title: City Attorney

This document was drafted by:

Peter Turke
Turke & Steil s.c.
613 Williamson Street, Suite 201
Madison, WI 53703

EXHIBIT A

**WHITEWATER CDA PROPERTY
LEGAL DESCRIPTION**

Lot 2 of CERTIFIED SURVEY MAP NO. 5032 recorded in the Office of the Register of Deeds for Walworth County, Wisconsin on June 06, 2022, as Document No. 1063100, said Certified Survey Map being a redivision of Lot 3 of Certified Survey Map No. 3236 and a portion of Lot 4 of Certified Survey Map No. 3125 and a portion of Vacated Bluff Road by City of Whitewater Resolution dated April 4, 2000 and Vacated portion of Moraine View Parkway as per document No. 1049284 and a portion of unplatted land, all located in part of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 3, Town 4 North, Range 15 East, City of Whitewater, Walworth, Wisconsin.

[NEED TO CONFIRM LEGAL DESCRIPTION MATCHES LAST DEED OF RECORD]

Parcel Identification Number (PIN): /A503200002.