

DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
4224202

08/24/2006 10:19AM

Trans. Fee:  
Exempt #:

Rec. Fee: 35.00  
Pages: 13

Document No.

**FIFTH AMENDMENT TO THE DECLARATION OF  
PROTECTIVE COVENANTS FOR FITCHBURG  
BUSINESS AND RESEARCH PARK, CITY OF  
FITCHBURG, WISCONSIN**

000689

Return to:  
Jesse S. Ishikawa  
Reinhart, Boerner, Van Deuren, Norris &  
Rieselbach, s.c.  
P.O. Box 2018  
Madison, WI 53701-2018

SEE EXHIBIT B

Parcel Numbers

**FIFTH AMENDMENT  
TO THE DECLARATION OF PROTECTIVE  
COVENANTS FOR FITCHBURG BUSINESS  
AND RESEARCH PARK  
CITY OF FITCHBURG, WISCONSIN**

THIS FIFTH AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR FITCHBURG BUSINESS AND RESEARCH PARK (the "Amendment") is made as of this 25th day of July, 2005, by FITCHBURG RESEARCH PARK ASSOCIATES LIMITED PARTNERSHIP, a Wisconsin limited partnership ("Developer").

12/5/05

## RECITALS:

A. Developer prepared and caused to be recorded a Declaration of Protective Covenants describing certain real property located in the City of Fitchburg, Dane County, Wisconsin as amended by a First Amendment to Declaration, a Second Amendment to Declaration, a Third Amendment to Declaration and a Fourth Amendment to Declaration. Said declaration was recorded with the Dane County Register of Deeds on July 13, 1987 in Volume 10320 of Records, Page 26, as Document No. 2032194, the First Amendment to Declaration was recorded with the Dane County Register of Deeds as Document No. 3018160, the Second Amendment to Declaration was recorded with the Dane County Register of Deeds as Document No. 3248243, the Third Amendment to Declaration was recorded with the Dane County Register of Deeds as Document No. 3262969 and the Fourth Amendment to Declaration was recorded with the Dane County Register of Deeds as Document No. 3310708. Said declaration, as so amended, is referred to herein as the "Declaration." The Declaration covers that real property more particularly described on Exhibit A attached hereto and made a part hereof.

B. Developer desires to revise the Declaration in accordance with this Amendment.

NOW, THEREFORE, Developer hereby declares that the Declaration shall be, and the same hereby is, amended in the following manner.

1. A new section 6.09 is hereby added to the Declaration, to read, in its entirety:

6.09 Assignment of Developer's Rights. The rights granted to the party named as "Developer" in this Declaration may be assigned by a written, recorded instrument to any other party who assumes such rights, and, upon the recording of any such instrument, such assignee shall become, and succeed to all rights and powers granted to, "Developer" under this Declaration, including, without limitation, the power to appoint and replace certain members of the Committee under Sections 2.01 and 2.02 and to amend this Declaration under Section 6.05.

2. Except as modified hereby, all terms and conditions of the Declaration are hereby ratified and shall remain in full force and effect.



EXHIBIT AParcel I

All of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin except the following:

- 1) Lands conveyed to Fitchburg Research Park Associates, a Limited Partnership in Warranty Deed recorded in Volume 5427 of Records, page 72 as #1823148.
- 2) Lands conveyed to Laurence E. Davies by land contract recorded in Volume 968 of Records, page 371 as #1580732 and quit claim deed recorded in Volume 3221 of Records, page 89 as #1724759. (Known as Air Comfort lands)
- 3) A parcel of land located in the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin to wit: Commencing at the West 1/4 corner of said Section 10; thence South 00°42'37" West, 662.30 feet; thence South 62°19'03" East, 127.74 feet to the point of beginning; thence North 00°19'24" East, 352.30 feet; thence South 89°40'36" East, 256.42 feet; thence South 00°25'59" West, 201.27 feet; thence North 89°39'37" West, 182.99 feet; thence South 00°25'17" West, 151.19 feet; thence North 89°35'40" West, 72.78 feet to the point of beginning. (Known as Promega lands)
- 4) Lands platted as "Fitchburg Research Park."
- 5) Lands platted as "First Addition to Fitchburg Research Park."
- 6) Lands platted as "Second Addition to Fitchburg Research Park."

Parcel II

All of the Southwest 1/4 of the Northwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin except the following:

- 1) A 7 acre parcel of land conveyed to Pete Plaas aka H.P. Plaas by deed recorded in Volume 435 of Deeds, page 283 as #673450.
- 2) One acre parcel, more or less, deeded to John Eaton and wife by deed recorded in Volume 501 of Deeds, page 539 as #750292.

- 3) Lands conveyed to Orrin D. Lokken and Mary J. Lokken in Volume 250 of Records, page 433 as #1291012 and Volume 5443 of Records, page 10 as #1823763. Subject to and together with access easement and right of way set forth therein and subject to agreement recorded in Volume 250 of Records, page 434 as #1291013.
- 4) Lot One (1) Certified Survey Map #3021 recorded in Volume 11 of Certified Survey Map, page 465 as #1598275 including lands shown thereon as "Reserved for Future Road," City of Fitchburg, Dane County, Wisconsin.
- 5) Lands platted as the "Fitchburg Center -- North Plat."

#### Parcel III

Lot One (1) Certified Survey Map #3021 recorded in Volume 11 of Certified Survey Map, page 465 as #1598275 including lands shown thereon as "Reserved for Future Road," City of Fitchburg, Dane County, Wisconsin.

#### Parcel IV

Part of the Northeast 1/4 of the Northwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin described as follows: Commencing at the Southwest corner of said 40 acres; thence North 40 rods along the West line of said 40 acres; thence East 64 rods; thence South 40 rods; thence West 64 rods to the place of beginning (containing 16 acres more or less). Excluding therefrom lands platted as "Fitchburg Center -- North Plat."

#### Parcel V

The Southeast 1/4 of the Northwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin.

The Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin.

Parcel VI

The Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin.

The East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin.

Excepting therefrom lands platted as "Fitchburg Center -- North Plat."

Parcel VII

A parcel of lands located in the Northwest 1/4 of the Southwest 1/4 of Section 10 and in the Northeast 1/4 of the Southeast 1/4 of Section 9, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin, to wit:

Commencing at the West 1/4 corner of said Section 10; thence South 00°42'37" West, 211.10 feet to the point of beginning; thence South 89°17'23" East, 180.00 feet; thence South 00°42'37" West, 30.00 feet; thence South 82°35'42" East, 484.35 feet; thence North 89°38'20" East, 330.61 feet; thence South 82°23'00" East 347.42 feet; thence South 01°04'28" West, 893.19 feet; thence South 86°25'30" West, 1334.56 feet; thence South 89°47'30" West, 99.77 feet; thence North 02°08'51" East, 400.00 feet; thence South 89°47'33" West, 285.05 feet; thence North 02°08'51" East, 261.61 feet; thence North 89°23'06" East, 368.28 feet; thence South 62°19'03" East, 127.74 feet; thence North 00°19'24" East, 352.30 feet; thence South 89°40'36" East, 256.42 feet; thence South 00°25'59" West, 352.67 feet; thence North 89°35'40" West, 255.74 feet; thence North 62°19'03" West, 127.74 feet; thence North 00°42'37" East, 451.20 feet to the point of beginning.

Subject to an easement for ingress and egress over the following described parcel:

A parcel of land located in the Northeast 1/4 of the Southeast 1/4 of Section 9, Town 6 North, Range 9 East and in the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin to wit:

Commencing at the East 1/4 corner of said Section 9; thence along the East line of said Section 9, South 00°42'37" West, 629.29 feet to the point of beginning; thence North 89°23'06" East, 113.25 feet; thence South 00°19'24" West, 66.01 feet; thence South 89°23'06" West, 482.80 feet to the centerline of Fish Hatchery Road; thence along said

centerline North 02°08'51" East, 33.04 feet; thence North 89°23'06" East, 368.28 feet; thence North 00°42'37" East, 33.01 feet to the point of beginning.

Excepting therefrom lands deeded to Dane County for highway purposes in Volume 5366 of Records, page 57 as #1820546.

Excepting therefrom lands platted as "Fitchburg Center-- North Plat."

Excepting therefrom lands platted as "First Addition to Fitchburg Research Park."

Excepting therefrom lands platted as "Second Addition to Fitchburg Research Park."

### Parcel VIII

Part of the Southwest 1/4 of Section 10, Township 6 North, Range 9 East, Town of Fitchburg, and part of the Southeast 1/4 of the Southeast 1/4 of Section 9, Township 6 North, Range 9 East, City of Fitchburg, all in Dane County, Wisconsin, more fully described as follows:

Beginning at the Southwest corner of said Section 10; thence North 85°54' East along the South line of said Section, 936.3 feet; thence North 330.0 feet; thence North 85°54' East, 421.0 feet; thence South 330 feet; thence North 85°54' East, 230 feet more or less to a point South 85°54' West, 1056 feet from the South 1/4 corner of said Section 10; thence North 330 feet; thence North 85°54' East, 396 feet; thence North 33 feet; thence North 85°54' East, 132 feet; thence South 33 feet; thence North 85°54' East, 478 feet; thence South 330 feet; thence North 85°54' East, 50 feet to the South 1/4 corner of said Section 10; thence North 2640 feet more or less along the North-South quarter line of said Section 10 to the center of said Section 10; thence West along the East-West quarter line of said Section 10, 1320 feet more or less to the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 10; thence South 1320 feet more or less along the West line of said Northeast 1/4 of the Southwest 1/4; thence West 1320 feet more or less along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 10; thence West 400 feet more or less along the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 9 to the centerline of Fish Hatchery Road; thence South 1320 feet more or less along the centerline of said road to the South line of said Section 9; thence East 400 feet more or less along the South line of said Section 9 to the point of beginning of this description.

EXCEPTING FROM THE ABOVE:

000696

- 1) Lots 1 and 2 of Certified Survey Map No. 2379 recorded in the Office of the Register of Deeds for Dane County, Wisconsin on May 11, 1997 in Volume 9 of Certified Survey Maps, Page 259, as Document No. 1516966, located in the City of Fitchburg.
- 2) Land conveyed to County of Dane set forth in Warranty Deed recorded September 9, 1983 in Volume 4908 of Records, Page 42, as Document No. 1799796.
- 3) Lands platted as "Fitchburg Center -- North Plat."
- 4) Lands platted as "First Addition to Fitchburg Research Park."
- 5) Lands platted as "Second Addition to Fitchburg Research Park."

Parcel IX

Lot Two (2), Certified Survey Map No. 2379 recorded in the Office of the Register of Deeds for Dane County, Wisconsin on May 11, 1977 in Volume 9 of Certified Survey Maps, Page 259, as Document No. 1516966, located in the City of Fitchburg.

Parcel X

Lots One (1) through Fifteen (15) Fitchburg Research Park, in the City of Fitchburg, Dane County, Wisconsin.

Parcel XI

Lot Sixteen (16), First Addition to Fitchburg Research Park, in the City of Fitchburg, Dane County, Wisconsin.

Parcel XII

Lots Seventeen (17) through Twenty (20), inclusive, Second Addition to Fitchburg Research Park, in the City of Fitchburg, Dane County, Wisconsin.

Parcel XIII

Lots One (1) through Thirteen (13) and Outlots One (1) through Nine (9), Fitchburg Center -- North Plat, in the City of Fitchburg, Dane County, Wisconsin.

Parcel XIV

Lots One (1) through Three (3), inclusive and Outlots One (1) and Two (2), Certified Survey Map No. 9025, recorded as Document No. 3018157.

Parcel XV

Lot One (1), Certified Survey Map No. 5223.

Parcel XVI

Lots Two (2) through Four (4), inclusive, Certified Survey Map No. 6142, recorded as Document No. 2208701.

Parcel XVII

Part of the Southeast 1/4 of Section 10, T6N, R9E, City of Fitchburg, Dane County, Wisconsin, more fully described as follows: Commencing at the East 1/4 corner of the said Section 10; thence S 86°11'36" W along the East-West 1/4 line 15.00 feet to the point of beginning;

Thence S 86°11'36" W 2703.58 feet to the center of said Section 10; thence S 01°25'56" W 2246.53 feet; thence N 86°09'43" E 660.54 feet; thence N 01°25'56" E 520.00 feet; thence N 86°41'52" E 393.66 feet; thence S 09°29'39" E 426.49 feet; thence S 03°18'08" E 533.49 feet to the south line of said section 10 and the centerline of East Lacy Road; thence N 86°41'52" E along the centerline 450.00 feet; thence N 03°18'08" W 1517.62 feet; thence N 86°41'52" E 1191.35 feet to the East line of the said Section 10; thence N 02°29'12" E 1169.34 feet; thence N 45°40'04" W 20.02 feet to the point of beginning. Contains 110.078 acres and subject to a public road right-of-way over the southerly 33 feet thereof.

Parcel XVIII

Part of the East 1/2 of the Southeast 1/4 of Section 10, Township 6 North, Range 9 East, in the City of Fitchburg, Dane County, Wisconsin, more fully described as follows:

Beginning at the Southeast corner of the said Section 10; thence South  $86^{\circ}41'52''$  West along the section line, 1037.43 feet; thence North  $03^{\circ}18'08''$  West, 1517.62 feet; thence North  $86^{\circ}41'52''$  East, 1191.35 feet; thence South  $02^{\circ}29'21''$  West along the East section line to the point of beginning, EXCEPT the following described parcel:

Beginning at the Southeast corner of the said Section 10; thence South  $86^{\circ}41'52''$  West along the section line, 572.72 feet; thence North  $2^{\circ}29'21''$  East, 181.14 feet; thence North  $86^{\circ}41'52''$  East, 216.00 feet; thence North  $2^{\circ}29'21''$  East, 205.98 feet; thence North  $89^{\circ}30'$  East, 240.31 feet; thence North  $2^{\circ}29'21''$  East, 176.69 feet; thence North  $86^{\circ}41'52''$  East, 115.50 feet; thence South  $2^{\circ}29'21''$  West, 552.00 feet to the point of beginning.

Subject to East Lacy Road.

EXCLUDING FROM THE FOREGOING LEGAL DESCRIPTIONS, HOWEVER, THE FOLLOWING:

Part of the Southeast quarter of the Southeast quarter of Section 10, Township 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin, described as follows: commencing at the southeast corner of the said Section 10; thence south 86 degrees 41 minutes 52 seconds West, 572.72 feet; thence north 2 degrees 29 minutes 21 seconds east, 181.14 feet to the point of beginning of this parcel; thence north 2 degrees 29 minutes 21 seconds east, 305.98 feet; thence north 86 degrees 41 minutes 52 seconds east, 457.22 feet; thence south 2 degrees 29 minutes 21 seconds west, 111.81 feet; thence south 89 degrees 30 minutes west, 240.31 feet; thence south 2 degrees 29 minutes 21 seconds west, 205.98 feet; thence south 86 degrees 41 minutes 52 seconds west, 216.00 feet to the point of beginning.

## EXHIBIT B

## Tax Parcel Numbers

Lot #	Current Parcel #
03	15-0609-102-6003-2
04	15-0609-102-6154-0
05	15-0609-103-0005-1
06	15-0609-103-0156-9
07	15-0609-101-4007-3
08	15-0609-103-2008-4
09	15-0609-103-2159-2
10	15-0609-103-2310-7
11	15-0609-103-2461-5
12	15-0609-103-2612-2
13	15-0609-103-2763-0
0-1	15-0609-102-4301-5
0-2	15-0609-102-6302-0
0-3	15-0609-102-6453-8
0-4	15-0609-101-4154-5
0-5	15-0609-102-6605-4
0-6	15-0609-102-4456-9
0-7	15-0609-103-0307-6
0-8	15-0609-103-2908-5
0-9	15-0609-102-4609-4
Other Lands:	15-0609-103-8003-7 15-0609-104-8501-3 15-0609-103-9142-7 15-0609-103-9153-4 15-0609-103-9244-4 15-0609-094-9500-5 15-0609-103-9770-7 15-0609-103-9650-2 15-0609-103-9001-7 15-0609-103-9501-2 15-0609-103-9280-0

## EXHIBIT B (cont'd)

## Tax Parcel Numbers

Lot #	Current Parcel #
Fitchburg Center North Plat:	
	15-0609-103-8004-6
	15-0609-102-8190-2
	15-0609-094-8410-6
	15-0609-094-8350-9
	15-0609-103-8500-5
	15-0609-103-8501-4
	15-0609-103-8665-7
	15-0609-103-9000-8
	15-0609-103-9500-3
	15-0609-101-9000-0
	15-0609-102-9000-9
	15-0609-102-9065-2
	15-0609-101-8070-6
	15-0609-101-9190-1
	15-0609-102-9500-4
01	15-0609-102-4001-8
02	15-0609-102-4152-6

15-0609-104-8501-3

15-0609-104-8335-5