

Document Number

FIRST AMENDMENT  
TO DECLARATION OF BYLAWS

DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
3450507

02/22/2002 12:01:05PM

Trans. Fee:  
Exempt #:

Rec. Fee: 25.00  
Pages: 8

000275

See attached First Amendment to Declaration of By-Laws of Mid Town Commons Neighborhood Association, Inc., affecting real estate described as follows:

Parcel A:

Lots One (1) through Fifty-Five (55), Mid Town Commons, in the City of Madison, Dane County, Wisconsin, plus Outlot One (1) and Outlot Two (2), Mid Town Commons, in the City of Madison, Dane County, State of Wisconsin.

Parcel B:

Lots Fifty-Six (56) through Eighty-Nine (89), First Addition to Mid Town Commons, in the City of Madison, Dane County, Wisconsin, plus Outlot Ten (10), First Addition to Mid Town Commons, in the City of Madison, Dane County, State of Wisconsin.

Parcel C:

Same as real estate described on Exhibit A annexed hereto and here incorporated by reference. Parcel C is also known as Lots Ninety (90) through Ninety-Six (96) and Outlot Eleven (11) of the preliminary plat of the Second Addition to Mid Town Commons, in the City of Madison, Dane County, State of Wisconsin.

Atty. Nicholas J. Loniello  
900 John Nolen Drive - Suite 130  
Madison, WI 53713

Name and Return Address

PARCEL NUMBERS:

PARCEL A:

See Attached List

PARCEL B:

See Attached List

PARCEL C:

251-0708-344-0099-0

FIRST AMENDMENT TO DECLARATION OF BY-LAWS  
OF MID TOWN COMMONS NEIGHBORHOOD ASSOCIATION, INC.

---

WHEREAS, Great Dane Development, L.L.C. (the "Developer") recorded that certain Declaration of By-Laws of Mid Town Commons Neighborhood Association, Inc. (the "Declaration") in the office of the Dane County Register of Deeds on November 12, 2001, as Document No. 3398894; and

WHEREAS, Developer expressly retained the right to amend the Declaration under Section 8.5 of the Declaration, which power of amendment was exercisable at any time prior to "turnover" of Developer's control of the Association to an elected Board; and

WHEREAS, Developer has not turned over control of the Association to an elected Board and desires to amend the Declaration as set forth herein;

NOW, THEREFORE, Developer does hereby amend the Declaration, as follows:

1. **Assessments for Taxes & Administrative Assessments.**

Article IV of the Declaration governing Assessments to Fund Association Expenses is hereby amended by creating a new Section 4.9, to read as follows:

**4.9 Real Estate Taxes & Administrative Expenses.** The Association shall have full right, power, authority and responsibility to levy assessments sufficient to anticipate the payment of any and all real estate taxes or special assessments levied against real estate titled in the name of the Association, and the further right, power, authority and responsibility to levy assessments sufficient to fund the Association's administrative expenses to include office expenses, postage, general operating expenses and fees of any professional advisors including accountants, attorneys or engineers.

2. **Maintenance of Pedestrian & Bike Way.**

Section 2.1 of Article 2 governing the Mandatory Purposes of Association is amended by adding to the first sentence thereof a new subparagraph (e), to read as follows: "(e) repair and maintenance of Outlot Seven (7) pursuant to §2.9."

3. **Repair & Maintenance of Pedestrian & Bike Way.**

Article II governing the Mandatory Purposes of Association is amended by adding thereto a new Section 2.9, to read as follows:

*2.9 Repair & Maintenance of Pedestrian & Bike Way.*

Unless released by the City of Madison, the Association shall have the affirmative obligation to repair and maintain Outlot Seven (7) for public access for pedestrian and bicycle traffic purposes, consistent with any standards imposed by the City of Madison incident to the approval of the plat of Mid Town Commons or any additions thereto.

4. **Annual Budget.**

Section 4.2 governing the Annual Budget for Assessments to Fund Association Expenses is amended by inserting therein a new third sentence to read as follows: "The budget shall also include amounts sufficient to anticipate the repair and maintenance obligations of the Association with respect to Outlot Seven (7), plus real estate taxes and administrative expenses under §4.9."

5. **Real Estate Affected.**

The real estate intended to be affected by this First Amendment is the same real estate affected by the original Declaration of By-Laws of Mid Town Commons Neighborhood Association, Inc.

[SIGNATURE PAGE FOLLOWS]

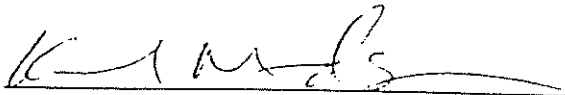
IN WITNESS WHEREOF, Great Dane Development, L.L.C., has caused this First Amendment to be executed and recorded, intending thereby to bind and benefit all the lots of Mid Town Commons.

Dated this 12 day of February, 2002.

GREAT DANE DEVELOPMENT, L.L.C.  
A Wisconsin Limited Liability Company

By: \_\_\_\_\_

MICHAEL J. FISHER, Authorized Member

By: \_\_\_\_\_

KARL C. MADSEN, Authorized Member

[ACKNOWLEDGMENT FOLLOWS]



## LEGAL DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter of Section 34, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

Commencing at the South quarter corner of said Section 34; thence North 88 degrees 53 minutes 41 seconds East, along the South line of said Section 34, 1316.80 feet to the West line of the Southeast Quarter of the Southeast Quarter of said Section 34; thence North 01 degree 02 minutes 59 seconds East, along said West line, 263.06 feet to the North line of Certified Survey Map Number 7192 and the point of beginning of this description; thence continuing North 01 degree 02 minutes 59 seconds East, along said West line, 531.72 feet; thence South 88 degrees 57 minutes 01 second East, 53.71 feet to a point of curvature; thence along the arc of a curve to the right through a central angle of 01 degree 47 minutes 12 seconds, an arc distance of 32.12 feet, a radius of 1030.00 feet and a chord bearing South 88 degrees 03 minutes 25 seconds East, 32.12 feet to a point of reverse curvature; thence along the arc of a curve to the left through a central angle of 87 degrees 31 minutes 55 seconds, an arc distance of 22.92 feet, a radius of 15.00 feet and a chord bearing North 49 degrees 04 minutes 13.5 seconds East, 20.75 feet; thence South 84 degrees 41 minutes 44 seconds East, 60.00 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 87 degrees 31 minutes 55 seconds, an arc distance of 22.92 feet, a radius of 15.00 feet and a chord bearing South 38 degrees 27 minutes 41.5 seconds East, 20.75 feet to a point of reverse curvature; thence along the arc of a curve to the right through a central angle of 05 degrees 37 minutes 29 seconds, an arc distance of 101.12 feet, a radius of 1030.00 feet and a chord bearing South 79 degrees 24 minutes 54.5 seconds East, 101.07 feet; thence North 05 degrees 18 minutes 16 seconds East, 130.67 feet; thence North 02 degrees 37 minutes 42 seconds East, 50.89 feet; thence North 00 degrees 02 minutes 52 seconds West, 37.80 feet; thence North 83 degrees 29 minutes 50 seconds East, 260.74 feet; thence North 50 degrees 56 minutes 55 seconds East, 178.01 feet; thence South 39 degrees 47 minutes 28 seconds East, 104.81 feet to a point of curvature; thence along the arc of a curve to the right through a central angle of 90 degrees 44 minutes 23 seconds, an arc distance of 23.76 feet, a radius of 15.00 feet and a chord bearing South 05 degrees 34 minutes 43.5 seconds West, 21.35 feet; thence South 43 degrees 52 minutes 05 seconds East, 80.28 feet to a point of curvature; thence along the arc of a curve to the right through a central angle of 92 degrees 32 minutes 41 seconds, an arc distance of 24.23 feet, a radius of 15.00 feet and a chord bearing South 82 degrees 46 minutes 44.5 seconds East, 21.68 feet to a point of reverse curvature; thence along the arc of a curve to the left through a central angle of 14 degrees 27 minutes 19 seconds, an arc distance of 45.41 feet, a radius of 180.00 feet and a chord bearing South 43 degrees 44 minutes 03.5 seconds East, 45.29 feet; thence South 39 degrees 02 minutes 17 seconds West, 91.63 feet; thence South 47 degrees 14 minutes 49 seconds East, 45.02 feet to a point of curvature; thence along the arc of a curve to the right through a central angle of 48 degrees 16 minutes 24 seconds, an arc distance of 126.38 feet, a radius of 150.00 feet and a chord bearing South 23 degrees 06 minutes 37 seconds East, 122.67 feet; thence South 01 degree 01 minute 35 seconds West, 191.52 feet to a point of curvature; thence along the arc of a curve to the left through a central angle of 02 degrees 07 minutes 41 seconds, an arc distance of 38.25 feet, a radius of 1030.00 feet and a chord bearing South 87 degrees 13 minutes 26.5 seconds East, 38.25 feet; thence South 88 degrees 17 minutes 17 seconds East, 49.19 feet; thence South 01 degree 42 minutes 43 seconds West, 110.00 feet; thence North 88 degrees 17 minutes 17 seconds West, 49.19 feet; thence North 85 degrees 25 minutes 31 seconds West, 113.87 feet; thence South 01 degree 06 minutes 19 seconds East, 346.56 feet; thence South 88 degrees 53 minutes 41 seconds West, 678.78 feet to the East line of Certified Survey Map Number (C.S.M.) 7192; thence North 01 degree 03 minutes 24 seconds East, along said East line of C.S.M. 7192, 203.02 feet to the North line of said C.S.M. 7192; thence South 88 degrees 53 minutes 41 seconds West, along said North line, 141.66 feet to the point of beginning. This description contains approximately 723,263 square feet or 16.6038 acres.

PARCEL NUMBERS

Mid Town Commons:

- Lot 1 251-0708-344-0801-9
- Lot 2 251-0708-344-0601-3
- Lot 3 251-0708-344-0502-3
- Lot 4 251-0708-344-0503-1
- Lot 5 251-0708-344-0504-9
- Lot 6 251-0708-344-0505-7
- Lot 7 251-0708-344-0506-5
- Lot 8 251-0708-344-0507-3
- Lot 9 251-0708-344-0508-1
- Lot 10 251-0708-344-0509-9
- Lot 11 251-0708-344-0510-6
- Lot 12 251-0708-344-0511-4
- Lot 13 251-0708-344-0512-2
- Lot 14 251-0708-344-0513-0
- Lot 15 251-0708-344-0514-8
- Lot 16 251-0708-344-0515-6
- Lot 17 251-0708-344-0302-7
- Lot 18 251-0708-344-0303-5
- Lot 19 251-0708-344-0304-3
- Lot 20 251-0708-344-0305-1
- Lot 21 251-0708-344-0306-9
- Lot 22 251-0708-344-0307-7
- Lot 23 251-0708-344-0308-5
- Lot 24 251-0708-344-0309-3
- Lot 25 251-0708-344-0310-0
- Lot 26 251-0708-344-0311-8
- Lot 27 251-0708-344-0312-6
- Lot 28 251-0708-344-0313-4
- Lot 29 251-0708-344-0314-2
- Lot 30 251-0708-344-0315-0
- Lot 31 251-0708-344-0316-8
- Lot 32 251-0708-344-0317-6
- Lot 33 251-0708-344-0318-4
- Lot 34 251-0708-344-0319-2
- Lot 35 251-0708-344-0320-9
- Lot 36 251-0708-344-0203-7
- Lot 37 251-0708-344-0101-3
- Lot 38 251-0708-344-0102-1
- Lot 39 251-0708-344-0103-9
- Lot 40 251-0708-344-0105-5

First Addition to Mid Town Commons:

- Lot 56 251-0708-344-1101-2
- Lot 57 251-0708-344-1001-4
- Lot 58 251-0708-344-1002-2
- Lot 59 251-0708-344-1003-0
- Lot 60 251-0708-344-1004-8
- Lot 61 251-0708-344-0204-5
- Lot 62 251-0708-344-0205-3
- Lot 63 251-0708-344-0206-1
- Lot 64 251-0708-344-0208-7
- Lot 65 251-0708-344-0209-5
- Lot 66 251-0708-344-0210-2
- Lot 67 251-0708-344-0901-7
- Lot 68 251-0708-344-0902-5
- Lot 69 251-0708-344-0903-3
- Lot 70 251-0708-344-0904-1
- Lot 71 251-0708-344-0906-7
- Lot 72 251-0708-344-0907-5
- Lot 73 251-0708-344-0908-3
- Lot 74 251-0708-344-0909-1
- Lot 75 251-0708-344-0321-7
- Lot 76 251-0708-344-0322-5
- Lot 77 251-0708-344-0323-3
- Lot 78 251-0708-344-0234-1
- Lot 79 251-0708-344-0325-9
- Lot 80 251-0708-344-0326-7
- Lot 81 251-0708-344-0327-5
- Lot 82 251-0708-344-0328-3
- Lot 83 251-0708-344-0329-1
- Lot 84 251-0708-344-1201-0
- Lot 85 251-0708-344-1202-8
- Lot 86 251-0708-344-1203-6
- Lot 87 251-0708-344-1204-4
- Lot 88 251-0708-344-1205-2
- Lot 89 251-0708-344-1206-0
- OL 10 251-0708-344-0905-9

[continued on next page]

000282

Lot 41	251-0708-344-0106-3
Lot 42	251-0708-344-0107-1
Lot 43	251-0708-344-0401-7
Lot 44	251-0708-344-0402-5
Lot 45	251-0708-344-0403-3
Lot 46	251-0708-344-0404-1
Lot 47	251-0708-344-0405-9
Lot 48	251-0708-344-0406-7
Lot 49	251-0708-344-0408-3
Lot 50	251-0708-344-0409-1
Lot 51	251-0708-344-0410-8
Lot 52	251-0708-344-0701-1
Lot 53	251-0708-344-0702-9
Lot 54	251-0708-344-0704-5
Lot 55	251-0708-344-0705-3
OL 1	251-0708-344-0501-5
OL 2	251-0708-344-0301-9

z:01103114.07