

DEED RESTRICTION

THIS DEED RESTRICTION (the "Deed Restriction") is entered into on _____, 20__ (the "Effective Date") and granted by _____, individuals with an address of _____, (collectively, the "Owners"), to the benefit of the City of La Crosse, a Wisconsin municipality with an address of 400 La Crosse Street, La Crosse, WI 54601 (the "City"), (each individually, a "Party" and collectively the "Parties").

Whereas, the Deed Restriction shall affect certain real estate within the City of La Crosse (the "Property"), some or all of which is in the floodplain, specifically identified as follows:

- See attached Exhibit A (legal description)
- Address: _____

Whereas, a detached garage was previously built on the Property at a depth of two feet (2') or less below the 100 year flood elevation, which violates current floodplain standards. The garage at this Property is ___ feet below the 100 year flood elevation. As a result, the Property contributes to the jeopardization of the City's participation in the National Flood Insurance program, which allows for flood insurance underwritten by the federal government to be available to insure buildings and contents in the City. The City is attempting to work with the federal government in order to allow its citizens and property owners to maintain their ability to continue obtaining flood insurance. Participating Communities in the National Flood Insurance Program are required to remediate known violations as a condition of participation. Placing this Deed Restriction on the Property helps with that endeavor.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners hereby agree that the Property shall be subject to the following rights and restrictions:

1. The foregoing recitals are incorporated by reference herein and made a part hereof.
2. Owners shall place and maintain hydrostatic openings, commonly known as flood vents, on the walls of the detached garage structure on the Property with the following requirements:
 - a. A minimum of one square inch of net open area for each square foot of enclosed area for non-engineered openings, or an equivalent or greater equalization of hydrostatic forces, for engineered openings.
 - b. A minimum of two vents per enclosed area and each vent must be on at least two different sides of the exterior walls.
 - c. The bottom of each vent opening must not be higher than 12 inches above the adjacent grade.
 - d. The structure may only be used for parking and limited storage.
3. In the event Owners do not place flood vents on the detached garage structure on the Property as provided in Section 2 listed above, then Owners agree to not apply for any permits for the detached garage structure

This space is reserved for recording data

Return to and drafted by:

City Attorney
400 La Crosse Street
La Crosse WI 54601

Parcel Identification Number/Tax Key Number

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until there is compliance with Section 2. Owners understand that if they seek any permits for the detached garage structure while in noncompliance with Section 2, the City will not issue any such permit, unless it is a permit for demolition of the detached garage structure or to otherwise bring the structure into compliance.

4. The rights hereby granted shall include the right of the City to enforce this Deed Restriction independently by appropriate legal proceedings and to obtain injunctive and other appropriate relief against any violations including, without limitation, relief requiring restoration of the Property to its condition prior to any such violation, and shall be in addition to, and not in limitation of, any other rights and remedies available to the City.

5. Owners, for itself, and Owners' successors and assigns, hereby grants to the City the right to enter upon the Property for the purpose of enforcing the restrictions contained herein.

6. This Deed Restriction, and the terms, covenants, and conditions contained herein, shall run with the land, inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the Parties.

7. No waiver by the City of any violation of this Deed Restriction shall be deemed to be a waiver of any other or subsequent violation. The Deed Restriction shall not be amended without the written consent of the City.

This Deed Restriction has been authorized by the Owners and by the City. The below referenced representatives are authorized to sign this document on behalf of the Parties.

OWNERS

BY: _____

BY: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF LA CROSSE)

On the ____ day of _____, 2022, this instrument was acknowledged before me by the above-named _____, known to me and who acknowledged that they executed the foregoing instrument on their own behalf.

Notary Public, State of Wisconsin

CITY OF LA CROSSE

BY: _____
Mitch Reynolds, Mayor

BY: _____
Nikki Elsen, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF LA CROSSE)

On the ____ day of _____, 2022, this instrument was acknowledged before me by the above-named Mitch Reynolds, Mayor and Nikki Elsen, City Clerk, authorized representatives of the City of La Crosse, known to me to be such officers and who acknowledged that they executed the foregoing instrument on its behalf.

Notary Public, State of Wisconsin