

(reserved for recording)

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANTS (the “Declaration”), is made this 25th day of September, 2023, by **John M. Ellenberger** and **Elizabeth A. Ellenberger**, joint tenants (“Declarant”).

WHEREAS, Declarants are the fee owners of real property located at 3249 Casco Circle [PIN 20-117-23-43-0008], Orono, Minnesota, legally described as:

Lot 12, Spring Park, also all land including the vacated Highway, lying between the Front or Easterly line of said Lot and the shore of Lake Minnetonka, and between the Northerly and Southerly lines of said Lot Twelve (12), extended to said lakeshore and being a part of Government Lot Six (6), in Section Twenty (20) Township One Hundred and Seventeen (117) Range Twenty-three (23) and also indicated on the plat of said Spring Park according to the plat thereof on file or of record in the Office of the Register of deeds in and for said Hennepin County, Minnesota.

(“Subject Property”)

WHEREAS, Declarants have applied to the City of Orono for **Permit No. RAS23-000055** (“Permit”) to install plumbing in an Accessory Building on the Subject Property; and

WHEREAS, as a condition of issuance of the Permit and pursuant to Orono City Code Section 78-1437, the Declarants are required to record this Declaration imposing upon the Subject Property certain covenants, conditions, restrictions and reservations for the benefit of the City, the Subject Property, and its present and future owners.

NOW, THEREFORE, the undersigned parties hereby declare, impose upon, create and establish the covenants, conditions and restrictions upon the Subject Property as follows:

1. PROHIBITION ON USES.

The plumbing in the Accessory Building shall be regulated as follows:

- A. The provision of outside sillcocks and indoor water supply shall be allowed in any accessory building.
- B. Installation of a toilet and/or sink in any accessory building shall be subject to provision of sanitary sewer or a conforming sewage treatment system designed to handle the anticipated flows from such fixtures.
- C. Installation of any combination of fixtures which includes a bathtub or shower shall be subject to the property owners executing a covenant providing that the accessory building will not be:
 - i. Used for a home occupation unless specifically approved by the city or if allowed by this Code.
 - ii. Rented, leased, or otherwise provided for use as a dwelling under any circumstances.

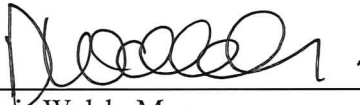
2. **RUN WITH THE LAND.** The covenants and restrictions set forth in this Declaration shall run with the Subject Property, shall be recorded with Hennepin County against the title to the Subject Property, and shall be binding upon and inure to the benefit of the City and the Declarants named herein, their successors, heirs, and assigns, and any other person or entity at any time hereafter who shall become the owner of the Subject Property.

3. **AMENDMENTS.** This Declaration may not be amended, modified or terminated without the written approval of the City.

IN WITNESS WHEREOF, as of the day and year first hereinabove written, the Declarants have executed this Declaration.

*Remainder of page intentionally left blank.
Signature pages follow.*

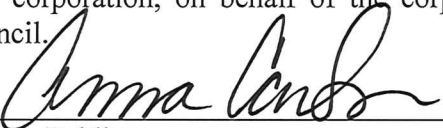
CITY OF ORONO:

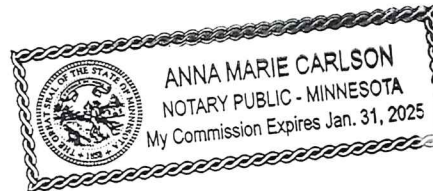
By: 
Dennis Walsh, Mayor

By: 
Adam Edwards, City Administrator

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 25th day of September, 2023 by **Dennis Walsh** and by **Adam Edwards**, respectively the Mayor and City Administrator of the **City of Orono**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.


Notary Public



DECLARANTS:

John M. Ellenberger

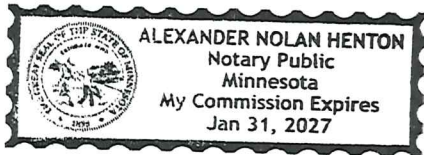
John M. Ellenberger

Elizabeth A. Ellenberger

Elizabeth A. Ellenberger

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 8 day of September, 2023 by **John M. Ellenberger** and **Elizabeth A. Ellenberger**, joint tenants.



Alexander Henton
Notary Public

THIS INSTRUMENT DRAFTED BY:
CAMPBELL KNUTSON, P.A.
Professional Association
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, Minnesota 55121
Telephone: (651) 452-5000
SMM/mew

**MORTGAGE HOLDER CONSENT
TO
DECLARATION OF RESTRICTIVE COVENANT**

PNC BANK, NATIONAL ASSOCIATION organized and existing under the laws of the United States, which holds a Mortgage on all or part of the property more particularly described in the foregoing Declaration of Restrictive Covenant, which Mortgage is dated October 18, 2019 and was recorded October 25, 2019 as Hennepin County, Minnesota, Document No. A10716976, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby join in, consents to, and is subject to the foregoing Declaration.

Dated this 14th day of September, 2023.

PNC BANK, NATIONAL ASSOCIATION

By: Brittany Stautihar A.V.P.

STATE OF OHIO)
) ss.
COUNTY OF CUYAHOGA)

The foregoing instrument was acknowledged before me this 14th day of September, 2023, by Brittany Stautihar the A.V.P. of PNC BANK, a National Association, on behalf of said entity.



Notary Public / Rahfeal Bryant



RAHFEAL BRYANT, NOTARY PUBLIC
Residence - Cuyahoga County
State Wide Jurisdiction, Ohio
Expiration Date July 13, 2027
2022-RE-851409

THIS INSTRUMENT DRAFTED BY:
CAMPBELL KNUTSON
Professional Association
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, Minnesota 55121
Telephone: (651) 452-5000
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