

BURGER 1st ADDITION

TREYNOR, IOWA 51575

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS WITH RESPECT TO BURGER ADDITION TO THE CITY OF TREYNOR, IOWA

This declaration is made by Roland D. Burger and Wilma Burger, owners of the real estate to be known as Burger Addition to the City of Treynor, Iowa. The purpose of the declaration is to prescribe covenants, conditions, restrictions and easements with respect to the use of the land in that addition for the purpose of insuring the best and most appropriate development and improvement of each building site and for the protection of owners of lots in that addition. The easements shall be perpetual. The remaining provisions shall apply for a period of 21 years after the date of this declaration.

There is reserved for the benefit of the declarants, the City of Treynor, and all private utility companies a perpetual easement over five feet at each side of each lot and over ten feet at the rear of each lot for utility installation and maintenance and drainage facilities, unless specified otherwise on the original plat.

The following provisions shall apply to the use and development of the lots in Burger Addition:

1. The lots may be used only for residential purposes. Each lot may be used only for one single family dwelling or one duplex. Dwellings shall not exceed two stories in height. Each dwelling or duplex unit shall contain not less than the following finished living areas exclusive of porches, breezeways, and garages:
 - a. 1,200 square feet on the ground floor for a one story dwelling or duplex unit.
 - b. 1,200 square feet on the ground floor for a one and one-half story dwelling or duplex unit.
 - c. 1,700 square feet above the basement level with 900 square feet on main floor for a two story dwelling or duplex unit.
 - d. 1,400 square feet of living area above the ground for a bi-level, tri-level or a split-level dwelling or duplex unit.
 - e. 1,232 square feet of living area above the ground for split-entry or raised ranch with 2 car under dwelling or duplex unit.

Exposed portions of the foundation on the front of each dwelling or duplex are to be covered with either siding or brick, and exposed portions of the foundation on the sides and rear of each dwelling or duplex shall be covered either with brick or siding or shall be painted. Garages shall be constructed for not less than two cars, and garage doors must be closed except for entry and exit.

2. With respect to lots sold prior to July 1, 1991, construction of a dwelling or duplex shall be commenced not later than 18 months after purchase. On lots sold on or after July 1, 1991, construction must begin 12 months after purchase. The construction of any dwelling or duplex shall be completed within 12 months after the excavation of a basement or commencement of construction.

3. No improvements shall be made without the approval of the architectural committee for which provision is made in this declaration.

4. No noxious or offensive activity shall be conducted on any lot.

5. No boat, recreational vehicle, camping trailer, snowmobile, auto drawn trailer of any kind, garden tractor or heavy equipment shall be stored outside of the garage or left exposed on any lot at any time.

6. No satellite dish, exterior television or radio antenna or other similar structure shall be located on any lot without specific approval of the architectural committee.

7. With respect to any lot sold after the date of this declaration day care for more than four children shall not be provided at any time in any dwelling or other building on any lot in the addition.

8. No woven or barbed wire fences shall be permitted. No fences or walls shall be erected without the approval of the architectural committee. Any fences or walls shall not be higher than 6 feet nor extended forward of the back of the foundation of the dwelling or duplex on any lot.

9. All lots shall be kept free of weeds and debris including unused building material.

10. No temporary structure may be erected on any lot for use as a residence.

11. No animals of any kind other than household pets may be kept on any lot. Household pets may not be sheltered outside the dwelling house.

12. No repair of automobiles or other motor vehicles will be permitted outside of garages on any lot at any time.

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13. No trees with trunks over three inches in diameter shall be removed or destroyed without approval of the architectural committee.
14. All telephone and electric power service lines shall be underground.
15. At least two shade trees shall be maintained on each lot. If sidewalks are required by the City of Treynor, each individual lot owner shall be responsible for installation and maintenance of those sidewalks.
16. No storage building or ancillary building shall be constructed without approval of the architectural committee.
17. There shall be no vegetable gardens in any front or side yard adjoining any street in the addition.
18. No incinerator or trash burner shall be allowed on any lot by homeowners. No fuel tanks shall be permitted to remain outside of the house on any lot.
19. In regard to sales of lots to speculative builders, only builders of good standing and reputation will be considered.
20. Developer reserves the right to maintain signs on lot 11 at entrance to development and next to street. Signs will be no larger than 7' in height and 9' in width. Signs will be removed no later than completion of the development or 10 years, whichever occurs first.

Architectural control for development of the lots shall be provided by an architectural committee. Originally that committee shall consist of Roland D. Burger, Keith McClain, Maxine Klahn, Michael Guttau and Richard Saar. If any of said persons resigns from the committee, the remaining members shall appoint a replacement. Any replacement member must be a property owner in Burger Addition. The approval of the architectural committee or a majority thereof in writing shall be required for the construction of any improvements on the lots in Burger Addition. The architectural committee is directed to take into consideration the suitability of grading or landscaping plans for esthetic purposes and consistency with the development of other lots. The committee shall take into consideration with respect to the house or other structures the materials to be used, the color scheme, the site on which they are proposed to be erected, the harmony with the surroundings, the topography of the land and the effect of the building or other structure on adjacent or neighboring lots.

Dated this 19 day of September, 1990.

Roland D. Burger
Roland D. Burger

Wilma Burger
Wilma Burger

