

Covenants For Longview Terrace

No 14

Book 1215

Page 359

DECLARATION OF EASEMENTS,
RESTRICTIONS AND COVENANTS

Filed 8 September, 1958

THIS DECLARATION made in the City of Council Bluffs, Iowa this 6th day of September, 1958 by the undersigned Charles Robert Harriman and wife, Lavon Harriman; William Carson and wife, Flora Carson; and Dewey R. Harriman and wife, Mary Harriman, witnesseth:

WHEREAS the said Charles Robert Harriman is the developer of the tract of land hereinafter described being in Auditor's Subdivision known as Longview Terrace; and

WHEREAS said Charles Robert Harriman has conveyed lots within said subdivision to the undersigned, William Carson and wife, Flora Carson and Dewey R. Harriman and wife, Mary Harriman; and

WHEREAS the undersigned being the owners of the entire Auditor's Subdivision and being desirous of placing the following easements, restrictions and covenants upon said Subdivision, for the mutual protection of the present and subsequent owners of Lots within said Subdivision.

NOW, THEREFORE, the undersigned hereby declare that the Auditor's

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ABSTRACT GUARANTY COMPANY
231 SOUTH MAIN STREET — COUNCIL BLUFFS, IOWA

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Subdivision known as Longview Terrace, a part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, all in Township 74, Range 43 in Pottawattamie County, Iowa containing Lots 1 to 37, inclusive, said plat being filed for record in the Office of the Pottawattamie County Recorder on August 1, 1957, in Book 1189, Page 583, shall be and is subject to the following:

1. All of the Lots and Parcels of land in said Longview Terrace a part of Section 5 and Section 8, Township 74, Range 43, situated in Pottawattamie County, Iowa, shall be known, described and used solely as residential lots and no structure shall be erected on any residential lot other than one detached family dwelling, not to exceed two stories in height and a one, two or three car garage, and the dwelling shall be in area at least 900 square feet, exclusive of incidental buildings and garage.

2. That no part of any buildings erected on any lot in said Subdivision shall be nearer than 50 feet from the Lot line fronting on any street.

3. No building or part of building shall be erected nearer than ten feet to any side lot line. Said restriction shall not apply to any garage or other incidental building located 100 feet from said lot line fronting on the street.

4. No residential lot shall be divided into building lots, unless approved by the grantor herein.

5. No trailer, basement, tent, shack, garage, barn or other out building erected in said Subdivision shall at any time, be used as a residence, temporary or permanent, or shall any residence of a temporary character be permitted.

6. No structures shall be moved into any lots unless it meets with the approval of the developer or committee hereinafter referred to, or if there is no committee, it shall conform to and be in harmony with existing structures in the said Subdivision.

7. No noxious or offensive trade shall be carried on upon any Lot, now shall anything be done therein which may be or become an annoyance or a nuisance to the neighborhood.

8. Sewage disposal shall be by septic tank, and each owner agrees to discontinue the use of septic tanks within on_ year after a sanitary sewer is constructed in said Subdivision.

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9. No business shall be carried on upon any lot in said Subdivision of an objectionable nature.

10. These covenants and restrictions are to run with the land and shall be binding on all of the parties and all persons claiming under them until January 1, 1985, at which time said covenants and restriction herein shall terminate.

11. If the parties hereto or any of them or their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions herein before January 1, 1985, it is agreed that any other person or persons owning any other lots in said development, may prosecute any proceedings at law or in equity, against the person or persons violating or attempting to violate any such restriction any may prevent him from so doing or may recover damages for such violation.

12. By acceptance of a conveyance, the grantee, in consideration of the premises, binds himself, his heirs, executors, and administrators or grantees to strictly observe and perform all of the restrictions and covenants herein contained.

13. No prefabricated home shall be assembled or constructed in said subdivision.

14. No owner or tenant of any lot in said Subdivision, shall raise or keep on said lots, any domestic live stock or fowl, however, any owner or tenant may have other household pets, and this restriction shall not prevent any owner or tenant from keeping not more than one saddle horse or one pony for their own use.

15. Each owner or tenant shall, after purchase or occupancy of any lot in said Subdivision, keep said lot seeded, mowed and maintained in a sightly condition.

16. Invalidation of any one of these covenants by judgment, or Court Order shall in no wise effect any of the provisions which shall remain in full force and effect.

17. These grantors agree that all further deeds of property in this Subdivision made by them shall contain all of these covenants and restrictions.

to

Whom It May Concern

We, Charles Robert Harriman and Lavon Harriman, husband and wife, of Pottawattamie County, State of Iowa, do hereby state and allege that we are the owners of Lots 1 through 38, inc., of the proposed plan for development of part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 74, Range 43, the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 74, Range 43, in Pottawattamie County, Iowa, as set out in the plat attached.

For the purpose of establishing a road in and through the property set

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ABSTRACT GUARANTY COMPANY
221 SOUTH MAIN STREET — COUNCIL BLUFFS, IOWA

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out in the plat attached and for the purpose of providing ingress and egress to the future purchasers of the lots in the attached plat and for the improvement, operation and maintenance of a road, we, Charles Robert Harriman and Lavon Harriman, do hereby give and grant to future purchasers of the Lots set out in the attached plat an easement or right of way for the construction, improvement, operation and maintenance of a road, upon and across the following land lying and being situated in Pottawattamie County, State of Iowa, to-wit:

A parcel of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 74, Range 43, lying 20 feet on both sides of the following described center line of Longview Circle as shown on the tentative plat attached of Longview Terrace: The center line designated by station points 100 feet apart numbered consecutively is described as follows: Beginning at station 00 + 00 a point which is 20' East of the N $\frac{1}{4}$ corner Section 8, Township 74, Range 43, thence South 18° 52' West 275.0 to Station (2 + 75) thence South 03° 07' West 230 feet to Station (5 + 05) a point in the centerline of existing County Road, said parcel contains 0.5 acres.

A parcel of land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 74, Range 43, Pottawattamie County, Iowa, lying 20 feet on both sides of the following described centerline of Longview Place as shown on the tentative plat attached of Longview Terrace: The centerline designated by station points 100 feet apart numbered consecutively is described as follows: Beginning at Station 00 + 00 a point described as Station 1 + 60 on centerline of Longview Circle thence North 41° 13' East 350 feet to Station 3 + 50; thence North 34° 28' East 69.9 feet to Station 4 + 19.9; thence North 12° 33' East 79.6 feet to Station 4 + 99.5; thence North 01° 53' East 324.1 feet to Station 8 + 23.6; thence North 00° 20' West 282.8 feet to Station 11 + 06.4; thence North 04° 15' West 33.5 feet to Station 11 + 39.9; thence North 13° 55' West 33.8 feet to Station 11 + 73.7; also described as Station 15 + 33.7 centerline, Longview Circle, said parcel contains 1.1 acre, more or less.

A parcel of land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 74, Range 43, Pottawattamie County, Iowa, lying 20 feet on both sides of the following described centerline of Longview Circle as shown on the tentative plat attached on Longview Terrace; The centerline designated by Station

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points 100 feet apart numbered consecutively is described as follows: Beginning at Station 00 + 00, a point which is 20 feet East of the $N\frac{1}{4}$ corner of Section 8, Township 74, Range 43, thence N 13° 03' East 160 feet to Station 1 + 60; thence North 8° 11' East 68.3 feet to Station 2 + 28.3; thence North 20° 32' West 175.7 feet to Station 4 + 04.0; thence North 00° 01' East 150.1 feet to Station 5 + 54.1; thence North 00° 09' West 668.7 feet to Station 12 + 22.8; thence North 85° 41' East 126.7 feet to Station 13 + 49.5; thence South 88° 49' East 120.5 feet to Station 14 + 70.0; thence North 76° 26' East 63.7 feet to Station 15 + 33.7; thence North 63° 39' East 149.2 feet to Station 16 + 82.9; thence South 53° 11' East 53.8 feet to Station 17 + 36.7; thence South 00° 35' East 1019.9 feet to Station 27 + 56.6; thence South 06° 22' East 107.2 feet to Station 28 + 63.8; thence South 31° 44' East 130 feet to Station 29 + 93.8 a point on North line of Section 8, Township 74, Range 43, and 593 feet East of the $N\frac{1}{4}$ corner of said Section, said parcel containing 2.7 acres.

~~A parcel of land~~ located in the $NW\frac{1}{4}$ $NE\frac{1}{4}$ of Section 8, Township 74, Range 43 lying 20 feet on both sides off the following described centerline of Longview Circle as shown on Tentative plat attached of Longview Terrace: The centerline designated by station points 100 feet apart numbered consecutively is described as follows: Beginning at Station 29 + 938 a point which is 593 feet East of the $N\frac{1}{4}$ corner of Section 8, Township 74, Range 43, thence South 31° 44' East 104.3 feet to Station 30 + 98.1, thence South 05° 10' East 191.4 feet to Station 32 + 89.5 a point in the centerline of existing County Road, said parcel containing 0.3 acres.

To have and to hold the said easement or right of way for road purposes as long as the same shall be used, operated and maintained as a road, but in the event that said easement or right of way shall not be used as a road or for ingress and egress purposes, then such part of parts not used or being used for road purposes shall revert back to the grantors herein and become their property in fee simple.

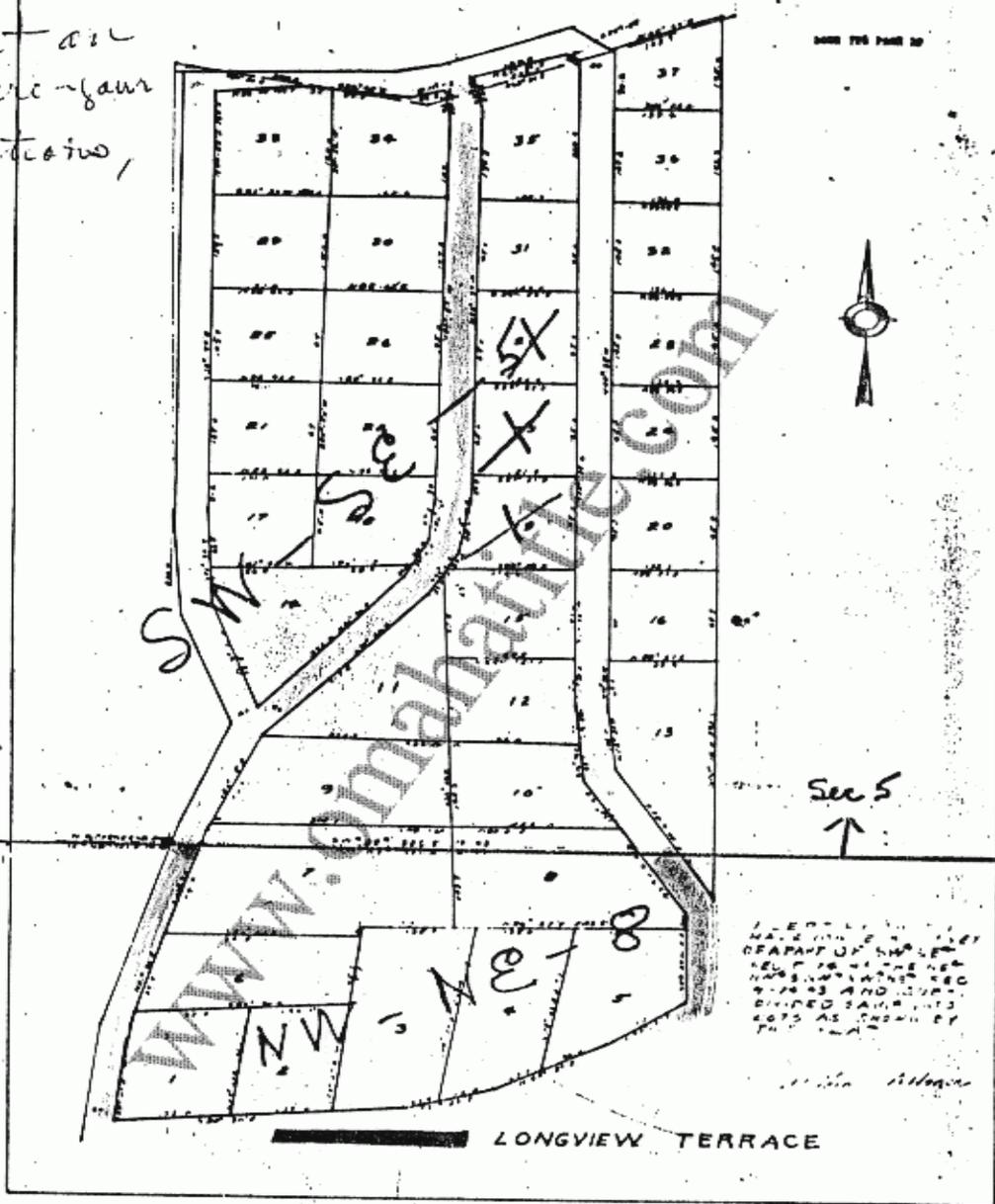
The grantors of this easement are not to be held responsible for the improvement, operation and maintenance of this road but such improvement, operation and maintenance shall be deemed the responsibility of the property owners abutting on said road.

H-30107-20-10-70
Don Henderson

Comm 6-3-30 at 10:25^A as to Lots lying within
Section 5-74-42

Comm 28-2-20 at 8730^A as to Lots lying with Sec. 8-74-42

Make statement on
cap as to where your
lies in the sections,
etc.



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STATE OF IOWA
 IOWA COUNTY
 I. A. V. Meanderer, Auditor of Iowa, do hereby certify that the above is a true and correct copy of the original plat as filed in the office of the Auditor of Iowa, at Des Moines, Iowa, on the 10th day of June, 1970, and that the same is a true and correct copy of the original plat as filed in the office of the Auditor of Iowa, at Des Moines, Iowa, on the 10th day of June, 1970, and that the same is a true and correct copy of the original plat as filed in the office of the Auditor of Iowa, at Des Moines, Iowa, on the 10th day of June, 1970.

State of Iowa, Iowa County, Iowa.
 On this 10th day of June, 1970, I, the undersigned, Auditor of Iowa, do hereby certify that the above is a true and correct copy of the original plat as filed in the office of the Auditor of Iowa, at Des Moines, Iowa, on the 10th day of June, 1970, and that the same is a true and correct copy of the original plat as filed in the office of the Auditor of Iowa, at Des Moines, Iowa, on the 10th day of June, 1970.

By _____
 Auditor

