

# COMPARED

## DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR OAK VALLEY SUBDIVISION - PHASE II

This Declaration is made by Norman F. Driver, President of Oak Valley Land Development, Inc., as follows:

WHEREAS, Oak Valley Land Development, Inc. is the owner of certain real property which is more particularly described as follows:

Part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 36, Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the Southeast corner of said SW $\frac{1}{4}$  NW $\frac{1}{4}$  and point of beginning; thence N89°43'40"W along the South line of said SW $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 1300.16 feet to the Southwest corner of said SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence N1°09'49"W along the West line of said SW $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 1285.17 feet to the Southwest corner of Lot 26, Oak Valley Subdivision, Phase I; thence N87°50'01"E along the South line of said Oak Valley Subdivision, Phase I, a distance of 916.20 feet to the Southeast corner of Lot 14 of said Oak Valley Subdivision, Phase I, said point being on the West line of Lot 7 of said Oak Valley Subdivision, Phase I; thence S0°30'16"E along the West line of said Lot 7 a distance of 29.52 feet to the Southwest corner of said Lot 7; thence N89°32'31"E along the South line of said Oak Valley Subdivision, Phase I, a distance of 400.06 feet to a point on the East line of said SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence S0°27'29"E along the East line of said SW $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 1299.44 feet to the point of beginning. Tract contains 39.101 acres, more or less.

Note: The south line of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 36 is assumed to bear N89°43'40"W for this description.

and

WHEREAS, Oak Valley Land Development, Inc. will convey the said lots as shown in the plat attached hereto subject to certain protective covenants and restrictions as hereinafter set forth; and

NOW, THEREFORE, Oak Valley Land Development, Inc. hereby declares that all of the lots as shown on the plat which is attached hereto and made a part hereof as though fully set out, shall be held, sold and conveyed, subject to the following restrictions and covenants all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of said real property. These covenants and restrictions shall run with the real property and shall be binding upon all parties having or acquiring any right, title or interest in the described lots or any part thereof, and shall inure to the benefit of each owner thereof.

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1. No lot shown in said subdivision shall be further divided into smaller lots or subdivisions without the consent of the proprietor nor shall any lot be further subdivided or platted without the prior approval of Pottawattamie County.

2. No fence or fences shall be erected between land located in Oak Valley Subdivision - Phase II and land located within Oak Valley Subdivision - Division I, without having first obtained the written approval of the proprietor.

OAK VALLEY LAND DEVELOPMENT, INC.

BY: Norman F. Driver, President  
Norman F. Driver, President

ATTEST:

Marlene T. Driver, Secretary  
Marlene T. Driver, Secretary

STATE OF IOWA

POTTAWATTAMIE COUNTY

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On this 19 day of July, 1983, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Norman F. Driver and Marlene T. Driver, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary, respectively, of Oak Valley Land Development, Inc., executing the within and foregoing instrument, that no seal has been procured by the said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said President and Secretary as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



R. A. Porter  
Notary Public