

9590

9069

Sept. 27, 1914. - 15.284

AGREEMENT

WHEREAS, all of the undersigned and individuals who are as follows:

Harold W. Hanusa and Kathryn M. Hanusa, husband and wife;
Robert C. Heithoff and Donna M. Heithoff, husband and wife;
Richard A. Porter and Virginia C. Porter, husband and wife;
Waldon C. Hartje and Eva A. Hartje, husband and wife;
Lowell G. Hartje and Vivian A. Hartje, husband and wife; and
Richard D. Herzberg and Sharon L. Herzberg, husband and wife.

are either the titleholders or contract purchasers to:

Lots 11 through 39, inclusive, and Outlots A, B, and C, all in Parkwood Acres Second Subdivision, an Auditor's Sub-division of part of the S $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 74 North, Range 43 West of the 5th P.M., as platted and recorded in Book 1451, Page 139, Records of Pottawattamie County, Iowa, together with any interest in and to the streets described as Parkwood Drive, Waldon's Circle and Lowell's Circle; and

WHEREAS, the undersigned do hereby acknowledge that there are certain streets in said subdivision which have been identified as Parkwood Drive, Waldon's Circle and Lowell's Circle, and that for the purposes of this Agreement, the said streets are dedicated for public use, but shall remain private because they have not as yet been accepted into the Pottawattamie County road system. And

WHEREAS, there should be an Agreement placed of record whereby all purchasers of lots in this subdivision will be bound for the cost of the maintenance and upkeep of the roads in this subdivision and also for the clearing of snow and debris from the road system.

NOW, THEREFORE, for and in consideration of a DOLLAR AND OTHER VALUABLE
CONSIDERATION, all parties to this Agreement do hereby dedicate the
roads in the subdivision known as Parkwood Acres First Subdivision and
for public use and that said roads are identified as Parkwood Drive,
Waldon's Circle and Lowell's Circle, but that the ownership of said
roads shall be private until such time as the County of Pottawattamie
shall accept the roads into their road system.

'74 15289

'74 16050

IT IS FURTHER AGREED between the parties hereto that the roads in the subdivision shall be maintained and repaired continually to strive to improve the private roads and that the roads shall be cleared of snow and debris as soon as possible. Each purchaser of a lot involving Lots 11 through 39, inclusive, in Parkwood Acres Second Subdivision, Pottawattamie County, Iowa, shall be responsible for a prorata cost of the maintenance and upkeep of the road and for the cost of clearing the snow and debris from the road and that each purchaser shall be responsible for 1/29th of the cost of said maintenance and clearance.

IT IS FURTHER AGREED that any party purchasing a lot in said subdivision shall be notified as to his or her responsibility for the prorata cost of the maintenance and upkeep of the road and the clearing of snow and debris from the roads in said subdivision and that this Agreement shall be filed of record so that it appears in the abstract of title to said above-mentioned lots.

IT IS FURTHER AGREED that in the event any disagreement shall arise among the members of this association of homeowners, that in that event an association shall be formed which shall call itself the Parkwood Acres Improvement Association which shall prepare and file Articles of Agreement to enforce the provisions of this road Agreement.

IT IS FURTHER AGREED that until such time as the County of Pottawattamie takes the roads and streets in this subdivision into the county road system, that the purchaser of any of lots 11 through 39 in Parkwood Acres Second Subdivision shall own to the middle of the street for the purposes of title.

THIS AGREEMENT is entered into on this 27 day of September, 1974.

74 16290

74 16051

COMPARED

4991

4/57

DEDICATION

1975

Comes now Harold W. Henusa and Kathryn M. Henusa, husband and wife; Robert C. Heithoff and Donna M. Heithoff, husband and wife; Richard A. Porter and Virginia C. Porter, husband and wife; Waldon C. Hartje and Eva A. Hartje, husband and wife; and Lowell G. Hartje and Vivian A. Hartje, husband and wife, and do hereby file this dedication of a road in Parkwood Acres First Subdivision to Pottawattamie County, Iowa as follows:

1. That there is a subdivision known as Parkwood Acres First Subdivision, an Auditor's Subdivision of part of the SE $\frac{1}{4}$ of Section 22, Township 74 North, Range 43 West, of the 5th P.M., as platted and recorded in Book 72, Page 16029, records of Pottawattamie County, Iowa, which subdivision contains lots 1 through 10 inclusive, and also has a road running through said subdivision which is identified as Parkwood Drive. That Parkwood Drive extends from the county road abutting Parkwood Acres First Subdivision and extends through the subdivision and provides access to the road known as Parkwood Drive in Parkwood Acres Second Subdivision and is the only means of access to the lots in Parkwood Acres Second Subdivision.
2. That the parties to this dedication do hereby dedicate for public use the road through Parkwood Acres First Subdivision which is identified as Parkwood Drive, but that the streets as dedicated shall remain private because they have not as yet been accepted into the Pottawattamie County Road System.
3. That all purchasers of lots in Parkwood Acres First Subdivision will be bound for the cost of the maintenance and upkeep of the roads in this subdivision and also for the clearing of snow and debris from the road system.

STATE OF IOWA, Pottawattamie County
Date for record 4/5/75
1975
25-8524

Harold Henusa
Robert Heithoff

75 6501

COMPARED

-2-

4. We do further state and allege that there was an error in the legal description in a certain agreement filed September 27, 1974 in Book 74, Page 15289. That the agreement had reference to Parkwood Acres First Subdivision throughout the agreement. That it is the understanding of the persons signing this dedication that the legal description should have been in Parkwood Acres Second Subdivision and that the correct and proper description should have been Lots 11 through 39 inclusive, and Outlots A, B, and C, all in Parkwood Acres Second Subdivision, an Auditor's Subdivision of Part of the $\frac{5}{8}$ SEC of Section 22, Township 74 North, Range 43 West of the 5th P.M., as platted and recorded in Book 1451, Page 139, records of Pottawattamie County, Iowa, together with any interest in and to the streets described as Parkwood Drive, Walden's Circle and Lowell's Circle, and that whenever and wherever the name Parkwood Acres First Subdivision appeared in said agreement, it should have had reference to Parkwood Acres Second Subdivision.

Harold W. Hanusa
Harold W. Hanusa

Robert C. Hartje
Robert C. Hartje

Richard A. Porter
Richard A. Porter

Walden C. Hartje
Walden C. Hartje

Lowell G. Hartje
Lowell G. Hartje

Kathryna M. Hanusa
Kathryna M. Hanusa

Donna M. Hartje
Donna M. Hartje

Virginia C. Porter
Virginia C. Porter

Eva A. Hartje
Eva A. Hartje

Vivian A. Hartje
Vivian A. Hartje

Subscribed and sworn to before me this 14th day of June,

1975.



