

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
SUNNYRIDGE SUBDIVISION
IN THE CITY OF COUNCIL BLUFFS, IOWA

This declaration made this 6th day of November,
1990, by the undersigned, WITNESSETH:

Whereas, the undersigned are the owners of the real estate described in Clause 1 of this declaration, and are desirous of subjecting the real property described in said Clause 1 to the restrictions, covenants, reservations, easements, liens and charges hereinafter set forth, each and all of which is and are for the benefit of said property and for each owner therefrom and shall inure to the benefit and pass with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest and any owner thereof;

Now, therefore, the undersigned, hereby declare that the real property described in and referred to in said Clause 1 hereof, is and shall be held, transferred, sold, conveyed, subject to the conditions, restrictions, covenants, reservations, easements, liens and charges herein set forth.

CLAUSE 1

PROPERTY SUBJECT TO THIS DECLARATION

The real property which is, and shall be, held and shall be conveyed, transferred, sold, subject to these conditions, restrictions, reservations, easements, liens and charges, with respect to the various portions thereof set forth and the various clauses and subdivisions of this declaration, is located in the City of Council Bluffs, Pottawattamie County, State of Iowa, and is more

particularly described in the Plat of Sunnyridge Subdivision in the City of Council Bluffs, Iowa, attached hereto and incorporated herein by reference.

No property other than that described above shall be subject to this declaration, unless and until specifically made subject thereto.

CLAUSE 2

GENERAL PURPOSES OF CONDITIONS

The real property described in Clause 1 hereof is subject to the covenants, restrictions, conditions, reservations, easements, liens and charges hereby declared to insure the best use and the most appropriate development and improvement of each building site thereof; to protect the owners of the building sites against such improper use of surrounding building sites as will depreciate the value of their property; to preserve, as far as practical, the natural beauty of said property; to guard against the erection of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to obtain harmonious color schemes; to insure the highest and best development of said property; to encourage and secure the erection of attractive homes thereon, with appropriate locations thereof on building sites; to prevent hazardous and inharmonious improvement of building sites; to secure and maintain proper setbacks from street and adequate free spaces between structures; and in general to provide adequately for a high type and quality of improvement in said property and thereby to enhance the values of investments made by the purchasers of the building sites therein.

A. All lots described herein shall be known, described and

CONFIDENTIAL

-3-

used solely as residential lots, and no structures shall be erected on any lot other than one detached single-family dwelling not to exceed two stories in height and a three-car garage.

B. No building shall be erected on any residential lot nearer than 25 feet from the front line, except that a variance from Section 15.08.070(01) setback requirements of the Municipal Code (zoning ordinance), Council Bluffs, Iowa, for Lots 7 through 14 and 18 through 20 of Sunnyridge Division as follows: a 10 foot front yard setback variance for Lots 7 through 13; a 5 foot front yard setback variance for Lot 14; and a 10 foot front yard setback variance for Lots 18 through 20. The side yard on each side shall be a minimum of 10% of the lot width at the building setback line, or a minimum setback line of five feet, whichever is greater; provided, however, that on corner lots the setback for all buildings shall be a minimum of 15 feet on the side abutting a public street or avenue. The rear yard shall be a minimum of 20 feet. Any accessory buildings, such as garden or storage sheds, may be erected on the lots, however, it should be of wood-frame construction and no metal storage sheds will be allowed.

C. No trailer, basement, tent, shack, garage, barn or other outbuilding erected on the tract shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.

A motor home, with or without wheels, or a motor boat, houseboat or similar water boats, may be maintained, stored or kept on any parcel of property covered by these covenants, provided, however, they must be parked to the rear of any dwelling built thereon.

91 14503

CONFIDENTIAL

-4-

D. No building shall be erected on any lot unless the design and location is in harmony with the existing structures and locations in the tract, and does not violate any of the protective covenants herein. In the case of Lots 13 through 23, no dwelling shall have a ground floor square foot area of less than 1,400 square feet, in the case of one-story structures; or less than 1,000 square feet in the case of one and one-half or two-story structures. On all remaining lots, no dwelling shall have a ground floor square area of less than 1,200 square feet in the case of one-story structures, or less than 1,000 square feet in the case of one and one-half story or two-story structures, shall be permitted on any of the lots described herein.

E. No building, fence, wall or other structure shall be commenced, erected or maintained upon any residential lot, nor shall any exterior additions to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same have been submitted to and approved in writing as to harmony of design of external design and location in relation to surrounding structures and topography by Gary Fischer and Lavern Yeoman. In the event said parties fail to approve or disapprove such design and location within 30 days after said plans and specifications have been submitted to them, approval will not be required and this clause will be deemed to have been fully complied with. The primary purpose of this covenant is to protect the value of the homes in the development. This covenant is not to be construed as a means for suppressing expressions of individuality.

91 14504

F. With the exceptions of Lots 6, 7 and 8, construction on all remaining lots in said subdivision and subject to these covenants, shall be commenced within 180 days of the consummation of the sale of said lot.

G. No fence shall be erected on any lot which would extend past the rear of any house erected thereon.

H. All front foundations facing streets are to be covered with brick. Upon the completion of any dwelling, the front and side yards shall be sodded with grass.

I. The titleholder to each lot, vacant and improved, shall keep his lot or lots free of weeds and debris.

J. No obnoxious or offensive trade shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

K. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes.

L. A perpetual easement is reserved over, across and through the side five feet of all lots, and over, across and through the rear 10 feet of all lots for utility installation, maintenance and drainage facilities. A perpetual easement of 10 feet for storm sewer purposes is reserved over and across on the southeasterly lot line of Lot 19 and the northwesterly lot line of Lot 20.

M. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the

storage or disposal of such material shall be kept in a clean and sanitary condition.

N. Lot ~~39~~⁴⁷⁵ shall be subject to all the terms, conditions and restrictions that are contained in the covenants, conditions and restrictions of Cedar Ridge Subdivision dated January 24, 1980.

O. All buildings and improvements shall be constructed in compliance with the pertinent zoning and building codes of the City of Council Bluffs, Iowa.

P. Each property owner shall exercise as much care as is possible to retain natural vegetation, trees, shrubs and other similar growth. Prior to the removal of any such growth, the plans referred to in paragraph E shall be submitted to the committee for their approval.

Q. No satellite dish for television communication purposes shall be placed on any lot, except on the rear of said lot. The satellite dish should be placed in such a manner as to conform with the harmony of the subdivision.

R. These covenants are to run with the land and shall be binding upon all parties and persons claiming under them, for a term of 25 years from the date that these covenants are recorded and said covenants shall be automatically extended for successive periods of 10 years by vote of the owners of a majority of the building sites covered by these covenants is agreed to change such covenants in whole or in part.

Executed on the date above set forth.

COMPLETED

-7-

Lavern L. Yeoman
Lavern L. Yeoman

CB WESTRIDGE DEVELOPERS, INC.

Carol A. Yeoman
Carol A. Yeoman

BY Gary P. Fischer
Gary P. Fischer, President

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) ss.

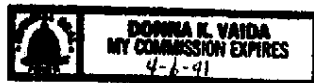
On this 6th day of November, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Gary P. Fischer, to me personally known, who being by me duly sworn, did say that he is the President of said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Gary P. Fischer as an officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.



Donna K. Vaida
Notary Public

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) ss.

On this 6th day of November, 1990, before me, the undersigned, a Notary Public in and for said state, personally appeared Lavern L. Yeoman and Carol A. Yeoman, to me personally known, who being by me duly sworn did acknowledge that they voluntarily executed the foregoing instrument.



Donna K. Vaida
Notary Public

91 14507

COMPARED

Southeast corner of said Lot 2. Auditor's subdivision, said corner also being on said Westerly right-of-way line of Simms Avenue; thence S17°52'25"W along said Westerly right-of-way line of Simms Avenue, a distance of 280.93 feet; thence N87°38'32"W, a distance of 523.89 feet to a point on the West line of said SE 1/4 of the SE 1/4 of Section 19; thence N33°50'39"E along said West line of the SE 1/4 of the SE 1/4 of Section 19, a distance of 1206.98 feet to the Point of Beginning.

Said tract of land contains an area of 12.090 acres, more or less.

I further certify that the plat of said property was made under my personal supervision, with reference to known monuments, and that the plat accurately describes all dimensions of the subdivision of Sunny Ridge, by length and breadth, and the breadth and course of all boundaries certified herein.

Don W. Elliott

Don W. Elliott, P.E. & L.S. 3823

11-9-90

Date

NOTES:

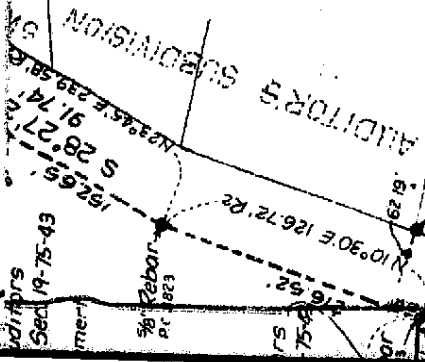
1. A perpetual easement 5 feet in width is reserved along the side lot lines of all lots; 10 feet in width along the rear lot lines of all lots; and 15 feet in width along the east side lot line of Lots 1 and 12, said easements are for utility installation and maintenance.
 2. Building front yard setback is 25 feet, except on Lots 7 thru 13, inclusive, which are 15 feet, except on Lot 14 which is 20 feet and except on Lots 13, 19 & 20 which are 15 feet.
 3. Retaining walls at rear of Lots 30, 31 & 32 shall be approved as part of building permit.
- Lots 7 & 8 shall be maintained as a stormwater detention basin until Lots 5, 6, 9, 10, 11 and 12 are developed.
- Lots 5 thru 12 shall be subject to the maintenance of a swale at the rear lot line of each lot for the purpose of directing the stormwater runoff to the public sewer between Lots 7 & 8.
- These responsibilities shall be assumed by the developer or the subsequent buyers.

91 14509

SUNNY RIDGE SUBDIVISION
POTTAWATTAMIE COUNTY, IOWA

ELLIOTT & ASSOCIATES

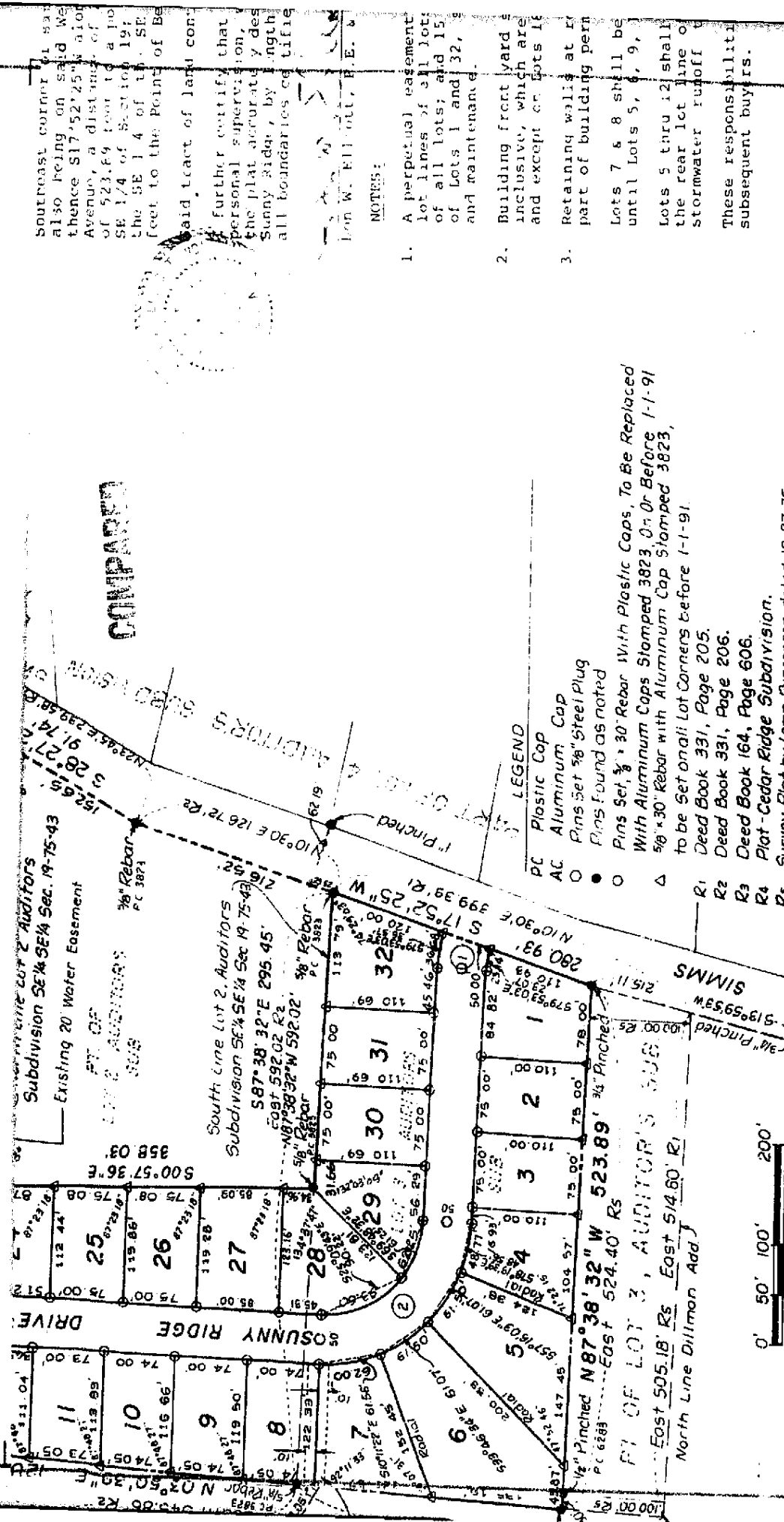
5316 SOUTH 132nd STREET • OMAHA, NE 68137 • (402) 695-4700



LEGEND

- PC. Plastic Cap
- AC. Aluminum Cap
- Pins Set 5/8" Steel Plug
- Pins Found as noted
- Pins Set 3/4" 30" Rebar With Plastic Caps, To Be Replaced With Aluminum Caps Stamped 3823, On Or Before 1-1-91
- △ 5/8" 30" Rebar with Aluminum Cap Stamped 3823, to be Set on all Lot Corners before 1-1-91.
- 1. Deed Book 331, Page 205.
- 2. Deed Book 331, Page 206.
- 3. Deed Book 164, Page 606.
- 4. Plat - Cedar Ridge Subdivision.
- 5. Survey Plat by Lamp Kynearson dated 10-27-75.

14509



COMPARISON

Southeast corner of said lot also being on said West line thence S17°52'25\"

NOTES:

1. A perpetual easement lot lines of all lots of all lots; and 15 of Lots 1 and 32, and maintenance.
2. Building front yard inclusive, which are and except on lots 1.
3. Retaining walls at part of building per Lots 7 & 8 shall be until Lots 5, 6, 9, 10. Lots 5 thru 12 shall the rear lot line of stormwater runoff to these responsibility subsequent buyers.

LEGEND

- PC Plastic Cap
- AC Aluminum Cap
- Pins Set 3/8\"
- Pins Found as noted
- Pins Set 3/8\"
- △ With Aluminum Caps Stamped 3823, On Or Before 1-1-91
- △ 50\"

- R1 to be Set on all Lot Corners before 1-1-91.
- R2 Deed Book 331, Page 205.
- R3 Deed Book 331, Page 206.
- R4 Deed Book 164, Page 606.
- R5 Plat Cedar Ridge Subdivision.

0' 50' 100' 200'

91 14509

SUNNY RIDGE SUBDIVISION

POTTAWATTAMIE COUNTY IOWA

ELLIOTT & ASSOCIATES

FINAL PLAT

COMPARED

NW Corner SE 1/4 SE 1/4
Section 19-75-43

SUNNY RIDGE

A RESUBDIVISION OF LOT 7 OF CEDAR RIDGE SUBDIVISION
AND PART OF LOT 3 OF AUDITOR'S SUBDIVISION
OF SECTION 19, T.75N, R.43W OF THE 5TH P.M., P.

Point of Beginning

1" Open

66

67

1" Open

68

1" Open

69

70

71

72

73

74

75

76

77

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1" Open

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1" Open

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1" Open

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1" Open

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1" Open

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1" Open

SUNNY RIDGE SUBDIVISION

A RESUBDIVISION OF LOT 7 OF CEDAR RIDGE SUBDIVISION AND PART OF LOT 2 AND PART OF LOT 3 OF AUDITOR'S SUBDIVISION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 19, T 75N, R 43W OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.

Curve Data

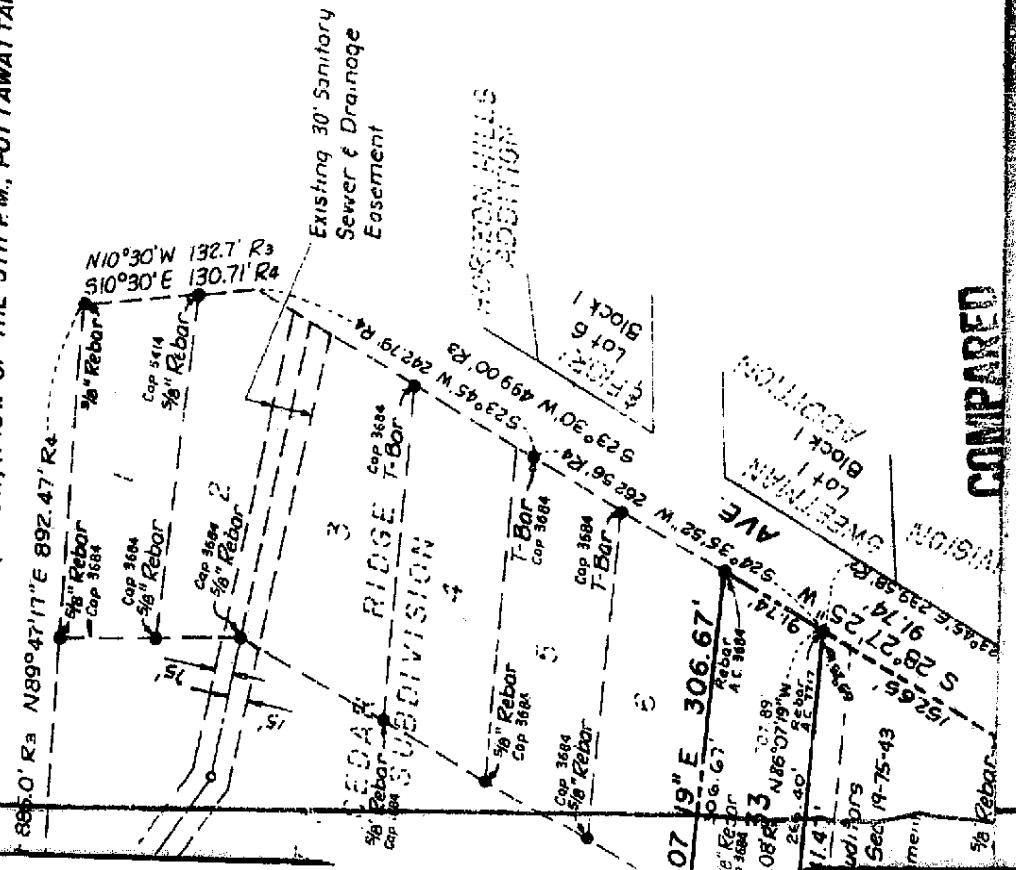
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②	89°17'38.0"	125.00'	123.47'	194.81'	45.83664'
③	21°27'47.9"	350.00'	66.33'	131.11'	16.37023'
④	25°48'27.0"	325.45'	74.56'	146.39'	17.60510'

Surveyor's Certificate

91 14512

I, Don W. Elliott, Registered Land Surveyor, do hereby certify that I have surveyed the property described below, all in Pottawattamie County, Iowa, being a platting of a part of Lot 7, Cedar Ridge Subdivision, and also a part of Lot 2, Auditor's Subdivision, and also a part of Lot 3, Auditor's Subdivision, all located in the SE 1/4 of the SE 1/4 of Section 19, Township 75 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described as follows:

Beginning at the Northwest corner of said Lot 7, Cedar Ridge Subdivision, said point also being the Northwest corner of said SE 1/4 of the SE 1/4 of Section 19; thence S87°16'39"E (assumed bearing) along the North line of said Lot 7, Cedar Ridge Subdivision, a distance of 427.27 feet; thence S02°26'00"W, a distance of 496.93 feet to a point on the Westerly extension of the South line of Lot 6, Cedar Ridge Subdivision; thence S86°07'19"E along said South line of Lot 6, Cedar Ridge Subdivision and the Westerly extension thereof, a distance of 306.67 feet to a point on the Westerly right-of-way line of Simms Avenue, said point also being the Southeast corner of said Lot 6, Cedar Ridge Subdivision; thence S28°27'25"W along said Westerly right-of-way line of Simms Avenue, a distance of 91.74 feet to the Southeast corner of said Lot 7, Cedar Ridge Subdivision; thence N86°07'19"W along the South line of said Lot 7, Cedar Ridge Subdivision, a distance of 441.40 feet; thence S00°57'36"E, a distance of 358.03 feet to a point on the South line of said Lot 2, Auditor's Subdivision; thence S87°38'32"E along said South line of Lot 2, Auditor's Subdivision, a distance of 295.45 feet to the Southeast corner of said Lot 2, Auditor's Subdivision, said corner also being on said Westerly right-of-way line of Simms Avenue; thence S17°52'25"W along said Westerly right-of-way line of Simms Avenue, a distance of 280.93 feet; thence N87°38'32"W, a distance of 523.89 feet to a point on the West line of said SE 1/4 of the SE 1/4 of Section 19; thence N01°50'19"E along said West line of



COMPARED

and Carol A. Yeoman

COMPARED

APPROVAL OF COUNCIL BLUFFS CITY PLANNING COMMISSION

This final plat of Sunny Ridge was approved by the Council Bluffs City Planning Commission on this _____ day of _____, 1990.

Chairman, Council Bluffs
City Planning Commission

COMPARED

EQUAL OPPORTUNITY AND FAIR MARKETING STATEMENT

"I (We) hereby certify that we will meet all equal opportunity and fair marketing objectives consistent with Federal, State and Local Guidelines".

Lavern E. Yeoman

Carol A. Yeoman

C.B. Westridge Developers, Inc.
Gary Fischer, President

91 14514

91 14513

SUNNY RIDGE SUBDIVISION
POTTAWATTAMIE COUNTY, IOWA

ELLIOTT & ASSOCIATES

5316 SOUTH 132ND STREET • OMAHA, NE 68137 • (402) 895-4700

