

PROTECTIVE COVENANTS

These Covenants are to run with the land and shall be binding on all present and future owners of all or any part of the real estate hereinafter described until January 1, 1998.

If said present or future owners, or any of the, or their grantees, heirs or assigns, shall violate or attempt to violate any of these Covenants, it shall be lawful for any other person or persons owning any part of said real estate hereinafter described to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any of these Covenants by judgement or court order shall in no way affect the validity and enforceability of the other provisions herein contained.

A. All lots in the addition hereinafter described shall be used only for residential purposes or for church, educational or charitable uses.

B. No structures shall be erected, altered, placed or permitted to remain on any "residential building plot", as hereinafter defined, other than one detached single-family dwelling or two-family dwelling not to exceed two and one-half stories in height and a private garage or car port for not more than two cars per dwelling unit and attached breezeways or other out-buildings incidental to residential uses.

C. No structures shall be located on any residential building plot (except corner plots) nearer than twenty-five (25) feet to the front lot line, nor shall any structure, except a detached private garage, be located nearer than five (5) feet to any side line of any building plot. When corner lots are used for residential purposes, one street-side yard shall be at least twenty-five (25) feet in depth and the other street-side yard shall be at least twelve and one-half (12½) feet in depth, regardless of which way the dwelling faces.

D. No single-family residential structure shall be erected or placed on any building plot which has an area of less than five thousand (5,000) square feet and such a plot of said minimum dimensions, when used for residential purposes, is herein defined as a "residential building plot". No two-family dwelling shall be erected on any building plot which has a width of less than eighty feet at the front lot line.

E. No noxious or offensive trade or activity shall be carried on upon any plot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

F. No trailer, basement, tent, shack, garage, barn or other outbuilding erected on said real estate shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

G. The ground floor enclosed area of the main residential structure for a single-family dwelling, exclusive of open porches and garages, shall be not less than seven hundred (700) square feet.

H. These Protective Covenants shall hereafter apply to Westside Second Addition to the City of Council Bluffs, Pottawattamie County, Iowa.

I. A perpetual license is hereby reserved in favor of and granted to all public utility companies now or hereafter operating within said Addition, their successors and assigns, to erect and operate, maintain, repair and renew poles with the necessary supports, sustaining wires, cross-arms, guys and anchors and the other instrumentalities and to extend thereon wires for the carrying and transmission of electric current for light, heat and power and for all telephone and telegraph and message services along, across, over and under the rear ~~boundary~~ boundary lines of said lots, with allowance for necessary overhang. Said license is hereby granted for the use and benefit of all present and future owners of lots in said addition.

CONFIDENTIAL

IN WITNESS WHEREOF, the undersigned, being the owner of all of said real estate, has caused these presents to be duly executed this 6 day of April, 1958.

John W. Delehant
Secretary

ATLANTIC LANDS INC.

BY Don Decker

President

STATE OF IOWA)
) ss.
POTTAWATTAMIE COUNTY)

On this 6 day of April, 1958, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Don Decker and John W. Delehant, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary, respectively, of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said Don Decker and John W. Delehant acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Robert E. Hartill
NOTARY PUBLIC

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