

# COMPARED

## RESTRICTIVE COVENANTS -- WILBER ADDITION Carson, Iowa 51525

The undersigned, D. Ray Carr, Betty Carr, Robert D. Crowder, Dudley R. Wilber, Shirley J. Wilber, Robert D. Wilber, and Colleen C. Wilber, proprietors and owners of Wilber Addition, a subdivision within the City of Carson, Pottawattamie County, Iowa, as shown by the attached plat thereof, hereby declare that all lots in such subdivision shall be restricted to residential purposes except as noted in paragraph 1, within the zoning classification set forth in our accompanying Proprietors Statement and shall be subject to all of the restrictions hereinafter set out.

In order to provide for the proper development of Wilber Addition, and of each and every lot therein, to protect the owners of such lots, and to insure the future value, beauty and use of Wilber Addition, as a restricted residential area, the undersigned hereby subject Wilber Addition, and each lot therein to the following conditions, restrictions, limitations and reservations, each of which is for the benefit of such subdivision and each lot therein and for the owners of each lot, which conditions, restrictions, limitations and reservations shall inure to the benefit of and pass with the title to each lot and bind the successors in title as the owners of such lots. Each condition, restriction, limitation and reservation shall be a covenant running with the land as to each lot. Each lot shall be held, transferred, sold and conveyed subject to such conditions, restrictions, limitations and reservations, which shall be considered a part of the language of each instrument conveying, transferring of, passing any interest in or to any lot whether specifically incorporated therein or not.

1. All lots, except as noted below, shall be known, described and used solely as R-1 Single Family Residential lots and no structure shall be erected on any such lot other than one detached single family dwelling not to exceed two stories in height with attached garage not to exceed a three car garage.

Lots 32 and 33 as indicated on the subdivision plat shall be known, described and used as R-1 Single Family Residential, R-3 Multi-family Residential, or commercial and such lots shall comply with the Zoning Ordinance of the city of Carson with respect to such classifications.

2. No trailer, basement, tent, shack, garage, barn or other out building 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.

96-30721

# COMPARED

3. No building shall be erected on any lot classified as R-1 Single Family Residential unless the design and location is in harmony with existing structures and location in the tract and does not violate any Protective Covenants. In any case no dwellings having a ground floor square foot area of less than 1180 square feet in the case of a one story structure, not less than 900 square feet in the case of a one and one-half or two story structure and a minimum width of 24 feet, shall be permitted on any lot described herein. In the event any lot classified as R-3 Multi-family Residential and is used for the erection of a single family residence, the same restrictions shall apply.
4. The title holder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris.
5. No satellite dish, exterior television or radio antenna or other similar structure shall be located on any lot without specific approval of the Wilber Addition Committee.
6. No billboards or other unsightly objects will be erected, placed or maintained on any lot. No business activities shall be conducted on any lot if the conduct of said business activity will result in an unreasonable increase in the traffic flow within the Addition, or an unreasonable increase in the number of vehicles parked on the streets within the Addition, or the presence of unsightly commercial vehicles within the Addition. Notwithstanding the foregoing provisions, this paragraph shall not restrict the business activities, advertising, signs and billboards, or the construction and maintenance of structures by the Developer, its agents and assigns, during the construction and sales period of this Addition.
7. A perpetual easement is reserved for utility installation, maintenance and drainage over the rear ten feet and side five feet of each lot, or as specified on the final plat.
8. No animal of any kind other than family pets shall be kept on any part of a lot and no commercial pet or animal enterprises.
9. The construction and landscaping of each Residence shall be completed within one year from the date the construction of the Residence is commenced. Excess dirt resulting from the excavation done on any Lot shall be hauled from the Lot or used in landscaping the Lot within the construction time period. All excavation or alteration of the existing topography and native growth will be done in a manner such that the natural drainage is not altered to such an extent that unreasonable or undesirable drainage or erosion results.

96-30722

# COMPARED

10. Material and equipment used during the construction and landscaping process will be stored and maintained on the Lot in an orderly manner.
11. No noxious or offensive activity shall be conducted on any lot.
12. Each residence shall be at a minimum 20 feet back from the front property line and at a minimum seven feet back from each side property line.
13. No woven or barbed wire fences shall be permitted. No fences or walls shall be erected without the approval of the Wilber Addition Committee. Any fences or walls shall not be higher than 4 feet nor extended forward of the back of the foundation of the dwelling on any lot.
14. At least two shade trees shall be maintained on each lot. If sidewalks are required by the City of Carson, each individual lot owner shall be responsible for installation and maintenance of those sidewalks.
15. No storage building or ancillary building shall be constructed without approval of the Wilber Addition Committee.
16. There shall be no vegetable gardens in any front or side yard adjoining any street in the addition.
17. No incinerator or trash burner shall be allowed on any lot by homeowners. No fuel tanks shall be permitted to remain outside of the house of any lot.
18. All driveways must be paved or hard surfaced.
19. The Wilber Addition Committee shall consist of the developers, Robert D. Wilber, Colleen C. Wilber, Dudley R. Wilber, and Shirley J. Wilber, and Wilber Addition property owners Marlin E. Allen and Shirley A. Allen. If any of said persons resigns from the committee, the remaining members shall appoint a replacement. Any replacement member must be a property owner in the Wilber Addition.
20. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 21, 2025. It shall be lawful for any other person or persons owning any other lot in such subdivision to proceed at law or in equity against the person or persons violating or attempting to violate such covenant or restriction and either to enjoin him or them from so doing and to recover damages for such violations.

96-30723

# COMPARED

21. Invalidation of any one of these covenants by judgement of court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

In witness whereof, we have hereunto set our hands this  
18<sup>th</sup> day of April, 1996.

D. Ray Carr

D. Ray Carr

Betty Carr

Betty Carr

Robert C. Crowder

Robert C. Crowder

Dudley R. Wilber

Dudley R. Wilber

Shirley J. Wilber

Shirley J. Wilber

Robert D. Wilber

Robert D. Wilber

Colleen C. Wilber

Colleen C. Wilber

On this 18 day of April, 1996, before me, a Notary Public in and for said County and State, appeared D. Ray Carr, Betty Carr, Robert C. Crowder, Dudley R. Wilber, Shirley J. Wilber, Robert D. Wilber, and Colleen C. Wilber to me known to be the persons named in and who executed the foregoing instrument, and they acknowledged the execution of the same as their voluntary act and deed.

Mary Ooborn  
Notary Public



96-30724