

72-1841

Wilshire Heights

1341

Jan 5<sup>th</sup>

ADDITIONAL RESTRICTION AND COVENANT UPON REAL ESTATE KNOWN AS  
WILSHIRE HEIGHTS IN POTAWATTAMIE COUNTY, IOWA

WHEREAS, A. T. & C. Corporation of Omaha, Douglas County, Nebraska, is the owner of all the property and lots contained in Wilshire Heights Subdivision in Council Bluffs, Pottawattamie County, Iowa, and

WHEREAS, the A. T. & C. Corporation on July 3, 1964, filed restrictions and covenants upon said subdivision and being desirous of further restricting said property for the benefit of all future owners of lots in said subdivision;

NOW, THEREFORE, the A. T. & C. Corporation does hereby create and establish the following additional restriction which shall become binding on all property and lots in Wilshire Heights with the exception of Lot 1 of said subdivision, said Lot 1 being designated as a proposed commercial lot: That an easement is hereby reserved over a five-foot wide area adjoining each side lot line of the lots of said subdivision for the installation and maintenance of utility and drainage facilities. Within these easements no structure or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements.

This covenant and restriction is to run with the land and shall be binding on all of the parties and all of the persons claiming under them until June 1, 1990, at which time said covenant and restriction herein shall terminate.

By acceptance of this conveyance, the grantee, in consideration of the premises, binds himself, his heirs, executors and administrators or grantees to strictly observe and perform the restriction and covenant herein contained.

The grantor agrees that all further deeds of property in this subdivision made by it shall contain this covenant and restriction.

STATE OF IOWA, Pottawattamie County  
Filed for record the 14th day of January  
1964, at 12:30 o'clock P.M. and recorded  
in book 72, page 101841

A. T. C. Corporation

By Adolph A. Carl  
Adolph A. Carl - President and Secretary

By Thomas F. Carl  
Thomas F. Carl - Vice President and  
Treasurer

Douglas Letters  
D.L.  
Recorder  
By \_\_\_\_\_  
Deputy

72-01841

COMPANY, INC.

- 2 -

STATE OF NEBRASKA )  
} ss.  
COUNTY OF DOUGLAS )

Now on this 10<sup>th</sup> day of February, 1972, personally appeared before me, a Notary Public in and for Douglas County, Nebraska, Adolph A. Carl and Thomas F. Carl, persons who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed for and on behalf of said Corporation and who further being duly sworn, the said Adolph A. Carl did say that he is the President and Secretary of A. T. & C. Corporation, and the said Thomas F. Carl did say that he is the Vice President and Treasurer of A. T. & C. Corporation, and that they have the authority to execute the foregoing instrument for and on behalf of the Corporation and in accordance with its Articles and By-laws and the acts of the Board of Directors of said Corporation, and acknowledged the execution of said instrument to be the voluntary act and deed of said Corporation, by it and by them voluntarily executed.

Dale D. Kuhlmann  
Notary Public DALE D. KUHLMANN

72-01842