

RESTRICTIONS AND COVENANTS

WHEREAS, JAMES W. POSPISAL AND HELEN J. POSPISAL, HUSBAND AND WIFE, ARE NOW THE OWNERS OF PROPERTY AND LOTS CONTAINED IN WOODLAND ACRES SECOND ADDITION IN POTTAWATTAMIE COUNTY, IOWA, WHICH ADDITION IS DESCRIBED AS FOLLOWS, TO-WIT:

PART OF THE  $SE_{\frac{1}{4}}$   $SW_{\frac{1}{4}}$ , SECTION 26, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH P.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE  $SE_{\frac{1}{4}}$   $SW_{\frac{1}{4}}$ , SECTION 26, TOWNSHIP 74 NORTH, RANGE 43 WEST; THENCE EAST ALONG THE NORTH LINE OF THE SAID  $SE_{\frac{1}{4}}$   $SW_{\frac{1}{4}}$  A DISTANCE OF 1293.5 FEET; THENCE SOUTH  $00^{\circ} 14'$  WEST A DISTANCE OF 510.0 FEET; THENCE SOUTH  $35^{\circ} 14'$  WEST A DISTANCE OF 636.0 FEET; THENCE SOUTH  $05^{\circ} 14'$  WEST A DISTANCE OF 290.1 FEET TO A POINT ON THE SOUTH LINE OF THE SAID  $SE_{\frac{1}{4}}$   $SW_{\frac{1}{4}}$ ; THENCE WEST ALONG THE SOUTH LINE OF THE SAID  $SE_{\frac{1}{4}}$   $SW_{\frac{1}{4}}$  A DISTANCE OF 902.14 FEET TO THE SOUTHWEST CORNER OF THE SAID  $SE_{\frac{1}{4}}$   $SW_{\frac{1}{4}}$ ; THENCE NORTH ALONG THE WEST LINE OF THE SAID  $SE_{\frac{1}{4}}$   $SW_{\frac{1}{4}}$  A DISTANCE OF 1319.0 FEET TO THE POINT OF BEGINNING, SUBJECT TO EASEMENTS OF RECORD AND RIGHTS-OF-WAY OF PUBLIC ROADS, SITUATED IN POTTAWATTAMIE COUNTY, IOWA.

AND,

WHEREAS, SAID OWNERS DESIRE TO RESTRICT ALL OF THE ABOVE DESCRIBED REAL ESTATE AS HEREAFTER STATED FOR THEIR BENEFIT AND FOR BENEFIT OF ALL FUTURE OWNERS OF LOTS IN SAID SUBDIVISION.

NOW THEREFORE, THE SAID OWNERS DO HEREBY CREATE AND ESTABLISH THE FOLLOWING RESTRICTIONS WHICH SHALL BECOME BINDING ON ALL OF THE PROPERTY AND LOTS IN SAID SUBDIVISION, AND ALSO UPON THE OWNER OR OWNERS AT ANY TIME OF ANY OF THE ABOVE DESCRIBED LOT OF THE ABOVE DESCRIBED SUBDIVISION TO THE EXTENT HEREIN INDICATED, TO-WIT;

1. ALL OF THE LOTS IN THE SAID SUBDIVISION SHALL BE KNOWN, DESCRIBED AND USED SOLELY AS RESIDENTIAL LOTS, AND NO STRUCTURES SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN THEREON OTHER THAN ONE DETACHED, SINGLE FAMILY DWELLING NOT TO EXCEED TWO STORIES IN HEIGHT, AND ONE GARAGE WHICH MAY BE A ONE, TWO OR THREE CAR GARAGE, AND ONE PONY BARN, THE PLANS FOR WHICH MUST BE APPROVED BY THE DEVELOPER. ANY AND ALL OTHER STRUCTURES TO BE ERECTED ON THESE LOTS MUST BE APPROVED BY THE DEVELOPER.

2. EACH DWELLING, IF A ONE STORY STRUCTURE, SHALL CONTAIN NOT LESS THAN 900 SQUARE FEET. IN THE EVENT THE STRUCTURE IS A TWO STORY

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BUILDING OR A STORY AND A HALF, THE GROUND FLOOR SHALL CONTAIN NOT LESS THAN 900 SQUARE FEET. THE MEASUREMENTS SHALL BE BY OUTSIDE DIMENSION, AND SHALL BE EXCLUSIVE OF PORCHES AND GARAGES.

3. NO BUILDING SHALL BE LOCATED ON ANY LOT NEARER THAN 25 FEET TO THE FRONT LOT LINE, OR NEARER THAN 10 FEET TO ANY SIDE STREET WHERE A CORNER LOT IS CONCERNED. NO BUILDING SHALL BE LOCATED NEARER THAN FIVE FEET TO A SIDE LOT LINE, EXCEPT THAT A THREE FOOT SIDE YARD SHALL BE PERMITTED FOR A GARAGE OR OTHER ACCESSORY BUILDING LOCATED 50 FEET OR MORE FROM THE FRONT LOT LINE. NO DWELLING SHALL BE LOCATED ON ANY INTERIOR LOT NEARER THAN 25 FEET TO THE REAR LOT LINE. FOR THE PURPOSES OF THIS COVENANT, EAVES, STEPS AND OPEN PORCHES SHALL NOT BE CONSIDERED AS A PART OF A BUILDING, PROVIDED HOWEVER, THAT THIS SHALL NOT BE CONSTRUED TO PERMIT ANY PORTION OF A BUILDING ON A LOT TO ENCROACH UPON ANY OTHER LOT.

4. NO LOT AS SET UP IN ACCORDANCE WITH THE PLAT OF WOODLAND ACRES SECOND ADDITION, SHALL CONTAIN MORE THAN ONE DWELLING, ONE GARAGE AND ONE PONY BARN, WITH THE UNDERSTANDING, AS HERETOFORE STATED, THAT THE GARAGE MAY BE A ONE, TWO OR THREE CAR GARAGE.

5. EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED OVER AND UPON EACH AND EVERY LOT IN WOODLAND ACRES SECOND ADDITION ON SUCH PART OF EACH LOT AS MAY BE REASONABLY NECESSARY.

6. NO OBNOXIOUS OR OFFENSIVE ACTIVITIES SHALL BE CONDUCTED UPON ANY LOT, NOR SHALL ANYTHING BE DONE ON ANY LOT WHICH MAY BE, OR MAY BECOME, AN ANNOYANCE OR NUISANCE TO WOODLAND ACRES SECOND ADDITION.

7. NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUT BUILDING SHALL BE ERECTED UPON OR USED ON ANY LOT AT ANY TIME AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY.

8. DWELLINGS CONSTRUCTED IN ANOTHER ADDITION OR LOCATED SHALL NOT BE MOVED TO ANY LOT WITHIN WOODLAND ACRES SECOND ADDITION.

9. NO ANIMALS OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT ON ANY LOT, EXCEPT THAT HORSES, CALVES, DOGS, CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT, PROVIDED THEY ARE NOT KEPT FOR BREEDING

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OR MAINTAINED FOR ANY COMMERCIAL PURPOSE.

10. ALL BUILDING PLANS SHALL BE SUBMITTED TO AND APPROVED BY JAMES W. POSPISAL BEFORE CONSTRUCTION OF ANY BUILDING IS COMMENCED.

11. THE ROAD ABUTTING AND SERVING THE LOTS IN WOODLAND ACRES SECOND ADDITION IS AND SHALL BE OWNED BY THE OWNERS OF THE LOTS OF WOODLAND ACRES SECOND ADDITION, EACH INDIVIDUAL LOT OWNER OWNING TO THE CENTER OF THE ROAD. AN EASEMENT IS HEREBY PERPETUALLY DECLARED AND RESERVED OVER AND UPON EACH PART OF SAID ROAD AS SHOWN BY THE PLAT OF WOODLAND ACRES SECOND ADDITION FOR GENERAL ROAD PURPOSES FOR THE BENEFIT OF THE OWNERS OF LOTS IN WOODLAND ACRES SECOND ADDITION, AND SAID ROAD SHALL BE MAINTAINED AND IMPROVED AND SNOW SHALL BE REMOVED FROM SAME AT THE EXPENSE OF ALL LOT OWNERS ABUTTING SAID ROAD.

12. THESE COVENANTS ARE TO RUN PERMANENTLY WITH THE LAND AND SHALL BE BINDING UPON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM, AND ALL THEIR HEIRS, SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY-FIVE YEARS FROM THE DATE THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS, UNLESS AN INSTRUMENT SIGNED BY THE MAJORITY OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED, AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.

13. ENFORCEMENT OF THESE COVENANTS SHALL BE BY PROCEEDINGS AT LAW, OR IN EQUITY, AGAINST ANY PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY COVENANT, AND SAID ACTION MAY BE INSTITUTED EITHER TO RESTRAIN VIOLATION, OR TO RECOVER DAMAGES FOR THE VIOLATION.

14. INVALIDATION OF ANY ONE OR MORE OF THESE COVENANTS BY JUDGMENT OR A COURT ORDER, SHALL IN NO MANNER AFFECT ANY OF THE OTHER PROVISIONS, AND ALL REMAINING PROVISIONS OF THIS COVENANT SHALL REMAIN IN FULL FORCE.

15. AFTER CONSTRUCTION IS STARTED, EXTERIOR OF HOUSE TO BE COMPLETED WITHIN SIX MONTHS AND INTERIOR WITHIN ONE YEAR.

16. NO BUILDING SITE OR TRACT OF LAND OTHER THAN BY THE ORIGINAL DEVELOPERS MAY BE SUBDIVIDED OR PARTS SOLD FOR THE PURPOSE OF BUILDING OTHER HOMES WITHIN FIVE YEARS FROM MAY 1, 1967, WITHOUT WRITTEN

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CONSENT OF JAMES W. POSPISAL AND HELEN J. POSPISAL.

17. BY THE ACCEPTANCE OF ANY DEED OF CONVEYANCE TO ANY LOT OR LOTS IN SAID SUBDIVISION, THE GRANTEE OR GRANTEES THEREOF SHALL AGREE TO UPHOLD AND COMPLY WITH THE FOREGOING RESTRICTIONS AND COVENANTS, AND ANYTHING TO THE CONTRARY IN SUCH DEED TO BE OF NO FORCE AND EFFECT.

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BOOK 1439 POTTAWATTAMIE COUNTY  
To  
PAGE 409 THE PUBLIC

MINUTES OF ZONING HEARING  
DATED MAY 29, 1967  
FILED JUNE 2, 1967

POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS  
BOARD OF SUPERVISORS MEETING ROOM  
POTTAWATTAMIE COUNTY COURT HOUSE  
COUNCIL BLUFFS, IOWA

MR. RODENBURG MOVED THAT THE BOARD OF SUPERVISORS CONCUR IN THE RECOMMENDATION OF THE ZONING COMMISSION AND REZONE THE PROPERTY AS REQUESTED AND THE FOLLOWING RESOLUTION BE ADOPTED:

RESOLUTION OF THE BOARD OF SUPERVISORS

WHEREAS, THE APPLICATION OF JAMES W. POSPISAL WAS PRESENTED TO THE POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS TO CONSIDER FOR RECLASSIFICATION LAND FROM EXCLUSIVE AGRICULTURAL CLASSIFICATION TO SUBURBAN RESIDENTIAL CLASSIFICATION, THE DESCRIPTION OF WHICH IS AS FOLLOWS, TOWNSHIP:

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AND,

WHEREAS, THE PETITION WAS SET FOR HEARING BY THE ADMINISTRATIVE OFFICER BEFORE THIS BOARD, AND THERE IS ON FILE PROOF OF PUBLICATION OF NOTICE AND PROOF OF MAILING OF NOTICE TO ALL PROPERTY OWNERS WITHIN

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### COMPARED

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I hereby certify that this Survey and Plat was made by me and  
that I am a duly registered Land Surveyor under the laws of  
the State of Michigan.

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Woodland Acres Second  
Addition in Tree 5E 1/4 SW 1/4,  
Section 26, T74N, R43W.

FILE	DRAWN BY - DCH
	CHECKED BY - DCH
	DATE - APRIL 22, 1968
	CS

