

## 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° 14' WEST A DISTANCE OF 510.0 FEET; THENCE SOUTH 35° 14' WEST A DISTANCE OF 636.0 FEET; THENCE SOUTH 05° 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 HEREINAFTER 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 POHY 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

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,

TO-WIT:

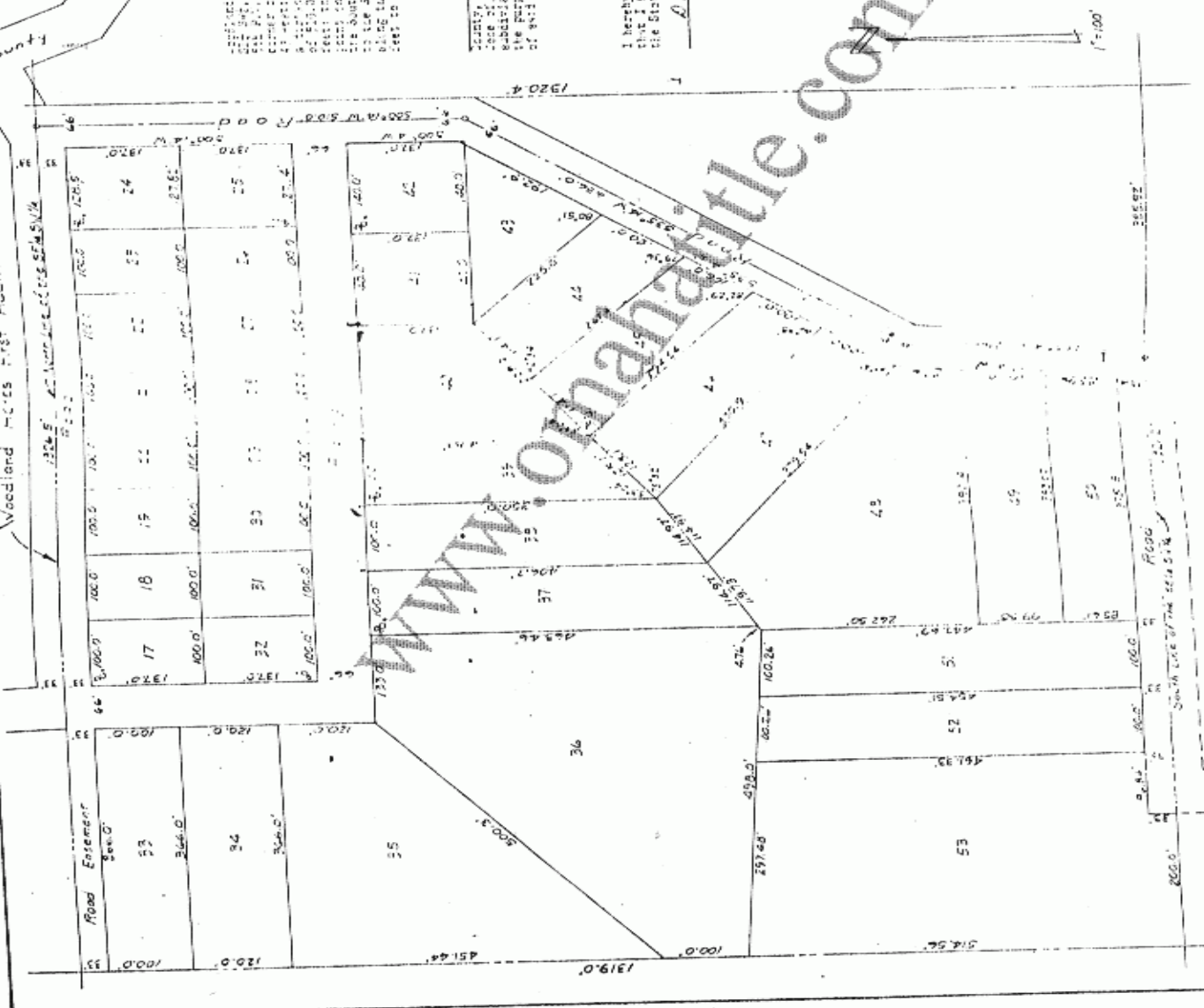
PART OF THE SE $\frac{1}{4}$  SW $\frac{1}{4}$  SECTION 26, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH P.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SE $\frac{1}{4}$  SW $\frac{1}{4}$  SECTION 26, TOWNSHIP 74 NORTH, RANGE 43 WEST; THENCE EAST ALONG THE NORTH LINE OF THE SAID SE $\frac{1}{4}$  SW $\frac{1}{4}$  A DISTANCE OF 1293.5 FEET; THENCE SOUTH 00° 14' WEST A DISTANCE OF 510.0 FEET; THENCE SOUTH 35° 14' WEST A DISTANCE OF 636.0 FEET; THENCE SOUTH 05° 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, 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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COUNCIL BLUFFS, IOWA





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Year	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
Population	1,000,000	1,050,000	1,100,000	1,150,000	1,200,000	1,250,000	1,300,000	1,350,000	1,400,000	1,450,000	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000	2,550,000	2,600,000	2,650,000	2,700,000	2,750,000	2,800,000	2,850,000	2,900,000	2,950,000	3,000,000	3,050,000	3,100,000	3,150,000	3,200,000	3,250,000	3,300,000	3,350,000	3,400,000	3,450,000	3,500,000	3,550,000	3,600,000	3,650,000	3,700,000	3,750,000	3,800,000	3,850,000	3,900,000	3,950,000	4,000,000	4,050,000	4,100,000	4,150,000	4,200,000	4,250,000	4,300,000	4,350,000	4,400,000	4,450,000	4,500,000	4,550,000	4,600,000	4,650,000	4,700,000	4,750,000	4,800,000	4,850,000	4,900,000	4,950,000	5,000,000	5,050,000	5,100,000	5,150,000	5,200,000	5,250,000	5,300,000	5,350,000	5,400,000	5,450,000	5,500,000	5,550,000	5,600,000	5,650,000	5,700,000	5,750,000	5,800,000	5,850,000	5,900,000	5,950,000	6,000,000	6,050,000	6,100,000	6,150,000	6,200,000	6,250,000	6,300,000	6,350,000	6,400,000	6,450,000	6,500,000	6,550,000	6,600,000	6,650,000	6,700,000	6,750,000	6,800,000	6,850,000	6,900,000	6,950,000	7,000,000	7,050,000	7,100,000	7,150,000	7,200,000	7,250,000	7,300,000	7,350,000	7,400,000	7,450,000	7,500,000	7,550,000	7,600,000	7,650,000	7,700,000	7,750,000	7,80																																																																

*P. W. H. L. L. L.*

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Woodland Acres Second  
Addition in T1e 5E $\frac{1}{4}$  5N $\frac{1}{2}$ ,  
Section 26, T74N, R43W.

FILE	DRAWN BY - DCH	SHEET 1
	CHECKED BY - DCH	OF 1
	DATE - APR 15, 1964	

