

1021-143

13585

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Woodbury County, Iowa - Filed For Record

At 2:28 NOV 23 1962 P.M.

W. W. Lindgren, Recorder 3.50

RESTRICTIVE COVENANT AS TO LANDS

By *Joyanney* Deputy

The undersigned, owners of land described as:

That part of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ and that part of Government Lot 8, Section 1, Township 88 North, Range 48 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Beginning at a point on the East line of the West one-half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$), 888 feet south of the Northeast corner of said $W\frac{1}{2}$, $NE\frac{1}{4}$, $SE\frac{1}{4}$; thence south along said East line 430 feet; thence with an angle to the right of $89^{\circ} 11'$ along the South line of said $W\frac{1}{2}$, $NE\frac{1}{4}$, $SE\frac{1}{4}$ and along the South line of said Government Lot 8 for 1029.6 feet to a point on the East Right-of-way line of Highway #75; said point being 85 feet East of the centerline of said Highway as now located and established; thence with an angle to the right of $93^{\circ} 30'$ along said Right-of-way line (which is 85 feet East of and parallel with the centerline of said Highway) for 430.8 feet; thence with an angle to the right of $86^{\circ} 30'$ across said Government Lot 8 and across said $W\frac{1}{2}$, $NE\frac{1}{4}$, $SE\frac{1}{4}$ for 1003.3 feet to the point of beginning, containing ten acres,

hereby declare that the foregoing ten acre tract of land is subject to a restrictive covenant heretofore imposed to run with said land and be binding thereon and to inure to the owner, its successors and assigns, for the benefit of the twenty acre parcel of land lying immediately north of and adjacent to the above described tract, all as set forth in a Warranty Deed executed by the undersigned to BELLAS-HESS SUPERSTORES, INC., of Sioux City, dated July 26, 1962, filed August 11, 1962, and now shown of record in Book 1010, Page 48, in the County Recorder's Office of Woodbury County, Iowa.

Said restrictive covenant provides that if the above described ten acre tract is developed for retail purposes, that the

owner of the twenty acre parcel lying immediately north of and adjacent thereto shall have the right to approve or disapprove the use of said ten acre tract or any portion thereof for any particular retail establishment which is in direct competition with some retail business or department then in operation upon the said twenty acre parcel. These restrictions shall terminate July 26, 2037.

EXECUTED this 15th day of November, 1962.

Robert Gessell
ROBERT GESSELL

Jayne W. Gessell
JAYNE W. GESSELL

Douglas Rees
DOUGLAS REES

Maxine Rees
MAXINE REES

STATE OF IOWA)
 : ss
WOODBURY COUNTY)

On this 15th day of November, 1962, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared ROBERT GESSELL and JAYNE W. GESSELL to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed,

Anna J. Martala
Notary Public in and for said County
and State



