

COMPARED

10104

*Jan 30<sup>52</sup>*

AFFIDAVIT

STATE OF IOWA, POTTAWATTAMIE COUNTY  
Filed for record on *22* day of *December*  
19*71* at *10:30* o'clock *AM* and recorded  
in book *41* page *15290*  
*Dorothy Letner*  
Recorder

STATE OF IOWA

Pottawattamie County: ss

We, Frank King and Richard Blackburn, of Oakland, Iowa, first being duly sworn on oath, depose and say that we are the owners of the parcel of land indicated on the plat accompanying this Affidavit, and that said subdivision as it appears on said plat, is with the free consent and in accordance with the desires of the undersigned owners.

*Frank King*  
\_\_\_\_\_  
Frank King

*Richard Blackburn*  
\_\_\_\_\_  
Richard Blackburn

Now, on this *6th* day of *September*, 1971, there appeared before me, Donald D. Hogzett, a Notary Public in and for Pottawattamie County, Iowa, Frank King and Richard Blackburn, known to me to be the persons named in and making the foregoing statement and acknowledged that they executed the same as their voluntary act and deed.

*D. D. Hogzett*  
\_\_\_\_\_  
D. D. Hogzett, Notary Public



71-15290

# COMPARED

LAW OFFICES  
HOOZETT & BURGETT  
100 LINDEN STREET  
OAKLAND, IOWA  
51500

AREA CODE 719  
TELEPHONE 482-8454

June 14, 1971

TO WHOM IT MAY CONCERN:

On this date, I have examined the abstract of title to the land platted in -

K - B ADDITION TO OAKLAND, IOWA,

the legal description of which is the following:

A tract of land, part in the NW $\frac{1}{2}$  NW $\frac{1}{2}$  of Section 13, Township 75, Range 40, West of the 5th P.M., also part in the NE $\frac{1}{2}$  NE $\frac{1}{2}$  of Section 14, Township 75, North, Range 40, West of the 5th P.M., all in Pottawattamie County, Iowa, more particularly described as follows: - commencing at the northwest corner of Section 13, thence in an easterly direction along the north line of said NW $\frac{1}{2}$  NW $\frac{1}{2}$  a distance of 217.15 feet, to the point of beginning; thence continuing on the last described course, a distance of 324.20 feet to a point on the west right-of-way line of Highway #6; thence in a southwesterly direction along the west right-of-way line of said Highway #6 on a 5,763.00 feet radius curve, convex northwesterly, a distance of 728.40 feet; thence in a southwesterly direction on the west right-of-way line of said highway, tangent to said curve, a distance of 651.45 feet to a point of intersection with a line, which on line with the south line of the NE $\frac{1}{2}$  NE $\frac{1}{2}$  of said Section 14, extended easterly,; thence right 73° 58' 30" along said line extended, a distance of 118.70 feet, to the southeast corner of said NE $\frac{1}{2}$  NE $\frac{1}{2}$ ; thence continuing on the last described course, along the south line of said NE $\frac{1}{2}$  NE $\frac{1}{2}$ , a distance of 193.55 feet; thence right 106° 01' 30" a distance of 737.62 feet; thence right 0° 03' 49" a distance of 13.45 feet; thence right 0° 23' 51", a distance of 84.14 feet; thence right 0° 29' 49" a distance of 105.18 feet; thence right 0° 29' 49" a distance of 105.18 feet; thence right 0° 29' 49", a distance of 105.18 feet; thence right 0° 29' 49", a distance of 105.18 feet, thence right 0° 29' 49", a distance of 105.18 feet; thence right 0° 04' 49" a distance of 16.68 feet to the point of beginning,

and I certify that the fee title is in the proprietors, Frank King and

71-15291

COMPARED

Page - 2 -

Richard Blackburn and that the land platted is free from encumbrance of any sort and merchantable title exists in the proprietors.

Respectfully submitted,

HOGZETT & BURGETT

By D. D. Hogzett

71-15292

COMPARED

RESOLUTION

BE IT RESOLVED BY THE Town of Oakland, Pottawattamie County,  
State of Iowa, that;

WHEREAS, a Plat of K-B Addition to Oakland, Iowa, was on the 6th  
day of September, 1971, filed with the Town Clerk of the  
Town of Oakland, Iowa, and

WHEREAS, said Plat conforms to the provisions of the statutes of  
the State of Iowa, and

WHEREAS, said addition is within the limits of the Town of Oakland,  
Pottawattamie County, State of Iowa, and

WHEREAS, said addition was found to conform in general to the  
requirements of the Town of Oakland, Iowa,

NOW, THEREFORE, BE IT RESOLVED that said Plat and the restrictions  
and proposals attached thereto be and the same are hereby approved.  
The Mayor and Town Clerk are hereby directed to certify this Resolution of  
approval and affix it to said Plat.

Harry Works  
Mayor

Darlene Frizzell  
Clerk

I, Darlene Frizzell, hereby certify that I was the Town Clerk of  
the Town of Oakland, Pottawattamie County, Iowa, on the 14 day of  
October, 1971 and that the foregoing Resolution was passed  
by the Town Council on the 14 day of October, 1971, in  
a regular meeting assembled.

Darlene Frizzell  
Town Clerk

COMPARED

RESOLUTION

BE IT RESOLVED by the City Planning Commission of the Town of Oakland, Pottawattamie County, Iowa, that

WHEREAS, a plat of K - B Addition to Oakland, Iowa, was on the 16th day of September, 1971, filed with the said Commission,

WHEREAS, said plat conforms to the statutory provisions of the Statutes of the State of Iowa, and of the rules, regulations and ordinances of the City Planning Commission and the Town of Oakland, Iowa, and

WHEREAS, it is the desire of said Planning Commission to give approval to the platting of said Addition.

NOW, THEREFORE, BE IT RESOLVED that said plat and all restrictions and proposals attached thereto, including the location, construction and disposition of the streets and alleys located therein, be, and the same be hereby approved. The chairman and secretary of said Commission are hereby directed to certify this Resolution of approval and affix it to said plat.

Don Hissman  
Chairman

W. Brans  
Secretary

I, J. J. Cross, hereby certify that I was the secretary of the City Planning Commission of the Town of Oakland, Pottawattamie County, Iowa, on the 14 day of October, 1971, and that the foregoing Resolution was passed by said Planning Commission at a meeting of said Commission occurring on said date.

W. Brans  
Secretary

COMPARED

- 2 -

I, Darlene Frizzell, hereby certify that I was the  
Town Clerk of the Cown of Oakland, Pottawattamie County, Iowa, on the  
14 day of October, 1971; that the foregoing  
Resolution and Certificate was presented to the Town Council of Oakland,  
Iowa, on the 14 day of October, 1971, where the same  
was considered in regular meeting assembled. I further certify that said  
Resolution was approved and passed by said Council on said date.

Darlene Frizzell  
Town Clerk

71-15294

COMPARED

RESTRICTIONS COVERING THE LAND IN K - B ADDITION  
TO OAKLAND, IOWA.

WHEREAS, Frank King and Richard Blackburn, Pottawattamie County, Iowa, are now the owners in fee of all of the property and lots contained in K - B Addition to Oakland, Pottawattamie County, State of Iowa, and,

WHEREAS, the said owners for their benefit and for the benefit of all future owners in said Addition, do desire and intend to restrict all of the above described property as hereinafter stated,

NOW, THEREFORE, the said owners do hereby create and establish the following restrictions which shall become binding upon all the above described property and also upon the owner or owners at any time, to the extent herein indicated and set forth, to-wit:

1. These restrictions are specifically made subject to the zoning ordinances of Oakland, Iowa.
2. The use of all lots and buildings constructed upon the same and within the confines of said Addition, therein, shall be limited and confined to business use only.
3. All buildings shall be of fire resistive material and construction.
4. The fronts of all buildings shall be of tile, brick, cement block, glass or stucco construction.
5. Where two or more owners construct buildings in such manner as to utilize a party wall between them said party wall shall be and be built as a fire wall. Use of any party wall or walls by adjoining property owners shall be evidenced by a written party wall agreement, executed by the owners involved, to run perpetually with the land, and entered of record with the County Recorder of Pottawattamie County, Iowa.

71-15296

6. The construction of any sidewalk must be to grade as established by and with the consent of the Town of Oakland, Iowa. All sidewalks shall be constructed of concrete and specifications and requirements for the same shall be that as required by said Town Engineer.

7. The fronts of all buildings shall be in line with each other.

8. Electric service connections shall be made from the rear of any lot or lots, or any buildings constructed thereupon, and a perpetual easement shall exist on the rear five (5) feet of each lot for the installation and maintenance of such utilities.

9. Each of said lots and any building or buildings situated thereon, shall be drained from front to rear and across the alley in the rear of said lots by piping the drainage underground, or by constructing a concrete flume across said alley.

10. There is a perpetual easement on the front five (5) feet of each and every lot in the subdivision for the installation and maintenance of gas, water and sewer lines, and all connections to said utilities shall be made thereto.

11. No obnoxious or offensive trade shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the owners in the neighborhood or platted area.

12. No farm animals will be harbored, sheltered or kept within the platted area.

13. No trees or shrubbery will be planted within or upon street right of way. No trees, flowers or shrubbery shall be planted or grown nearer than one foot to any lot line, and if planted or grown, will be so accomplished that branches will not protrude over or upon any lot line.

14. If the parties hereto, or any of them, their heirs, assigns,

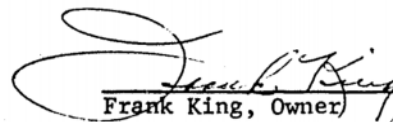


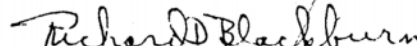
## COMPARED

- 3 -

or legal representatives shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any other person or persons owning other lot or lots in said development or addition, to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction, and to prevent him or them from so doing, or to recover damages or other dues from such violation.

15. Invalidation of any one of these covenants by Judgment or Court Order shall in no way affect any of the other provisions which shall remain in full force and effect, notwithstanding any such Judgment or Court Order.

  
Frank King, Owner

  
Richard Blackburn, Owner

71-15298

A F F I D A V I T

STATE OF IOWA

Pottawattamie County: ss

I, Dorothy Letner, being first duly sworn on oath, depose and state that I am the County Recorder of Pottawattamie County, Iowa, and that the land platted in -

K - B ADDITION TO TOWN OF  
OAKLAND, Iowa

is owned in fee by the proprietors and that said land is free from encumbrances as shown by the records in my office.

Dorothy Letner  
Dorothy Letner

Subscribed and sworn to before me D. D. Hays, a Notary Public in and for Pottawattamie County, Iowa, this 28 day of June, 1971.

D. D. Hays  
Notary Public

DESCRIPTION

Tract of land, part in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 13, Township 75, Range 40, West of the 5th P.M., also part in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 14, Township 75, Range 40, West of the 5th P.M., all in Pottawattamie County, Iowa, more particularly described as follows: - commencing at the northwest corner of Section 13, thence in an easterly direction along the north line of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 217.15 feet, to the point of beginning; thence continuing on the last described course, a distance of 324.20 feet to a point on the west right-of-way line of Highway #6; thence in a southwesterly direction along the west right-of-way line of said Highway #6 on a 5,753.00 foot radius curve, convex northwesterly, a distance of 728.40 feet; thence in a southwesterly direction on the west right-of-way line of said highway, tangent to said curve, a distance of 651.45 feet to a point of intersection with a line, which is on line with the south line of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 14, extended easterly; thence right 73° 58' 30" along said line extended, a distance of 118.70 feet, to the southeast corner of said NE $\frac{1}{4}$  NE $\frac{1}{4}$ ; thence continuing on the last described course, along the south

## COMPARED

- 2 -

line of said NE $\frac{1}{4}$  NE $\frac{1}{4}$ , a distance of 193.55 feet; thence right 106° 01' 30" a distance of 737.62 feet; thence right 0° 03' 49" a distance of 13.45 feet; thence right 0° 23' 51", a distance of 84.14 feet; thence right 0° 29' 49" a distance of 105.18 feet; thence right 0° 29' 49" a distance of 105.18 feet; thence right 0° 29' 49", a distance of 105.18 feet; thence right 0° 29' 49", a distance of 105.18 feet; thence right 0° 29' 49", a distance of 105.18 feet; thence right 0° 04' 49" a distance of 16.68 feet to the point of beginning.

71-15300

A F F I D A V I T

STATE OF IOWA

Pottawattamie County: ss

I, Frances M. Harding, being first duly sworn upon oath, depose and say that I am the Treasurer of Pottawattamie County, Iowa, and that the land platted in -

K - B ADDITION TO TOWN OF OAKLAND, IOWA,

is free from taxes, on the property described below.

*Marion H. Norris, Chief Deputy*  
Frances J. Harding



Subscribed and sworn to before me, *Marion H. Norris*  
Notary Public in and for Pottawattamie County, Iowa, this 27 day of \_\_\_\_\_, 1971.

*Barbara Scherte*  
Notary Public

DESCRIPTION

A tract of land, part in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 13, Township 75, Range 40, West of the 5th P.M., also part in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 14, Township 75, North, Range 40, West of the 5th P.M., all in Pottawattamie County, Iowa, more particularly described as follows: - commencing at the northwest corner of Section 13, thence in an easterly direction along the north line of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 217.15 feet, to the point of beginning; thence continuing on the last described course, a distance of 324.20 feet to a point on the west right-of-way line of Highway #6; thence in a southwesterly direction along the west right-of-way line of said Highway #6 on a 5,763.00 feet radius curve, convex northwesterly, a distance of 728.40 feet; thence in a southwesterly direction on the west right-of-way line of said highway, tangent to said curve, a distance of 651.45 feet to a point of intersection with a line, which is on line with the south line of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said section 14, extended easterly; thence right 73° 58' 30" along said line extended, a distance of 118.70 feet, to the southeast corner of said NE $\frac{1}{4}$  NE $\frac{1}{4}$ ; thence continuing on

## COMPARED

- 2 -

the last described course, along the south line of said NE½ NE½, a distance of 193.55 feet; thence right 106° 01' 30" a distance of 737.62 feet; thence right 0° 03' 49" a distance of 13.45 feet; thence right 0° 23' 51", a distance of 84.14 feet; thence right 0° 29' 49" a distance of 105.18 feet; thence right 0° 29' 49" a distance of 105.18 feet; thence right 0° 29' 49", a distance of 105.18 feet; thence right 0° 29' 49", a distance of 105.18 feet; thence right 0° 29' 49", a distance of 105.18 feet; thence right 0° 04' 49" a distance of 16.68 feet to the point of beginning.

71-15302