

COMPARED

34 *Jul 36* <sup>52</sup>

STATE OF IOWA, Pottawattamie County  
Filed for record the 1 day of July  
1976 at 11 o'clock AM and recorded  
in book 27 page 321

CERTIFICATE AND DEDICATION  
OF PLAT OF  
ESANCY'S SECOND ADDITION TO THE  
TOWN OF CRESCENT,  
POTTAWATTAMIE COUNTY, IOWA

*Dorothy Lester*  
Recorder  
By \_\_\_\_\_ Deputy

Now, on this 1st day of July, 1976, Richard

B. Esancy and Kay A. Esancy, husband and wife, do hereby certify that the foregoing and accompanying plat is an addition of the following described real estate situated in the Town of Crescent, Pottawattamie County, Iowa, and which real estate is more particularly described as follows:

Part of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 24, Township 76 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described as follows: Beginning at the NW corner of Block 128 of Original Town of Crescent, Iowa, thence S 88° 31' 00" W (Recorded Bearing) a distance of 196.00 feet; thence N 01° 02' 05" E a distance of 365.65 feet; thence Due East a distance of 691.05 feet; thence Due South a distance of 347.53 feet to a point on the North line of Block 129; thence S 88° 31' 00" W a distance of 501.88 feet to the Point of Beginning.

Said plattors do hereby state that they are the sole and only owners and proprietors in fee simple of the above described property. We further state that under our direction and with our consent, we have caused the above described real estate to be surveyed and platted by Wm. J. Provaznik, as shown by the said plat which is attached hereto, and that we hereby ratify and confirm the subdivision of said tract into lots and streets as shown thereon. That we have secured and have attached hereto a complete abstract of title to the real estate owned by us and described above, in a title opinion certified by Donald T. Steege, Attorney at Law, certifying that fee title in the said real estate is in the undersigned, and that the same is free and clear from any encumbrance, except as set out therein. That the streets as laid out and shown on the accompanying plat are hereby dedicated to the public for street purposes.

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We further state that for the benefit and protection of all subsequent owners we have made certain restrictions concerning the lots and streets located on said tract, which shall be covenants running with the property, said covenants, restrictions and conditions being as follows:

NOW, THEREFORE, we do hereby create and establish the following restrictions which shall become binding on all the property and lots of the following described real estate:

Part of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 24, Township 76 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described as follows: Beginning at the NW corner of Block 128 of Original Town of Crescent, Iowa, thence S 88° 31' 00" W (Recorded Bearing) a distance of 196.00 feet; thence N 01° 02' 05" E a distance of 365.65 feet; thence Due East a distance of 691.05 feet; thence Due South a distance of 347.53 feet to a point on the North line of Block 129; thence S 88° 31' 00" W a distance of 501.88 feet to the Point of Beginning.

and also upon the owners or others at any time of any other lots in the subdivision at the extent herein indicated, to-wit:

1. All lots described herein shall be known and described and used solely as residential lots and no structure shall be erected on any residential building lot other than one and two family dwellings, not to exceed two stories in height, except Lot 6 which shall not be subject to these restrictions.

2. No trailer, basement, basement house, tent, shack, garage, or other outbuilding shall be erected or parked in the tract at any time, and no trailer, basement, basement house, tent, shack, garage, or other outbuilding shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary nature be permitted.

3. Titleholder of each lot, vacant or improved, shall have the responsibility of keeping his lot or lots free of weeds and debris.

4. No building shall be erected on any lot unless the design and location is in harmony with existing structures and locations in the tract, and does not violate any protective covenants. In

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any case, no dwelling shall be permitted on any lot described therein having a square foot area of less than 900 square feet.

5. No obnoxious or offensive trade shall be carried on upon any lot, nor shall anything be done thereon which may or can become an annoyance or nuisance to the neighborhood.

6. A perpetual easement is reserved over the rear five (5) feet of each lot for utility installation and maintenance of same.

7. A perpetual easement is reserved over the east fifteen (15) feet of Lots 6 and 7 for drainage and utility purposes.

8. These covenants are to run with the land and shall be binding upon all of the parties and all persons claiming under them, for a period of twenty-five years from the date these covenants are recorded and said covenant shall be automatically extended for successive periods of ten years unless by vote of the then owners of a majority of the building sites covered by these covenants it is agreed to change such covenants in whole or in part.

9. Invalidation of any one of the covenants herein contained by judgment or a court order shall in no wise affect any of the other provisions which will remain in full force and effect.

10. By the acceptance of any deed or conveyance of any lot in said addition, the grantee automatically agrees to uphold and comply with the foregoing restrictions and covenants.

We further state that there is attached hereto a certified statement from the Treasurer of Pottawattamie County, Iowa, certifying that all of the said real estate is free from taxes, a certificate from the Clerk of the District Court of Pottawattamie County, Iowa, certifying that the same is free from all judgments, attachments, mechanic's or other liens, as shown by the records in his office, and a certificate of the Recorder of Pottawattamie County, Iowa,

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certifying that the title and fee is in the undersigned proprietors, free from all encumbrances.

Dated this 15<sup>th</sup> day of July, 1976.

Richard B. Esancy  
RICHARD B. ESANCY

Kay A. Esancy  
KAY A. ESANCY

STATE OF IOWA )  
                                                          ) ss.  
COUNTY OF POTTAWATTAMIE )

Now, on this 15<sup>th</sup> day of July, 1976, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard B. Esancy and Kay A. Esancy, husband and wife, 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.

Donald T. Steege  
NOTARY PUBLIC  
Donald T. Steege



# COMPARED

## SURVEYOR'S CERTIFICATE

I, Wm. J. Provaznik, Registered Land Surveyor, hereby state that I have surveyed the following described real estate, to-wit:

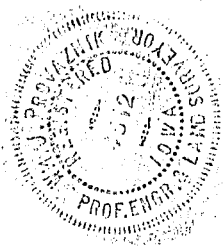
Part of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 24, Township 76 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described as follows:

Beginning at the NW corner of Block 128 of Original Town of Crescent, Iowa; thence S88°31'00"W (Recorded Bearing) a distance of 196.00 feet; thence N01°02'05"E a distance of 365.65 feet; thence Due East a distance of 691.05 feet; thence Due South a distance of 347.53 feet to a point on the North line of Block 129; thence S88°31'00"W a distance of 501.88 feet to the Point of Beginning.

I further certify that on behalf of Richard B. Esancy and Kay A. Esancy, I have surveyed and staked with iron pins a parcel of land located in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 24, Township 76 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, being known as Esancy's Second Addition in the Town of Crescent, Iowa, consisting of Lots 1 through 20 inclusive, said plat giving the dimensions of each lot by length and width, and that the width and the courses of the streets established therein are set out on the plat.

Dated this 29TH day of JUNE, 1976.

Wm. J. Provaznik SR. P.E.  
WM. J. PROVAZNIK, SR.



# COMPARED

LAW OFFICES

POGGE, ROOT AND STEEGE

RAYMOND E. POGGE  
THOMAS L. ROOT  
DONALD T. STEEGE

ASSOCIATE:  
JOHN D. LESLEY

TELEPHONE 322-2579  
AREA CODE 712

FEDERAL I. D. No. 42-0837223

308 FIRST FEDERAL SAVINGS & LOAN BLDG.  
COUNCIL BLUFFS, IOWA 51501

July 1, 1976

## ABSTRACT OPINION

TO: County Recorder  
County Treasurer  
Clerk of the District Court

This is to advise that I have examined the abstract of title to the following described real estate, to-wit:

Part of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 24, Township 76 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described as follows: Beginning at the NW corner of Block 128 of Original Town of Crescent, Iowa, thence S 88° 31' 00" W (Recorded Bearing) a distance of 196.00 feet; thence N 01° 02' 05" E a distance of 365.65 feet; thence Due East a distance of 691.05 feet; thence Due South a distance of 347.53 feet to a point on the North line of Block 129; thence S 88° 31' 00" W a distance of 501.88 feet to the Point of Beginning.

I find that the abstract commences with the United States Government and the abstract is continued to 11:00 o'clock A.M. on the 1st day of July, 1976, as certified by The Title Guaranty Co. of Council Bluffs, Iowa.

I find good and merchantable title to be vested in RICHARD B. ESANCY and KAY A. ESANCY, husband and wife.

I find that the general taxes for the year 1974 and prior years are paid. All previous taxes, including personal taxes applicable to said real estate, have been paid and there are no special assessments against said property.

I find an easement to Standard Oil Company which grants to said company the right to lay, maintain, operate, change or remove pipeline over and through portions of the property under examination.

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I find no other liens, judgments or encumbrances against said real estate.

Sincerely yours,



DONALD T. STEEGE  
ATTORNEY AT LAW

DTS/dw

# COMPARED

## R E S O L U T I O N

WHEREAS, the plat for Esancy's Second Addition in the Town of Crescent, Iowa, has been submitted to the Town Council for study and approval, and,

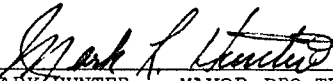
WHEREAS, the Town Council has studied and considered the proposed plat and improvements to be made therein,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Crescent, Iowa:

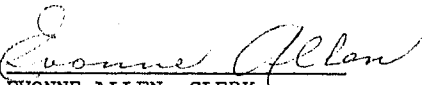
That said plat is approved as a plat of an addition in the Town of Crescent, Iowa, as provided in Chapter 409 Code of Iowa, 1976.

Said motion being moved by Vernon Henry and seconded by Harry Watts, and was unanimously resolved.

ADOPTED this 7th day of April, 1976.

  
\_\_\_\_\_  
MARK HUNTER, MAYOR PRO TEM,  
TOWN OF CRESCENT, IOWA

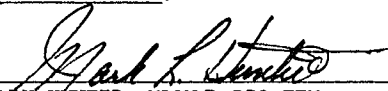
ATTEST:

  
\_\_\_\_\_  
EVONNE ALLEN, CLERK,  
TOWN OF CRESCENT, IOWA

## C E R T I F I C A T E

We, the undersigned, Mayor Pro Tem and Town Clerk respectively, of the Town of Crescent, Pottawattamie County, Iowa, do hereby certify that the within and foregoing is a true and correct copy of the Resolution adopted and approved on the 7th day of April, 1976, by the Town Council of the Town of Crescent, Iowa, wherein said Town Council granted approval of the plat of Esancy's Second Addition in the Town of Crescent, Iowa.

Dated this 13 day of April, 1976.

  
\_\_\_\_\_  
MARK HUNTER, MAYOR PRO TEM,  
TOWN OF CRESCENT, IOWA

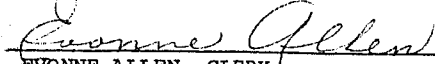


# COMPARED

Resolution

Page two

ATTEST:

  
\_\_\_\_\_  
EVONNE ALLEN, CLERK  
TOWN OF CRESCENT, IOWA

COMPARED

RECORDER'S CERTIFICATION

STATE OF IOWA                            )  
                                          ) ss.  
COUNTY OF POTTAWATTAMIE        )

I, Dorothy Letner, being duly sworn on oath, depose and state that I am the Recorder of Pottawattamie County, Iowa, and I do hereby certify that the tract of land described in the foregoing Owner's Certification, said tract of land being laid out into town lots by the attached plat, is free of any and all encumbrances, and that title to the said tract of land is in Richard B. Esancy and Kay A. Esancy.

WITNESS my hand and official seal this   1   day of

  July  , 1976.

Dorothy Letner  
DOROTHY LETNER,  
POTTAWATTAMIE COUNTY RECORDER

# COMPARED

CLERK OF THE DISTRICT COURT

## CERTIFICATION

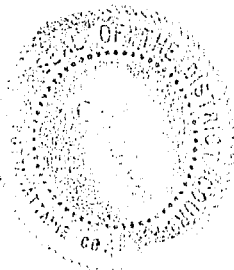
STATE OF IOWA                    )  
                                          ) ss.  
POTTAWATTAMIE COUNTY )

I, Donald Diwoy, being duly sworn on oath, depose and state that I am the Clerk of the District Court of Pottawattamie County, Iowa, and I do hereby certify that the tract of land described in the foregoing Owner's Certification, said tract of land being laid out into town lots by the attached plat, is free and clear of all unpaid judgments, attachments, mechanic's liens, or any other liens and that there are no suits pending which would affect the title to said real estate as shown by the records in this office.

WITNESS my hand and official seal this 1<sup>st</sup> day of

July, 1976.

Donald J. Diwoy  
DONALD DIWOY, CLERK OF THE DISTRICT  
COURT



# COMPARED

## TREASURER'S CERTIFICATION

STATE OF IOWA                    )  
                                          ) ss.  
COUNTY OF POTTAWATTAMIE )

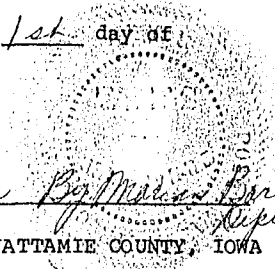
I, Judy Ann Miller, being first duly sworn on oath, depose and state that I am the Treasurer of Pottawattamie County, Iowa, and do hereby certify that the tract of land described in the foregoing Owners' Certification, said tract of land being laid out into town lots by the attached plat, is free and clear of any and all unpaid taxes and tax liens.

Witness my hand and official seal this 1st day of

July, 1976.

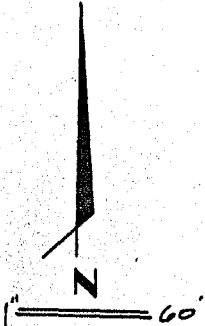
*Judy Ann Miller*  
JUDY ANN MILLER  
TREASURER OF POTTAWATTAMIE COUNTY, IOWA

*By: Marion Barber*  
Deputy

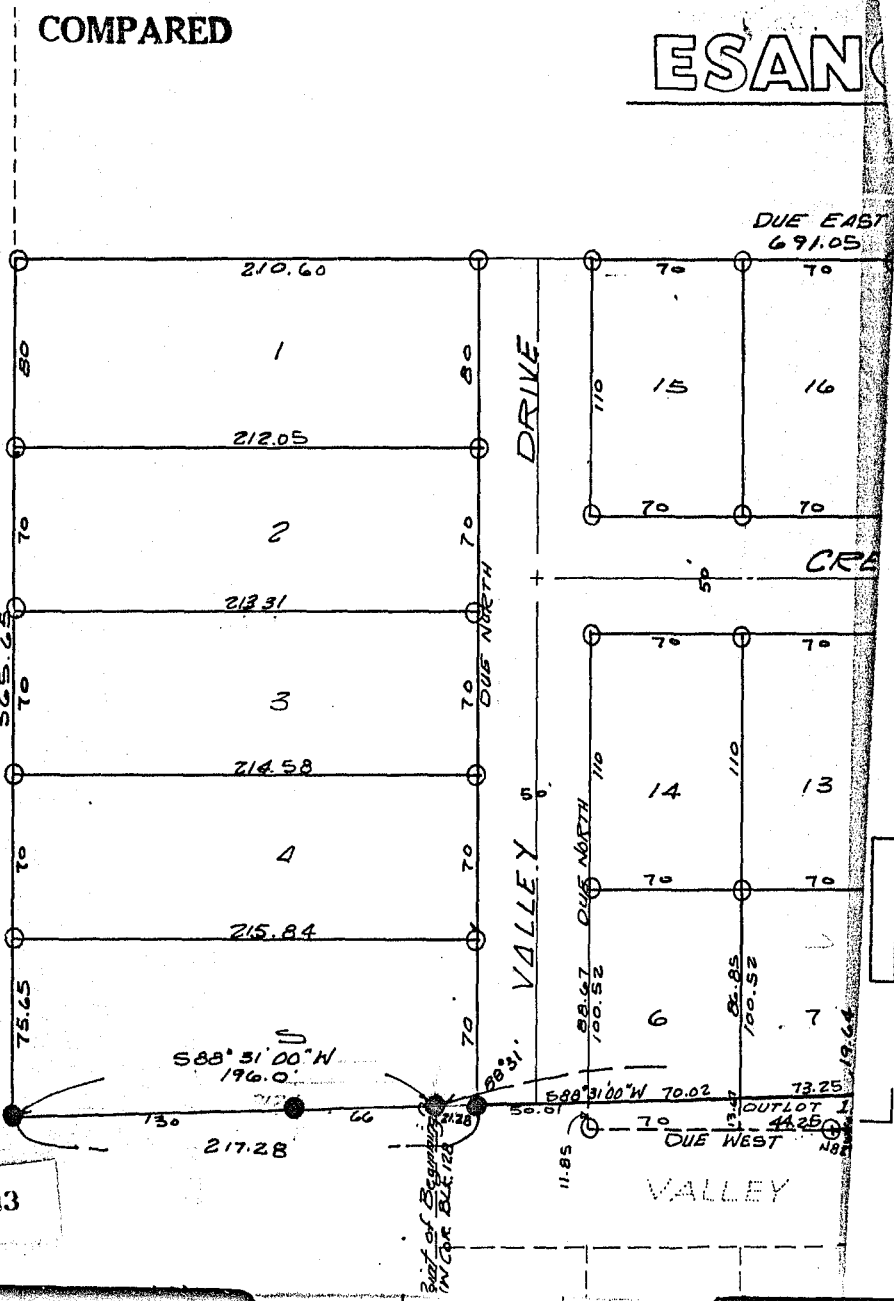


COMPARED

ESAN



N 01° 02' 05" E  
365.65



177 333

SUBJECT OF ESAN...  
IN CUR. EX. 128

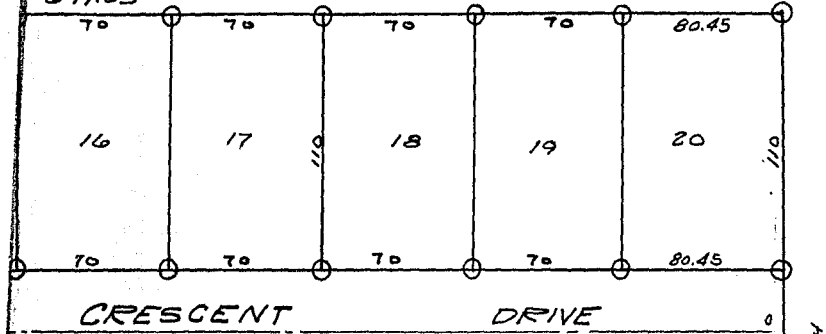
19.64

187

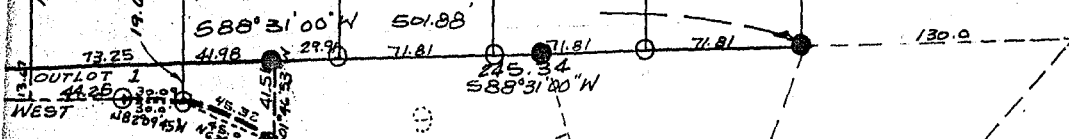
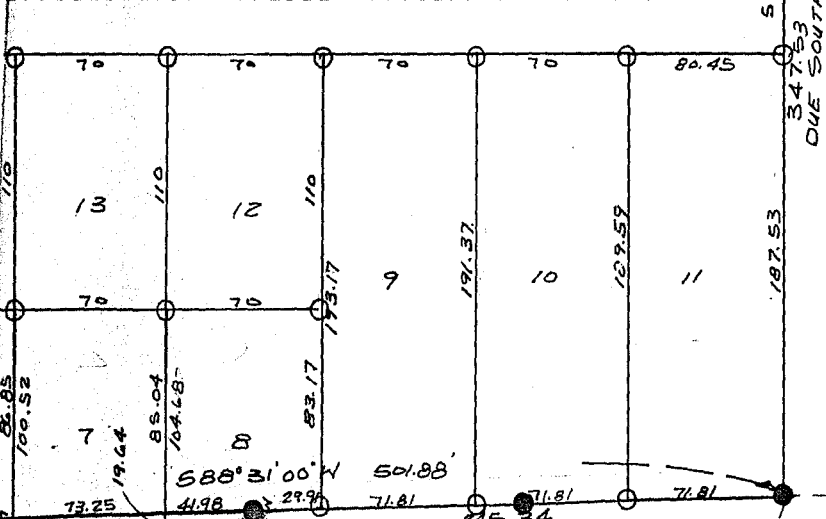
# ANCY'S 2nd ADDITION

## FINAL PLAT

DUE EAST  
691.05



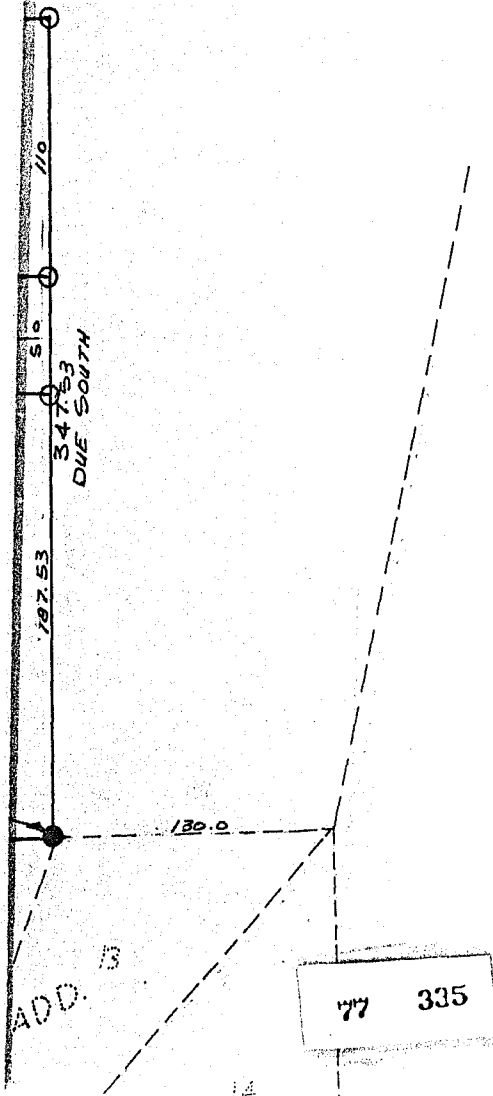
CRESCENT DRIVE



LEY  
\* Curve Data  
 $\Delta = 70^\circ$   
 $R = 85.0'$   
 $T = 59.51$   
77 334

ADD. B

TION



## LEGAL DESCRIPTION

Part of the NE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 24, T<sup>1</sup><sub>76</sub> North, R<sup>4</sup><sub>44</sub> West of the 5<sup>th</sup> P.M., Polk County, Iowa; more particularly describes as follows: Beginning at the NW corner of Block 128 of Original Crescent, Iowa; thence S88°31'00"N (Recorded) a distance of 196.00 feet; thence N01°02'05"E a distance of 365.65 feet; thence Due East a distance of 130.00 feet; thence Due South a distance of 347.53 feet to the north line of Block 129; thence S88°31'00"W a distance of 501.88 feet to the Point of Beginning.

## LEGAL DESCRIPTION

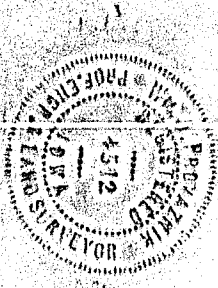
Part of the NE 1/4 of the SW 1/4 of Section 24, Twp.  
76 North, Range 44 West of the 5<sup>th</sup> PM, Pottawattamie  
County, Iowa; more particularly describes as follows:  
Beginning at the NW corner of Block 128 of Original Town  
of Crescent, Iowa; thence S88°31'00"W (Recorded Bearing)  
a distance of 196.00 feet; thence N01°02'05"E a distance  
of 365.65 feet; thence Due East a distance of 691.05 feet;  
thence Due South a distance of 347.53 feet to a point on  
the north line of Block 129; thence S88°31'00"W a distance  
of 501.88 feet to the Point of Beginning.

335

77 336



77 333



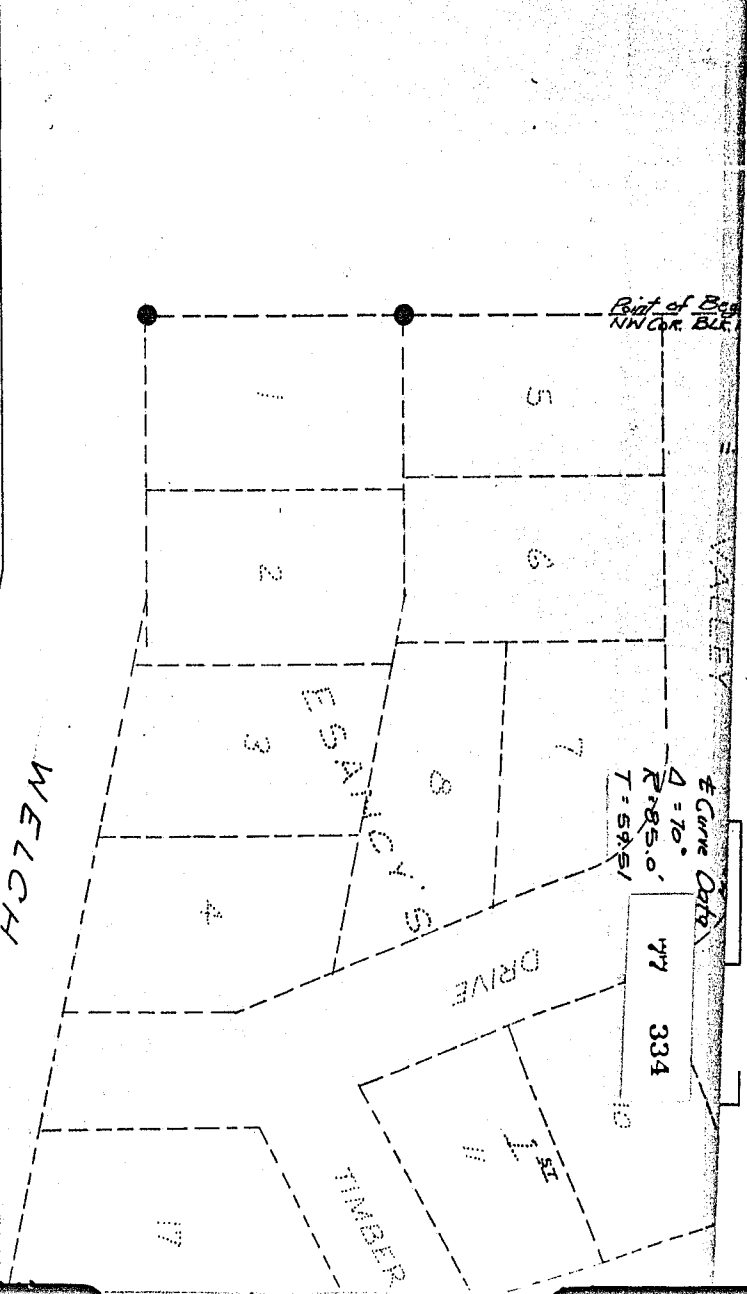
Part of Big  
NW COR. BLK

VALEEV

E Curve Data

77 334

$\Delta = 70^\circ$   
R = 85.0'  
T = 59.51'



SURVEYOR'S CERTIFICATE

I, the undersigned Registered Land Surveyor under the laws of the State of Iowa, hereby certify that this plat was made under my supervision and that iron pins were found as placed as indicated on the drawing.

Wm. J. Provoznik SR. P.E.

Wm. J. Provoznik Sr. P.E.  
Iowa Reg. No. 4512  
Date: January 13, 1976

433 432

● Pins  
○ Pins

Pins Found  
Pins Set

77 337

ST.

17

15

MBER

CIRCLE

ADD

77 335

77 336

CITY COUNCIL APPROVAL

This plot was accepted and approved by  
the City Council of Crescent, Missouri,  
Harris County, Texas.

APRIL 7, 1976  
Date

*Mark A. Hunsicker*  
Mayor Pro Tem  
Crescent, Iowa.

JLF & ASSOC. INC.  
4525 PNE ST.-OMAHA, NE

77 338