

1985 AUG 28 PM 2:34

FEE \$10.00 paid

RECORDED OF DEEDS  
SCOTT COUNTY, IOWA

RESTRICTIVE COVENANT

13429-85

We, Weerts/Hill and Fredericks, Inc., are the owners of the real estate described in Exhibit "A" attached hereto and by this reference made a part hereof, consisting of Tracts A and B; and that in consideration of a mutual covenant and agreement between the undersigned and the abutting land owners, we hereby restrict the use of the above described real estate for the sole purpose of a funeral home or mortuary use as defined in the Zoning Ordinance of the City of Davenport for a period of twenty (20) years or until such time as said real estate is rezoned to "T-1" Transitional-Buffer District or comparable zoning district specifically allowing the aforementioned use, whichever first occurs.

Owners by the execution of this restrictive covenant do expressly consent to the rezoning of this property from "C-3" to the new established zoning district aforementioned.

Owners do further state that this restrictive and protective covenant shall run with the land and shall be binding on all subsequent owners acquiring any right, title or interest in the property above described.

Dated this 31<sup>st</sup> day of July, 1985.

WEERTS/HILL AND FREDERICKS, INC.

By E. Robert Weerts  
E. Robert Weerts, President

By James F. Weerts  
James F. Weerts, V. President

STATE OF IOWA, SCOTT COUNTY: ss

On this 31<sup>st</sup> day of July, 1985, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared E. Robert Weerts and James F. Weerts, to me personally known, who being by me duly sworn, did say that they are the President and Vice-Pres., respectively, of said corporation that ~~(no seal has been procured by the said)~~ (the seal affixed thereto is the seal of said) corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that E. Robert Weerts and James F. Weerts, as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by them voluntarily executed.

Notary Public in and for State of Iowa

## TRACT A

Part of the South 1/2 of the NW 1/4 of the SE 1/4 of Sec. 18, Twp. 78 N. Range 4 East of the 5th P. M., in the City of Davenport, Iowa, more particularly described as follows: Beginning at a point on the West line of said SE 1/4 and on the center line of Jersey Ridge Road, which point is 1019 feet South of the Northwest corner of said SE 1/4; thence running East 320 feet; thence South parallel with the West line of said SE 1/4 to the South line of the South 1/2 of the NW 1/4 of said SE 1/4; thence West 320 feet to the Southwest corner of the NW 1/4 of said SE 1/4, and thence North along the West line of said SE 1/4 and center line of Jersey Ridge Road to the point of beginning.

## TRACT B

Part of the South 1/2 of the Northwest Quarter of the Southeast Quarter of Section 18, in Township 78 North, Range 4 East of the 5th P. M. in the City of Davenport, Iowa, more particularly described as follows: Beginning at the Northwest corner of the Southeast Quarter of said section; thence running South along the West line of the Southeast Quarter of said section and along the Center line of Jersey Ridge Road 744 feet to a point which is the point of beginning of the tract herein described; thence from said point of beginning running East parallel with the North line of the Southeast Quarter of said Section 320 feet; thence South parallel with the West line of the Southeast Quarter of said Section, 275 feet; thence West parallel with the North line of the tract herein described 320 feet to the Center line of Jersey Ridge Road; and thence North along the Center line of Jersey Ridge Road 275 feet to the point of beginning.

Subject to the rights of the public in and to Jersey Ridge Road. And subject to reservation of an easement for utility purposes including sewer, water, gas, electric and telephone line installation and maintenance over and under the northerly ten feet of the above described premises which easement is for the benefit of the present and future owners of the tract of land described in the deed from Ada C. Phelps and G. A. Phelps to Elaine M. Swarcz dated June 29, 1950 and recorded in Book 185 Town Lot Deeds, page 389 records of Scott County, Iowa. Excepting however from this conveyance that portion of the above described premises which Grantor herein conveyed to the State of Iowa by deed dated July 27, 1963, which comprises 0.03 acres in the Southwest corner of the premises described above.

Subject to and together with easement for sewer purposes, grant of which easement is dated and filed September 4, 1941 in Book 152 of Town Lot Deeds, at page 38, records of the Office of the Recorder of Scott County, Iowa.