

# COMPARED

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STATE OF IOWA, Pottawattamie County

Filed for record the 6 day of January  
1978 at 9 o'clock AM and recorded  
in book 28 page 13744

## CERTIFICATE AND DEDICATION OF PLAT OF

MCPHERSON HILLS SUBDIVISION, DIVISION II,  
IN THE CITY OF COUNCIL BLUFFS,  
IOWA

*Dorothy Leman*  
By \_\_\_\_\_  
Deputy

NOW, on this 6th day of January, 1978,

MCPHERSON HILLS, INC., duly organized and incorporated under the laws of the State of Iowa, by Jerry F. Duggan, President, and Carl H. Rogers, Jr., Vice President of said corporation, in accordance with the Articles of Incorporation of said corporation, does hereby certify that the foregoing and accompanying plat is an addition to the following described real estate situated in the City of Council Bluffs, Pottawattamie County, Iowa, and which real estate is more particularly described as follows:

A tract of land located in part of Lots 3 and 4, Auditor's Subdivision of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, Township 75 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the S $\frac{1}{4}$  corner of said Section 29; thence N 1° 25' 49" W along the West line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 264.37 feet to the point of beginning; thence continuing N 1° 25' 49" W along the West line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 779.41 feet; thence S 55° 11' 57" E a distance of 275.18 feet; thence S 45° 38' 20" E a distance of 198.37 feet; thence S 18° 54' 29" E a distance of 94.95 feet; thence N 56° 35' 00" E a distance of 127.09 feet to a point on a curve concave Northeasterly and having a radius of 50.00 feet and a central angle of 249° 32' 38"; thence Southeasterly along said curve an arc length of 15.11 feet and having a chord bearing and distance of S 59° 31' 53" E, 15.05 feet to the point of reverse curve; said reverse curve is concave Southwesterly and having a radius of 90.00 feet and a central angle of 34° 46' 19"; thence Southeasterly along said curve an arc length of 54.62 feet and having a chord bearing and distance of S 50° 48' 09" E, 53.79 feet to the end of said curve; thence S 33° 25' 00" E a distance of 50.16 feet; thence S 31° 10' 07" E a distance of 50.04 feet; thence S 33° 25' 00" E a distance of 188.63 feet; thence S 89° 24' 43" W a distance of 208.26 feet to a point on the East line of said Lot 4; thence S 1° 26' 46" E along said East line of Lot 4 a distance of 235.22 feet; thence S 84° 17' 30" W a distance of 153.95 feet; thence N 40° 19' 00" W a distance of 94.85 feet; thence S 78° 37' 00" W a distance of 117.73 feet; thence N 9° 56' 34" W a distance of 67.01 feet; thence S 74° 34' 11" W a distance of 159.07 feet to the point of beginning. Said tract contains 7.647 acres, more or less.

NOTE: The West line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29 is assumed to bear N 1° 25' 49" W for this description.

JAN 6 1978

Entered for taxation

*Dorothy Leman*  
County Auditor

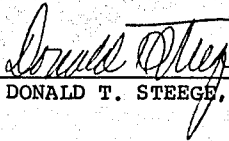
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Jerry F. Duggan and Carl H. Rogers, Jr., to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed, for and on behalf of said Corporation, and who further being duly sworn did say that they are the President and Vice President of McPherson Hills, Inc., and the corporation has no seal, and that said instrument was signed on behalf of said corporation under due authority under the Articles of Incorporation.



DONALD T. STEEGE,

Notary Public

# COMPARED

## SURVEYOR'S CERTIFICATE

I, CARL H. ROGERS, JR., Registered Land Surveyor, hereby certify that I have surveyed the following described real estate, to-wit:

A tract of land located in part of Lots 3 and 4, Auditor's Subdivision of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, Township 75 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the S $\frac{1}{4}$  corner of said Section 29; thence N 1° 25' 49" W along the West line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 264.37 feet to the point of beginning; thence continuing N 1° 25' 49" W along the West line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 779.41 feet; thence S 55° 11' 57" E a distance of 275.18 feet; thence S 45° 38' 20" E a distance of 198.37 feet; thence S 18° 54' 29" E a distance of 94.95 feet; thence N 56° 35' 00" E a distance of 127.09 feet to a point on a curve concave Northeasterly and having a radius of 50.00 feet and a central angle of 249° 32' 38"; thence Southeasterly along said curve an arc length of 15.11 feet and having a chord bearing and distance of S 59° 31' 53" E, 15.05 feet to the point of reverse curve; said reverse curve is concave Southwesterly and having a radius of 90.00 feet and a central angle of 34° 46' 19"; thence Southeasterly along said curve an arc length of 54.62 feet and having a chord bearing and distance of S 50° 48' 09" E, 53.79 feet to the end of said curve; thence S 33° 25' 00" E a distance of 50.16 feet; thence S 31° 10' 07" E a distance of 50.04 feet; thence S 33° 25' 00" E a distance of 188.63 feet; thence S 89° 24' 43" W a distance of 208.26 feet to a point on the East line of said Lot 4; thence S 1° 26' 46" E along said East line of Lot 4 a distance of 235.22 feet; thence S 84° 17' 30" W a distance of 153.95 feet; thence N 40° 19' 00" W a distance of 94.85 feet; thence S 78° 37' 00" W a distance of 117.73 feet; thence N 9° 56' 34" W a distance of 67.01 feet; thence S 74° 34' 11" W a distance of 159.07 feet to the point of beginning. Said tract contains 7.647 acres, more or less.

NOTE: The West line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29 is assumed to bear N 1° 25' 49" W for this description.

I further certify that on behalf of McPherson Hills, Inc., I have surveyed and have staked by iron pins a parcel of land located in Parts of Lots 3 and 4, Auditor's Subdivision of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, Township 75 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, to be known as McPherson Hills Subdivision, Division II, in Council Bluffs, Iowa, consisting of Lots 16 through 29 inclusive, and Lots 75 through 79 inclusive, said plat giving the dimensions of each lot by length and width, and that the width and

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the courses of the streets established therein are as set out in the plat.

Dated this 8<sup>TH</sup> day of DECEMBER, 1977.

Carl H. Rogers, Jr.  
CARL H. ROGERS, JR.



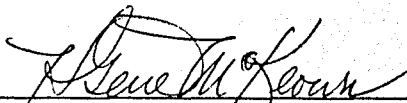
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CERTIFICATE OF APPROVAL  
OF THE CITY PLANNING COMMISSION OF  
COUNCIL BLUFFS, IOWA

STATE OF IOWA                    )  
  ) ss.  
COUNTY OF POTTAWATTAMIE )

I, H. GENE McKEOWN, Chsirman of the City Planning Commis-  
sion of Council Bluffs, Iowa, do hereby certify that at a meeting  
of the City Planning Commission, duly held in Council Bluffs, Iowa,  
on the 8 day of NOVEMBER, 1977, there was passed and  
approved the final plat of McPherson Hills Subdivision, Division II,  
in the City of Council Bluffs, Iowa.

Dated this 16 day of DECEMBER, 1977.

  
\_\_\_\_\_  
H. GENE McKEOWN, Chairman of the City  
Planning Commission of Council Bluffs, Iowa

Copy sent  
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# COMPARED

RESOLUTION NUMBER 77-444

- WHEREAS, the City Council of the City of Council Bluffs, Iowa, has heretofore approved the preliminary plat of MC PHERSON HILLS SUBDIVISION in the City of Council Bluffs, Iowa, by the adoption of Resolution 76-430, on August 16, 1976; and
- WHEREAS, the final plat of MC PHERSON HILLS SUBDIVISION, Division II, has been submitted to the City's Planning Commission pursuant to the provisions of Title 14 of the Council Bluffs Municipal Code; and
- WHEREAS, the Planning Commission has studied the final plat to assure it is in conformance with the letter and intent of the provisions of Title 14 of the Council Bluffs Municipal Code and Chapter 409 of the Code of Iowa, and has further certified to the City Council its recommendation to approve said plat; and
- WHEREAS, it is in the best interests of the City of Council Bluffs to finally adopt and approve the final plat of MC PHERSON HILLS SUBDIVISION, Division II; and
- WHEREAS, this Council adopted and approved Resolution 77-411 on November 28, 1977 pertaining to the MC PHERSON HILLS SUBDIVISION in the City of Council Bluffs, Iowa, which Resolution referred to the final plat of "MC PHERSON HILLS SUBDIVISION" which reference is in error, and which Resolution should be in its entirety rescinded by this Council:

NOW, THEREFORE, BE IT RESOLVED  
 BY THE CITY COUNCIL  
 OF THE  
 CITY OF COUNCIL BLUFFS, IOWA:

That the final plat of McPherson Hills Subdivision, Division II, in the City of Council Bluffs, Iowa, be and the same is hereby approved as the final plat of said Subdivision; and the Mayor and City Clerk of the City of Council Bluffs, Iowa, are hereby authorized, empowered and directed to certify to the acceptance of said final plat; and

BE IT FURTHER RESOLVED:

That Resolution Number 77-411 be and is hereby rescinded, and the City Clerk is further authorized, empowered and directed to note upon the face of Resolution Number 77-411 the rescision of said Resolution by this action.

ADOPTED AND APPROVED December 27, 1977.

*Daniel E. Lewis*  
 Daniel E. Lewis ..... Mayor

Attest: *Nadine Lyon*  
 Nadine Lyon ..... Deputy City Clerk

6-6

# COMPARED

LAW OFFICES  
FOGGE, ROOT AND STEEGE

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

ASSOCIATE:  
JOHN D. LESLEY

TELEPHONE 322-2570  
AREA CODE 712

FEDERAL I. D. No. 42-0837223

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

January 6, 1978

## ABSTRACT OPINION

To:  
County Recorder  
County Treasurer  
Clerk of the District Court

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

A tract of land located in part of Lots 3 and 4, Auditor's Subdivision of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, Township 75 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the S $\frac{1}{4}$  corner of said Section 29; thence N 1° 25' 49" W along the West line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 264.37 feet to the point of beginning; thence continuing N 1° 25' 49" W along the West line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 779.41 feet; thence S 55° 11' 57" E a distance of 275.18 feet; thence S 45° 38' 20" E a distance of 198.37 feet; thence S 18° 54' 29" E a distance of 94.95 feet; thence N 56° 35' 00" E a distance of 127.09 feet to a point on a curve concave Northeasterly and having a radius of 50.00 feet and a central angle of 249° 32' 38"; thence Southeasterly along said curve an arc length of 15.11 feet and having a chord bearing and distance of S 59° 31' 53" E, 15.05 feet to the point of reverse curve; said reverse curve is concave Southwesterly and having a radius of 90.00 feet and a central angle of 34° 46' 19"; thence Southeasterly along said curve an arc length of 54.62 feet and having a chord bearing and distance of S 50° 48' 09" E, 53.79 feet to the end of said curve; thence S 33° 25' 00" E a distance of 50.16 feet; thence S 31° 10' 07" E a distance of 50.04 feet; thence S 33° 25' 00" E a distance of 188.63 feet; thence S 89° 24' 43" W a distance of 208.26 feet to a point on the East line of said Lot 4; thence S 1° 26' 46" E along said East line of Lot 4 a distance of 235.22 feet; thence S 84° 17' 30" W a distance of 153.95 feet; thence N 40° 19' 00" W a distance of 94.85 feet; thence S 78° 37' 00" W a distance of 117.73 feet; thence N 9° 56' 34" W a distance of 67.01 feet; thence S 74° 34' 11" W a distance of 159.07 feet

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# COMPARED

Abstract Opinion

To: County Recorder  
County Treasurer  
Clerk of the District Court

to the point of beginning. Said tract contains 7.647 acres, more or less.

NOTE: The West line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29 is assumed to bear N 1° 25' 49" W for this description.

I find that this abstract has been prepared pursuant to Section 614.29 to 614.38 of the 1971 Code of Iowa, Chapter 11 of the Iowa Land Title Examination Standards, and the Abstracting Standards of the Iowa Land Title Association, and is continued to 9:00 o'clock A.m. on the 6th day of January, 1978, as certified by the Abstract Guaranty Company, Council Bluffs, Iowa.

I find good and merchantable title in fee simple and free from material objections, except as are hereinafter mentioned, to be in McPHERSON HILLS, INC.

I find a mortgage by McPherson Hills, Inc., to Western Federal Savings and Loan Association dated July 16, 1976, filed for record in the Office of the Pottawattamie County Recorder on April 6, 1977, in Book 77 at Page 17156.

I find a mortgage by Angelo J. DiBlasi and Martha DiBlasi, husband and wife, to First Federal Savings and Loan Association of Council Bluffs, dated July 21, 1977, and recorded in the Office of the Pottawattamie County Recorder on July 21, 1977, in Book 78 at Page 1335.

I find a mortgage by McPherson Hills, Inc., to Western Federal Savings and Loan Association, dated September 19, 1977, filed for record in the Office of the Pottawattamie County Recorder on September 20, 1977, in Book 78 at Page 6102.


I find that general taxes for the year 1976 and prior years are paid. All previous taxes, including personal taxes applicable to said real estate have been paid. There are no special assessments against said property.

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

Sincerely yours,

POGGE, ROOT AND STEEGE

By



DONALD T. STEEGE

DTS/dw

78 13752

COMPARED

CLERK OF THE DISTRICT COURT

CERTIFICATION

STATE OF IOWA )  
 ) ss.  
COUNTY OF POTTAWATTAMIE )

I, DONALD DIWOKY, being duly sworn on oath, depose and state that I am 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 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 of this office.

Witness my hand and official seal this 6 day of January.

1972.

*Donald J. Diwoky, Clerk*  
*By Sarah Tamme, Deputee*  
DONALD DIWOKY, CLERK OF THE DISTRICT COURT



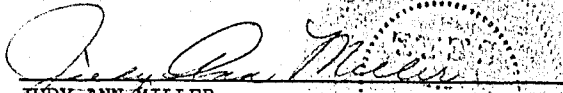
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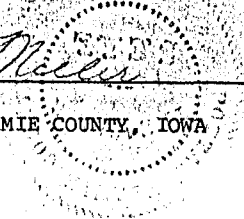
## TREASURER'S CERTIFICATE

STATE OF IOWA                    )  
  ) ss.  
COUNTY OF POTTAWATTAMIE )

I, JUDY ANN MILLER, being 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 Owner's Certification, said tract of land being laid out into lots by the attached plat, is free and clear of any and all unpaid taxes and tax liens.

WITNESS my hand and official signature this 6 day of January, 1978.

  
\_\_\_\_\_  
JUDY ANN MILLER  
TREASURER OF POTTAWATTAMIE COUNTY, IOWA



# COMPARED

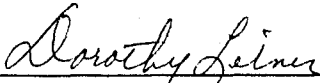
## RECORDER'S CERTIFICATION

STATE OF IOWA                    )  
  ) ss.  
POTTAWATTAMIE COUNTY        )

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 in town lots by the attached plat, and that title to said tract of land is in McPHERSON HILLS, INC. That said tract of land is free of any and all encumbrances except the following:

1. Mortgage by McPherson Hills, Inc., to Western Federal Savings and Loan Association, dated July 16, 1976, filed for record in the Office of the Pottawattamie County Recorder on April 6, 1977, in Book 77 at Page 17156.
2. Mortgage by Angelo J. DiBlasi and Martha DiBlasi, husband and wife, to First Federal Savings and Loan Association of Council Bluffs, said mortgage being dated July 21, 1977, filed for record in the Office of the Pottawattamie County Recorder on July 21, 1977, in Book 78 at Page 1335.
3. Mortgage by McPherson Hills, Inc., to Western Federal Savings and Loan Association, dated September 19, 1977, filed for record in the Office of the Pottawattamie County Recorder on September 20, 1977, in Book 78 at Page 6102.

WITNESS my hand and official seal this 6 day of January  
\_\_\_\_\_, 1978.

  
\_\_\_\_\_  
DOROTHY LETNER  
POTTAWATTAMIE COUNTY RECORDER

# COMPARED

## CONSENT OF MORTGAGE HOLDER

Comes now Western Federal Savings and Loan Association, Council Bluffs, Iowa, by Kenneth E. Nickerson, President, which is the holder of a mortgage dated July 16, 1976, filed for record in the Office of the Pottawattamie County Recorder, Council Bluffs, Iowa, on April 6, 1977, in Book 77 at Page 17156, in the amount of \$135,000.00, said mortgage being given by McPherson Hills, Inc., to Western Federal Savings and Loan Association, which real estate mortgage covers the following described real estate, to-wit:

Lot 4, Auditor's Subdivision of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, Township 75, Range 43, and Lot 4 of Auditor's Subdivision of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 32, Township 75, Range 43, except easements of record and subject to right-of-ways of public roads, and the North 10 acres of Lot 3, Auditor's Subdivision of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, Township 75, Range 43,

and states:

That it hereby consents to the platting of said tract of land as shown by the survey of Carl H. Rogers, Jr., and releases the encumbrance of its mortgage from the above described tract of land, of all streets, easements, and other areas conveyed or dedicated to the City in said McPherson Hills Subdivision, Division II, of Council Bluffs, Iowa, in the City of Council Bluffs, Iowa.

WESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION

By Kenneth E. Nickerson  
KENNETH E. NICKERSON, President



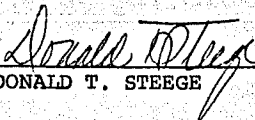
STATE OF IOWA )  
 ) ss.  
COUNTY OF POTTAWATTAMIE )

Now, on this 6th day of JANUARY, 1978, personally appeared before me, a Notary Public in and for Pottawattamie County, State of Iowa, Kenneth E. Nickerson, to me known to be the person who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed, for and on behalf of said corporation, and who, further being duly sworn, did say that he is the

# COMPARED

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President of Western Federal Savings and Loan Association,  
Council Bluffs, Iowa, and that the seal affixed to said instrument  
is the corporate seal of said corporation, and that said instrument  
was duly signed and sealed on behalf of said corporation, under  
due authority under the Articles of Incorporation.



DONALD T. STEEGE

Notary Public

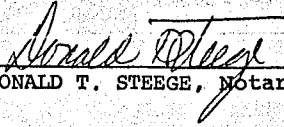




# COMPARED

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the President of First Federal Savings and Loan Association of Council Bluffs, Council Bluffs, Iowa, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation under due authority under the Articles of Incorporation.

  
\_\_\_\_\_  
DONALD T. STEEGE, Notary Public





# COMPARED

## CONSENT OF MORTGAGE HOLDER

Comes now Western Federal Savings and Loan Association, Council Bluffs, Iowa, by Kenneth E. Nickerson, President, which is the holder of a mortgage dated September 19, 1977, filed for record in the Office of the Pottawattamie County Recorder, Council Bluffs, Iowa, on September 20, 1977, in Book 78 at Page 6102, in the amount of \$140,000.00, said mortgage being given by McPherson Hills, Inc., to Western Federal Savings and Loan Association, which real estate mortgage covers the following described real estate, to-wit:

Lot 4 and the North 10 acres of Lot 3 in Auditor's Subdivision of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, Township 75, Range 43, except that part thereof platted as McPherson Hills Subdivision, Division I, filed for record in Book 77 at Page 17238,

and states:

That it hereby consents to the platting of said tract of land as shown by the survey of Carl H. Rogers, Jr., and releases the encumbrance of its mortgage from the above described tract of land, of all streets, easements, and other areas conveyed or dedicated to the City of Council Bluffs, Iowa/ City of Council Bluffs, Iowa, in said McPherson Hills Subdivision, Division II, in the Bluffs, Iowa/ City of Council Bluffs, Iowa.

WESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION

By Kenneth E. Nickerson  
KENNETH E. NICKERSON, President



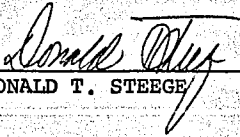
STATE OF IOWA )  
 ) ss.  
POTTAWATTAMIE COUNTY )

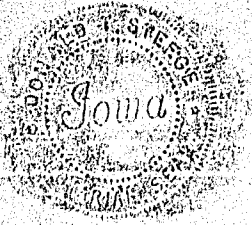
Now, on this 6th day of January, 1978, personally appeared before me, a Notary Public in and for Pottawattamie County, State of Iowa, Kenneth E. Nickerson, to me known to be the person who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed, for and on behalf of said corporation, and who, further being duly sworn, did say that he is the President of Western

# COMPARED

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Federal Savings and Loan Association, Council Bluffs, Iowa, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was duly signed and sealed on behalf of said corporation, under due authority under the Articles of Incorporation.

  
\_\_\_\_\_  
DONALD T. STEEGE Notary Public



**COMPARED**

DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR  
MCPHERSON HILLS SUBDIVISION,  
DIVISION II  
IN THE CITY OF COUNCIL BLUFFS, IOWA

This Declaration, made this 6th day of January,  
1978, by the undersigned,

W I T N E S S E T H

WHEREAS, the undersigned are the owners of the real estate described in Clause I of this Declaration, and are desirous of subjecting the real property described in said Clause I to the restrictions, covenants, reservations, easements, liens and charges hereinafter set forth, each and all of which is and are for the benefit of said property and for each owner thereof and shall inure to the benefit of and pass with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest and any owner thereof;

NOW, THEREFORE, the undersigned hereby declares that the real property described in and referred to in Clause I hereof, is and shall be held, transferred, sold and conveyed, subject to the conditions, restrictions, covenants, reservations, easements, liens and charges herein set forth.

CLAUSE I

Property Subject to this Declaration

The real property which is, and shall be, held and shall be conveyed, transferred, and sold, subject to these conditions, restrictions, reservations, easements, liens and charges, with respect to the various portions thereof set forth in the various clauses and subdivisions of this Declaration is located in the City of Council Bluffs,

Pottawattamie County, State of Iowa, and is more particularly described in the Plat of McPherson Hills Subdivision, Division II, to Council Bluffs, Iowa, attached hereto and incorporated herein by reference.

No property other than that described above shall be subject to this Declaration, unless and until specifically made subject thereto.

#### CLAUSE II

##### General Purposes of Conditions

The real property described in Clause I hereof is subject to the covenants, restrictions, conditions, reservations, liens and charges hereby declared to insure the best use and the most appropriate development and improvement of each building site thereof; to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property; to preserve, as far as practical, the natural beauty of said property; to guard against the erection of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to obtain harmonious color schemes; to insure the highest and best development of said property; to encourage and secure the erection of attractive homes thereon, with appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvement of building sites; to secure and maintain proper setbacks from street and adequate free spaces between structures; and in general to provide adequately for a high type and quality of improvement in said property, and thereby to enhance the values of investments made by the purchaser of building sites therein.

A. All lots described herein shall be known, described and used solely as residential lots, and no structures shall be erected on

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any lot other than one detached single-family dwelling not to exceed two stories in height and a two and one-half (2½) car garage.

B. No building shall be erected on any residential lot nearer than thirty feet from the front line, on Lot 16, 17, 18, 19, 20, 75, 76, 77, 78, and 79. No building shall be erected on any residential lot nearer than 25 feet from the front line on Lots 21, 22, 23, 24, 25, 26, 27, 28 and 29. The side yard on each side shall be a minimum ten percent (10%) of the lot width at the building setback line, or a minimum setback line of five (5) feet, whichever is greater; provided, however, that on corner lots the setback of all buildings shall be a minimum of fifteen (15) feet on the side abutting the public street or avenue. The rear yard shall be a minimum of twenty (20) feet. Any accessory building shall be located at least sixty (60) feet from the property line, with a minimum side yard requirement of three (3) feet.

C. No residential lot described herein shall have a width of less than sixty-five (65) feet at the minimum building setback line nor an area of less than 6,500 square feet.

D. No trailer, basement, tent, shack, garage, or barn or other outbuilding erected on the tract shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.

The keeping of a mobile home or motor home, either with or without wheels, on any parcel of property covered by these covenants is prohibited. A motor boat, houseboat, or similar waterborne vehicle may be maintained, stored, or kept on any parcel of property covered by these covenants, only if housed completely within the family garage. No trailers of any kind shall be stored on any lots other than those inside the family garage. No vehicle of any kind shall be stored on any lot unless it would be inside the garage of said home.

# COMPARE

-4-

E. No building shall be erected on any lot unless the design and location is in harmony with the existing structures and locations in the tract and does not violate any of these covenants. In any case, no dwelling having a ground floor square foot area of less than 1,092 square feet in the case of a one (1) story structure, nor less than 700 square feet in the case of a one and one-half (1½) story or two (2) story structure, shall be permitted on any lot described herein.

No building, fence, wall, or other structure shall be commenced, erected or maintained upon any residential lot, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same have been submitted to and approved in writing as to harmony of design of external design and location in relation to the surrounding structures and topography by the Board of Directors of McPherson Hills, Inc. In the event the Board fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this clause will be deemed to have been fully complied with. The primary purpose of this covenant is to protect the value of the homes in the development. This covenant is not to be viewed as a means for suppressing expressions of individuality.

F. The titleholder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris. It is further provided herein that during the construction of any dwelling on any lot, the contractor shall not store any building materials on said lot, unless the same are placed in an enclosed building.

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

# COMPARED

-5-

H. No animals, livestock nor poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.

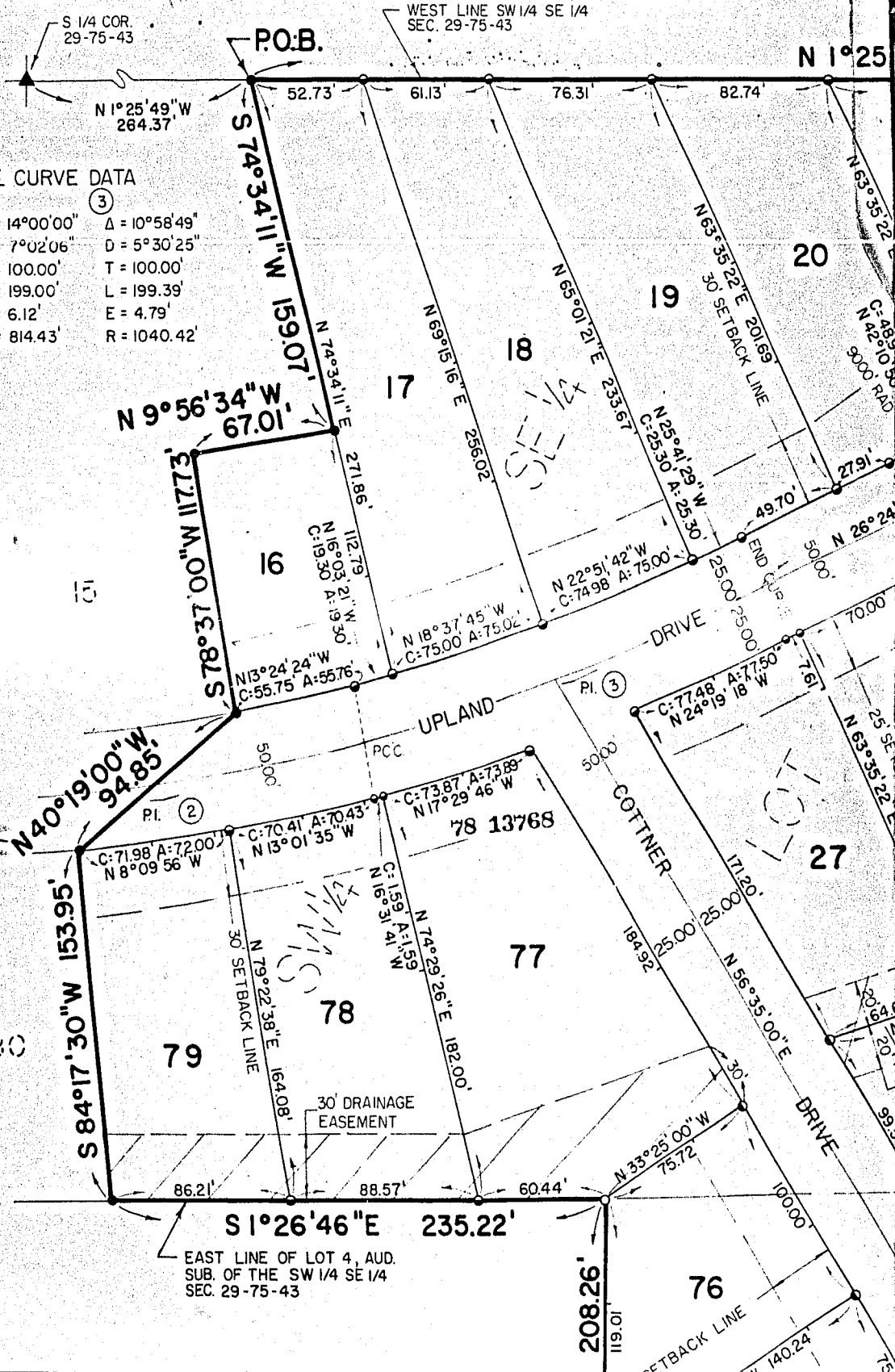
I. A perpetual easement is reserved over, across and through the side five (5) feet of all lots and over, across and through the rear ten (10) feet of all lots for utility installation and maintenance and drainage facilities. A perpetual easement for drainage is reserved over, across and through the rear twenty (20) feet of Lots 23, 24, 25, 26, and 27. A perpetual easement for drainage is reserved over, across and through the rear thirty (30) feet of Lots 78 and 79. A perpetual drainage easement is reserved over, across and through twenty (20) feet on the westerly side of Lot 28. A perpetual easement for drainage is reserved over, across and through Lot 77, commencing at the Southeasterly corner of said Lot 77 and point of beginning; thence N 1° 26' 46" W along the Easterly side of said Lot 77 a distance of 60.44 feet; thence N 33° 25' 00" W along the Easterly side of said Lot 77 a distance of 75.72 feet of the Northeasterly corner of said Lot 77; thence S 56° 35' 00" W along the Northerly side of said Lot 77 a distance of 30.00 feet; thence S 18° 26' 20" E a distance of 121.61 feet to a point on the Southerly line of said Lot 77; thence N 74° 29' 26" E along the Southerly line of said Lot 77 a distance of 30.93 feet to the point of beginning.

J. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other wastes shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

K. All building plans and plot plans shall be approved in writing by H. Gene McKeown & Associates, prior to the commencement of any construction.







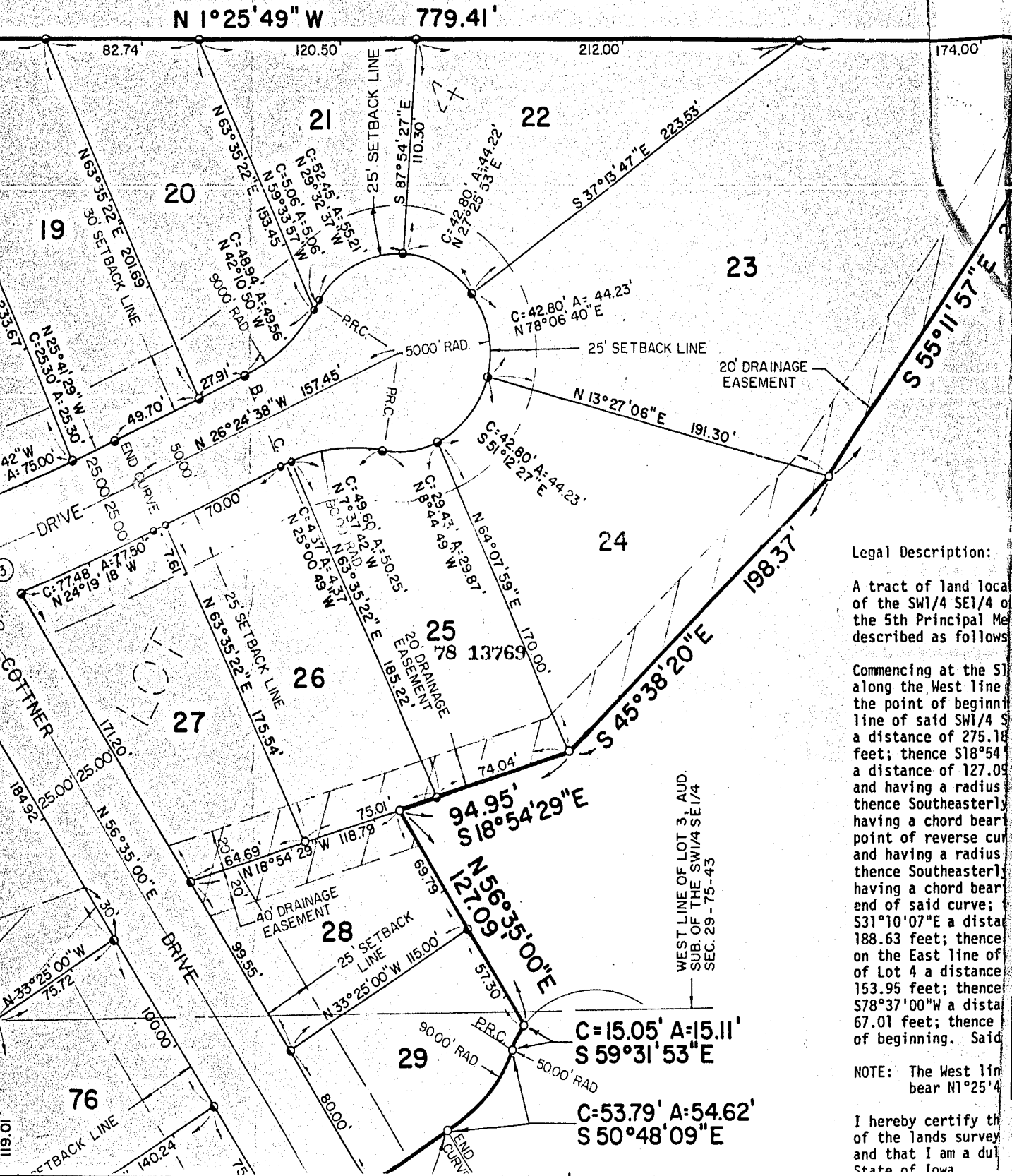
Q CURVE DATA

(2)	(3)
Δ = 14°00'00"	Δ = 10°58'49"
D = 7°02'06"	D = 5°30'25"
T = 100.00'	T = 100.00'
L = 199.00'	L = 199.39'
E = 6.12'	E = 4.79'
R = 814.43'	R = 1040.42'

EAST LINE OF LOT 4, AUD. SUB. OF THE SW 1/4 SE 1/4 SEC. 29-75-43

# FINAL PLAT MCPHERSON HILLS SUBDIVISION, DIV. II

MCPHERSON HILLS, INC.



**Legal Description:**

A tract of land local of the SW1/4 SE1/4 of the 5th Principal Meridian described as follows:

Commencing at the SW corner of said SW1/4 SE1/4 along the West line of said SW1/4 SE1/4 a distance of 275.18 feet; thence S18°54'42\"/>

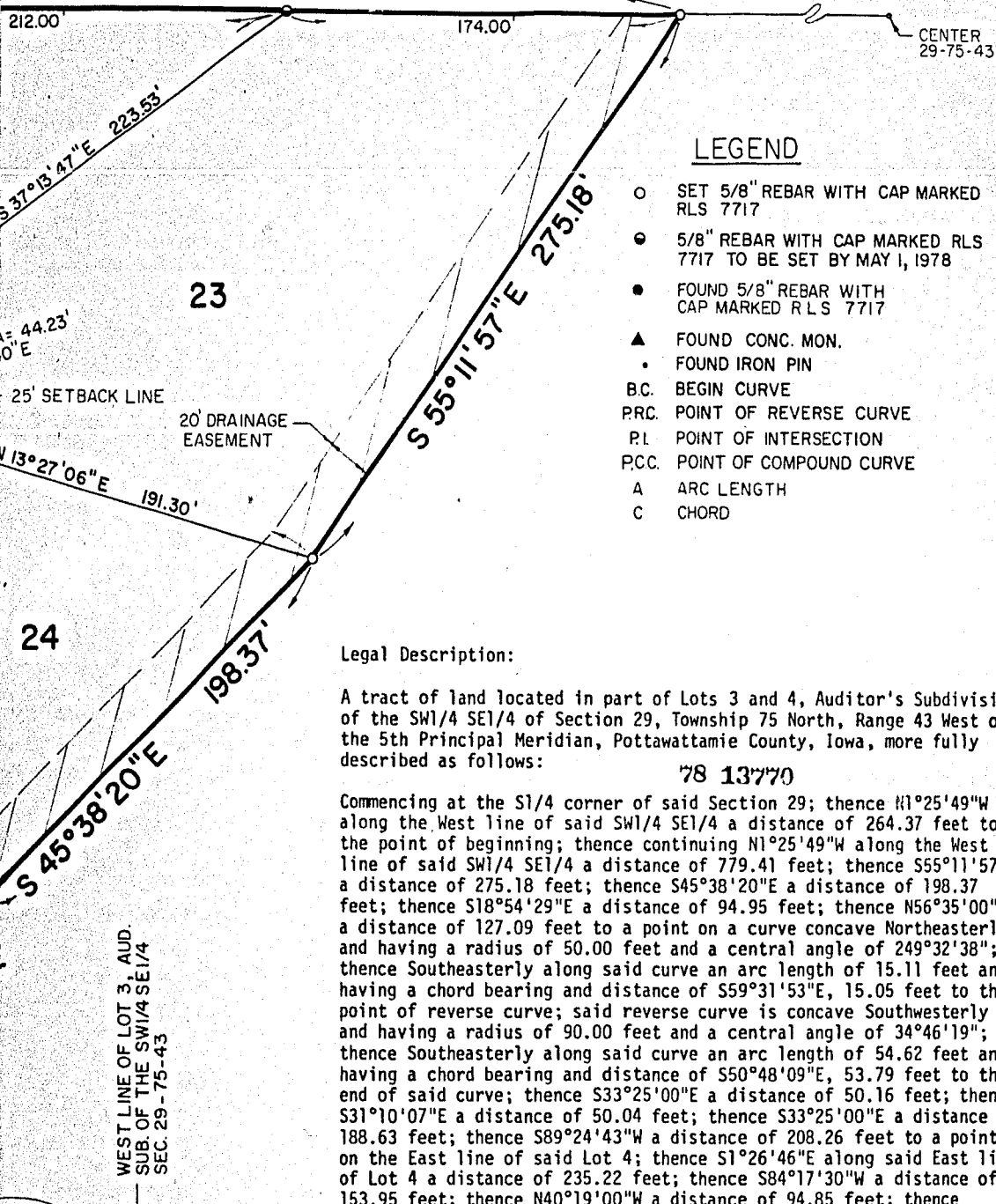
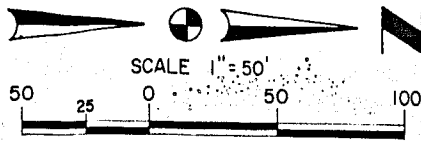
**NOTE:** The West line bears N1°25'49\"/>

I hereby certify that this is a true and correct copy of the lands surveyed and that I am a duly Licensed Surveyor in the State of Iowa.

T 3769

3 DIVISION, DIV. II

, INC.



**LEGEND**

- SET 5/8" REBAR WITH CAP MARKED RLS 7717
- 5/8" REBAR WITH CAP MARKED RLS 7717 TO BE SET BY MAY 1, 1978
- FOUND 5/8" REBAR WITH CAP MARKED RLS 7717
- ▲ FOUND CONC. MON.
- FOUND IRON PIN
- B.C. BEGIN CURVE
- PRC. POINT OF REVERSE CURVE
- P.I. POINT OF INTERSECTION
- P.C.C. POINT OF COMPOUND CURVE
- A ARC LENGTH
- C CHORD

**Legal Description:**

A tract of land located in part of Lots 3 and 4, Auditor's Subdivision of the SW1/4 SE1/4 of Section 29, Township 75 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

78 13770

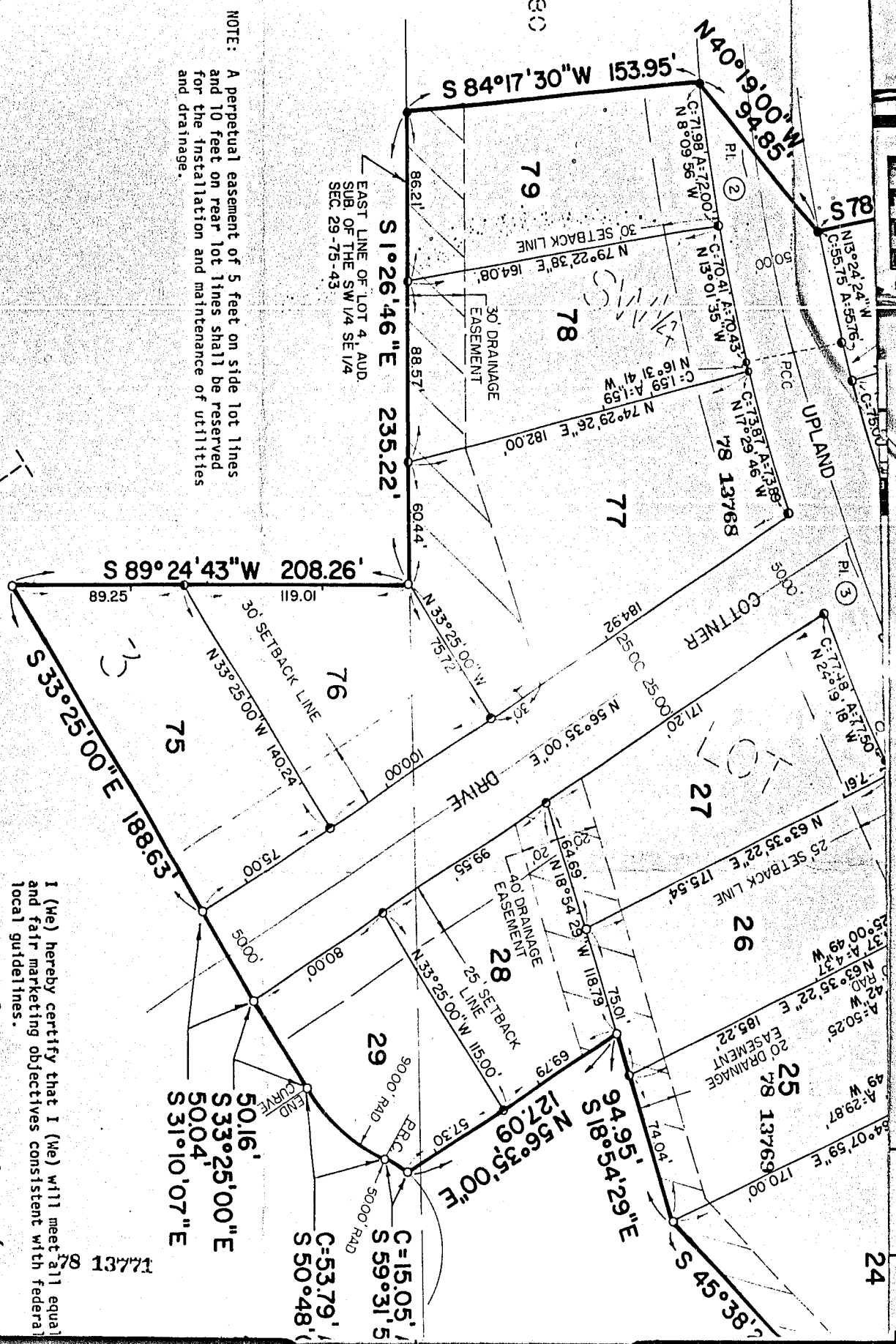
Commencing at the S1/4 corner of said Section 29; thence N1°25'49"W along the West line of said SW1/4 SE1/4 a distance of 264.37 feet to the point of beginning; thence continuing N1°25'49"W along the West line of said SW1/4 SE1/4 a distance of 779.41 feet; thence S55°11'57"E a distance of 275.18 feet; thence S45°38'20"E a distance of 198.37 feet; thence S18°54'29"E a distance of 94.95 feet; thence N56°35'00"E a distance of 127.09 feet to a point on a curve concave Northeasterly and having a radius of 50.00 feet and a central angle of 249°32'38"; thence Southeasterly along said curve an arc length of 15.11 feet and having a chord bearing and distance of S59°31'53"E, 15.05 feet to the point of reverse curve; said reverse curve is concave Southwesterly and having a radius of 90.00 feet and a central angle of 34°46'19"; thence Southeasterly along said curve an arc length of 54.62 feet and having a chord bearing and distance of S50°48'09"E, 53.79 feet to the end of said curve; thence S33°25'00"E a distance of 50.16 feet; thence S31°10'07"E a distance of 50.04 feet; thence S33°25'00"E a distance of 188.63 feet; thence S89°24'43"W a distance of 208.26 feet to a point on the East line of said Lot 4; thence S1°26'46"E along said East line of Lot 4 a distance of 235.22 feet; thence S84°17'30"W a distance of 153.95 feet; thence N40°19'00"W a distance of 94.85 feet; thence S78°37'00"W a distance of 117.73 feet; thence N9°56'34"W a distance of 67.01 feet; thence S74°34'11"W a distance of 159.07 feet to the point of beginning. Said tract contains 7.647 acres, more or less.

NOTE: The West line of said SW1/4 SE1/4 of Section 29 is assumed to bear N1°25'49"W for this description.

I hereby certify that this plat is a true and correct representation of the lands surveyed by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the

**MIKE WOOD AND ASSOCIATES**  
 LAND SURVEYORS AND ENGINEERS  
 OFFICES: COUNCIL BLUFFS, IOWA  
 TITLE: FINAL PLAT - McPHERSON HILLS SUBDIVISION, DIV. II  
 CLIENT: McPHERSON HILLS, INC., J.F. DUGGAN, PRES.  
 3 LAWNDALE DRIVE  
 COUNCIL BLUFF, IOWA  
 SHEET: 13770

NOTE: A perpetual easement of 5 feet on side lot lines and 10 feet on rear lot lines shall be reserved for the installation and maintenance of utilities and drainage.



EAST LINE OF LOT 4, AUD. SUB. OF THE SW 1/4 SE 1/4 SEC. 29-75-43

Entered for taxation

JAN 6 1978

*Jerry F. Duggan*  
 Jerry F. Duggan, Pres.

I (He) hereby certify that I (He) will meet all equal and fair marketing objectives consistent with federal local guidelines.

*September 29 1977*

13771

STANDARD BLUE PRINT DRAMA 02373

24

S 45°38'20"E 198.37'

137693

S 18°54'29"E

N 56°35'00"E 270.95'

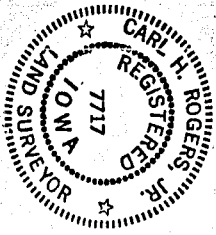
C=15.05' A=15.11'  
S 59°31'53"E

C=53.79' A=54.62'  
S 50°48'09"E

WEST LINE OF LOT 3, AUD.  
SUB. OF THE SW1/4 SE1/4  
SEC. 29-75-43

S 33°25'00"E  
S 31°10'07"E

13771



I (We) will meet all equal opportunity  
laws consistent with federal, state and

September 29, 1977

Legal Description:

A tract of land located in part of Lots 3 and 4, Auditor's Subdivision of the SW1/4 SE1/4 of Section 29, Township 75 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

78 13770

Commencing at the SW1/4 corner of said Section 29; thence N1°25'49"W along the West line of said SW1/4 SE1/4 a distance of 264.37 feet to the point of beginning; thence continuing N1°25'49"W along the West line of said SW1/4 SE1/4 a distance of 779.41 feet; thence S55°11'57"E a distance of 275.18 feet; thence S45°38'20"E a distance of 198.37 feet; thence S18°54'29"E a distance of 94.95 feet; thence N56°35'00"E a distance of 127.09 feet to a point on a curve concave Northeasterly and having a radius of 50.00 feet and a central angle of 249°32'38"; thence Southeasterly along said curve an arc length of 15.11 feet and having a chord bearing and distance of S59°31'53"E, 15.05 feet to the point of reverse curve; said reverse curve is concave Southwesterly and having a radius of 90.00 feet and a central angle of 34°46'19"; thence Southeasterly along said curve an arc length of 54.62 feet and having a chord bearing and distance of S50°48'09"E, 53.79 feet to the end of said curve; thence S33°25'00"E a distance of 50.16 feet; thence S31°10'07"E a distance of 50.04 feet; thence S33°25'00"E a distance of 188.63 feet; thence S89°24'43"W a distance of 208.26 feet to a point on the East line of said Lot 4; thence S1°26'46"E along said East line of Lot 4 a distance of 235.22 feet; thence S84°17'30"W a distance of 153.95 feet; thence N40°19'00"W a distance of 94.85 feet; thence S78°37'00"W a distance of 117.73 feet; thence N9°56'34"W a distance of 67.01 feet; thence S74°34'11"W a distance of 159.07 feet to the point of beginning. Said tract contains 7.647 acres, more or less.

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I hereby certify that this plat is a true and correct representation of the lands surveyed by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

Carl H. Rogers, Jr. L.S. Iowa Reg. No. 7117

CITY PLANNING COMMISSION

APPROVED BY CHAIRMAN

CITY COUNCIL

APPROVED BY MAYOR

78 13772

H. GENE M'KEOWN AND		CONSULTING ENGINEERS AND LAND SURVEYORS OFFICES		COUNCIL	
PROJ. NO. 11407	DRAWN BY JLP	CLIENT	M'CPHERSON HILLS, INC., J.F. DUGGAN, PRES.		
DATE JUNE, 1977	APPO. BY CR	3 LAWNDALE DRIVE			DATE
			COUNCIL BLUFF, IOWA		