

COMPARED

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
OAK VALLEY SUBDIVISION - DIVISION I

This Declaration is made by Norman Driver and Marlene Driver, husband and wife, as follows:

WHEREAS, Norman and Marlene Driver are the owners of certain real property, which is more particularly described as follows:

A tract of land located in part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25 and part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, all located in Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the Northwest corner of said Section 36 and point of beginning; thence N0 $^{\circ}$ 15'53"W along the West line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25 a distance of 121.66 feet to the centerline of Lapworth Creek; thence along said centerline with the following courses: S72 $^{\circ}$ 02'21"E, 38.13 feet; S62 $^{\circ}$ 15'49"E, 56.53 feet; N 28 $^{\circ}$ 59'31"E, 93.56 feet; N35 $^{\circ}$ 52'06"E, 51.79 feet; N83 $^{\circ}$ 41'54"E, 128.53 feet; N76 $^{\circ}$ 38'37"E, 66.81 feet; S69 $^{\circ}$ 39'06"E, 89.56 feet; S 49 $^{\circ}$ 46'16"E, 85.81 feet; S22 $^{\circ}$ 05'51"E, 86.44 feet; S06 $^{\circ}$ 20'35"E, 45.27 feet; S09 $^{\circ}$ 02'37"E, 29.79 feet to a point on the North line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36; thence leaving the centerline of said Lapworth Creek S89 $^{\circ}$ 33'58"E along the North line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and along the North line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1162.37 feet to a point on the centerline of Iowa Highway No. 183; thence S20 $^{\circ}$ 38'09"W along said centerline a distance of 385.45 feet; thence N69 $^{\circ}$ 21'51"W a distance of 200.00 feet; thence S20 $^{\circ}$ 38'09"W and parallel with said centerline a distance of 20.40 feet to the beginning of a curve concave Southeasterly having a radius of 916.20 feet and a central angle of 14 $^{\circ}$ 22'05"; thence Southwesterly along said curve an arc length of 229.76 feet with a chord bearing and distance of S13 $^{\circ}$ 27'06"W, 229.15 feet; thence S83 $^{\circ}$ 43'56"E a distance of 200.00 feet to a point on said centerline of Iowa Highway No. 183, said point being on a nontangent curve concave Easterly having a radius of 716.20 feet and a central angle of 54 $^{\circ}$ 12'50"; thence Southeasterly along a portion of said curve an arc length of 224.45 feet with a chord bearing and distance of S02 $^{\circ}$ 42'36"E, 223.53 feet; thence S75 $^{\circ}$ 22'28"W a distance of 247.94 feet; thence S04 $^{\circ}$ 26'56"E a distance of 153.06 feet; thence N85 $^{\circ}$ 33'04"E a distance of 34.69 feet to a point on the East line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence S0 $^{\circ}$ 27'29"E along the East line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and along the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 344.60 feet; thence S89 $^{\circ}$ 32'31"W a distance of 400.06 feet; thence N0 $^{\circ}$ 30'16"W a distance of 29.52 feet; thence S87 $^{\circ}$ 50'01"W a distance of 916.20 feet to a point on the West line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36; thence N01 $^{\circ}$ 09'49"W along the West line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ and along the West line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1355.94 feet to the point of beginning. Said tract contains 46.356 acres, more or less, and is subject to easements of record.

NOTE: The West lines of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36 are assumed to bear N01 $^{\circ}$ 09'49"W for this description.

COMPARED

and

WHEREAS, Norman and Marlene Driver will convey the said lots as shown in the plat attached hereto subject to certain protective covenants and restrictions as hereinafter set forth; and

NOW, THEREFORE, Norman and Marlene Driver hereby declare that all of the lots as shown on the plat which is attached hereto and made a part hereof as though fully set out, shall be held, sold, and conveyed, subject to the following restrictions and covenants all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of said real property. These covenants and restrictions shall run with the real property and shall be binding upon all parties having or acquiring any right, title or interest in the described lots or anypart thereof, and shall inure to the benefit of each owner thereof.

1. If the present or future owners, users or occupants of any of the said lots, shall violate or attempt to violate any of these covenants, it shall be lawful for any other person or persons owning any part of said real estate to prosecute proceedings at law or at equity against the person violating or attempting to violate any such covenant and either to prevent him from so doing or to recover damages for such violation.

2. Invalidation of any of these convenants, conditions or restrictions by judgment or Order of Court shall in no way affect the enforceability of any of the other covenants, conditions or restrictions set out herein.

3. The following lots shall be used only for single family residential purposes except such lots, or portions thereof, as may hereafter be conveyed or dedicated by the undersigned for recreational, public, church, educational or charitable uses, to wit: Lots 1 through 7; Lots 14 through 18; and Lots 26 through 31 and Lot 54, all of said lots being located within Oak Valley Subdivision - Division I, a subdivision located in Pottawattamie County, State of Iowa.

COMPARED

4. Prior to any construction or grading on residential lots, the owner must first submit construction plans to the undersigned or their successors, assigns, or any person, partnership, or corporation designated by the undersigned and secure their written approval thereof. Plans shall include site plans showing location of residence, other buildings and structures. Said plans shall include exterior elevations, exterior materials, floor plans, foundation plan, plot plan, landscaping plan, drainage plan, and site lines. In the event the owner contemplates construction of a fence, such plan shall include the type of materials to be used and the location thereof. Within thirty (30) days of receipt of said plans, the undersigned shall either notify the owner in writing of its approval of the plans or its disapproval and the reasons therefor, but if the undersigned shall fail to send either notice within a thirty (30) day period, then such plan shall be deemed approved. Said plan shall also include the plans, specifications and diagrams of the septic tank and the well system.

5. Construction on, or improvements, of any residential lot shall be subject to the following restrictions:

- a. No lot shall be used as a building site for a residential structure if the lot has been reduced in area below its originally platted size, unless such lot split, or subdivision, has been approved in writing by the undersigned.
- b. For all lots except 1 and 2, each dwelling shall contain not less than 1,400 square feet of finished living space (exclusive of porches, breezeways and garages) and the foundation walls (exclusive of breezeways and attached garages) must enclose a ground area of not less than 1,200 square feet.
- c. Each residence shall include an enclosed garage for at least two cars (attached, detached or basement).
- d. All the power and telephone service wires shall be buried underground.
- e. Driveways shall be portland concrete or asphalt from the public roadway to the garage.
- f. Construction must commence at least one year after purchase of any lot and must be completed within one year from the time excavation for footings is commenced.

COMPARED

- g. Subject to the restrictions and the location thereof hereinafter noted in Paragraph 7, below, not less than three ornamental or deciduous shade trees must be planted on each residential lot within one year after excavation for footings, and thereafter maintained in good growing condition or replaced as necessary. No existing tree with a trunk over three inches in diameter (measured twelve (12) inches from ground level) shall be moved, removed, damaged or destroyed without prior written approval of the undersigned.
- h. All fences to be constructed must be approved with regard to height, materials and location by the undersigned or its successors, assigns, or any person, partnership or corporation designated by the undersigned to insure uniformity.

6. A perpetual easement for the installation and maintenance of utilities and drainage is hereby reserved on behalf of those providing utilities to Oak Valley Subdivision - Division I over, under, through and upon a five (5) foot strip of land on the front and side lot lines and a ten (10) foot strip of land on the rear lot lines except that along the lot line common to Lots 4 and 18 the easement shall be twenty (20) feet, ten (10) feet on either side of said line. No permanent buildings, trees, or retaining walls or loose rock shall be placed in the said easement ways but the same may be used for gardens, shrubs, landscaping and other purposes that do not then, or later, interfere with the aforesaid uses and rights granted herein.

7. No garden or field crops shall be grown upon that portion of any lot nearer to the street than provided for minimum building set back lines. No trees, shrubs, hedges or other plants shall be maintained or permitted in such proximity to any lot as will interfere with use or maintenance of any street or walk or the unobstructed view of street intersections sufficient to the safety of pedestrians and vehicles. The owner shall take whatever steps are necessary to control noxious weeds on his real estate. Ground cover shall be maintained on all lots in order to prevent erosion. Any and all dead trees and shrubbery must be removed at the owner's expense.

8. None of the land shall be used in whole or in part for the storage of any property or thing that will cause the land to appear in an unclean or untidy condition, or that will be obnoxious

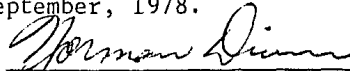
COMPARED

to the eyes, nor shall any substance or materials be kept upon the land that will emit a foul or noxious odor, or cause any noise or will, or might; disturb the peace, quiet, comfort or serenity of the occupants of the surrounding property. No firearms or guns of any type or nature shall be fired or discharged upon, over, or across any lands in the subdivision unless approved by the undersigned. All rubbish, trash, and garbage shall be removed from the subdivision, shall not be burned by open fire, incinerator, or otherwise on the subdivision or any part thereof.

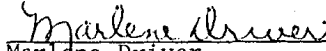
9. No dwelling house constructed in another area or addition and no prefabricated house may be moved onto or be permitted to remain on any lot or portion thereof in this subdivision, without the prior written approval of the undersigned. All trailers, boats, or other recreational or business vehicles shall be stored in either enclosed structures or to the rear of the rear building line of the residence. All trucks shall be kept in enclosed structures and trucks shall not be permitted to be parked in driveways or on the public streets. No outside TV or radio antennas may be erected on any lot or any portion of a lot without the prior written approval of the undersigned. All signs or billboards or any type or nature whatsoever shall be placed on, constructed or erected on any lot or portion of a lot without the prior written approval of the undersigned.

10. These covenants, conditions and restrictions shall run with and bind the land, for a term of 25 years from the date this declaration is recorded, after which time they shall be automatically extended for successive periods of ten years. Any amendments hereto shall be approved by an instrument signed by the owners of not less than 75% of the lots in this subdivision and shall be recorded.

Dated this 13 day of September, 1978.



Norman Driver



Marlene Driver

78-25
COMPARED
RESOLUTION

#78-25

WHEREAS, a proposed final plat for Oak Valley Subdivision - Division I in Pottawattamie County, Iowa, has heretofore been filed with the Board of Supervisors for its study and approval; and said proposed final plat has been referred to the Pottawattamie County Engineer and the Pottawattamie County Zoning Commission and has been approved by each; and

WHEREAS, this Board of Supervisors has heretofore studied and considered said plat and the improvements proposed to be made and said plat, together with the plans and specifications of said improvements have been examined and found to conform with the provisions of Chapter 409 of the Code of Iowa and Section 79 of the Pottawattamie County Zoning Ordinance; and all requirements for improvements and utilities as shown on said plat, and all bonding arrangements, including a performance bond for the completion of said improvements and a maintenance bond for said public improvements have been filed and approved by the County Engineer for the completion and maintenance of said improvements as required by statute, said bonds containing adequate surety for the performance of the completion of the improvements and their maintenance:

NOW, THEREFORE, BE IT RESOLVED
BY THE SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA

that the proposed final plat of Oak Valley Subdivision - Division I in Pottawattamie County, Iowa be, and the same is, hereby finally accepted and approved as a platted subdivision in Pottawattamie County, Iowa, and the Chairman of the Board of Supervisors and the Pottawattamie County Auditor be, and they are hereby, authorized, empowered, and directed, upon adoption of this Resolution, to certify a true copy hereof to the Pottawattamie County Recorder for recording.

The foregoing Resolution was duly adopted this 18th day of September, 1978.

BOARD OF SUPERVISORS

BY

Don Smith
Don Smith, Chairman

ATTEST:

Douglas Primmer
Douglas Primmer, County Auditor and Board Secretary

Approved

Charles E. Hales
Charles E. Hales
Pottawattamie County Engineer

COMPARED

We, Don Smith, Chairman of the Pottawattamie County Board of Supervisors, and Douglas Primmer, Pottawattamie County Auditor and Board Secretary, do hereby certify that the above and foregoing Resolution is a true and exact copy of that Resolution adopted the 18TH day of September, 1978 and approving the final platting of Oak Valley Subdivision - Division I. This certification is made to the Pottawattamie County Recorder for the recording of said Resolution and the platting.

BOARD OF SUPERVISORS

BY: *Don Smith*
Don Smith, Chairman

ATTEST:

Douglas Primmer
Douglas Primmer, County Auditor
and Board Secretary

COMPARED

SURVEYOR'S CERTIFICATION

I, Carl H. Rogers, Jr., registered land surveyor, do hereby certify that I have surveyed the following described real estate, to wit:

A tract of land located in part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25 and part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, all located in Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:


Commencing at the Northwest corner of said Section 36 and point of beginning; thence N0 $^{\circ}$ 15'53"W along the West line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25 a distance of 121.66 feet to the centerline of Lapworth Creek; thence along said centerline with the following courses: S72 $^{\circ}$ 02'21"E. 38.13 feet; S62 $^{\circ}$ 15'49"E, 56.53 feet; N 28 $^{\circ}$ 59'31"E, 93.56 feet; N35 $^{\circ}$ 52'06"E, 51.79 feet; N83 $^{\circ}$ 41'54"E, 128.53 feet; N76 $^{\circ}$ 38' 37"E, 66.81 feet; S69 $^{\circ}$ 39'06"E, 89.56 feet; S 49 $^{\circ}$ 46'16"E, 85.81 feet; S22 $^{\circ}$ 05'51"E, 86.44 feet; S06 $^{\circ}$ 20'35"E, 45.27 feet; S09 $^{\circ}$ 02'37"E, 29.79 feet to a point on the North line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36; thence leaving the centerline of said Lapworth Creek S89 $^{\circ}$ 33'58"E along the North line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and along the North line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1162.37 feet to a point on the centerline of Iowa Highway No. 183; thence S20 $^{\circ}$ 38' 09"W along said centerline a distance of 385.45 feet; thence N69 $^{\circ}$ 21'51"W a distance of 200.00 feet; thence S20 $^{\circ}$ 38' 09"W and parallel with said centerline a distance of 20.40 feet to the beginning of a curve concave Southeasterly having a radius of 916.20 feet and a central angle of 14 $^{\circ}$ 22'05"; thence Southwesterly along said curve an arc length of 229.76 feet with a chord bearing and distance of S13 $^{\circ}$ 27'06"W, 229.15 feet; thence S83 $^{\circ}$ 43'56"E a distance of 200.00 feet to a point on said centerline of Iowa Highway No. 183, said point being on a nontangent curve concave Easterly having a radius of 716.20 feet and a central angle of 54 $^{\circ}$ 12'50"; thence Southeasterly along a portion of said curve an arc length of 224.45 feet with a chord bearing and distance of S02 $^{\circ}$ 42'36"E, 223.53 feet; thence S75 $^{\circ}$ 22'28"W a distance of 247.94 feet; thence S04 $^{\circ}$ 26'56"E a distance of 153.06 feet; thence N85 $^{\circ}$ 33'04"E a distance of 34.69 feet to a point on the East line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence S0 $^{\circ}$ 27'29"E along the East line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and along the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 344.60 feet; thence S89 $^{\circ}$ 32'31"W a distance of 400.06 feet; thence N0 $^{\circ}$ 30'16"W a distance of 29.52 feet; thence S87 $^{\circ}$ 50'01"W a distance of 916.20 feet to a point on the West line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36; thence N01 $^{\circ}$ 09' 49"W along the West line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ and along the West line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1355.94 feet to the point of beginning. Said tract contains 46.356 acres, more or less, and is subject to easements of record.

NOTE: The West lines of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36 are assumed to bear N01 $^{\circ}$ 09'49"W for this description.

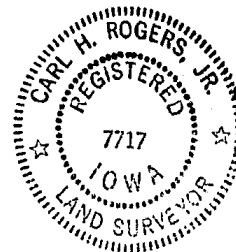
COMPARED

I further certify that on behalf of Norman and Marlene Driver, I have surveyed and staked with iron pins the lots shown on the final plat of Oak Valley Subdivision - Division I, being Lots 1 through 7; Lots 14 through 18; Lots 26 through 31; and Lot 54, all of said lots being included within the description set out hereinabove. Said plat gives the dimensions of each lot by length and width and that the width and courses of the streets established therein are set out and as shown on said plat.

Dated this 9TH day of September, 1978.




Carl H. Rogers, Jr.
Registered Land Surveyor

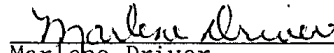


COMPARED

OWNERS' CERTIFICATE

We, Norman Driver and Marlene Driver, husband and wife, being first duly sworn on oath, depose and state that we are the sole owners and proprietors of the real estate described in the Surveyor's Certificate attached hereto, to be known as Oak Valley Subdivision - Division I, and that the described real estate has been subdivided and a plat caused to be made of said real estate by a Registered Land Surveyor of the State of Iowa, and said real estate has been subdivided into single family lots. That the subdivision into said lots is made with our full knowledge and consent and we hereby dedicate to the public for street purposes, platted roadways or streets as laid out and shown on the plat for use in providing ingress and egress to the lots shown in said subdivision and the use of said real estate or roadways shall constitute a right appurtenant to all lots in said subdivision, said streets to be known as Oak Valley Road and Linden Road.

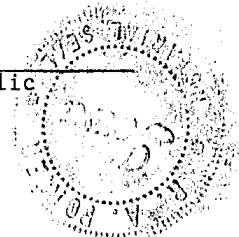

Norman Driver


Marlene Driver

STATE OF IOWA)
) SS
POTTAWATTAMIE COUNTY)

On this 13 day of September, 1978, before me a Notary Public, duly commissioned and qualified in and for said county and state, personally appeared Norman Driver and Marlene Driver, to me known to be the identical persons who executed the foregoing instrument and acknowledged the execution of said instrument to be their voluntary act and deed.


Notary Public



COMPARED

PORTER, LASH, REILLY & TAUKE

ATTORNEYS AT LAW

201 FIRST NATIONAL BANK BUILDING

P. O. Box 457

COUNCIL BLUFFS, IOWA 51501

RICHARD A. PORTER
DOUGLAS S. LASH
G. THOMAS REILLY
ANTHONY W. TAUKE

AREA CODE 712
TELEPHONE
322-5588

September 14, 1978

Clerk of Pottawattamie County District Court

Pottawattamie County Treasurer

Pottawattamie County Recorder

Pottawattamie County Courthouse
227 South Sixth Street
Council Bluffs, Iowa 51501

Gentlemen:

I have examined the abstract of title to:

A tract of land located in part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25 and part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, all located in Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

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COMPARED

angle of $54^{\circ}12'50''$; thence Southeasterly along a portion of said curve an arc length of 224.45 feet with a chord bearing and distance of $S02^{\circ}42'36''E$, 223.53 feet; thence $S75^{\circ}22'28''W$ a distance of 247.94 feet; thence $S04^{\circ}26'56''E$ a distance of 153.06 feet; thence $N85^{\circ}33'04''E$ a distance of 34.69 feet to a point on the East line of said $NW\frac{1}{4}$ $NW\frac{1}{4}$; thence $S0^{\circ}27'29''E$ along the East line of said $NW\frac{1}{4}$ $NW\frac{1}{4}$ and along the East line of said $SW\frac{1}{4}$ $NW\frac{1}{4}$ a distance of 344.60 feet; thence $S89^{\circ}32'31''W$ a distance of 400.06 feet; thence $N0^{\circ}30'16''W$ a distance of 29.52 feet; thence $S87^{\circ}50'01''W$ a distance of 916.20 feet to a point on the West line of the $SW\frac{1}{4}$ $NW\frac{1}{4}$ of said Section 36; thence $N01^{\circ}09'49''W$ along the West line of said $SW\frac{1}{4}$ $NW\frac{1}{4}$ and along the West line of said $NW\frac{1}{4}$ $NW\frac{1}{4}$ a distance of 1355.94 feet to the point of beginning. Said tract contains 46.356 acres, more or less, and is subject to easements of record.

NOTE: The West lines of the $NW\frac{1}{4}$ $NW\frac{1}{4}$ and the $SW\frac{1}{4}$ $NW\frac{1}{4}$ of said Section 36 are assumed to bear $N01^{\circ}09'49''W$ for this description.

This abstract does not cover matters included in chapter 614.29 through 614.38 of the 1971 Code of Iowa as amended, the Marketable Title Act and Chapter 11 of the Iowa Land Title Examination Standards and the Abstracting Standards of the Iowa Land Title Association, which are excluded thereun, except plats and surveys; easements, party wall and other boundary line agreements; unexpired recorded leases; and patents. This abstract is certified to September 6, 1978 at 8:00 o'clock A.M. by the Abstract Guaranty Company and is in one part containing 47 entries. From my examination I find marketable title to be in - - -

NORMAN DRIVER AND MARLENE DRIVER, husband and wife, subject to the following:

1. Entry #18 of the abstract sets forth an Easement to Northwestern Bell Telephone Company, dated February 23, 1954 and recorded February 24, 1954 in Book 1103, Page 590, to construct, operate, and maintain telephone and telegraph lines, etc., upon or adjacent to certain real estate described therein. For further particulars you are referred to the Easement.
2. Entry #19 of the abstract sets forth an Easement to Iowa Power and Light Company, dated April 30, 1958 and recorded May 7, 1958 in Book 1205, Page 132, to construct, maintain and operate an electrical supply line, etc. along, across, etc. certain real estate described therein. For further particulars you are referred to the Easement.
3. Entry 45 sets forth a Resolution for Zoning Ordinance which appears to affect the property under examination, placing it in the Suburban Residential District. For further particulars you are referred to the Ordinance and Resolution.

COMPARED

4. Entry #47 shows the General Taxes for 1977 and prior years paid. No search is made as to personal taxes for the year 1977 inasmuch as the records are not available at this date. No certification is made for special assessments other than special assessments certified to the County Treasurer and collected pursuant to Chapter 455.62 of the 1975 Code of Iowa.

Yours very truly,



R. A. Porter

RAP:cc

COMPAKED

TREASURER'S CERTIFICATION

STATE OF IOWA)
) SS
POTTAWATTAMIE COUNTY)

I, Judy Ann Miller, being first duly sworn upon 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 suburban residential lots by the attached plat, is free and

clear of any and all unpaid taxes and tax liens, *except 2nd half of 1977 taxes.*

WITNESS my hand and official seal this 20 day of September, 1978.

Judy Ann Miller

Judy Ann Miller
Treasurer of Pottawattamie County
1978

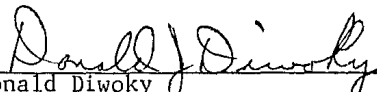
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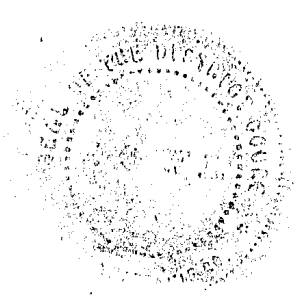
CLERK OF THE DISTRICT COURT'S CERTIFICATION

STATE OF IOWA) SS
)
POTTAWATTAMIE COUNTY)

I, Donald Diwoky, being first 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 suburban residential 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 19 day of September, 1978.


Donald Diwoky
Clerk of the District Court



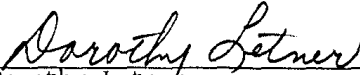
COMPARED

RECORDER'S CERTIFICATION

STATE OF IOWA)
POTTAWATTAMIE COUNTY) SS

I, Dorothy Letner, being first 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 suburban residential lots by the attached plat, is free and clear of any and all encumbrances and that title to said tract of land is in Norman and Marlene Driver.

WITNESS my hand this 19 day of September, 1978.
(Recorder has no seal)



Dorothy Letner
Recorder of Pottawattamie County,

OAK VALLEY

COMPARED

Legal Description:

A tract of land located in part of the SW1/4 SW1/4 of Section 25 and part of the NW1/4 NW1/4, part of the NE1/4 NW1/4, and part of the SW1/4 NW1/4 of Section 36, all located in Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the Northwest corner of said Section 36 and point of beginning; thence $N0^{\circ}15'53''W$ along the West line of the SW1/4 SW1/4 of said Section 25 a distance of 121.66 feet to the centerline of Lapworth Creek; thence along said centerline with the following courses: $S72^{\circ}02'21''E$, 38.13 feet; $S62^{\circ}15'49''E$, 56.53 feet; $N28^{\circ}59'31''E$, 93.56 feet; $N35^{\circ}52'06''E$, 51.79 feet; $N83^{\circ}41'54''E$, 128.53 feet; $N76^{\circ}38'37''E$, 66.81 feet; $S69^{\circ}39'06''E$, 89.56 feet; $S49^{\circ}46'16''E$, 85.81 feet; $S22^{\circ}05'51''E$, 86.44 feet; $S06^{\circ}20'35''E$, 45.27 feet; $S09^{\circ}02'37''E$, 29.79 feet to a point on the North line of the NW1/4 NW1/4 of said Section 36; thence leaving the centerline of said Lapworth Creek $S89^{\circ}33'58''E$ along the North line of said NW1/4 NW1/4 and along the North line of said NE1/4 NW1/4 a distance of 1162.37 feet to a point on the centerline of Iowa Highway No. 183; thence $S20^{\circ}38'09''W$ along said centerline a distance of 385.45 feet; thence $N69^{\circ}21'51''W$ a distance of 200.00 feet; thence $S20^{\circ}38'09''W$ and parallel with said centerline a distance of 20.40 feet to the beginning of a curve concave Southeasterly having a radius of 916.20 feet and a central angle of $14^{\circ}22'05''$; thence Southwesterly along said curve an arc length of 229.76 feet with a chord bearing and distance of $S13^{\circ}27'06''W$, 229.15 feet; thence $S83^{\circ}43'56''E$ a distance of 200.00 feet to a point on said centerline of Iowa Highway No. 183, said point being on a nontangent curve concave Easterly having a radius of 716.20 feet and a central angle of $54^{\circ}12'50''$; thence Southeasterly along a portion of said curve an arc length of 224.45 feet with a chord bearing and distance of $S02^{\circ}42'36''E$, 223.53 feet; thence $S75^{\circ}22'28''W$ a distance of 247.94 feet; thence $S04^{\circ}26'56''E$ a distance of 153.06 feet; thence $N85^{\circ}33'04''E$ a distance of 34.69 feet to a point on the East line of said NW1/4 NW1/4; thence $S0^{\circ}27'29''E$ along the East line of said NW1/4 NW1/4 and along the East line of said SW1/4 NW1/4 a distance of 344.60 feet; thence $S89^{\circ}32'31''W$ a distance of 400.06 feet; thence $N0^{\circ}30'16''W$ a distance of 29.52 feet; thence $S87^{\circ}50'01''W$ a distance of 916.20 feet to a point on the West line of the SW1/4 NW1/4 of said Section 36; thence $N01^{\circ}09'49''W$ along the West line of said SW1/4 NW1/4 and along the West line of said NW1/4 NW1/4 a distance of 1355.94 feet to the point of beginning. Said tract contains 46.356 acres, more or less, and is subject to easements of record.

79 5581

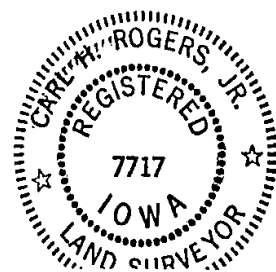
NOTE: The West lines of the NW1/4 NW1/4 and the SW1/4 NW1/4 of said Section 36 are assumed to bear $N01^{\circ}09'49''W$ for this description.

I hereby certify that this plat, map, survey or report was made 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.

Signed:

Date:

Carl H. Rogers, Jr. SEPT. 18, 1978
Carl H. Rogers, Jr. L.S. Iowa Reg. No. 7717



FINAL PLAT

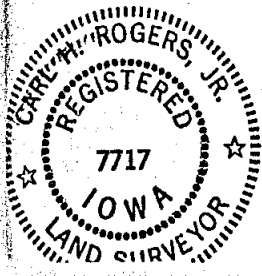
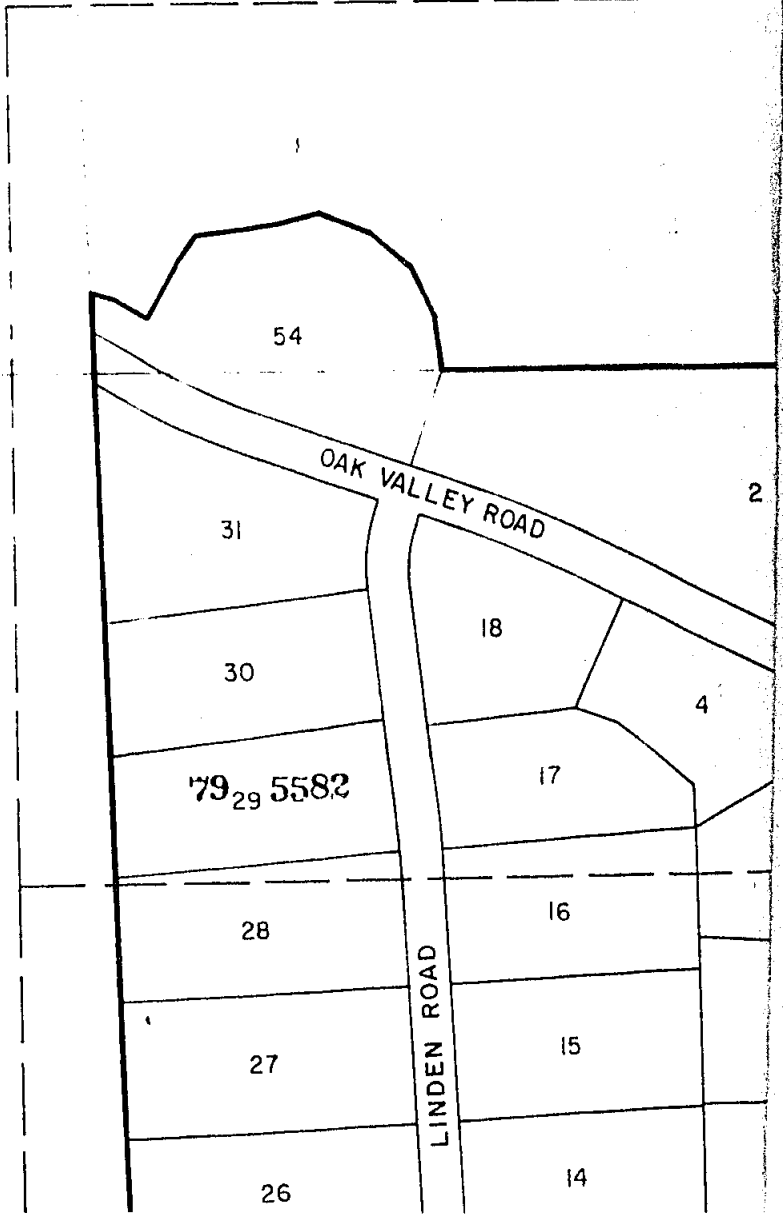
OAK VALLEY SUBDIVISION-DIVISION I

part
 NW1/4
 the 5th
 as

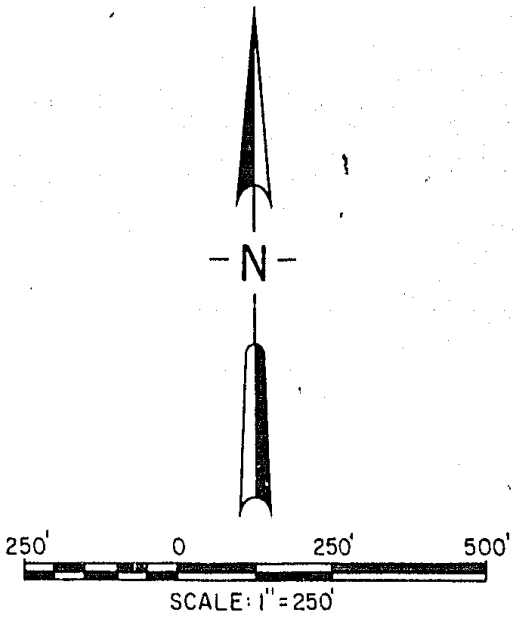
beginning;
 section 25
 the along

feet;
 feet;
 feet;
 1/4 of
 the
 north
 the center-
 line a
 feet; thence
 feet to the
 feet and
 an arc
 S⁷⁹W, 229.15
 feet center-
 line concave
 2'50";
 224.45
 thence
 the of 153.06
 East line
 NW1/4 NW1/4
 feet; thence
 the of 29.52
 the West line
 West line
 distance of
 acres, more

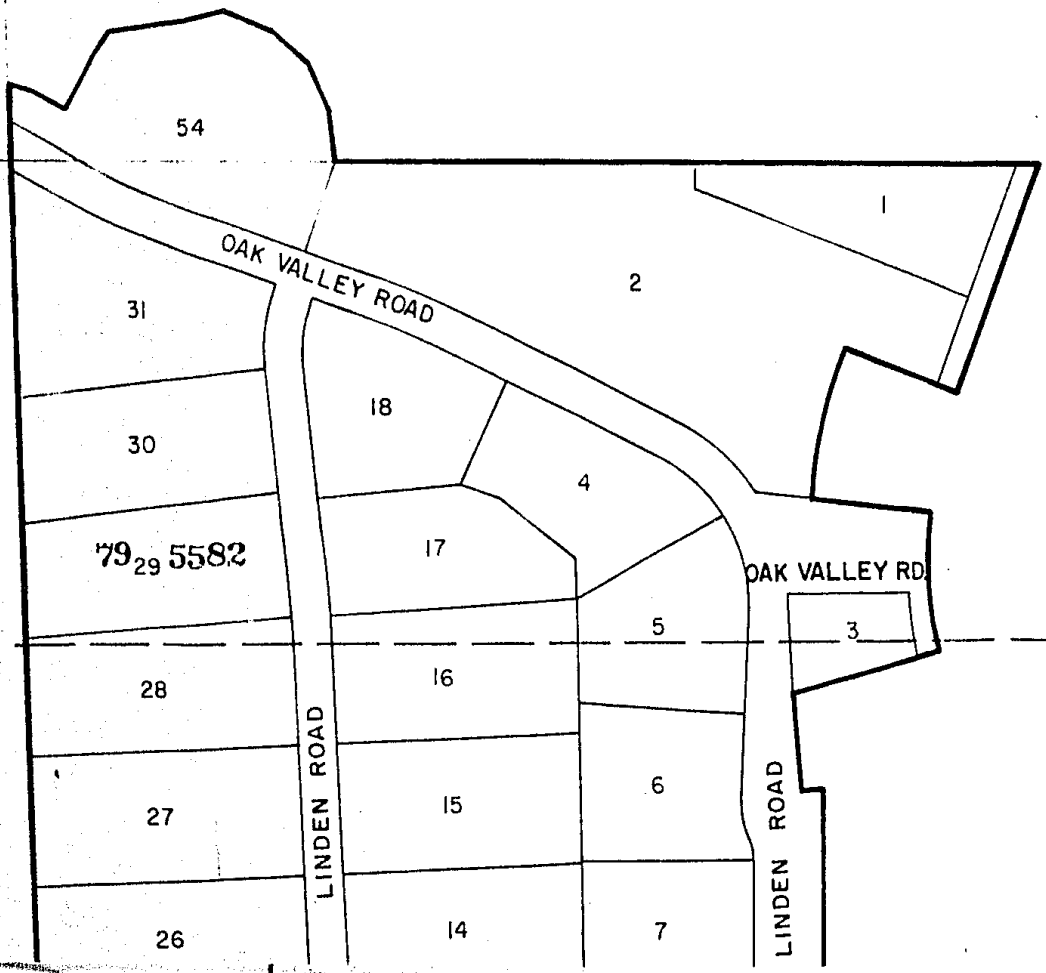
and
 division.



ION-DIVISION 1



SHEET NO. 2



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KEOWN AND ASSOCIATES
SURVEYORS OFFICES COUNCIL BLUFFS, IOWA

FINAL PLAT OF OAK VALLEY SUBDIVISION

DATE _____ REVISIONS _____

8 MARLENE DRIVER
3000 W. IOWA 51576

SHT. 1 OF 3

of said NW1/4 NW1/4, thence S0 27 29 E along the East line of said NW1/4 NW1/4 and along the East line of said SW1/4 NW1/4 a distance of 344.60 feet; thence S89°32'31"W a distance of 400.06 feet; thence N0°30'16"W a distance of 29.52 feet; thence S87°50'01"W a distance of 916.20 feet to a point on the West line of the SW1/4 NW1/4 of said Section 36; thence N01°09'49"W along the West line of said SW1/4 NW1/4 and along the West line of said NW1/4 NW1/4 a distance of 1365.94 feet to the point of beginning. Said tract contains 46.356 acres, more or less, and is subject to easements of record.

'79 5581

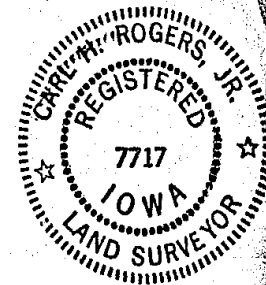
NOTE: The West lines of the NW1/4 NW1/4 and the SW1/4 NW1/4 of said Section 36 are assumed to bear N01°09'49"W for this description.

I hereby certify that this plat, map, survey or report was made 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.

Signed:

Date:

Carl H. Rogers, Jr. SEPT. 18, 1978
Carl H. Rogers, Jr. L.S. Iowa Reg. No. 7717



POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS

Arnold L. Smith 9-21-78
Approved by Chairman Date

POTTAWATTAMIE COUNTY ENGINEER

Charles E. Haies 9-18-78
Approved by C. E. Haies Date

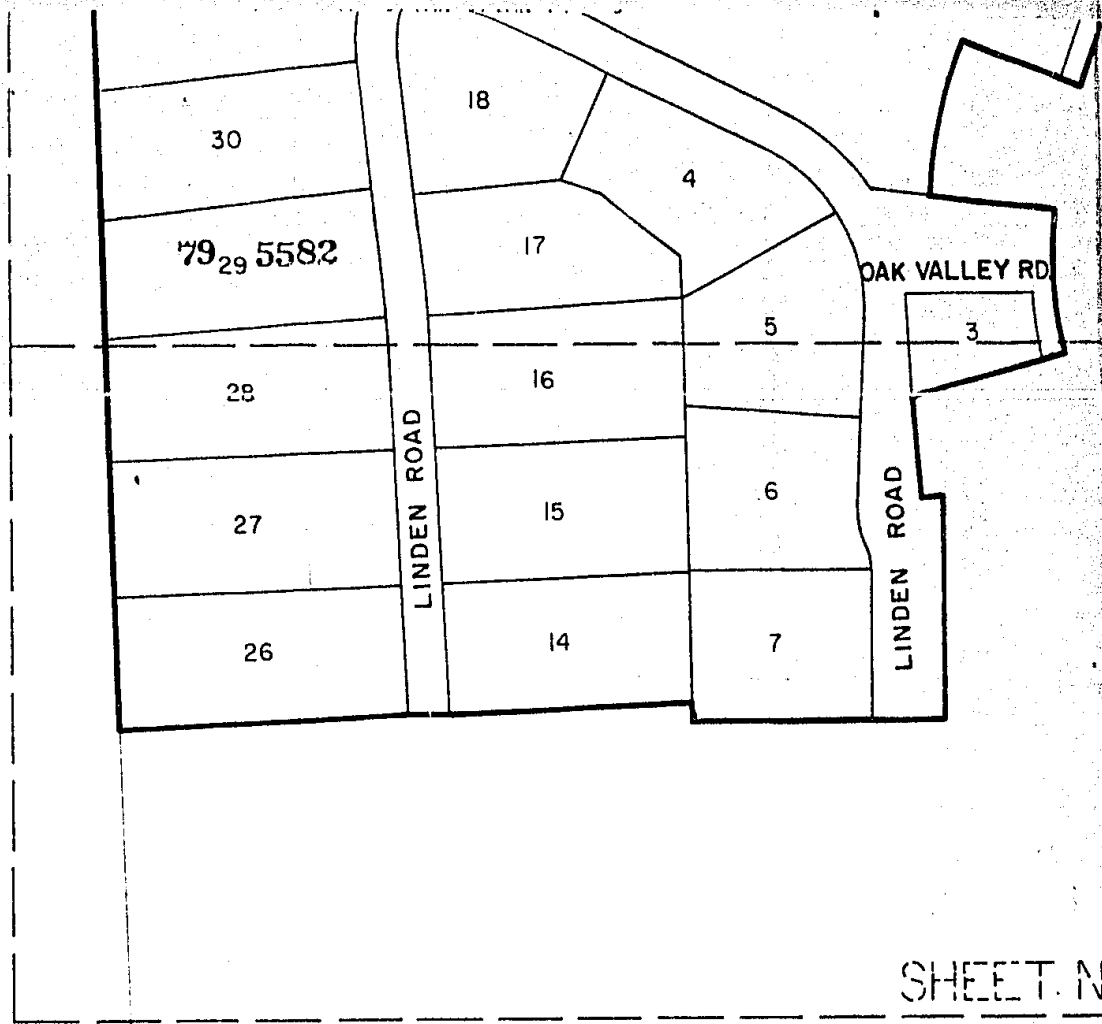
POTTAWATTAMIE COUNTY ZONING COMMISSION

James L. Rouns Sept. 18, 1978
Approved by Chairman Date

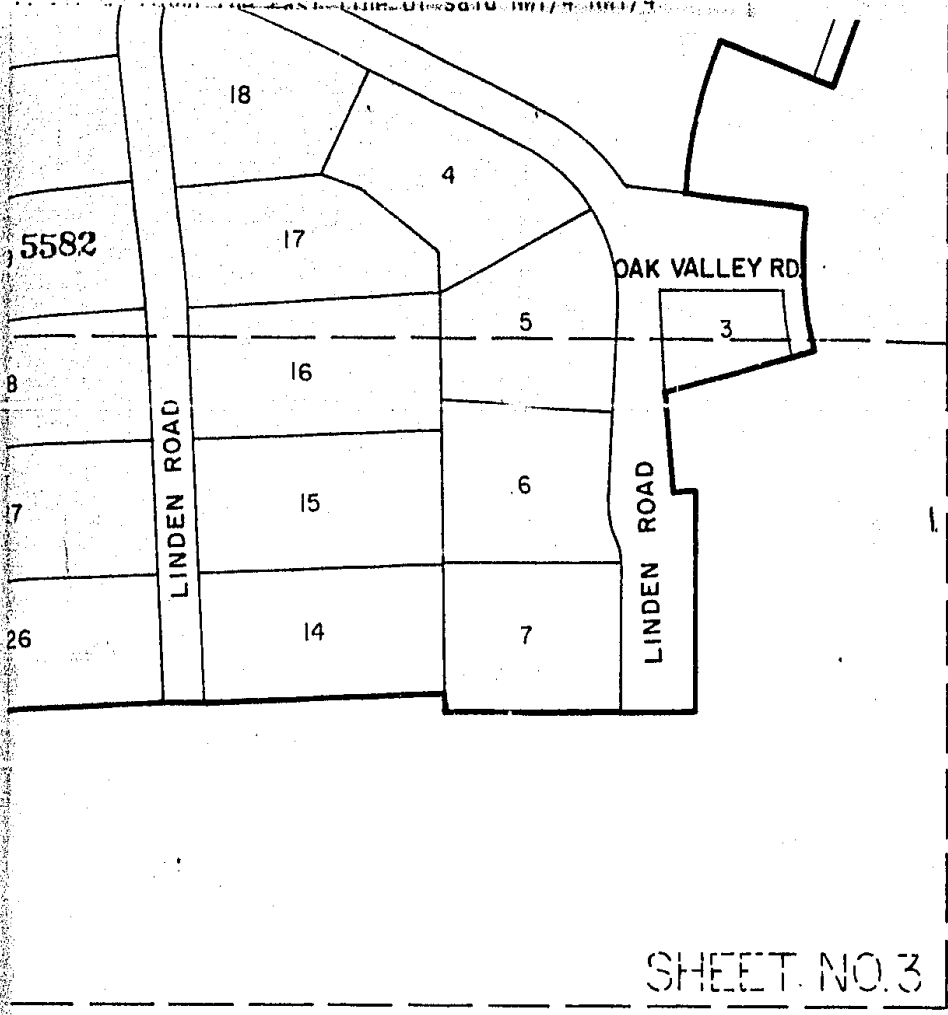
POTTAWATTAMIE COUNTY AUDITOR

Douglas D. Primmer 9-18-78
Approved by Douglas D. Primmer Date

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79 5585



SHEET NO. 3

'79 5583

585

'79 5586

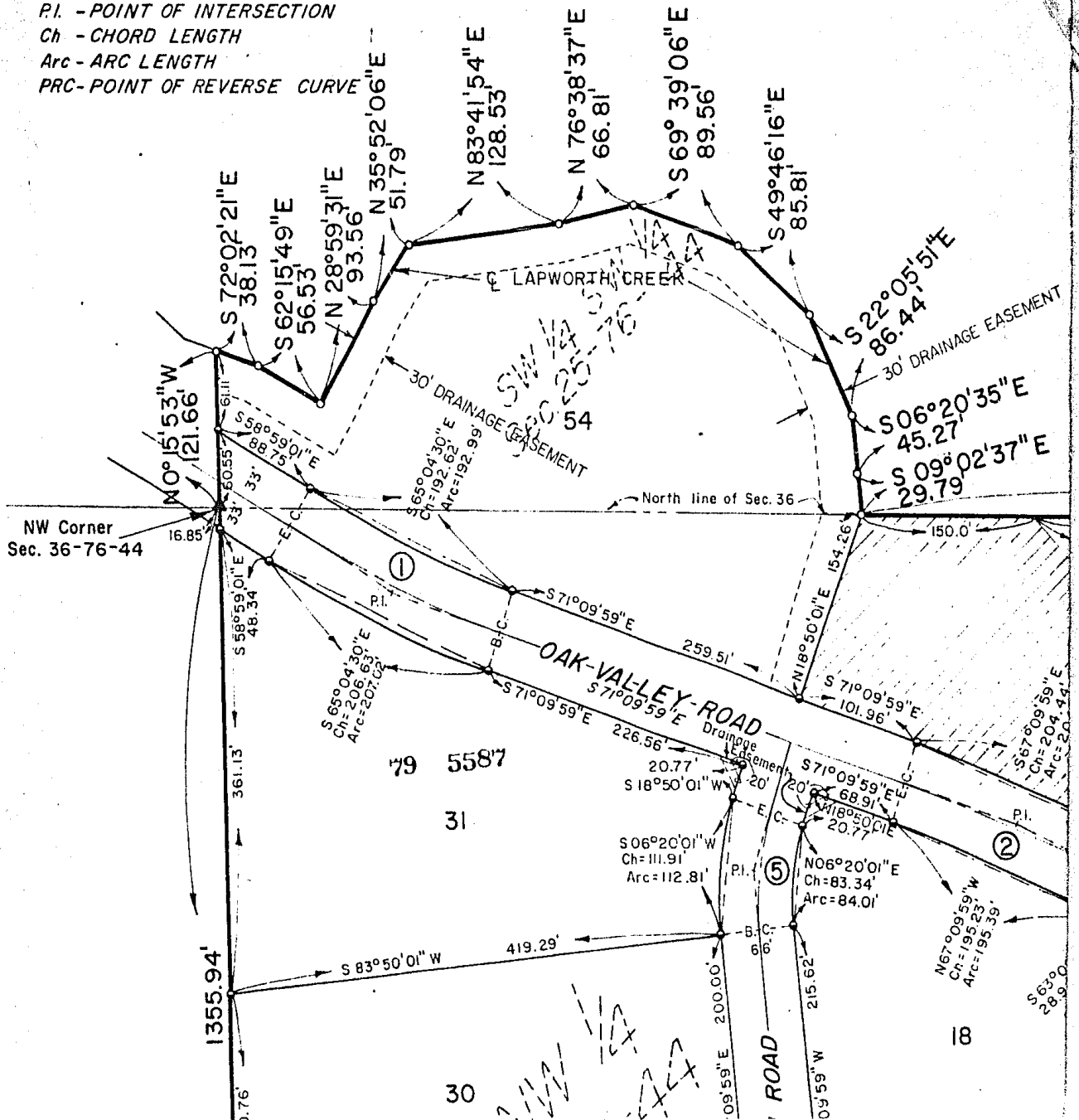
GENIE AND CONSULTING ENGINEERS		MCKEOWN LAND SURVEYORS		AN OFFICES	
PROJ. NO. 11158	DRAWN BY R.W.	CLIENT NORMAN & MARLENE DRIVER UNDERWOOD, IOWA 51576		DATE	DATE
DATE JULY, 1978	APPD. BY C.R.				

LEGEND

COMPARED

OAK VALLE

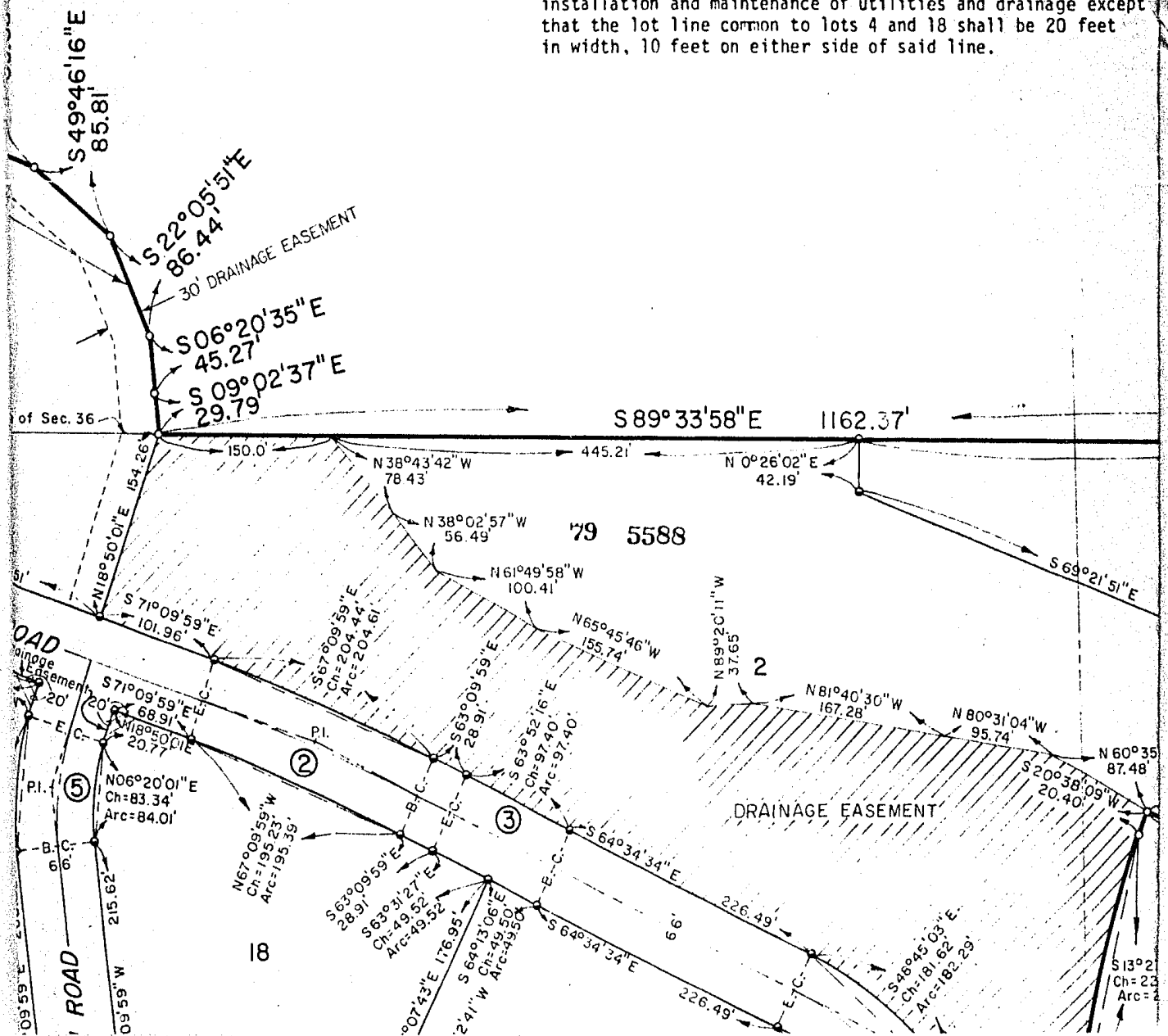
- - SET 5/8" REBAR WITH CAP MARKED RLS 7717
- - SET MAZE NAIL IN ASPHALT
- ▲ - FOUND CONCRETE MONUMENT
- - SET 5/8" REBAR WITH CAP MARKED RLS 7717 (TO BE SET BY JULY, 1979)
- - FOUND IRON PIN
- B.C. - BEGIN CURVE
- E.C. - END CURVE
- P.I. - POINT OF INTERSECTION
- Ch - CHORD LENGTH
- Arc - ARC LENGTH
- PRC - POINT OF REVERSE CURVE



FINAL PLAT OAK VALLEY SUBDIVISION-DIVISION I

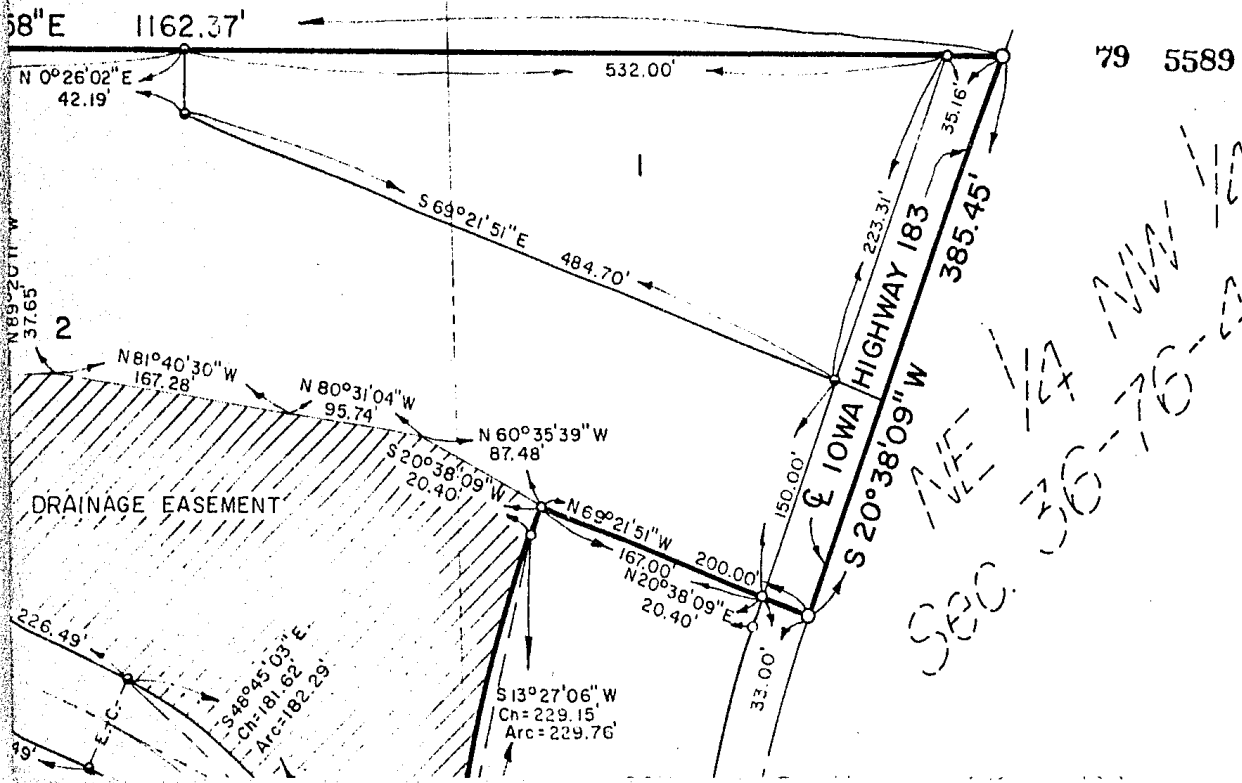
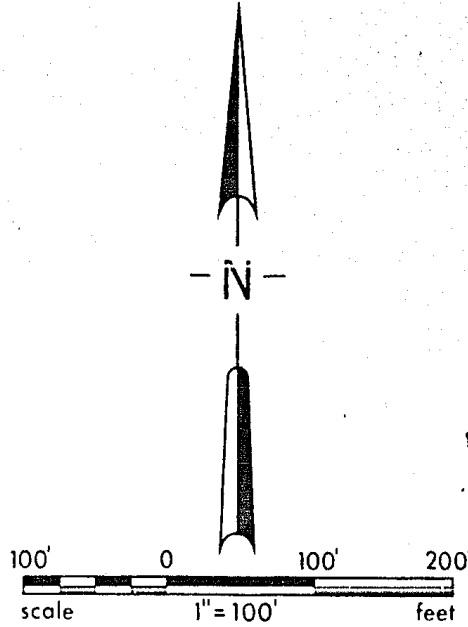
(LY, 1979)

Note: A perpetual easement of 5 feet on front and side lot lines and 10 feet on rear lot lines shall be reserved for the installation and maintenance of utilities and drainage except that the lot line common to lots 4 and 18 shall be 20 feet in width, 10 feet on either side of said line.

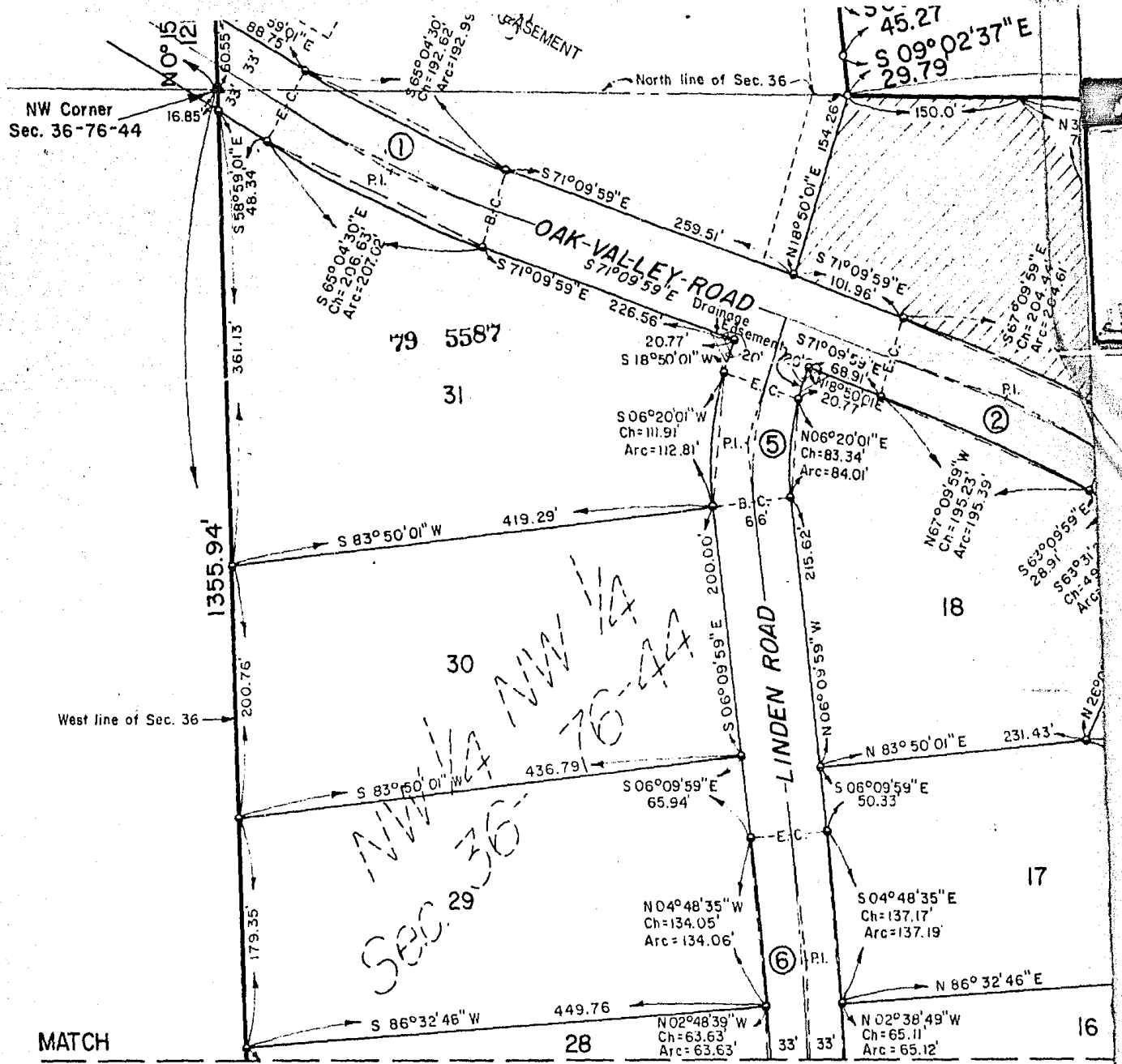


ON-DIVISION 1

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r lot lines shall be reserved for the
aintenance of utilities and drainage except
ommon to lots 4 and 18 shall be 20 feet
on either side of said line.



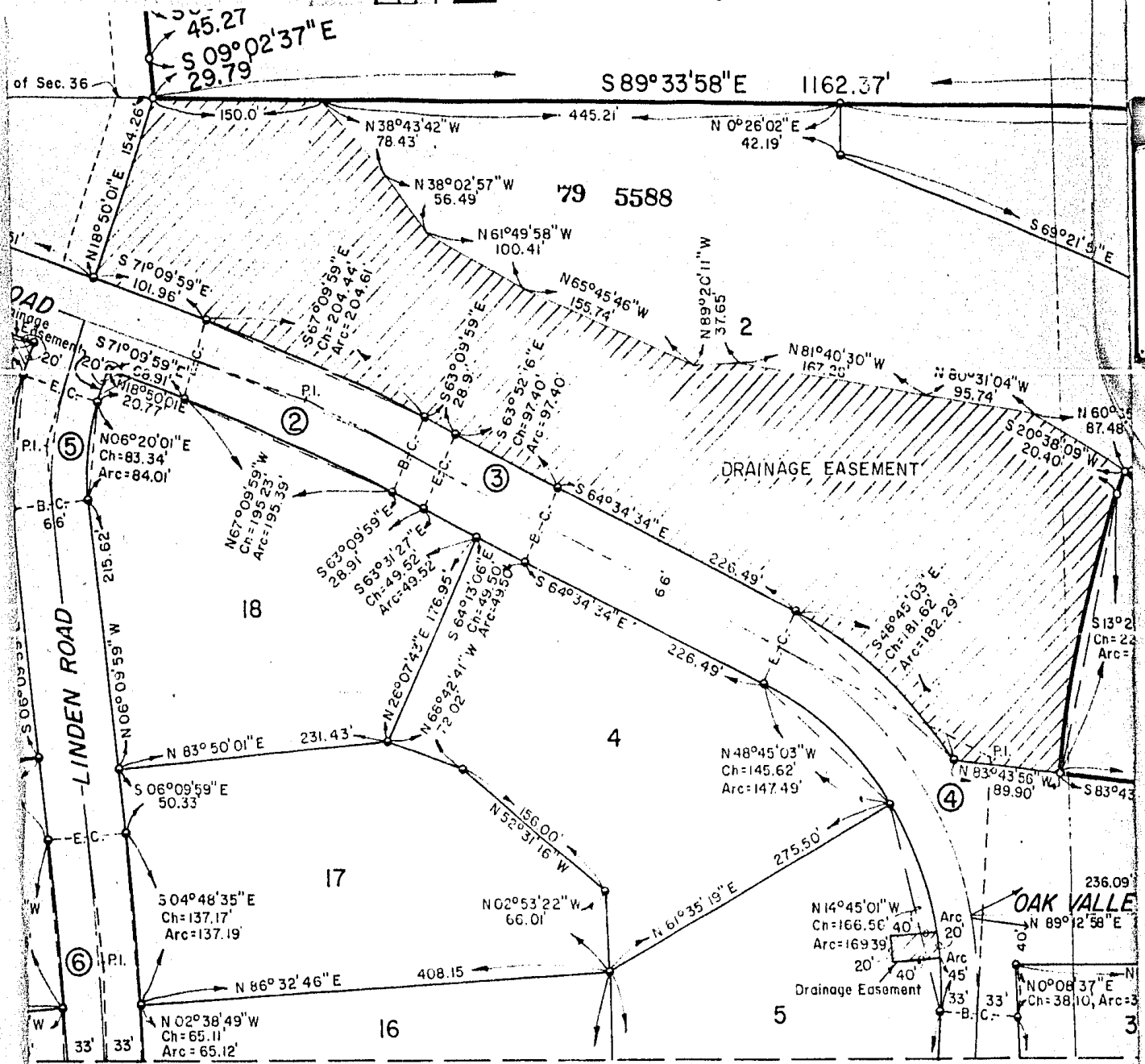
KEOWN SURVEYING OFFICES 507 WEST OAK STREET OAK VALLEY, IOWA 51576	DATE	REVISIONS	TITLE	SHT.
			FINAL PLAT OAK VALLEY SUBDIVISION	2 OF 3



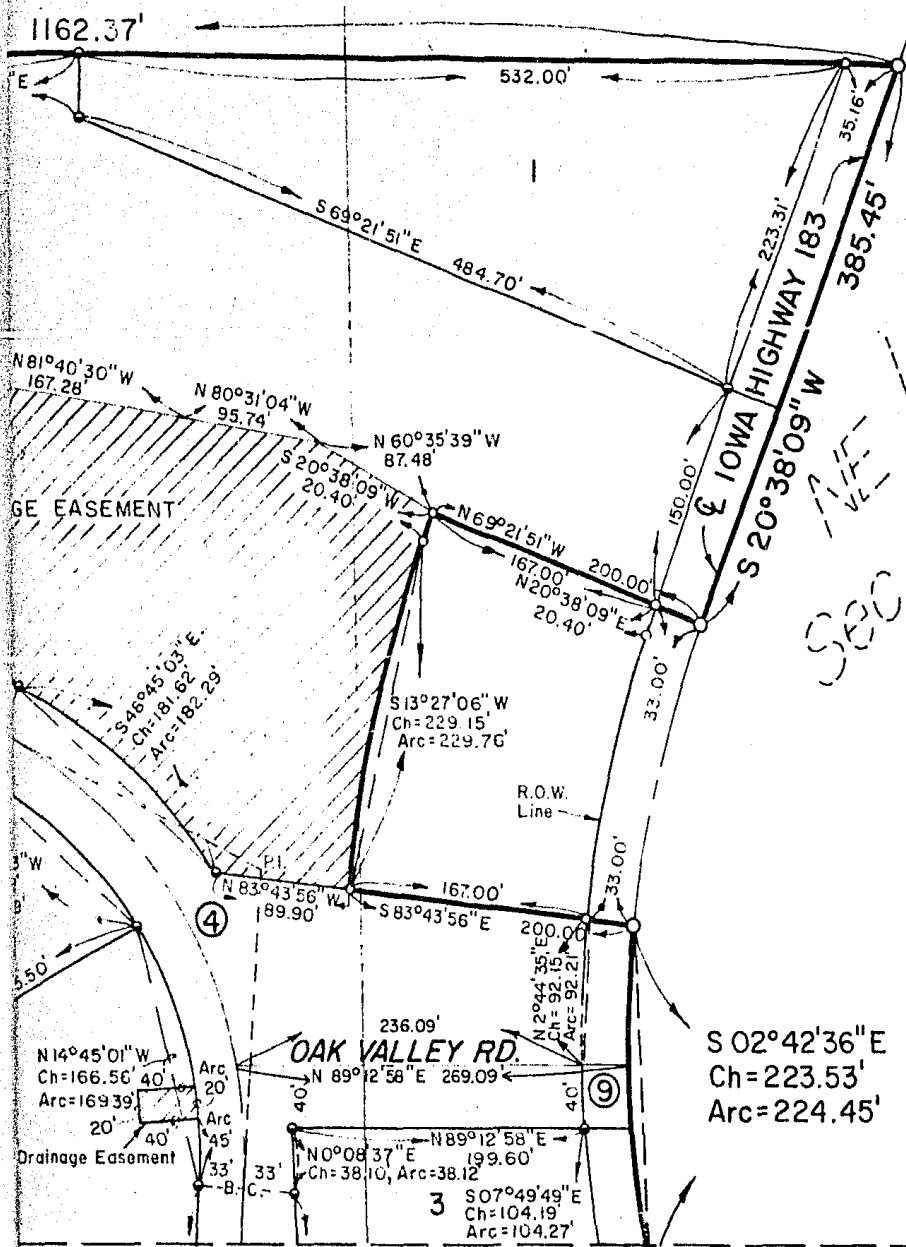
CENTERLINE CURVE DATA

①	②	③	④	⑤
$\Delta = 12^{\circ}10'59''$	$\Delta = 8^{\circ}00'00''$	$\Delta = 1^{\circ}24'35''$	$\Delta = 68^{\circ}00'00''$	$\Delta = 25^{\circ}00'$
$D = 6^{\circ}05'29''$	$D = 4^{\circ}00'00''$	$D = 1^{\circ}26'07''$	$D = 19^{\circ}05'55''$	$D = 25^{\circ}24'$
$T = 100.38'$	$T = 100.16'$	$T = 49.11'$	$T = 202.35'$	$T = 50.00'$
$L = 200.00'$	$L = 200.00'$	$L = 98.21'$	$L = 356.05'$	$L = 98.41'$
$E = 5.34'$	$E = 3.50'$	$E = 0.30'$	$E = 61.86'$	$E = 5.48'$
$R = 940.60'$	$R = 1432.39'$	$R = 3991.78'$	$R = 300.00'$	$R = 225.5'$

STANDARD BLUE PRINT, OHAMA 080275



④	⑤	⑥	⑦	⑧
$\Delta = 68^{\circ}00'00''$	$\Delta = 25^{\circ}00'00''$	$\Delta = 4^{\circ}00'00''$	$\Delta = 30^{\circ}00'00''$	$\Delta = 26^{\circ}07'00''$
$D = 19^{\circ}05'55''$	$D = 25^{\circ}24'14''$	$D = 2^{\circ}00'00''$	$D = 61^{\circ}24'37''$	$D = 53^{\circ}09'33''$
$T = 202.35'$	$T = 50.00'$	$T = 100.04'$	$T = 25.00'$	$T = 25.00'$
$L = 356.05'$	$L = 98.41'$	$L = 200.00'$	$L = 48.85'$	$L = 49.13'$
$E = 61.86'$	$E = 5.48'$	$E = 1.75'$	$E = 3.29'$	$E = 2.86'$
$R = 300.00'$	$R = 225.54'$	$R = 2864.77'$	$R = 93.30'$	$R = 107.78'$



79 5589

SEC. 36-76

⑦
 $\Delta = 30^{\circ}00'00''$
 $D = 61^{\circ}24'37''$
 $T = 25.00'$
 $L = 48.85'$
 $E = 3.29'$
 $R = 93.30'$

⑧
 $\Delta = 26^{\circ}07'05''$
 $D = 53^{\circ}09'36''$
 $T = 25.00'$
 $L = 49.13'$
 $E = 2.86'$
 $R = 107.78'$

⑨ (SURVEY)
 $\Delta = 54^{\circ}12'50''$
 $D = 8^{\circ}00'00''$
 $T = 366.61'$
 $L = 677.67'$
 $E = 88.38'$
 $R = 716.20'$

⑨ (HWY. COMM. DATUM)
 $\Delta = 54^{\circ}06'00''$
 $D = 8^{\circ}00'00''$
 $T = 365.70'$
 $L = 676.30'$
 $E = 88.0'$
 $R = 716.3'$

79 5591

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H. GENE AND MIKEOWN
 CONSULTING ENGINEERS AND LAND SURVEYORS OFFICES AND COUNCIL BLUFFS

CLIENT: NORMAN & MARLENE DRIVER
 UNDERWOOD, IOWA 51576

DRAWN BY: R.H.
 APPD. BY: C.R.

PROJ. NO. 11158
 DATE: JULY, 1978

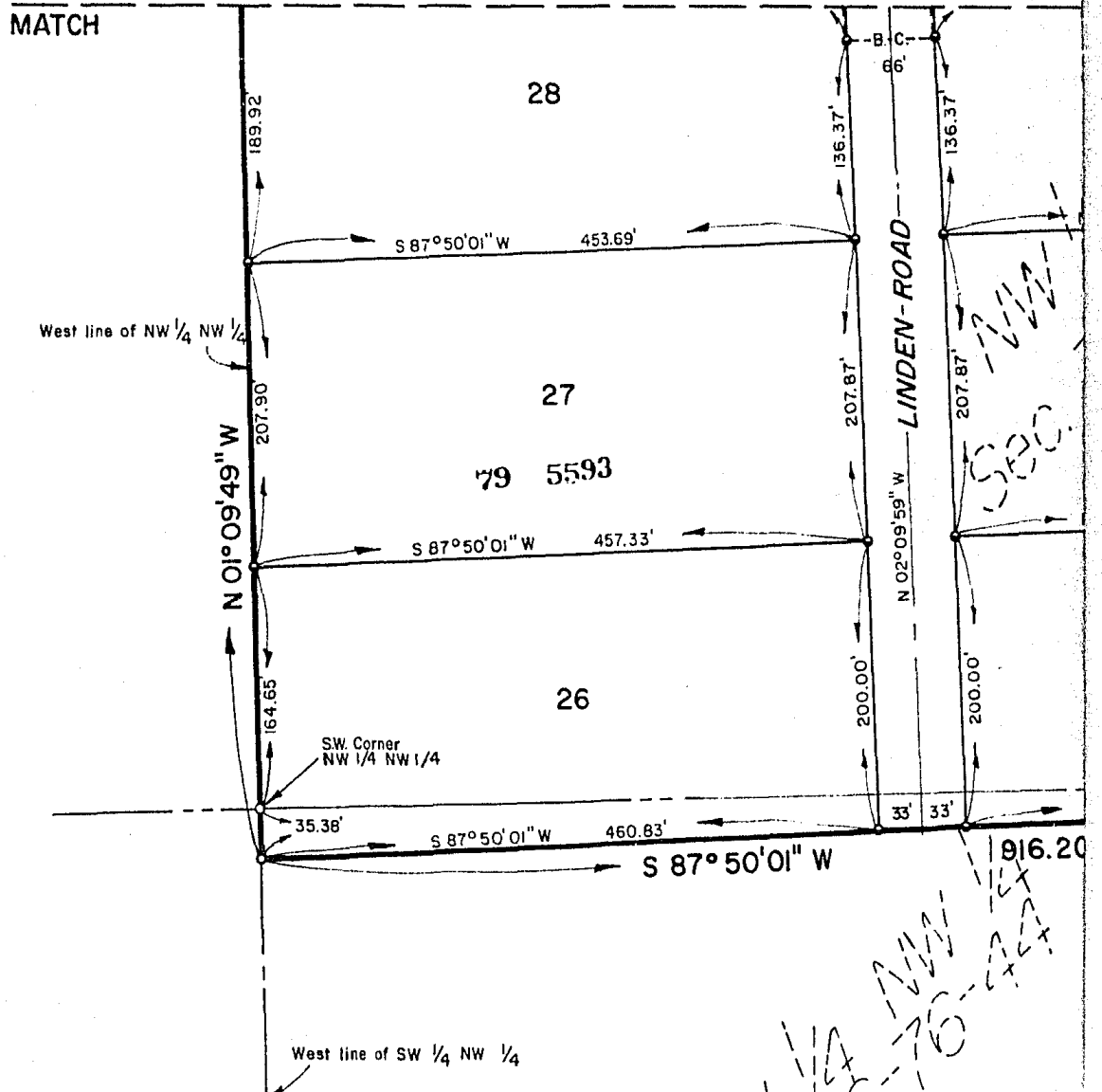
DATE: _____
 REVISIONS: _____

COMPARED

LEGEND

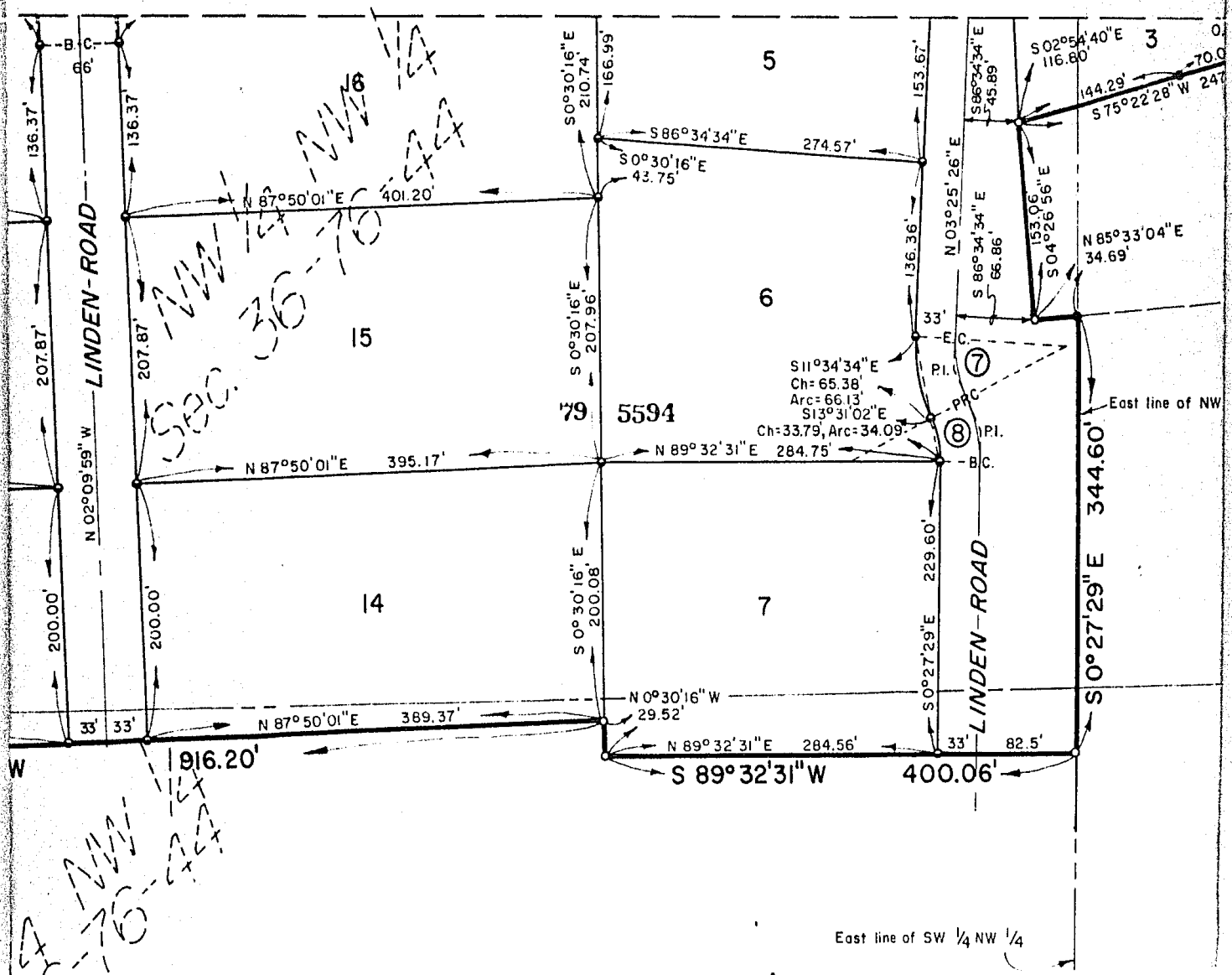
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- - FOUND IRON PIN
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OAK VA

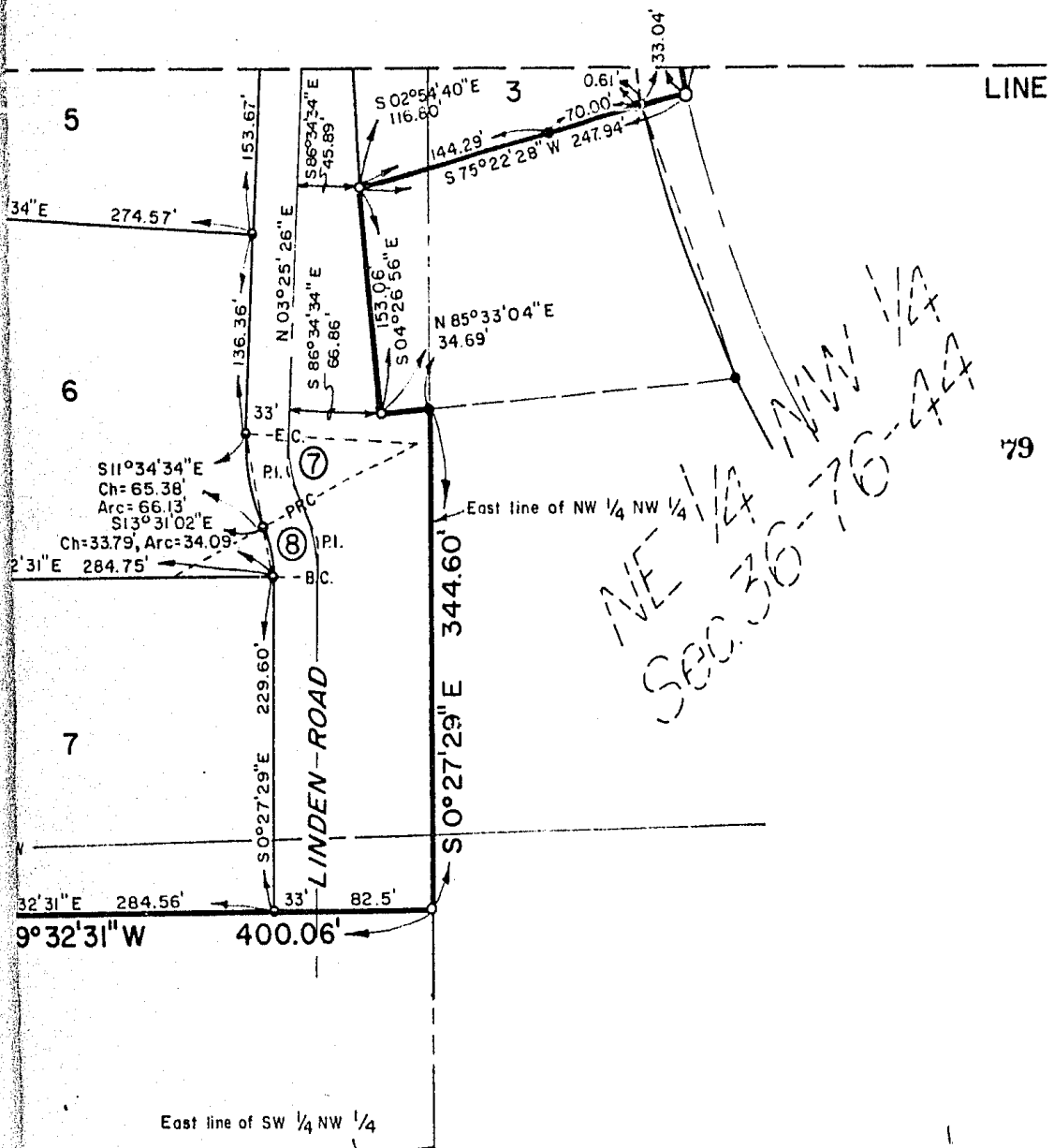
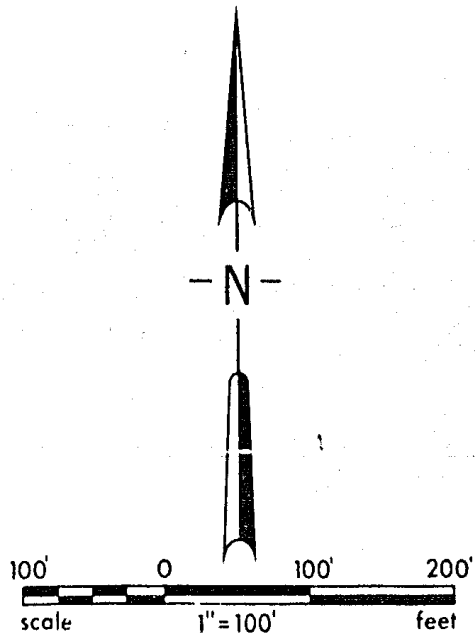


FINAL PLAT OAK VALLEY SUBDIVISION-DIVISION I

1979)



IN-DIVISION 1



MIKEOWIN AND ASSOCIATES LAND SURVEYORS OFFICES: RED OAK, IOWA	TITLE: FINAL, PLAT OAK VALLEY SUBDIVISION	SHEET: 3 OF 3
	DATE: _____ REVISIONS: _____	DATE: _____ REVISIONS: _____
JT NORMAN & MARLENE DRIVER UNDERWOOD, IOWA 51576		

West line of NW 1/4 NW 1/4

N 01° 09' 49" W

S 87° 50' 01" W 453.69'

27

'79 5593

S 87° 50' 01" W 457.33'

26

SW. Corner NW 1/4 NW 1/4

164.65'

S 87° 50' 01" W 460.83'

S 87° 50' 01" W

916.20'

West line of SW 1/4 NW 1/4

LINDEN ROAD

N 02° 09' 51" W

207.87'

200.00'

207.87'

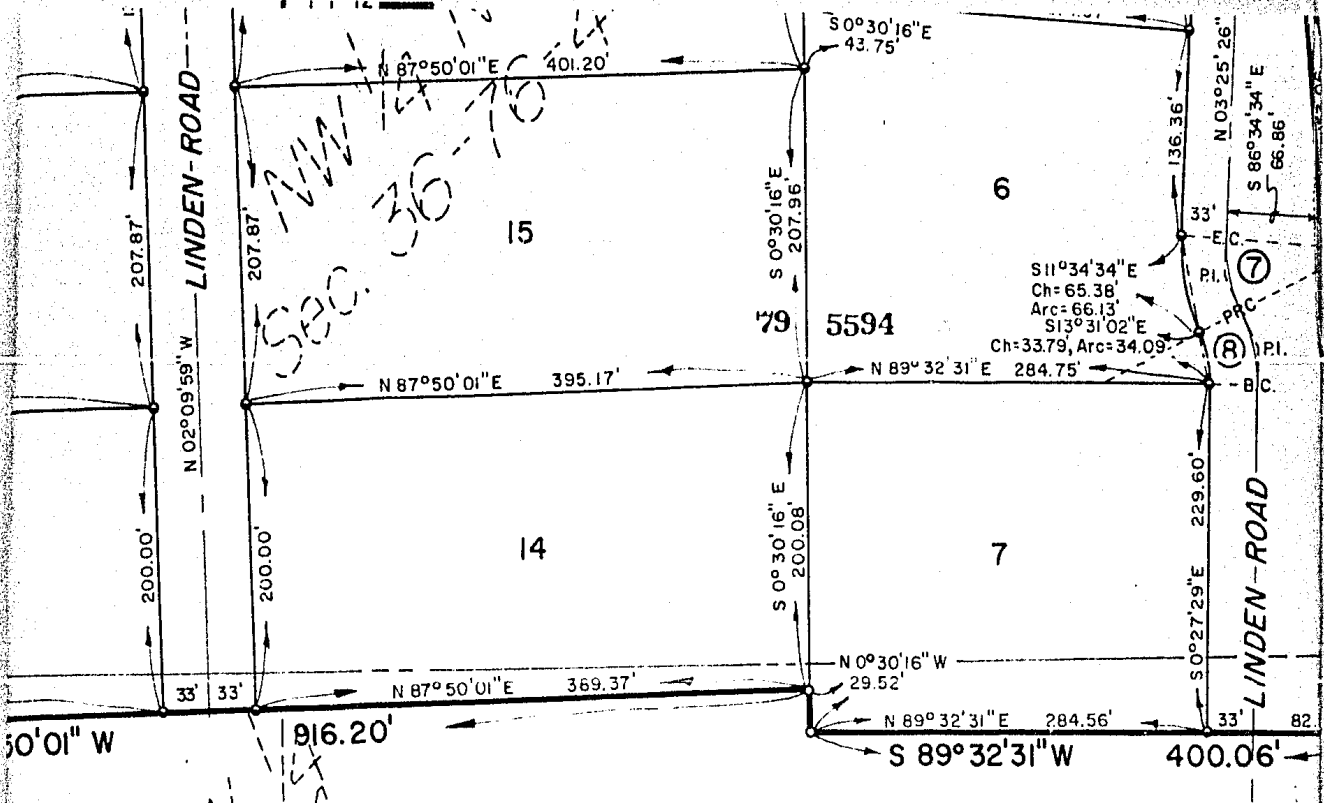
200.00'

33'

33'

SW 1/4
SEC. 36

'79 5596

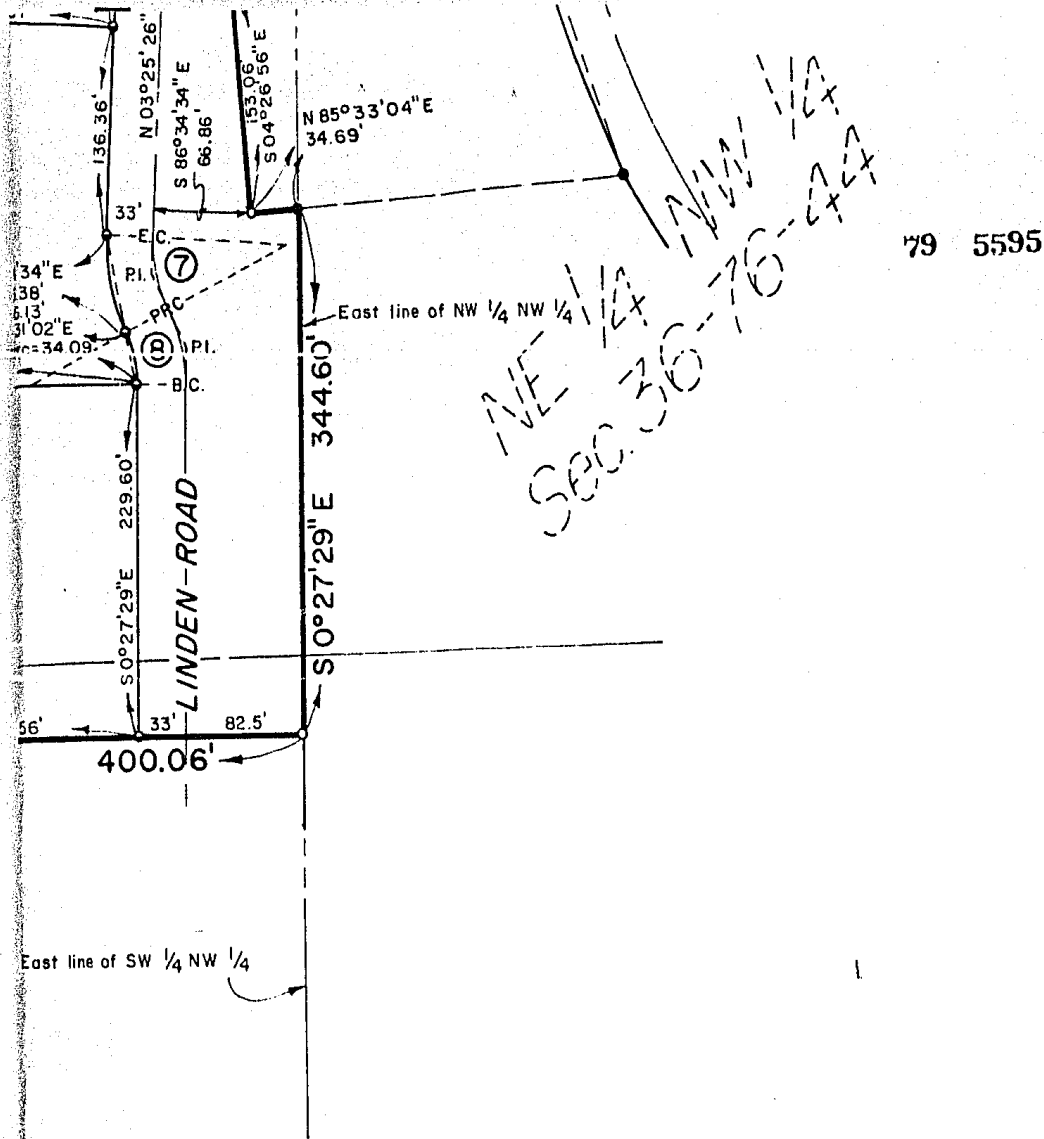


Handwritten notes:
 SEC 36-76-44
 1/4 NW 1/4

East line of SW 1/4 NW 1/4

Note: A perpetual easement of 5 feet and 10 feet on rear lot line installation and maintenance that the lot line common to in width, 10 feet on either

79 5597



al easement of 5 feet on front and side lot lines
 et on rear lot lines shall be reserved for the
 ion and maintenance of utilities and drainage except
 lot line common to lots 4 and 18 shall be 20 feet
 10 feet on either side of said line.

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F. L. GENE CONSULTING ENGINEERS AND M. K. GOWN LAND SURVEYORS OFFICES	CLIENT: NORMAN & MARLENE DRIVER UNDERWOOD, IOWA 51576	DATE _____ REVISOR _____
	DRAWN BY R.W. APPD. BY C.R.	PROJ. NO. 11158 DATE JULY, 1978