

MISCELLANEOUS RECORD BOOK 223, MILLS COUNTY, IOWA

The Historic Seminary Building
541 6th Avenue
Council Bluffs, Iowa 51503



Telephone: 712-322-0133
Fax: 712-322-9421

#200

FILED Jan 20, 1997 12:10 P.M.
RECORDED Misc. BK. 223 PG 589-598
MILLS COUNTY RECORDER
ROBERTA DASHNER Roberta Dashner January 4, 1997
of DEPUTY

Indexed
Recorded
Mills Co

Mr. Jason M. Harper
R. R. 1
Council Bluffs, IA 51503

FEE \$ 55.00
RMFS 10.00

Scenic Hideaway
Subdivision Plat
Chs. A all 170B

Dear Mr. Harper:

I have examined this date pursuant to your request the abstract of title to the following described real estate, that you wish to have subdivided as "Scenic Hideaway", to wit:

See Exhibit "A"

The most recent continuation of this abstract bears Continuation No. 51018 with 62 consecutively numbered entries. The abstract is in one (1) part and the last continuation goes up and through the 23d day of December, 1996 at 8:00 A.M. and is certified to by the Mills County Abstract Company. I have examined this abstract pursuant to the Iowa Marketable Title Act and I find title to this property to be vested in Jason Matthew Harper, a single person, subject to easements and liens of record.

1. Entry No. 57 indicates that Glenwood State Bank is the Grantee of an unreleased mortgage that is dated April 22, 1996, filed May 6, 1996 and recorded in Book 217 at pages 421-427 of the Misc. Record book of the Mills County Recorder. This constitutes a first lien on the property.

2. Entries No. 51 and 59 indicate that the property is subject to a various restrictive covenants that impact upon the use of the property and may effect the use and enjoyment of the property.

3. The property is subject to an easement in favor of Mills County, Iowa for the purpose of building, operating and maintaining a roadway and public use as evidenced by entries 15, 16, 17, and 18.

4. The property is subject to an easement in favor of the State of Iowa for the purpose of building, operating and maintaining a roadway and public use as evidenced by entries 19, 20, 21, 22 and 23.

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5. The property is subject to an easement in favor of Iowa Light and Power and its successors for the purpose of building, operating and maintaining a power transmission line as evidenced by entries 24, 25, 26 and 30.

6. Entry No. 29 indicates that the property is subject to a Mills County Subdivision Ordinance dated April 24, 1973 and filed April 27, 1973. The provisions of this ordinance are too lengthy to be abstracted therefore if you have any concerns regarding the ordinance you are directed that the full text of this ordinance is located in Book 102, Pages 84-101 of the Mills County Recorder.

7. Entry No. 43 indicates that certain property in Mills County, Iowa is subject to a Flood Plain Management Ordinance dated January 18, 1988, filed February 22, 1988 and recorded in Book 164 Pages 614-628 of the Misc. Record of the Mills County Recorder. A review of the map filed with this ordinance would be required to determine if this property is actually subject to its provisions.

8. Your attention is also directed to the fact that no search has been made of the bankruptcy record. In order to investigate whether a filing has been made. You should check with the Bankruptcy Clerk of the Federal Court in Des Moines, Iowa if you have any concerns regarding Bankruptcy filings.

9. You are further notified that there are no certifications as to special assessments that have not been certified to the County Auditor. Since special assessments become a lien upon a lien when they are in the Treasurer's Office, you should check the record to see that no such assessment exists.

10. State law imposes the responsibility for cleaning up hazardous wastes, underground storage tanks, solid wastes, unused wells and other environmental issues upon the owner of property where these hazards are found. If after a visual inspection and a review of the State Ground Water Hazard Statement, there is any cause for concern these matters must be resolved prior to accepting title.

11. You should determine for yourself whether or not any materials and/or labor have been furnished for improvements within the last 90 days (60 days for subcontractors) for which mechanics liens may exist if they are properly and timely filed.


12. Your attention is drawn to the fact that a lien search has been made for the following persons and entities.

Jason Matthew Harper
Roger C. Young

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13. You should determine if there is any person in possession of any part of this Real Estate by visual inspection. You should also check by visual inspection whether there is any fence in place with adjacent property owners to determine if there exists a boundary dispute or other issues not in compliance with the fence laws of Iowa.

Sincerely,



Brian F. Beattie

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EXHIBIT A

Legal Description:

A parcel of land located in part of the SW1/4 SW1/4 and in part of the NW1/4 SW1/4 of Section 3 and also located in part of the SE1/4 SE1/4 and part of the NE1/4 SE1/4 of Section 4, all in Township 73 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, said parcel is more fully described as follows:
 Commencing at the Southwest corner of said Section 3; thence N01°10'34"W along the West line of said Section 3 a distance of 786.72 feet to the Point of Beginning; thence S24°39'46"W a distance of 353.37 feet; thence N22°09'53"W a distance of 245.74 feet; thence S59°31'46"W a distance of 223.52 feet; thence N36°40'46"W a distance of 537.37 feet; thence N57°07'24"E a distance of 988.61 feet to a point on the centerline of U.S. Highway No. 275, said point being on a curve concave Northeasterly having a central angle of 27°49'00" and a radius of 1432.39 feet; thence Southeasterly along said centerline and along a portion of said curve an arc length of 128.77 feet with a chord bearing and distance of S26°35'31"E, 128.73 feet; thence S62°19'47"W a distance of 222.04 feet; thence S33°44'03"E a distance of 383.33 feet; thence S33°53'58"W a distance of 269.53 feet to the Point of Beginning. Said parcel contains 10.70 acres, more or less, including presently established right of way for U.S. Highway No. 275 (0.10 acres).
 Note: The West line of said Section 3 is assumed to bear N01°10'34"W for this description.

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DEDICATION OF LANDOWNER

KNOW ALL MEN BY THESE PRESENTS: THAT JASON MATTHEW HARPER, A SINGLE PERSON, BEING THE SOLE OWNER OF AND PROPRIETOR OF THE LAND DESCRIBED IN THE FINAL PLAT OF SCENIC HIDEAWAY HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS: SAID SUBDIVISION TO BE KNOWN AS "SCENIC HIDEAWAY". THE LOTS NUMBERED AS SHOWN IN THE FINAL PLAT AND I HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF MY PROPERTY AS SHOWN IN THE FINAL PLAT. THE PROPERTY THE SUBJECT OF THIS PLAT IS LOCATED IN PART OF THE SW 1/4 SW1/4 AND IN PART OF THE NW1/4 SW1/4 OF SECTION THREE AND ALSO LOCATED IN PART OF THE SE1/4 SE1/4 AND PART OF THE NE1/4 SE1/4 OF SECTION FOUR ALL IN TOWNSHIP 73 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, MILLS COUNTY, IOWA, AS APPEARS ON THE FINAL PLAT IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED PROPRIETOR IN WITNESS HEREOF I DO HEREUNTO SET MY HANDS THIS 14TH DAY OF JANUARY, 1997

Jason Matthew Harper
JASON MATTHEW HARPER

STATE OF IOWA)
) SS:
COUNTY OF MILLS)

On this 14th day of January, 1997, before me the undersigned, a Notary Public in and for said State, personally appeared JASON MATTHEW HARPER, to me known to be the same identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as a voluntary act and deed.

Brian F. Beattie
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE



MISCELLANEOUS RECORD BOOK 223, MILLS COUNTY, IOWA

STATEMENT FROM THE MILLS COUNTY TREASURER

STATE OF IOWA)
) SS:
COUNTY OF MILLS)

In Re:
A parcel of land located in the part of the SW1/4 SW1/4 and in part of the NW1/4 SW1/4 of Section 3 and also located in part of the SE1/4 SE1/4 and part of NE1/4 SE1/4 of Section 4, all in Township 73 North, Range 43 West of the Fifth Principal Meridian, Mills County, Iowa, more particularly described as follows:

Commencing at the southwest corner of said Section 3; thence N01°10'34"W along the West line of said Section 3 a distance of 786.72 feet to the Point of Beginning; thence S24°39'46"W a distance of 253.37 feet; thence N22°09'53"W a distance of 243.74 feet; thence S59°31'46"W a distance of 223.52 feet; thence N16°40'46"W a distance of 537.37 feet; thence N57°07'24"E a distance of 988.61 feet to a point on the centerline of U.S. Highway No. 275, said point being on a curve concave Northwesterly having a central angle of 27°49'00" and a radius of 1432.39 feet; thence Southeasterly along said centerline and along a portion of said curve an arc length of 128.77 feet with a chord bearing and distance of S26°35'31"E, 128.73 feet; thence S62°19'47"W a distance of 222.04 feet; thence S31°44'03"E a distance of 383.33 feet; thence S33°53'58"W a distance of 269.53 feet to the Point of Beginning. Said parcel contains 10.70 acres, more or less, including presently established right of way for U.S. Highway No. 275 (0.10 acres).
Note: The West line of said Section 3 is assumed to bear N01°10'34"W for this description.

COMES NOW Lesta Kahl and state while under oath that I am the duly elected and qualified Treasurer of Mills County, Iowa, and have examined the records in respect to the above described property and find the above described property to be free from certified taxes and certified special assessments.

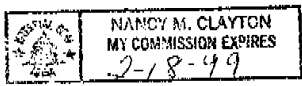
Dated this 12th day of December, 1996

Lesta Kahl
Lesta Kahl
Mills County Treasurer

I, Lesta Kahl, being first duly sworn on oath state that I am the Treasurer for Mills County Iowa; that I have read the statements contained in the foregoing statement aid that they are true and correct according to the best of my knowledge and belief.

Lesta Kahl
Lesta Kahl
Mills County Treasurer

Subscribed and sworn before me by Lesta Kahl on this 12th day of December, 1996.



Nancy M. Clayton
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE

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. CONSENT TO PLATTING

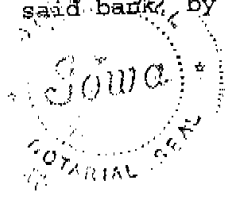
The undersigned, Glenwood State Bank, consents to the platting of Scenic Hideaway. This consent executed pursuant to Section 354.11, Code of Iowa, on this 12 day of Dec, 1996.

Attest:

Larry Winum
LARRY WINUM
President, Glenwood State Bank

STATE OF IOWA)
COUNT OF MILLS)
On this 12 day of Dec, 1996, before me the undersigned, a Notary Public in and for said County, in said State, personally appeared Larry Winum, to me personally known, who being duly sworn, did say that he is President of said bank executing the within and foregoing instrument to which this is attached, that the seal affixed thereto is the seal of said bank: and that the said Larry Winum as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said bank, by it and him voluntarily executed.

Janet Hall
NOTARY PUBLIC JANET HALL



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**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTRICTIONS
AND EASEMENTS WITH RESPECT TO SCENIC HIDEAWAY
SUBDIVISION TO MILLS COUNTY, IOWA**

This Declaration is made by Jason Matthew Harper, a single person, as the owner of the real estate to be known as Scenic Hideaway, a Subdivision to Mills County, Iowa. The purpose of this Declaration is to prescribe any covenants, conditions, restrictions and easements with respect to the use of the land in Scenic Hideaway for the purpose of providing the best and most appropriate development and improvement of each building site and for the protection of the owners of all lots in Scenic Hideaway.

The following provisions shall apply to the use and development of all lots in Scenic Hideaway, a Subdivision to Mills County, Iowa:

1. The real estate may not be improved, used or occupied for other than single-family private residential purposes, and no duplex, flat, apartment house, trailer, outbuilding or other exterior structure may be erected thereon or at any time used for human habitation. No residential building which previously has been at another location shall be moved onto the real estate. The real estate shall not be further subdivided except in accordance with the final plat of scenic hide away subdivision to be recorded after acceptance by the Mills County Board of Supervisors.
2. No residence may be erected upon the real estate unless it has a minimum of 1,500 square feet on the ground level enclosed floor.
3. No "junk" vehicles may be stored, parked or otherwise kept on the premises. (For purposes of this document, the definition of "junk" shall be a vehicle which is inoperational for an excess of thirty (30) days consecutively, missing essential or significant body, chassis or motor parts in excess of thirty (30) days, or remains unlicensed for a period in excess of thirty (30) days.
4. There shall be no outside pets or livestock kept on the premises.
5. There shall be no outside burning at any time for any reason.
6. No exterior structures may be erected upon the real estate unless and until the building plans, specifications, color, schemes, materials, location, and landscaping thereof have been submitted to and approved in writing by the Grantors, their heirs, successors or assigns.
7. No signs, advertisements, billboards, or advertising structures of any kind may be erected or maintained on the real estate without the consent, in writing of the Grantors, their heirs, successors or assigns, except that one (1) sign may be erected and maintained upon the real estate for the sole and exclusive purpose of advertising the real estate for sale.
8. The covenants, conditions, restrictions and easements contained herein are to run with the land and shall be binding upon all parties who become owners of lots in Scenic Hideaway, and all persons claiming under them for a period of thirty (30) years from the date this Declaration is recorded, after which time the covenants, conditions, restrictions and easements contained in this Declaration shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the majority of the owners of the lots in Scenic Hideaway, a Subdivision to Mills County, Iowa, has been recorded agreeing to change the Declaration in part or in whole.
9. This Declaration may be changed, added to, amended or repealed by the owners of the lots in said Scenic Hideaway by a majority vote of the then owners of the lots, with each lot having one vote for purposes of any said changes or amendments.

DATED this 20 day of January, 1997.



 JASON MATTHEW HARPER

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DECLARATION OF COVENANTS, CONDITIONS, RESTRICTICTIONS
AND EASEMENTS WITH RESPECT TO SCENIC HIDEAWAY
SUBDIVISION TO MILLS COUNTY, IOWA

STATE OF IOWA)
)ss.
COUNTY OF MILLS)

On this 20th day of January, 1997, before me, a Notary Public, in and for said County and State, personally appeared Jason Mathew Harper, known to me to be the identical person named in and who executed the above and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

Nancy M. Clayton
NOTARY PUBLIC



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MISCELLANEOUS RECORD BOOK 223, MILLS COUNTY, IOWA

Resolution No. ~~97-5~~ 97-5
RESOLUTION APPROVING FINAL PLAT
of
SCENIC HIDEAWAY SUBDIVISION
Sections 3&4, Twp 73N, Rng 43W, Mills County, Iowa

WHEREAS, ~~George H. Harper~~ Jason M. Harper ^{has} presented a Final Plat of the proposed Scenic Hideaway Subdivision for acceptance and approval by Mills County, and,

WHEREAS, said Final Plat conforms with the requirements of the Mills County Subdivision Ordinance, and,

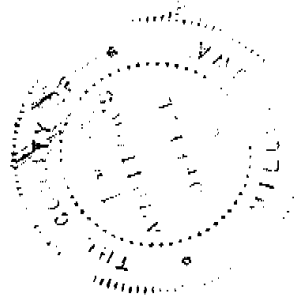
WHEREAS, the developer ^{has} ~~have~~ submitted documents that fulfill the requirements of Sections 354.08 and 354.11 of the Code of Iowa,

NOW THEREFORE, BE IT RESOLVED THAT

1. The Mills County Board of Supervisors hereby accepts and approves Scenic Hideaway Subdivision as an official subdivision of Mills County, Iowa.
2. The developer ^{is} ~~are~~ directed to record the Plat and supporting documents with the County Recorder and County Auditor, and may commence the sale of lots to the general public thereafter.

Naomi Christensen 1-20-97
~~Kenton F. Rosenfeldt~~, Chair Date
Mills County Board of Supervisors

Attest:
Cheryl Ross 1-20-97
Cheryl Ross, Mills County Auditor Date



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FINAL PLAT
SCENIC HIDEAWAY
SUBDIVISION

PT. NW1/4 SW1/4, PT. SW1/4 SW1/4 SECTION 3-73-43 &
PT. NE1/4 SE1/4, PT. SE1/4 SE1/4 SECTION 4-73-43
MILLS COUNTY, IOWA

OWNER & SUBDIVIDER: JASON MATTHEW HARPER
RR #1 COUNCIL BLUFFS, IA.

MILLS COUNTY ASSESSOR
RECEIVED
MILLS COUNTY

MILLS COUNTY ENGINEER
Stephen A. DeVries, P.E. Date: 1-20-97

MILLS COUNTY BOARD OF SUPERVISORS
Approved by Chairperson
Date: 1-20-97

ATTEST
Cheryl Ross 1-20-97
MILLS County Auditor
Date: 1-20-97

FILED
JAN 20 1997
Cheryl Ross
Mills County Auditor

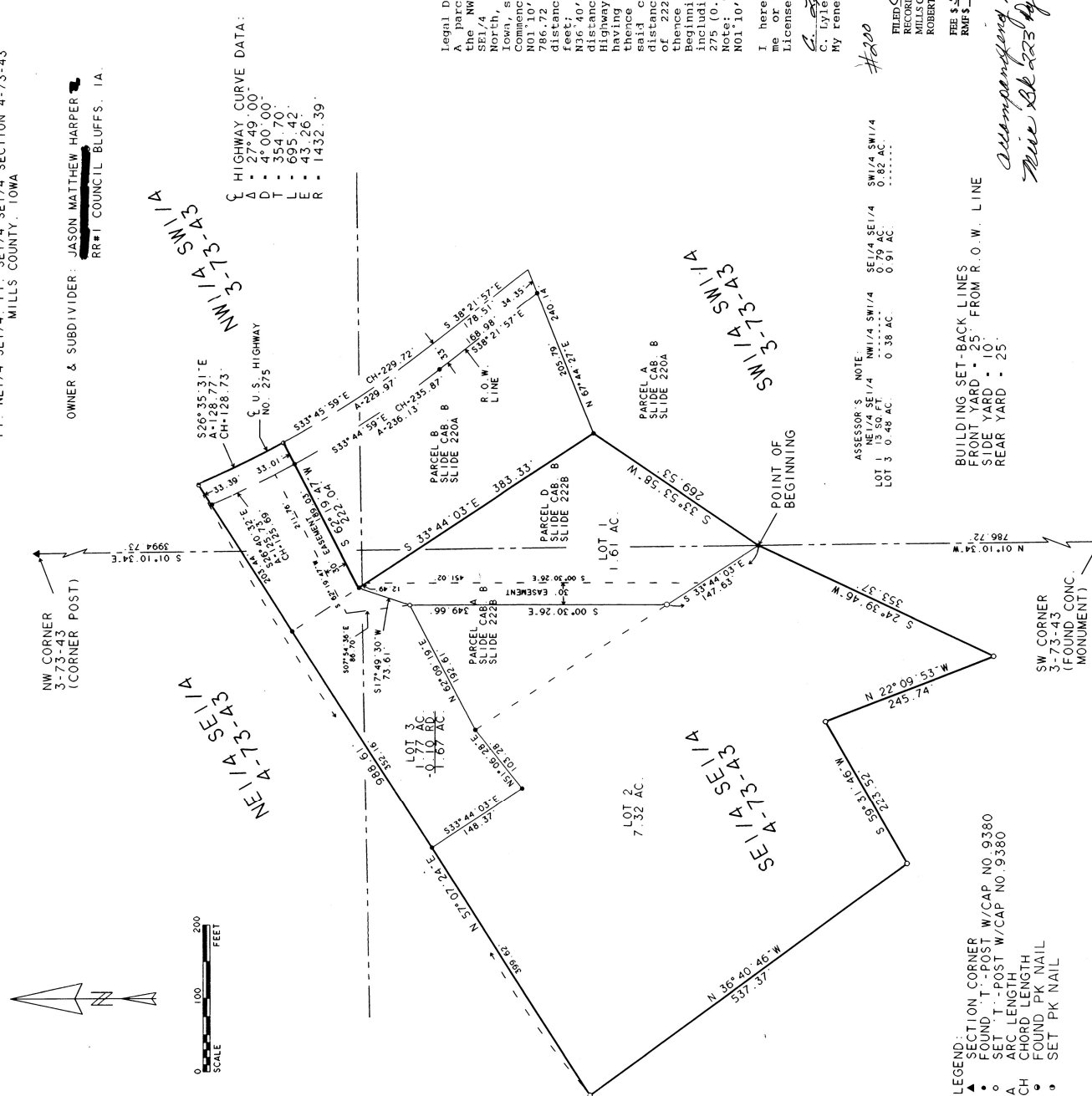
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Commencing at the Southwest corner of said Section 3; thence N01°10'34"W along the West line of said Section 3 a distance of 786.72 feet to the Point of Beginning; thence S24°39'46"W a distance of 559.31'46"W a distance of 223.52 feet; thence N36°40'46"W a distance of 537.37 feet; thence N57°07'24"W a distance of 988.61 feet to a point on the centerline of U.S. Highway No. 275, said point being on a curve concave Northeasterly having a central angle of 27°49'00" and a radius of 1432.39 feet; thence Southeasterly along said centerline and along a portion of said curve an arc length of 128.77 feet with a chord bearing and distance of S26°15'31"E, 128.73 feet; thence S62°19'47"W a distance of 22.09 feet; thence S33°53'58"W a distance of 383.33 feet; thence S33°53'58"W a distance of 10.70 feet to the Point of Beginning. Said parcel contains 10.70 acres, more or less, including presently established right of way for U.S. Highway No. 275 (0.10 acres).
Note: The West line of said Section 3 is assumed to bear N01°10'34"W for this description.

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.
C. Wile Mayhew, L.S. Date: Nov. 19, 1996



Indexed
Recorded
Hills Co
FILED Jan 20 1997
MILLS COUNTY RECORDER
ROBERTA DASHNER
FEE \$ 55.00
RMS 12-97

SCALE: 1"=100'	APPROVED BY:
DATE: NOV. 1996	DRAWN BY: LFN
	REVISED:
Prepared by: LAND SURVEYING SERVICES, INC. 508 Sharp Street Glenwood, Iowa	DRAWING NUMBER
Requested by: Jason Harper Glenwood, Iowa	CAD#B:HARP



Accompanying Documents
Misc Bk 223 of 589-598
Archive Copy