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PLAT AND CERTIFICATE
FOR
SELDIN'S SECOND ADDITION
TO THE
CITY OF COUNCIL BLUFFS, IOWA

Prepared by:
Proctor R. Perkins
Attorney at Law
412 Park Building
Council Bluffs, Iowa

C E R T I F I C A T E

IN CONSIDERATION OF THE ST. PETERS, Green Acres Realty, Inc., an Iowa corporation, does hereby declare and certify that the accompanying plat of Seldin's Second Addition to the City of Council Bluffs, Iowa, is an addition of the following described real estate situated in said City of Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows:

That part of what was formerly Oakfield Addition to Council Bluffs, Iowa, said part of said Oakfield Addition being South of Ninth Avenue, a duly platted Avenue in the City of Council Bluffs, Iowa, said part of said Oakfield Addition lying within the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section Thirty-four (34), Township Seventy-five (75) North, Range Forty-four (44) West of the 5th P. M., said part of Oakfield Addition being duly vacated by decree of the District Court of Iowa in and for Pottawattamie County at Council Bluffs on the 2nd day of January, 1928, and said decree being entered of record in said Court in Book 1204, Page 464; and also a part of the East Half (E $\frac{1}{2}$) of the East Half (E $\frac{1}{2}$) of the East Half (E $\frac{1}{2}$) of the East Half (E $\frac{1}{2}$) lying South of said Ninth Avenue, except the South one hundred fifty-eight (158) feet of said tract, all lying in the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of said Section, Township and Range and all situated in the City of Council Bluffs, in Pottawattamie County and State of Iowa, all of which land is more particularly described as follows:

Beginning at the Northeast corner of Seldin's First Addition to the City of Council Bluffs, Iowa, thence South 89 degrees 29 minutes East, 488.0 feet along the South line of Ninth Avenue; thence Southerly 1155.5 feet along the East line of the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section Thirty-four (34), Township Seventy-five (75) North, Range Forty-four (44) West of the 5th P. M. to the Union Pacific Railway (or Railroad) Company right-of-way; thence in the following courses along said right-of-way: South 89 degrees 05 minutes West, 340.0 feet; thence North 0 degrees 40 minutes East, 179.5 feet; thence North 88 degrees 40 minutes West, 116.19 feet to the Southeast corner of Seldin's First Addition; thence North 0 degrees 16 minutes East, 100.0 feet; thence North 47 degrees 44 minutes West, 53.8 feet; thence North 0 degrees 16 minutes East, 842.36 feet to the point of beginning.

Green Acres Realty, Inc., an Iowa corporation, does hereby state that it is the sole legal owner and proprietor in fee simple of the tract of real estate above described and as appears on the annexed plat; and that

RECORDED

Green Acres Realty, Inc.,
an Iowa Corporation,
to
the Public

RESTRICTIVE COVENANT RELATIVE
TO SEIDIN'S SECOND ADDITION TO
THE CITY OF GORHAM, IOWA,
IOWA.

KNOW ALL MEN BY THESE PRESENTS:

That Green Acres Realty, Inc., an Iowa corporation, is
the proprietor of that subdivision known as Seidin's Second Addition to the
City of Gorham, Iowa, consisting of certain lots, buildings and other
buildings so covering the same as shown on a plat of the same
located in the public records of the State of Iowa, to-wit: the
following: and that the following restrictive covenants are hereby
imposed upon the Second Addition to the City of Gorham, Iowa:

1. All lots in said subdivision shall be used for
residential purposes only and shall not be used for any other
purpose whatsoever.

2. No building or structure shall be erected on any lot in
said subdivision which shall be taller than the building or
structure now on the lot.

3. No building or structure shall be erected on any lot in
said subdivision which shall be wider than the lot on which
it is to be erected.

4. No building or structure shall be erected on any lot in
said subdivision which shall be more than 100 feet wide.

5. No building or structure shall be erected on any lot in
said subdivision which shall be more than 100 feet deep.

6. No building or structure shall be erected on any lot in
said subdivision which shall be more than 100 feet long.

7. No building or structure shall be erected on any lot in
said subdivision which shall be more than 100 feet high.

8. No building or structure shall be erected on any lot in
said subdivision which shall be more than 100 feet wide.

9. No building or structure shall be erected on any lot in
said subdivision which shall be more than 100 feet deep.

10. No building or structure shall be erected on any lot in
said subdivision which shall be more than 100 feet long.

11. No building or structure shall be erected on any lot in
said subdivision which shall be more than 100 feet high.

Completed

5. No building shall be erected on any lot unless the design and location is in harmony with existing structures and locations in the tract and does not violate any Protective Covenant. In any case, no dwelling shall be permitted on any lot described herein, having a ground floor square foot area of less than six hundred seventy-two (672) square feet, for one family dwellings, or double said area for a two-family structure, in the case of a one story structure, nor less than six hundred seventy-two (672) square feet in the case of a one and one-half or two story structure, for one family dwellings, or double said area for a two-family structure.

6. The holder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris.

7. No obnoxious or offensive trade 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.

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

9. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until 1981, at which time said covenants shall be automatically extended for successive two periods of ten (10) years and may be by a vote of the majority of the owners of the lots, it is agreed to change the said covenants in whole or in part.

10. If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein before 1981, or any extended period, it shall be lawful for any other person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages or other relief for such violation.

OK →

Voluntary

11. Invalidation of any one of these covenants by any court order shall not affect any of the other provisions herein in full force and effect.

12. And the undersigned hereby, for and in consideration, to the corporation of which I am a member, do hereby agree to execute and prospectively execute of power and authority as far as lawfully I can, to convey all said lots and parcels within the corporate boundaries...

Witness my hand and seal this 17th day of April, 1908.

CHIEF OF POLICE, IOWA

BY *Ben I. Seldin*
President

ATTEST: *Millard R. Seldin*
Secretary

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) ss.

On this 17th day of April, 1908, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Ben I. Seldin and Millard R. Seldin, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary, respectively, of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said Ben I. Seldin and Millard R. Seldin acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Randy Strick
Notary Public in and for Pottawattamie County, Iowa.

PROCTOR R. PERKINS

ATTORNEY AT LAW

412 PARK BUILDING

COUNCIL BLIFFS, IOWA

May 5, 1958

Unimproved

Miss Dorothy Christensen
Pottawattamie County Recorder

Mr. John W. Stouffer
Pottawattamie County Clerk

Mr. Walter W. Lehman
Pottawattamie County Treasurer

Dear Madam and Sirs:

I have examined the record of the following described real estate situated in Pottawattamie County, Iowa, to-wit:

That part of what was formerly included within the Council Bluffs School, bounded on the north by the south line of Ninth Avenue, on the east by the east line of Council Bluffs Avenue, on the west by the west line of Council Bluffs Avenue, and on the south by the north line of the Southwest Quarter (34) of Section Twenty-four (24), Township Seventy-five (75) North, Range Forty-four (44), East of the Sixth Principal Meridian, Iowa, as shown by decree of the District Court of Iowa in an order filed in said court at Council Bluffs, Iowa, on the 17th day of January, 1957, and also decreed in the course of proceedings in said court in Book 12, Page 356; also that part of the South Half (32) of the East Half (31) of Section Forty (40) lying South of the Middle Avenue, across the south one hundred thirty-six (136) feet wide alley, all lying in the North West Quarter (36) of said Southwest Quarter (34) of said Section, Township Seventy-five (75) North, Range Forty-four (44), East of the Sixth Principal Meridian, Iowa, and all situated in the County of Council Bluffs, in Pottawattamie County and State of Iowa, and of which is more particularly described as follows:

Beginning at the Northeast corner of said first addition to the City of Council Bluffs, Iowa, thence South 89 degrees 29 minutes East 188.0 feet along the south line of Ninth Avenue; thence Southerly 115.6 feet along the East line of the Northwest Quarter (36) of the Southwest Quarter (34) of Section Forty-four (44), Township Seventy-five (75) North,

Range forty-four (44), Twp. 11 N., R. 12 E.,
to the Union Pacific Railroad (or Railroad)
Company right-of-way; thence in the following
order: Along the right-of-way; South 89.1
degrees West, 110.0 feet; thence
North 88 degrees 45 minutes East, 170.5 feet;
thence North 88 degrees 45 minutes East, 110.0
feet; thence South 89 degrees 15 minutes West,
100.0 feet; thence North 88 degrees 45
minutes East, 110.0 feet; thence North 0 degrees
15 minutes East, 110.0 feet to the point of
beginning.

and I find therefrom as of the third day of May, 1927, at ten o'clock, A. M.,
good and merchantable title in the simple form.

ON THE ABOVE DAY, I, J. P. PERKINS,

Examined the above and from the sources, in conformity with the laws, what may be subject
to the following:

1. At Entry 264 is a showing of a resolution of the
City Council of the City of Council Bluffs, Iowa, passed July 2, 1927, copy filed
in the Office of the County Auditor July 6, 1927, concerning a sidewalk constructed
on Ninth Avenue affecting the North 116.5 feet of the East Half (E1/2) of the West
Quarter (W1/4) of the East Half (E1/2) of the Northeast Quarter (NE1/4) of the Southwest
Quarter (SW1/4) of Section Thirty-four (34), Township Twenty-five (25), Range
Forty-four (44). At Entry 264 is also showing that the first one-seventh installment
due in 1927 relative to said sidewalk is paid.

2. At Entry 264 is a showing of the zoning Ordinance
of the City of Council Bluffs, Iowa, which shows this property to be located in
the residential zone.

Respectfully submitted,

J. P. Perkins
Proctor R. Perkins, Examiner

P:de

Map



28th St

29th St

City of
Superior
to Council

PLANNING COMMISSION

FOR

STUDY'S SECOND ADDITION

1971

CITY OF COUNCIL BLUFFS, IOWA

Prepared by:

Proctor R. Perkins

Attorney at Law

412 Park Building

Council Bluffs, Iowa

benefit to the purchasers of lots in said subdivision, hereby declare that the following protective covenants shall apply to and restrict as to all lots in said subdivision in accordance with the City of Council Bluffs, Iowa:

1. All lots described herein shall be known, designated and used solely as residential lots for one or two-family residences, and no structure shall be erected on any residential building lot other than one single family dwelling or two-family dwelling, and not to exceed two stories in height and four or two and one-half bays.

2. No building shall be erected on any residential building lot narrower than twenty-five (25) feet to not farther than fifty (50) feet from the front lot line, nor nearer than four (4) feet to any side lot line. The five foot restriction shall not apply to a garage located on the rear end-portion of a lot, except that on corner lots no structure shall be permitted nearer than twelve and one-half (12½) feet to the abut street line.

3. No residential lot shall be subdivided into building lots having less than five thousand (5,000) square feet of area or width of less than fifty (50) feet each, nor shall any building be erected on any residential building lot having an area of less than five thousand (5,000) feet.

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

family structure.

6. Titleholder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris.

7. No obnoxious or offensive trade 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.

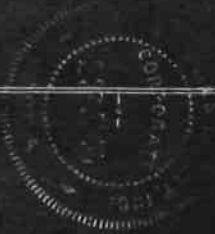
8. A perpetual easement is reserved over the rear five (5) feet of each lot for utility installation and maintenance.

9. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until 1981, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by a vote of the majority of the then owners of the lots, it is agreed to change the said covenants in whole or in part.

10. If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein before 1981, or any extended period, it shall be lawful for any other person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages or other dues for such violation.



1058.



BY Willard R. Seldin
President

ATTEST: Willard R. Seldin
Secretary

STATE OF IOWA
COUNTY OF POTTAWATTAMIE }
}

On this 7th day of April, 1918,

Before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Ben I. Seldin and Willard R. Seldin, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary, respectively, of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said Ben I. Seldin and Willard R. Seldin acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

W. H. Seldin
Notary Public in and for Pottawattamie County, Iowa.

described per estate situated in Pottawattamie County, Iowa, to-wit:

That part of what was formerly Oakfield Addition to Council Bluffs, Iowa, said part of said Addition lying south of Ninth Avenue, a duly platted venue in the City of Council Bluffs, Iowa, said part of said Oakfield Addition lying within the Northeast Quarter (NE¹/₄) of the Southeast Quarter (SE¹/₄) of Section Thirty-four (34), Township Seventy-five (75) North, Range Forty-two (42), of the 5th P. M., said part of Oakfield Addition being only vacated by decree of the District Court of Iowa in and for Pottawattamie County at Council Bluffs on the 28th day of January, 1938, and said decree being entered of record in said Court in Book 122, Page 564; and also a part of the East Half (E¹/₂) of the West Half (W¹/₂) of the East Half (E¹/₂) lying South of said Ninth Avenue, except the South one hundred fifty-eight (158) feet of said tract, all lying in the Northeast Quarter (NE¹/₄) of the Southwest Quarter (SW¹/₄) of said Section, Township and Range and all situated in the City of Council Bluffs, in Pottawattamie County and State of Iowa, all of which is more particularly described as follows:

Beginning at the Northeast corner of Seldin's First Addition to the City of Council Bluffs, Iowa, thence South 89 degrees 29 minutes East 488.0 feet along the South line of Ninth Avenue; thence Southerly 1155.6 feet along the East line of the Northeast Quarter (NE¹/₄) of the Southwest Quarter (SW¹/₄) of Section Thirty-four (34), Township Seventy-five (75) North,

For and merchantable title in fee simple in:

GREEN ACRES REALTY, INC.,

Free and clear from encumbrances, judgments, liens or taxes whatsoever, subject only to the following:

1. At Entry #63 is a showing of a Resolution of the City Council of the City of Council Bluffs, Iowa, passed July 8, 1957, copy filed in the Office of the County Auditor July 9, 1957, ordering sidewalk constructed on Ninth Avenue affecting the North 116.5 feet of the East Half (E $\frac{1}{2}$) of the West Half (W $\frac{1}{2}$) of the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-four (34), Township Seventy-five (75), Range Forty-four (44). At Entry #64 is a showing that the first one-seventh installment due in 1958 relative to said sidewalk is paid.

2. At Entry #165 is a showing of the Zoning Ordinance of the City of Council Bluffs, Iowa, which shows this property to be located in the Open zone.

Respectfully submitted,


Professor N. Perkins, Examiner

HPF:ds

