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Indexed

PLAT AND CERTIFICATES

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

Compared

CERTIFICATE

IN CONSIDERATION OF THESE PREMISES, 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 Addition lying 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 (NE¼) of the Southwest Quarter (SW¼) 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 28th day of January, 1958, and said decree being entered of record in said Court in Book 122, Page 564; and also a part of the East Half (E½) of the West Half (W½) of the East Half (E½) lying South of said Ninth Avenue, except the South one hundred fifty-eight (158) feet of said tract, all lying in the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) 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 1155.6 feet along the East line of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) 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 06 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

Compared

it is with the full knowledge and consent and in accordance with the desires of said corporation, that the same be subdivided and platted into lots, streets, drive and walkways as shown on said plat, and shall be known as "SELDIN'S SECOND ADDITION to the City of Council Bluffs, Iowa", and that all of said streets, drive and walkways be and the same are hereby dedicated to the public for public use, the plattor retaining title to the land denominated "Easement for Walk," subject to an easement in the public for walkway purposes.

Done at Council Bluffs, Iowa, this 7th day of April, 1958.

GREEN ACRES REALTY, INC., an Iowa Corporation

By Ben I. Seldin
Its President

ATTEST: Millard R. Seldin
Secretary

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

On this 7th day of April, 1958, before me, 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 to said instrument is the seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and the said Ben I. Seldin, President and Millard R. Seldin, Secretary, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

Donald Stroh
Notary Public in and for Pottawattamie County, Iowa.

Compared

SURVEYOR'S CERTIFICATE

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, Arnold C. Christensen, registered land surveyor, certify that I surveyed the following described property 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 Avenue in the City of Council Bluffs, Iowa, said part of said Oakfield Addition lying within the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) 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 28th day of January, 1958, and said decree being entered of record in said Court in Book 122, Page 564; and also a part of the East Half (E½) of the West Half (W½) of the East Half (E½) lying South of said Ninth Avenue, except the South one hundred fifty-eight (158) feet of said tract, all lying in the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of said Section, Township and Range and all situated in the City of Council Bluffs, in Pottawattamie County and the 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 1155.6 feet along the East line of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) 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 06 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.

COMPARED

I certify that I made the plat of said property for and on behalf of Green Acres Realty, Inc., an Iowa corporation, the proprietor, with reference to known or permanent monuments and that said plat accurately describes all the subdivisions of Seldin's Second Addition to the City of Council Bluffs, Iowa, and that said subdivisions are numbered seventy-four (74) to one hundred forty-six (146), inclusive, and give the dimensions of said lots by length and breadth and the breadth and the courses of all streets and easements established therein.

Done at Council Bluffs, Iowa, this 7 day of April, 1958.

Arnold C. Christensen
Registered Land Surveyor

Subscribed and sworn to before me by the said Arnold C. Christensen, this 7 day of April, 1958.

Dorothy Stroh
Notary Public in and for Pottawattamie County, Iowa

NOTARIAL SEAL DOROTHY STROH

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Compared PLANNING COMMISSION CERTIFICATE

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, Frank L. Swanson, Chairman of the City Planning Commission, do hereby certify that at a regular meeting of the City Planning Commission held on the 18th day of March, 1958, there was passed and approved the plat of Seldin's Second Addition to the City of Council Bluffs, Iowa.

Frank L. Swanson
CHAIRMAN, CITY PLANNING COMMISSION

CITY CERTIFICATE

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

We, Paul L. Gronstal, Mayor, and Richard G. Bunten, City Clerk of the City of Council Bluffs, Iowa, do hereby certify that at a meeting of the City Council of the City of Council Bluffs, Iowa, held on the 31st day of March, 1958, there was passed and approved a Resolution accepting and approving the plat of Seldin'sSecondAddition to the City of Council Bluffs, Iowa.

Witness our official signatures and the seal of the City of Council Bluffs, Iowa, this 22nd day of April, 1958.

CITY SEAL CITY OF COUNCIL BLUFFS IOWA

Paul L. Gronstal
MAYOR

Richard G. Bunten
CITY CLERK

Compared

TREASURER'S CERTIFICATE

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, Walter W. Lehman, County Treasurer of Pottawattamie County, Iowa, do hereby certify that the tract of land laid out into town lots by the plat upon which this certificate is endorsed, is free and clear from all unpaid taxes and tax liens.

Witness my hand and official signature this 9 day of May, 1958.

Walter W. Lehman
COUNTY TREASURER

COUNTY RECORDER'S CERTIFICATE

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, Dorothy E. Christensen, Pottawattamie County Recorder, do hereby certify that the tract of land laid out into town lots as shown by the plat upon which this certified statement is endorsed, is free and clear from any and all encumbrances and that the title thereto in fee simple is in the name of Green Acres Realty, Inc., an Iowa corporation, as appears from the records of this office.

Witness my hand and official signature this 9 day of May, 1958.

Dorothy E. Christensen
COUNTY RECORDER

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Compared

COUNTY CLERK'S CERTIFICATE

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, John W. Stoufer, Clerk of the District Court in and for the County and State aforesaid, do hereby certify that the tract of land laid out into town lots as shown by the plat upon which this certified statement is endorsed, is free and clear from all unpaid judgments, mechanic's liens or other liens and that there are no suits pending which affect the title to said real estate as shown by the records of this office.

Witness my hand and official signature this 9th day of May, 1958.

John W. Stoufer
CLERK OF THE DISTRICT COURT

Green Acres Realty, Inc., an Iowa Corporation, to The Public	)	RESTRICTIVE COVENANTS RELATING TO SEIDIN'S SECOND ADDITION TO THE CITY OF COUNCIL BLUFFS, IOWA.

KNOW ALL MEN BY THESE PRESENTS:

That Green Acres Realty, Inc., an Iowa corporation, as the proprietor of that subdivision known as Seldin's Second Addition to the City of Council Bluffs, Iowa, for the purpose of establishing a general building plan covering the said subdivision, and for the protection of and 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 Seldin's Second Addition to the City of Council Bluffs, Iowa:

1. All lots described herein shall be known, described 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 a one or two car garage.

2. No building shall be erected on any residential building plat nearer than twenty-five (25) feet to nor farther than thirty (30) feet from the front lot line, nor nearer than four (4) feet to any side lot line. The side line restriction shall not apply to a garage located on the rear one-quarter of a lot, except that on corner lots no structure shall be permitted nearer than twelve and one-half (12½) feet to the side street line.

3. No residential lot shall be resubdivided into building plots 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 plot having an area of less than five thousand (5,000) feet.

4. No trailer, basement, 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.

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, as to one family dwellings, or double said area for a two-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.

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11. Invalidation of any one of these covenants by judgment or Court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

12. And said Green Acres Realty, Inc., an Iowa corporation, as the proprietor of Seldin's Second Addition to the City of Council Bluffs, Iowa, hereby agrees with the purchasers and prospective purchasers of lots in Seldin's Second Addition to the City of Council Bluffs, Iowa, to convey all of said lots subject to the foregoing covenants.

IN WITNESS THEREOF, said corporation has caused this instrument to be duly executed this 7th day of April, 1958.

GREEN ACRES REALTY, INC.

BY Ben I. Seldin
President

ATTEST: Millard R. Seldin
Secretary

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

On this 7th day of April, 1958, 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.

Dorothy Stroh
Notary Public in and for Pottawattamie County, Iowa.

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PROCTOR R. PERKINS
ATTORNEY AT LAW
412 PARK BUILDING
COUNCIL BLUFFS, IOWA

Compared

May 5, 1958

Miss Dorothy Christensen
Pottawattamie County Recorder

Mr. John W. Stoufer
Pottawattamie County Clerk

Mr. Walter W. Lehman
Pottawattamie County Treasurer

Dear Madam and Sirs:

I have examined abstract of title to the following described real 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 Avenue in the City of Council Bluffs, Iowa, said part of said Oakfield Addition lying within the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) 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 28th day of January, 1958, and said decree being entered of record in said Court in Book 122, Page 564; and also a part of the East Half (E½) of the West Half (W½) of the East Half (E½) lying South of said Ninth Avenue, except the South one hundred fifty-eight (158) feet of said tract, all lying in the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) 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 (NE¼) of the Southwest Quarter (SW¼) of Section Thirty-four (34), Township Seventy-five (75) North,

Compared

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 06 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,

and I find therefrom as of the third day of May, 1958, at 8:00 o'clock, A. M., good 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,

Proctor R. Perkins, Examiner

PRP:ds

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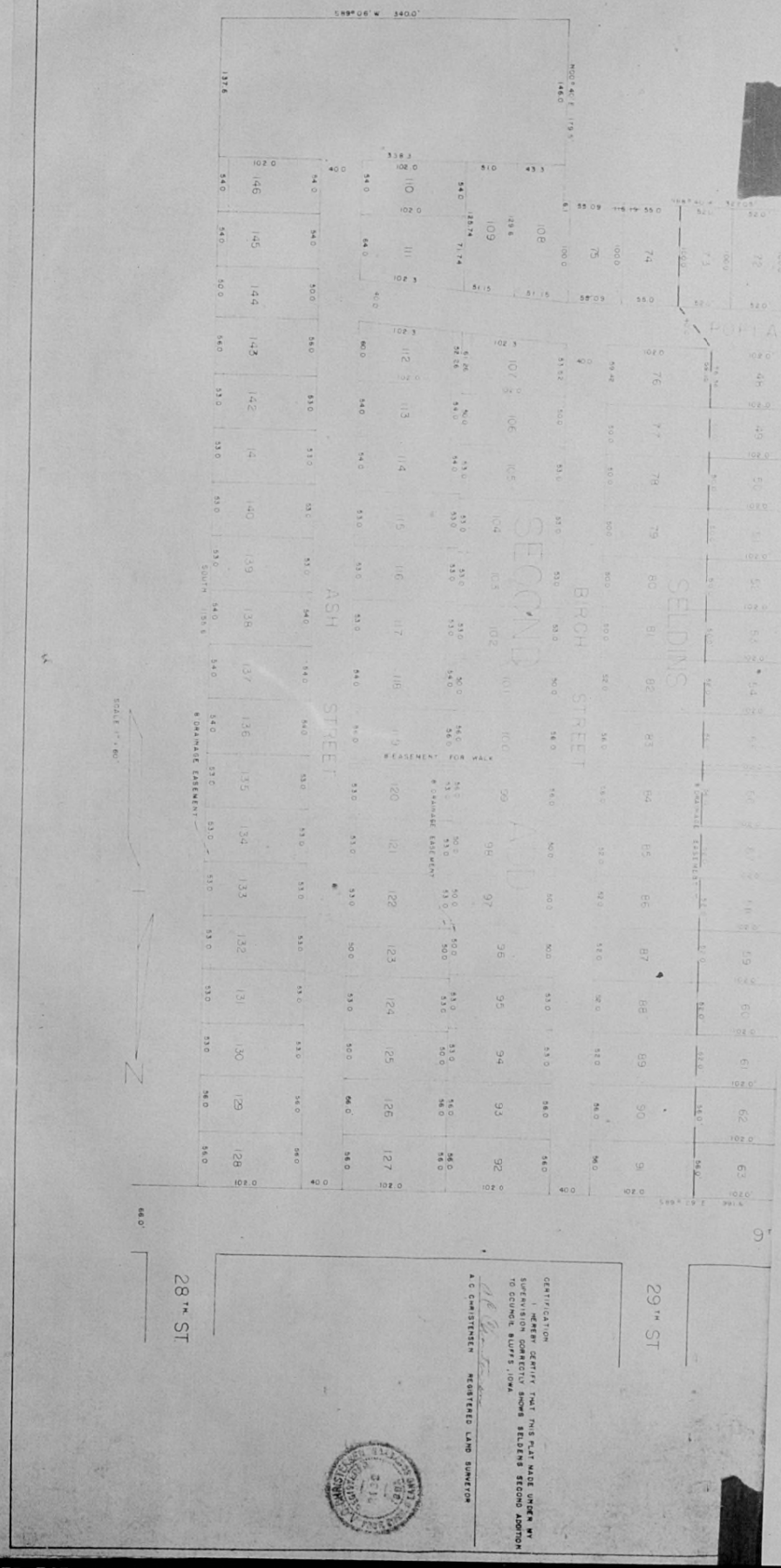

FILED FOR RECORD AND DULY RECORDED IN MY OFFICE ON THIS 9 DAY OF May
A. D. 1958 AT 10 O'CLOCK, 30 MINUTES, A M.
DOROTHY E. CHRISTENSEN, RECORDER BY