

3-10-59

## CERTIFICATION

Comptroller

We, Leo Vergamini and Rodella Vergamini, husband and wife, of the City of Council Bluffs, County of Pottawattamie, State of Iowa, do hereby declare and certify that the foregoing and accompanying plat is an addition of the following described real estate situated in the City of Council Bluffs, Pottawattamie County, Iowa; which real estate is more particularly described as follows:

A tract of land in Lot 1, Auditor's Sub-Division of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , in Section 24, T 75 N, R 44 W, and in Lot 1, Auditor's Sub-Division of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , in Section 19, T 75 N, R 43 W, and in Lot 3, Auditor's Sub-Division of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , in Section 24, T 75 N, R 44 W, being more particularly described as follows:

Commencing at the Southeast corner of Lot 24, Vergamini's 2nd Addition to Council Bluffs, Iowa; thence S 88°09' E, along the South line of Lot 1, Auditor's Sub-Division of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 24, T 75 N, R 44 W, 759.0 Ft.; thence N 01°51' E, 275.0 Ft.; thence N 88°09' W, 385.0 Ft.; thence N 59°34' W, 202.45 Ft., to the easterly line of Vergamini's 2nd Addition; thence along the east line of Vergamini's 2nd Addition as follows: thence S 24°11' W, 12.2 Ft.; thence S 30°26' W, 280.0 Ft.; thence S 28°31' W, 128.4 Ft. to the point of beginning.

We, the platters, do hereby state that we are the sole and only owners and proprietors, in fee simple of the property above described and that the subdivision of the above mentioned real estate is made with our full knowledge and consent and in accordance with our desire that the above-mentioned real estate be subdivided and that the said addition be named Vergamini 3rd Addition, Council Bluffs, Iowa. All of the said lots are abutting on and laid out with reference to existing streets and avenues and we do hereby dedicate to the public for street purposes, and the street as laid out and shown in the accompanying plat.

Dated at Council Bluffs, Iowa, this 9th day of March, 1959.

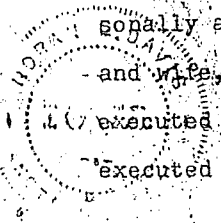
  
LEO VERGAMINI

  
RODELLA VERGAMINI

COMPILED

STATE OF IOWA )  
POTTAWATTAMIE COUNTY ) ss.

Now, on this 9<sup>th</sup> day of March, 1959, before me,  
a Notary Public in and for Pottawattamie County, Iowa, per-  
sonally appeared Leo Vergamini and Rodella Vergamini, husband  
and wife, to me known to be the persons named in and who  
executed the foregoing instrument and acknowledged that they  
executed the same as their voluntary act and deed.



Moran J. Davis  
NOTARY PUBLIC IN AND FOR  
POTTAWATTAMIE COUNTY, IOWA

## SURVEYOR'S CERTIFICATION

I, Arnold C. Christensen; hereby certify that I have surveyed the following described real estate located in the City of Council Bluffs, County of Pottawattamie, State of Iowa, more particularly described as follows:

A tract of land in Lot 1, Auditor's Sub-Division of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , in Section 24, T 75 N, R 44 W, and in Lot 1, Auditor's Sub-Division of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , in Section 19, T 75 N, R 43 W, and in Lot 3, Auditor's Sub-Division of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , in Section 24, T 75 N, R 44 W, being more particularly described as follows:

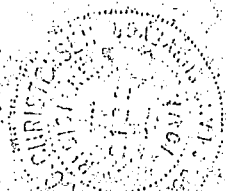
Commencing at the Southeast corner of Lot 24, Vergamini's 2nd Addition to Council Bluffs, Iowa; thence S 88°03' E, along the South line of Lot 1, Auditor's Sub-Division of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 24, T 75 N, R 44 W, 759.0 Ft.; thence N 31°51' E, 275.0 Ft.; thence N 83°03' E, 369.0 Ft.; thence N 59°34' W, 232.45 Ft. to the easterly line of Vergamini's 2nd Addition; thence along the east line of Vergamini's 2nd Addition as follows: thence S 24°11' W, 13.2 Ft.; thence S 70°21' E, 140.0 Ft.; thence S 28°31' W, 128.4 Ft. to the point of beginning.

I hereby state that I surveyed the above-described property for and on behalf of Leo Vergamini and Lucilla Vergamini, husband and wife, and have made a plat of the subdivision of said real estate attached hereto, and that said plat accurately describes said subdivision, and that the lots of said subdivision are numbered consecutively as Lots 1 to 20, inclusive, and that said plat gives the dimensions of each lot by length and breadth, and the breadth and courses of the street established therein. I further certify that said subdivision is to be known as Vergamini 3rd Addition, Council Bluffs, Iowa.

Dated at Council Bluffs, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, 1959.

*Arnold C. Christensen*  
REGISTERED LAND SURVEYOR



Compare

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

STATE OF IOWA )  
POTTAWATTAMIE COUNTY ) ss.

I, Frank L. Swanson, Chairman of the City Planning  
Commission of the City of Council Bluffs, do hereby  
certify that at a regular meeting of the Council Bluffs  
City Planning Commission on the 24th day of February, 1959,  
there was passed and approved the final plat of Vergamini  
3rd Addition, Council Bluffs, Iowa.

Dated at Council Bluffs, Iowa, this 24th day of February,  
1959.

Frank L. Swanson  
CHAIRMAN OF THE CITY PLANNING  
COMMISSION OF THE CITY OF COUNCIL  
BLUFFS, IOWA.



Subscribed and sworn to before me, this 24th day of  
February, 1959.

Nolan J. Davis  
NOTARY PUBLIC IN AND FOR SAID  
COUNTY.

## R E S O L U T I O N

WHEREAS, a proposed plat, together with a statement of proposed improvements and utilities for Vergamini Third Addition to the City of Council Bluffs, Iowa has heretofore been submitted to this City Council for its study and approval; and

WHEREAS, said proposed plat has been examined and found to conform with the provisions of Sections 409.4, 409.5 and 409.6, Code of Iowa 1958; and

WHEREAS, said proposed plat has been referred to the City's Plan Commission for its study and recommendations and said Commission has heretofore certified its approval to this City Council; and

WHEREAS, the Director of Public Works of the City of Council Bluffs, Iowa has heretofore determined that the City's requirements have been complied with, with the exception of the construction of concrete pavement, sidewalks and sanitary sewers in said Addition, as heretofore required by this City Council; and

WHEREAS, the proprietors of said Addition have filed with the City Clerk Surety Bonds in the total amount of \$13,411.49, in compliance with Section 409.5, Code of Iowa 1954, together with the necessary Maintenance Bonds as required by City Ordinance No. 3474, covering the improvements above set forth; and have requested that this City Council accept and approve said platted Addition as a platted Addition to the City of Council Bluffs, Iowa prior to the completion of the required improvements in said Addition, as above set forth:

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

That the proposed plat of Vergamini Third Addition to the City of Council Bluffs, Iowa be and the same is hereby accepted and approved as a platted Addition to the City of Council Bluffs, Iowa.

Compareu

1131

Resolution

Page 2.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby directed, upon adoption of this Resolution, to certify a true copy of same to the County Recorder of Pottawattamie County, Iowa.

Adopted March 2 1959

Approved March 2 1959

Gordon W. Brown  
MAYOR, CITY OF COUNCIL BLUFFS, IOWA

ATTEST:

Richard G. Buntin  
CLERK, CITY OF COUNCIL BLUFFS, IOWA

C E R T I F I C A T E

We, Gordon W. Brown, Mayor, and Richard G. Buntin, City Clerk, of the City of Council Bluffs, Iowa hereby certify that the foregoing is a true and correct copy of a Resolution adopted and approved by the City Council of the City of Council Bluffs, Iowa on the 2nd day of March, 1959, accepting and approving the proposed plat of Vergamini Third Addition to the City of Council Bluffs, Iowa.

Dated this 3rd day of March, 1959.

Gordon W. Brown  
MAYOR, CITY OF COUNCIL BLUFFS, IOWA

ATTEST:

Richard G. Buntin  
CLERK, CITY OF COUNCIL BLUFFS, IOWA

W. BRAN L. DAVIS  
ASSOCIATE

ROBERT M. DIPPEL  
ATTORNEY AT LAW  
401 CITY NATIONAL BANK BUILDING  
COUNCIL BLUFFS, IOWA  
TELEPHONE 8-1571

CONFIDENTIAL

TO THE PUBLIC:

March 10, 1959

B. G. Malick, County Treasurer  
Dorothy E. Christensen, County Recorder  
Helen Kilday, County Clerk

I have examined the abstract of title to the following described property:

A tract of land in Lot 1, Auditor's Sub-Division of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , in Section 24, T 75 N, R 44 W, and in Lot 1, Auditor's Sub-Division of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , in Section 19, T 75 N, R 43 W, and in Lot 3, Auditor's Sub-Division of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , in Section 24, T 75 N, R 44 W, being more particularly described as follows:

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The abstract, in one part, is certified from the filing of the United States Original Entries in 1853, and is certified and continued down to March 10, 1959, at 11:36 o'clock A.M., Entries 1 to 115, inclusive.

I find title to be in Leo Vergamini and Rodella Vergamini, husband and wife, subject as follows:

1. For the County Treasurer, I do hereby state and certify that all taxes, General and Special, as against said property, which are in any manner a lien against same, including the taxes for the year 1958 and all prior taxes are fully paid.

2. For the County Recorder, I hereby state and certify that the title as of the above date is good, clear and merchantable in the said Leo Vergamini and Rodella Vergamini.

3. For the Clerk of the District Court, I do hereby state and certify that there are no judgments or liens shown as a matter of record against the above-described property.

Respectfully submitted,

*Robert M. Dippel*  
Robert M. Dippel

TREASURER'S CERTIFICATION

STATE OF IOWA )  
POTTAWATTAMIE COUNTY ) ss.

I, B. G. Malick, Treasurer of Pottawattamie County, Iowa, do hereby certify that the tract of land described in the foregoing owner's certification, said tract of land being laid out into town lots by the attached plat upon which this certified statement is endorsed, is free and clear from any and all unpaid taxes and tax liens.

Witness my hand and official signature, this 10 day of March, 1959.

*B. G. Malick*  
TREASURER OF POTTAWATTAMIE  
COUNTY, IOWA

RECORDER'S CERTIFICATION

STATE OF IOWA )  
POTTAWATTAMIE COUNTY ) ss.

I, Dorothy E. Christensen, County Recorder of Pottawattamie County, Iowa, do hereby certify that the tract of land described in the foregoing owner's certification, said tract of land being laid out into town lots by the attached plat upon which this certified statement is endorsed, is free and clear from any and all encumbrances, and that the title to said tract of land in fee, is in Leo Vergamini and Rodella Vergamini.

Witness my hand and official signature, this 10 day of March, 1959.

*Dorothy E. Christensen*  
COUNTY RECORDER OF POTTAWATTAMIE  
COUNTY, IOWA

*Pamela Proctor, Deputy*



CLERK OF THE DISTRICT COURT'S CERTIFICATION

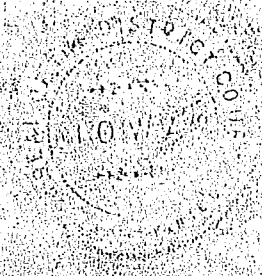
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STATE OF IOWA )  
POTTAWATTAMIE COUNTY ) ss.

I, Helen Kilday, Clerk of the District Court of Pottawattamie County, Iowa, do hereby certify that the tract of land described in the foregoing owner's certification, said tract of land being laid out into town lots by the attached plat upon which this certified statement is endorsed, is free and clear from all unpaid judgments, attachments, mechanic's liens or any other liens, and that there are no suits pending which would affect the title to said real estate as shown by the records of this office.

Witness my hand and official seal, this 10<sup>th</sup> day of March, 1959.

Helen M. Kilday  
CLERK OF THE DISTRICT COURT OF  
POTTAWATTAMIE COUNTY, IOWA



*Completed*  
RESTRICTIONS AND COVENANTS UPON THE REAL ESTATE KNOWN AS  
VERGAMINI 3RD ADDITION TO THE CITY OF COUNCIL BLUFFS, IOWA.

Whereas, said parties are now the owners of all the property and lots contained in Vergamini's Third Addition to the City of Council Bluffs, in Pottawattamie County and State of Iowa, and, they desire to restrict all of the above described property as hereinafter stated for their benefit and for the benefit of all future owners of lots in said addition.

Now, therefore, they do hereby create and establish the following restrictions which shall become binding on all the property and lots in Vergamini's Third Addition to the City of Council Bluffs, Iowa, and also upon the owner, or owners at any time of any of the above described lots in said addition to the extent herein indicated, to-wit:

1. All lots described herein shall be known, described and used solely as residential lots, and no structures shall be erected on any residential building lot other than one and two family dwellings, not to exceed two stories in height.

2. No building shall be erected on any residential building lot nearer than 25 feet to nor farther than 40 feet from the front lot line, nor nearer than 4 feet to any side lot line.

3. No residential lot shall be resubdivided into building plots having less than 5000 square feet of area or a width of less than 50 feet each, nor shall any building be erected on any residential building plot having an area of less than 5000 feet.

4. No trailer, basement, basement-house, tent, shack, garage, barn or other out-building, shall be erected, or parked, in the tract at any time and no trailer, basement, basement-house, tent, shack, garage, barn or other out building shall at any time be used as a residence temporarily or permanently nor shall any residence of a temporary character be permitted.

5. Title holder of each lot, vacant or improved, shall have the responsibility of keeping his lot or lots free of weeds or debris.

1229-

79

Vergamini  
3rd Add

-2-

6. 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 covenants, and no building shall be erected on any lot unless a copy of all plans and specifications of said building are submitted to the undersigned for their approval. This submission for approval shall apply to any building erected within ten years from the date of the execution of this instrument. In any case, no dwelling shall be permitted on any lot described herein having a square foot area of less than 900 square feet. Two-story houses shall have a first floor square foot area of not less than 700 square feet.

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 front five feet of each lot for utility installations and maintenance of same.

9. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until 1975, at which time said covenants shall be extended, automatically, for successive periods of 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, grantees, or successors in interest, shall violate or attempt to violate any of the covenants or restrictions herein before the year 1975, then and in such an event or series of events, it shall be lawful for any other person or persons owning any other lots in said development to prosecute at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions for the purpose of preventing him or them from so doing, or to recover damages for such violation or violations.

Completed

11. Invalidation of any one of the covenants herein contained by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

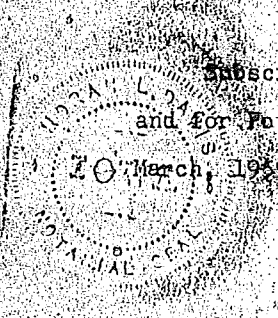
12. By the acceptance of any deed or conveyance to any lot in the said addition, the grantee automatically agrees to uphold and comply with the foregoing restrictions and covenants.

Dated this 9th day of March, 1959.

*Leo Vergamini*  
LEO VERGAMINI

*Rodella Vergamini*  
RODELLA VERGAMINI

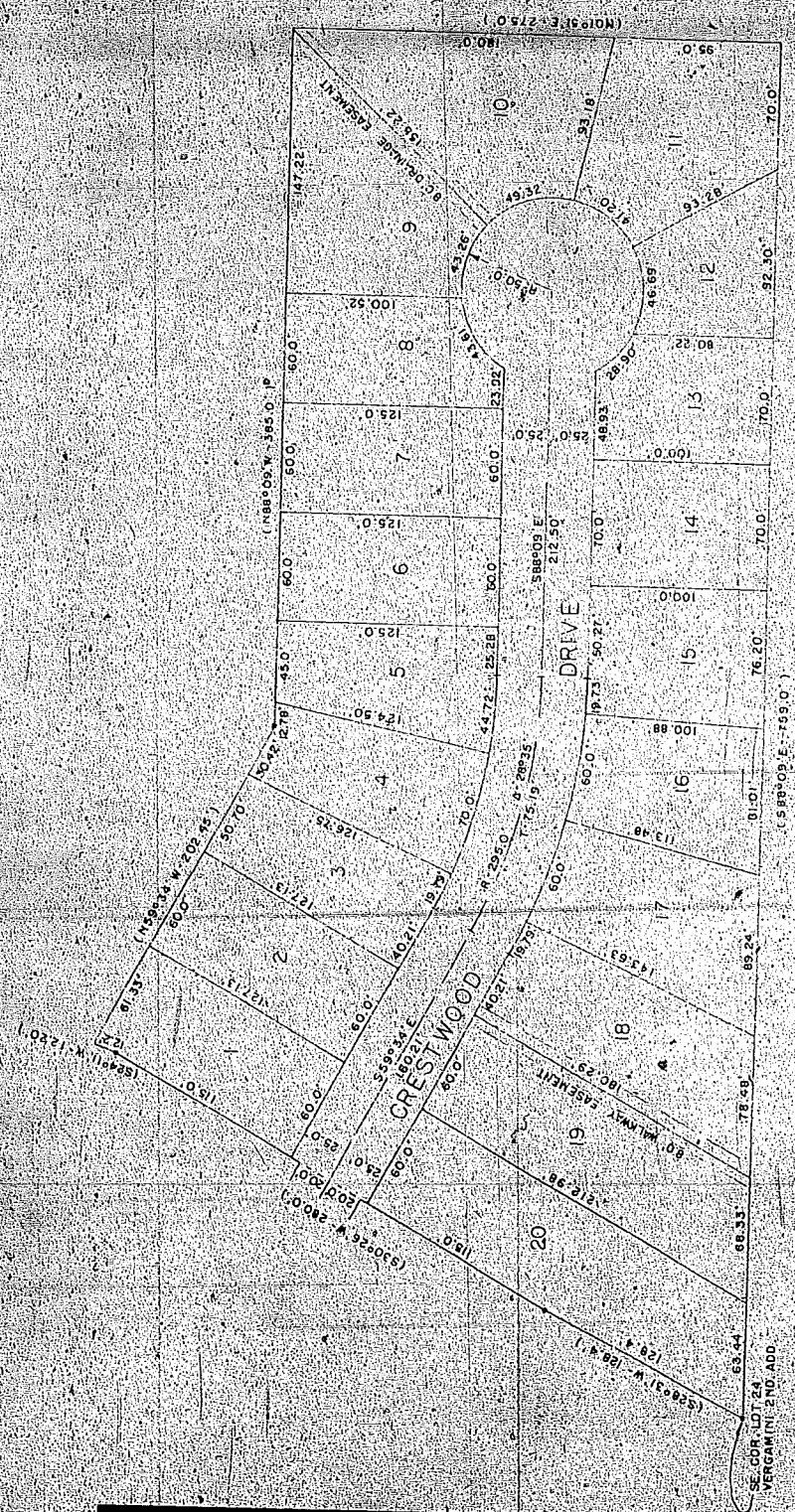
Subscribed and sworn to before me, a Notary Public in and for Pottawattamie County, Iowa, on this 9th day of 20 March, 1959.



*Walter J. Davis*  
NOTARY PUBLIC



SCALE 1" = 60'



Compare

VERGAMINI 3 RD. ADDITION  
COUNCIL BLUFFS, IOWA

A. C. CHRISTENSEN  
CONSULTING ENGINEER  
COUNCIL BLUFFS, IOWA

DRAWN BY: BLK \_\_\_\_\_ PROJ. NO. \_\_\_\_\_  
BOOK NO. X DATE 2-13-59