2855

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CERTIFICATION

Filed for record the Aday of Africa 1975 at 3 30 o'cleck him and accorded in book 25 page 43.33

Now, on this <u>8th</u> day of April, 1975, T and G Company, Inc., a corporation, duly organized and incorporated under the laws of the State of Iowa, by Robert E. Goldapp, President of said corporation, in accordance with the Articles of Incorporation of said corporation, do hereby certify that the foregoing and accompanying plat is an addition to the following described real estate situated in Pottawattamie County, Iowa, and which real estate is more particularly described as follows:

A tract of land located in the SE% NW% of Section 33, Township 75, Range 43, Pottawattamie County, Iowa, being more particularly described as follows: Beginning at the center of Section 33, Township 75, Range 43; thence N 89° 18' 40" W, 922.26 feet; thence N 0° 20' 50" E, 1329.74 feet; thence S 89° 29' 40" E, 209.0 feet; thence S 0° 20' 50"W, 190.0 feet, thence S 89° 29' 40" E, 714.83 feet; thence S 0° 25' 30" W, 1142.70 feet to the point of beginning. Said tract contains 25.094 acres more or less.

Said plattor does hereby state that it is the sole and only owner and proprietor in fee simple of the above described property. The addition of the above mentioned real estate is made with the consent and full knowledge of said corporation and its officers and in accordance with the desire that the above mentioned real estate be subdivided and that the said addition be named Wildwood Second Subdivision, in Pottawattamie County, Iowa. All of said lots are abutting on and laid out with reference to existing streets and avenues. The streets as laid out and shown on the accompanying plat are hereby dedicated to the public for street purposes and such streets are to be known as Wildwood Road and Rosebud Lane.

T AND G COMPANY, INC.

President

-2-

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

Now on this <u>A</u> day of <u>Grade</u>, 1975, personally appeared before me, a Notary Public in and for Pottawattamie County, State of Iowa, Robert E. Goldapp, to me known to be the person who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed, for and on behalf of said corporation, and further being duly sworn, did say that he is the President of T and G Company, Inc., and that said corporation does not have a seal, and that said instrument was signed on behalf of said corporation under the due authority under the Articles of Incorporation.

a Joud *

SURVEYOR'S CERTIFICATION

I, KENNETH L. DUKES, Registered Land Surveyor, hereby certify that I have surveyed the following-described real estate, to-wit:

A tract of land located in the SE NW of Section 33, Township 75, Range 43, Pottawattamie County, Iowa, being more particularly described as follows: Beginning at the center of Section 33, Township 75, Range 43; thence N 89° 18' 40" W, 922.26 feet; thence N 0° 20' 50" E, 1329.74 feet; thence S 89° 29' 40" E, 209.0 feet; thence S 0° 20' 50" W, 190.0 feet, thence S 89° 29' 40" E, 714.83 feet; thence S 0° 25' 30" W, 1142.70 feet to the point of beginning. Said tract contains 25.094 acres more or less.

I further certify that on behalf of T and G Company, Inc., I have surveyed and staked with iron pins a parcel of land located in the SE% NW% of Section 33, Township 75, Range 43, Pottawattamie County, Iowa, to be known as Wildwood Second Subdivision, Pottawattamie County, Iowa, consisting of Lots 1 through 57 inclusive, said plat giving the dimensions of each lot by length and width and that the width and courses of the streets established therein are set out on the plat.

Dated this 9th day of December, 1974.

KENNETH L. DUKES

POGGE, ROOT AND STEEGE

THOMAS L. ROOT
DONALD T. STEEGE

306 FIRST FEDERAL SAVINGS & LOAN BLDG. COUNCIL BLUFFS, IOWA 81501

April 9, 1975

TELEPHONE 322-2579

AREA CODE 712

ABSTRACT OPINION

To: County Recorder

County Treasurer

Clerk of the District Court

This is to advise that I have examined the abstract of title to the following described real estate, to-wit:

A tract of land located in the SE% NW% of Section 33, Township 75, Range 43, Pottawattamie County, Iowa, being more particularly described as follows: Beginning at the center of Section 33, Township 75, Range 43; thence N 89° 18' 40" W, 922.26 feet; thence N 0° 20' 50" E, 1329.74 feet; thence S 89° 29' 40" E, 209.0 feet; thence S 0° 20' 50" W, 190.0 feet; thence S 89° 29' 40" E, 714.83 feet; thence S 0° 25' 30" W, 1142.70 feet to the point of beginning. Said tract contains 25.094 acres more or less.

I find good and merchantable title to be vested in T and G Company, Inc.

I find that the general taxes for the year 1973 and prior years are paid. All previous taxes, including personal taxes applicable to said real estate, have been paid and there are no special assessments against said property.

At Entry No. 51 there is an easement to Pottawattamie County, for road purposes and use as a public highway.

County Recorder, County Treasurer, Clerk of the District Court Page two April 9, 1975

Entry No. 53 shows a Zoning Ordinance of Pottawattamie County, Iowa.

I find no other liens, judgments or encumbrances against said real estate.

Sincerely yours,

DONALD T. STEEGE Attorney at Taw

DTS/dw

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

STATE OF IOWA)

SS
COUNTY OF POTTAWATTAMIE)

I, Charles R. Tellander, Chairman of the City Planning
Commission of Council Bluffs, Iowa, do hereby certify that at a
meeting of the City Planning Commission duly held in Council Bluffs,
Iowa, on the 25th day of March, 1975, there was passed and approved
the final plat of Wildwood Second Subdivision to Pottawattamie
County, Iowa.

Dated this 4th day of April, 1975.

CHARLES R. TELLANDER

Subscribed and sworn to before me, a Notary Public in and for said County and State, by the said Charles R. Tellander on this 444 day of April, 1975.

NOTARY PUBLIC

Donald T. Steege

My Commission Expires September 30, 1975.

RESOLUTION

WHEREAS, the proposed plat together with a statement of proposed improvements and utilities for WILDWOOD SECOND SUBDIV-ISION in Pottawattamie County, Iowa, has heretofore been submitted to this City Council for study and approval; and

WHEREAS, said proposed plat has been examined and found to conform with the provisions of Sections 409.4, .5 and .6, Code of Iowa 1973; and

WHEREAS, said proposed plat has been referred to the City Planning Commission and said Commission has studied said plat and improvements and has recommended the approval thereof to the City Council; and

WHEREAS, the City Engineer has determined that the City's Specifications and Requirements have been complied with, with the exception of the paving of approximately 805 square yards of concrete streets in said WILDWOOD SECOND SUBDIVISION in Pottawattamie County, Iowa, as required by this City Council; and

WHEREAS, the Proprietor of said proposed Addition has caused a Surety Bond in the penal sum of \$12,764.00, as assurance for the completion of the required paving, within one year from date of acceptance by the City Council of the plat of said WILDWOOD SECOND SUBDIVISION in Pottawattamie County, Iowa, to be filed with the City Clerk, pursuant to the requirements of Section 409.5, Code of Iowa 1973, and has requested that this City Council grant final acceptance and approval of the plat of the said proposed WILDWOOD SECOND SUBDIVISION in Pottawattamie County, Iowa, prior to the completion of the required improvements in said Addition, as herein set forth:

Resolution

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

That the proposed final plat of WILDWOOD SECOND SUBDIVISION in Potta-wattamie County, Iowa, be and the same is hereby finally accepted and approved as the final plat of an Addition to Pottawattamie County, Iowa.

BE IT FURTHER RESOLVED:

That upon adoption of this Resolution the Mayor and City Clerk be and they are hereby authorized, empowered and directed to certify a true copy hereof to the County Recorder of Pottawattamie County, Iowa.

Adopted April 1 1975 Approved April 1 1975

RAYMOND E. POGGE

MAYOR, CITY OF COUNCIL BLUFFS, IOWA

Attest:

ELMER É. WESTPHAL

CLERK, CITY OF COUNCIL BLUFFS, IOWA

CERTIFICATE

We, the undersigned, RAYMOND E. POGGE, Mayor, and ELMER F. WESTPHAL, City Clerk, of the City of Council Bluffs, Iowa, hereby certify that the within and foregoing is a true and correct copy of the Resolution Adopted and Approved the 1st day of April , 1975, by the City Council of the City of Council Bluffs, Iowa, wherein said City Council granted final acceptance and approval of the plat of WILDWOOD SECOND SUBDIVISION in Pottawattamie County, Iowa.

DATED this $l^{s/}$ day of April . 1975.

RAYMOND E. POGGE

MAYOR, CITY OF COUNCIL BLUFFS, IOWA

ttest: Omm

ELMER F. WESTPHAL

CLERK, CITY OF COUNCIL BLUFFS, IOWA

RESOLUTION

WHEREAS, the proposed plat, together with a statement of proposed improvements and utilities for WILDWOOD SECOND SUBDIVISION in Pottawattamie County, Iowa, has heretofore been submitted to the City Council of Council Bluffs, Iowa, for study and approval; and

WHEREAS, said proposed plat has been examined and found to conform with the provisions of Sections 409.4, .5, and .6, Code of Towa 1973; and

WHEREAS, said proposed plat has been referred to the City
Planning Commission and said City Commission has studied said plat
and improvements and has recommended the approval thereof to the
City of Council Bluffs, and,

WHEREAS, said proposed plat has been submitted to the City Council of Council Bluffs and has been approved by the City of Council Bluffs, Iowa, and,

WHEREAS, said proposed plat has been referred to the County
Engineer of Pottawattamie County, Iowa, and has been approved by
said County Engineer, and,

WHEREAS, said proposed plat has been referred to the Pottawattamie County Board of Supervisors, and the Board of Supervisors has reviewed said final plat,

NOW, THEREFORE, BE IT RESOLVED

That the final plat of WILDWOOD SECOND SUBDIVISION in Pottawattamie County, Iowa, be and the same is hereby finally accepted and approved as a final plat of an addition to Pottawattamie County, Iowa.

Dated this 1074 day of April, 1975.

EMMETT F. RYAN, CHAIRMAN, BOARD OF SUPERVISORS, POTTAWATTAMIE COUNTY,

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The foregoing Resolution was duly adopted this <u>OTH</u> day of April, 1975, at a regular meeting of the Board of Supervisors,

Pottawattamie County, Iowa.

DOUGLAS D. PRIMMER, COUNTY AUDITOR

Approved'

Charles E. Hales

Pottawattamie County Engineer

CLERK OF THE DISTRICT COURT CERTIFICATION

STATE OF IOWA

ss.

COUNTY OF POTTAWATTAMIE

I, Donald Diwoky, being duly sworn on oath, depose and state that I am the Deputy 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 town 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 10 day of

April 1975

DONALD DIWOKY

CLERK OF THE DISTRICT COURT

Subscribed and sworn to before me, a Notary Public in and for said County and State, by the said Donald Diwoky, on this ______day of April, 1975.

NOME BY DIELTO

Donald T. Steege

My Commission Expires September 30, 1975

TREASURER'S CERTIFICATION

I, JUDY MILLER, being duly sworn on 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 being laid out into town lots by the attached plat, is free and clear of any and all unpaid taxes and tax liens.

Witness my hand and official signature this <u>//</u> day of April, 1975.

JUDY MILLER, TREASURER OF POTTAWATTAMIE
COUNTY, IOWA

Subscribed and sworn to before me, a Notary Public in and for said County and State, by the said Judy Miller, on this 10 day of April, 1975.

DONALD T. STEEGE

Notary Public

My Commission Expires September 30, 1975

RECORDER'S CERTIFICATION

STATE OF IOWA)

COUNTY OF POTTAWATTAMIE)

I, Dorothy Letner, being duly sworn on oath, depose and state that I am the Recorder of Pottawattamie County, Iowa, and do hereby certify that the tract of land described in the foregoing Owner's Certification, said tract being laid out into town lots by the attached plat, is free and clear of any and all encumbrances and the title to said tract of land is in T and G Company, Inc.

Witness my hand and official signature this $\frac{lofk}{log}$ day of $\frac{log}{log}$, 1975.

DOROTHY LETNER, RECORDER OF POTTAWATTAMIE
COUNTY, IOWA

Subscribed and sworn to before me, a Notary Public in and for said County and State, by the said Dorothy Letner, on this day of April, 1975.

NOTARY PUBLIC

Donald T. Steege

My Commission Expires September 30, 1975

WILDWOOD SECOND SUBDIVISION

PROTECTIVE COVENANTS

This Declaration, made this 2H day of April, 1975, by the undersigned,

WITNESSETH

WHEREAS, the undersigned are the owners of the real property described in Clause 1 of this Declaration, and are desirous of subjecting the real property described in said Clause 1 to the restrictions, covenants, reservations, easements, liens and charges hereinafter set forth, each and all of which is and are for the benefit of and pass with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest, and any owner thereof;

NOW, THEREFORE, the undersigned hereby declares that the real property described in and referred to in Clause 1 hereof, is and shall be, held, transferred, sold and conveyed subject to the conditions, restrictions, covenants, reservations, easements, liens and charges hereinafter set forth.

DEFINITION OF TERMS

Building site shall mean any lot, or portion thereof, or any two or more contiguous lots, or a parcel of land of record and in a single ownership, and upon which a dwelling may be erected in conformance with the requirements of these covenants.

Association shall refer to the home association of the tract covered by these covenants or any extension thereof as herein provided, towit:

SUBURBAN HOMEOWNERS ASSOCIATION, an Iowa Nonprofit Corporation.

CLAUSE I

PROPERTY SUBJECT TO THIS DECLARATION

The real property which is and shall be held and shall be conveyed, transferred and sold, subject to the conditions, restrictions,

covenants, reservations, easements, liens and charges with respect to the various portions thereof, set forth in the various clauses and subdivisions of this Declaration, is located in the County of Potta-wattamie, State of Iowa, and is more particularly described in the plat of Wildwood Second Subdivision, attached hereto and incorporated herein by reference.

No property other than that described above shall be deemed subject to this Declaration, unless and until specifically made subject thereto.

The declarants, or any of them, from time to time, may subject additional real property to the conditions, restrictions, covenants, reservations, easements, liens and charges herein set forth by appropriate reference hereto.

CLAUSE II

GENERAL PURPOSE OF CONDITIONS

The real property described in Clause 1 hereof is subjected to these covenants, restrictions, conditions, reservations, liens and charges, hereby declared to insure the best use and the most appropriate development and improvement of each building site thereof; to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property; to preserve, so far as practical, the natural beauty of said property; to guard against the erection thereon of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to obtain harmonious color schemes, to insure the highest and best development of said property; to encourage and secure the erection of attractive homes thereon, with appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvement of building sites; to secure and maintain proper setbacks from streets and adequate free spaces between structures; and in general to provide

adequately for a high type and quality improvement in said property, and thereby to enhance the values of investment made by purchasers of building sites herein.

A. All building sites in this tract shall be known and described as residential building sites.

No structure shall be erected, altered, placed or permitted to remain on any building site other than one detached single-family dwelling not to exceed two and one-half (2½) stories in height, a private garage for not more than three (3) cars, guesthouse, servants' quarters, and other outbuildings incidental to residential use of the premises.

- B. No building shall be located on any building site less than twenty-five feet from the front line for all sites covered by these covenants, or less than fifteen feet from any side street line. No building shall be located less than ten feet from any side lot line or ten feet from any building on the same site, except a detached garage or other outbuilding located in the rear yard may be placed two feet from the side line. No residence shall be so located as to reduce the rear yard of the plot on which it is located to less than twenty feet.
- C. Except for Lot 33, no residential structure shall be erected or placed on any building site, which has an area of less than 7,500 square feet or a width of less than 75 feet at the front building setback line.
- D. No noxious or offensive trade or activity shall be carried on upon any building site nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.



E. No trailer, basement, tent, shack, garage, barn, or other outbuildings, other than the guesthouses and servants' quarters erected on a building site covered by these covenants shall at any time be used for human habitation, temporarily or permanently, nor shall any structure of a temporary character be used for human habitation.

The keeping of a mobile home either with or without wheels, on any parcel of property covered by these covenants, is prohibited. A motorboat, houseboat or other similar water-borne vehicle may be maintained, stored, or kept on any parcel of property covered by these covenants, only if housed completely within a structure.

- F. No main residential structure shall be permitted on any building site covered by these covenants, the habitable floor area of which, exclusive of basements, porches and garages, is less than 1,200 square feet.
- G. No animals or poultry of any kind other than house pets shall be kept or maintained on any part of said property.
- H. No fence, wall, hedge or mass planting shall be permitted to extend beyond the minimum building setback line established herein.
- I. Oil drilling, oil development operations, refining, mining operations of any kind, or boring shall not be permitted upon or in any of the building sites in the tract described herein nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any of the building sites covered by these covenants.
- J. The owner of each building site to which these covenants shall apply shall hold one membership in the association and to participate in the operation of this association in accordance with its articles and bylaws and shall be subject to the

terms of its articles and bylaws, including charges and assessments made in accordance therewith.

K. These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them until January 1, 1999, at which time said covenants shall be automatically extended for a successive period of ten years unless by vote of a then majority of the building sites covered by these covenants it is agreed to change said covenants in whole or in part.

If the parties hereto or any of them or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said tract, or the Association as provided in Section J, to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant, and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these covenants or any part thereof, by judgments or court order, shall in no wise affect any of the other provisions which shall remain in full force and effect.

M. A perpetual easement is reserved over, across and through the side five feet of all lots, and over, across and through the real ten feet on all lots for utility installation, and maintenance and drainage facilities. A perpetual easement is reserved over and across and through the following:

Lot 14, Wildwood II Addition

A permanent Storm Sewer Easement; Commencing at the Southeast Corner of Lot 14 Wildwood II Addition; running thence along the Northeast property line of said lot bearing N 19° 13' 32" W, 123.52 ft.; thence S 45° 46' 28" W, 5.52 ft.; thence S 10° 13' 32" E, 121.19 ft.; thence along a curve concave Northwesterly, having a radius of 50.0 ft. a distance of 5.01 ft. to the Point of Beginning.

Lot 15, Wildwood II Addition

A permanent Storm Sewer Easement; Commencing at the Southwest Corner of Lot 15, Wildwood II Addition; running thence along the Southwest property line bearing N 19° 13' 32" W, 123.52 ft.; thence N 45° 46' 28" E, 97.29 ft.; thence S 89° 29' 40" E, 14.21 ft.; thence S 45° 46' 28" W, 106.55 ft.; thence S 19° 13' 32" E, 112.48 ft.; thence along a curve concave Northwesterly, having a radius of 50.0 ft., a distance of 5.01 ft. to the Point of Beginning.

Lot 41, Wildwood II Addition

A 10.0 ft. permanent Storm Sewer Easement centerline of which is described as follows: Commencing at a point located 35.0 ft. South of the Northwest lot corner of Lot 41, Wildwood II Addition; thence N 72° 10' 05" E, 111.27 ft. to a point on the North line of said Lot 41; said point being 10.0 ft. West of the Northeast lot corner of said Lot 41.

Lots 48 & 49, Wildwood II Addition

A 10.0 ft. permanent Storm Sewer Easement centerline of which is described as follows: Commencing at the Northwest corner of Lot 49 and Southwest corner of Lot 48, Wildwood II Addition; thence S 89° 34' 30" E, 131.40 feet to the Northeast corner of Lot 49 and Southeast corner of Lot 48.

Executed on the above date set forth.

T AND G COMPANY, INC.

ROBERT E. GOLDAPP. President

STATE OF IOWA) ss.
COUNTY OF POTTAWATTAMIE)

On this $\sqrt[g+f]{}$ day of April, 1975, before me, a Notary Public in and for said County and State, personally appeared Robert E. Goldapp, to me personally known, who being duly sworn did say that he is the President of said corporation; that no seal has been procured by the said corporation, and that said instrument was signed on behalf of the said corporation by authority of its Board of Directors and the said Robert E. Goldapp acknowledges the execution of said instrument

to be the voluntary act and deed of said corporation by it voluntarily executed.

My commission expires 9/30//5 NOTARY PUBLIC IN AND FOR SAID STATE DONALD T. STEEGE

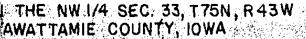
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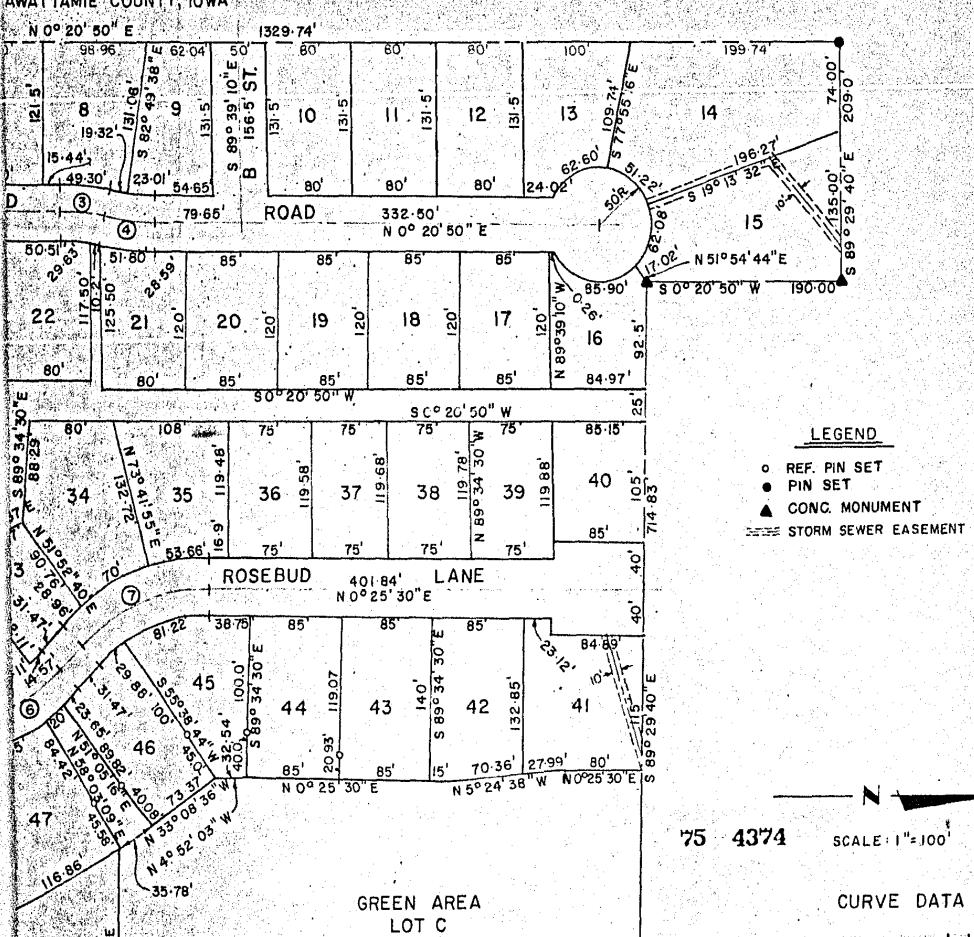
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143.50' N 0° 25' 30" E N 0° 25' 30" E

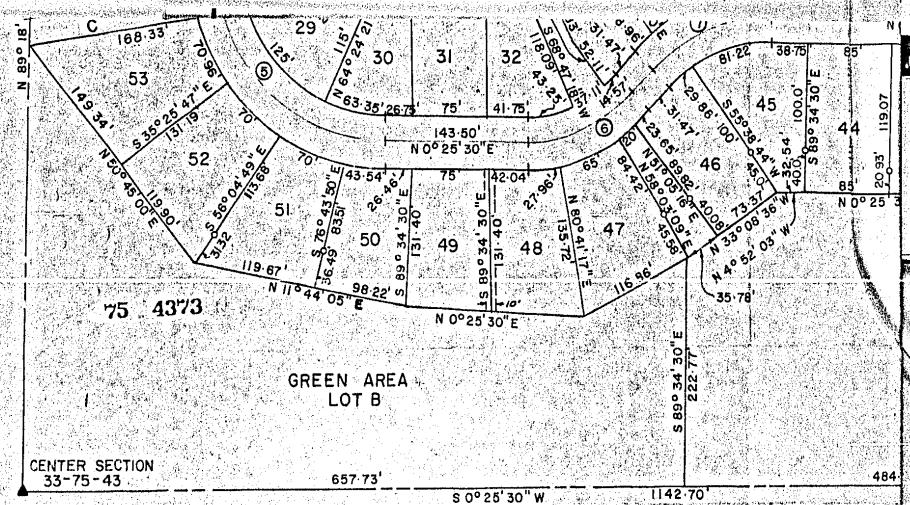
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WOOD II ADDITION







Surveyors Co

Wildwo

I, Kenneth Lee Dukes, Registered Land Surveyor, do hereby certify that I have set iron pins at all Lot Corners, Block Corners, and Points of I, Kenneth Lee Dukes, Registere Curverature and Points of Tangency. Except as noted on the Platy along that I have surveyed the proper wattamie County, Iowa.

A part of Auditor's Subdivis T75N R43W of the 5th P.M., Pot ularly described as follows;

Beginning at the SE Corner N 922.26 ft.; thence N 00°20'50"E 209.00 ft.; thence S 00°20'50"W 714.83 ft.; thence S 00°25'30'W ginning Said tract contains 2

I further certify that the p my personal supervision on beha with reference to known monumen cribes all dimensions of the Su by length and breadth, and the certified herein.

Dated this

Registered Land Surveyor

Iowa L. S. #5414 PLAINS CENTRAL ENGIN

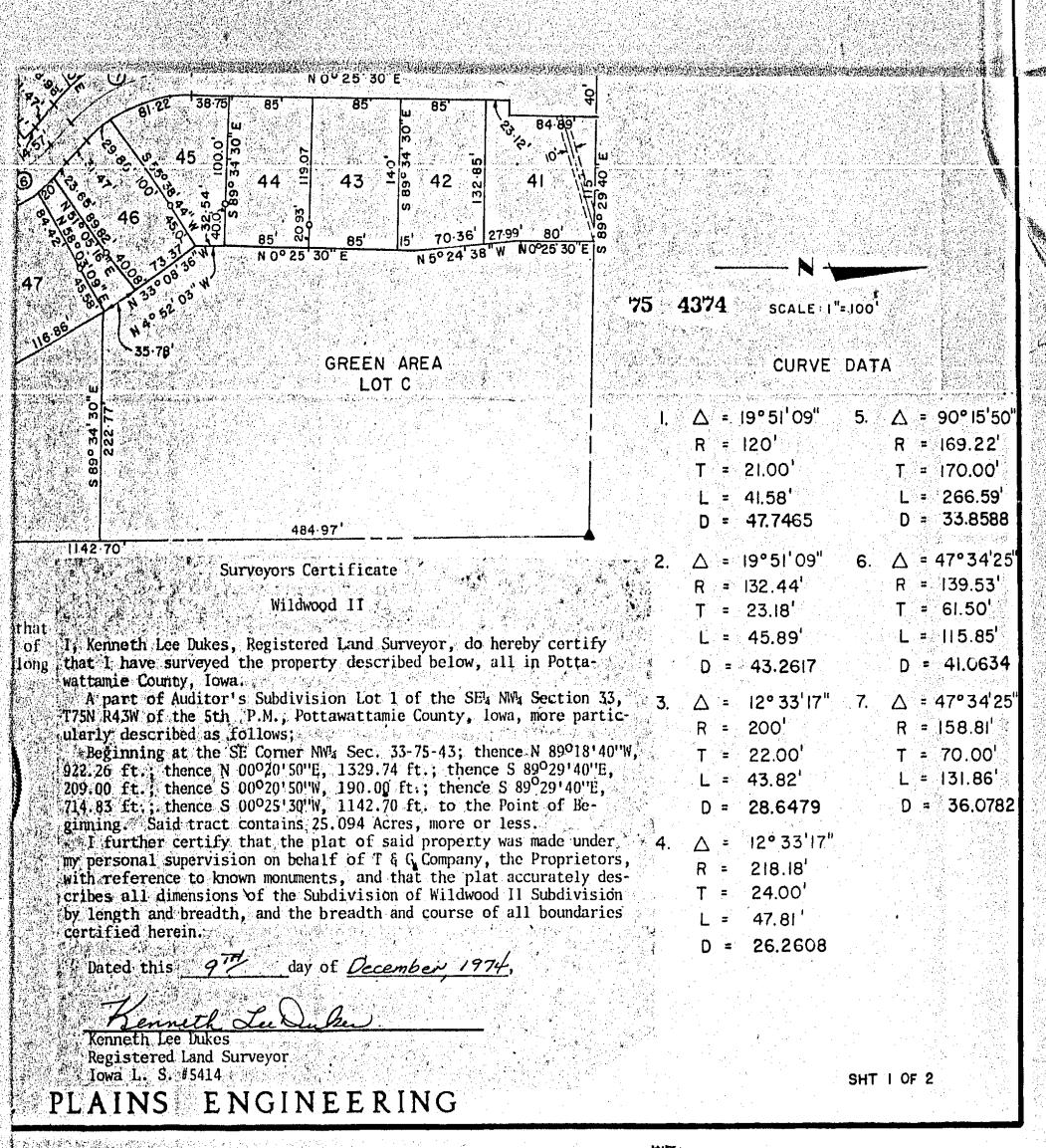
5414

Dated this 97 day of December, 1974.

the Back Lines of Lots 44 - 47 and Lot 51.

Registered Land Surveyor Lowa 1...S. #5414

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