

# COMPARED

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Dec 12<sup>50</sup>

### CERTIFICATION

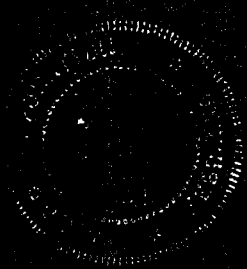
Now on this 3 day of July, 1964, the A. T. & C. Corporation by Adolph A. Carl, President and Secretary, and in accordance with the Articles of Incorporation of said Corporation, does hereby declare and certify that the foregoing and accompanying plat is a subdivision of the following described real estate situated in Pottawattamie County, Iowa, and which real estate is more particularly described as follows:

A tract of land lying wholly within the SW $\frac{1}{4}$  of Section 4, Township 74 North, Range 43 West, Pottawattamie County, Iowa, and more particularly described as follows: Beginning at the southwest corner of Lot 8 of Robin Hill Terrace; thence easterly along the south line of said Robin Hill Terrace, said south line also being the north line of the S $\frac{1}{2}$  of the SW $\frac{1}{4}$  of said Section 4 a distance of 1993.43 feet to a point; thence southeasterly with an interior angle of 90° 23' 07" a distance of 329.03 feet to a point; thence northwesterly with an interior angle of 70° 00' 00" a distance of 52.95 feet to a point; thence southwesterly with an interior angle of 270° 00' 00" a distance of 193.17 feet to a point; thence westerly with an interior angle of 110° 00' 54" a distance of 19.63 feet to a point; thence southerly with an interior angle of 269° 54' 41" a distance of 264.06 feet to a point; thence easterly with an interior angle of 270° 03' 35" a distance of 133.42 feet to a point; thence southwesterly with an interior angle of 61° 05' 23" a distance of 147.52 feet to a point; thence southwesterly with an interior angle of 174° 33' 55" a distance of 242.73 feet to a point; thence westerly with an interior angle of 122° 22' 15" a distance of 329.60 feet to a point; thence northwesterly with an interior angle of 157° 11' 19" a distance of 270.87 feet to a point; thence westerly with an interior angle of 205° 43' 54" a distance of 882.73 feet to a point; thence southwesterly with an interior angle of 185° 25' 54" a distance of 323.92 feet to a point; said point being the southeast corner of Out Lot A of Brentwood Heights; thence northerly with an interior angle of 33° 58' 38" along the east line of Brentwood Heights a distance of 1032.32 feet to the point of beginning and containing 44.73 acres more or less.

Said plat does hereby state that it is the sole and only owner and proprietor in fee simple of the above described property. The subdivision 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 said subdivision be named Wilshire Heights, a subdivision in the SW $\frac{1}{4}$  of Section 4, Township 74 North, Range 43 West, 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; Said tract being more than one mile from the city limits of Council Bluffs, Iowa.

A. T. & C. CORPORATION

By Adolph A. Carl  
Adolph A. Carl, President and Secretary



STATE OF IOWA, Pottawattamie County  
Filed for record the 3 day of July  
19 64 at 2 o'clock PM and recorded  
in book 1366 page 497

Donahy  
Recorder

BOOK 1366 PAGE 297

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STATE OF IOWA )  
COUNTY OF POTTAWATTAMIE ) SS.

Now on this 3<sup>rd</sup> day of July, 1964, personally appeared before me, a Notary Public in and for Pottawattamie County, Iowa, Adolph A. Carl, to me known to be the person who executed the foregoing instrument and acknowledged that he executed same as his voluntary act and deed for and on behalf of said Corporation and who further being duly sworn did say that he is the President and Secretary of A. T. & C. Corporation and that he had authority to execute the foregoing instrument for and on behalf of the Corporation and in accordance with its Articles and By-laws and the acts of the Board of Directors of said Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation and that said instrument was signed and sealed on behalf of said Corporation under due authority of the Articles of Incorporation.



*Raymond E. Poggie*  
Notary Public  
*Raymond E. Poggie*

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LAW OFFICES

Smith, Pogge, Caniglia & King

Roy W. Smith  
Raymond E. Pogge  
Ross F. Caniglia  
Richard C. King

TELEPHONE 32-2-2579  
AREA CODE 712

206 WICKHAM BUILDING  
Council Bluffs, Iowa

July 3, 1964

Pottawattamie County Recorder  
Pottawattamie County Treasurer  
Clerk of the District Court

Dear Sirs and Mrs. Letner:

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

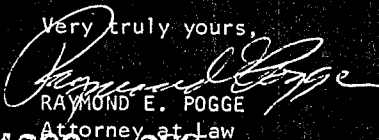
A tract of land lying wholly within the SW $\frac{1}{4}$  of Section 4, Township 74 North, Range 43 West, Pottawattamie County, Iowa, and more particularly described as follows: Beginning at the southwest corner of Lot 3 of Robin Hill Terrace; thence easterly along the south line of said Robin Hill Terrace, said south line also being the north line of the S $\frac{1}{2}$  of the SW $\frac{1}{4}$  of said Section 4 a distance of 1993.48 feet to a point; thence southeasterly with an interior angle of 90° 23' 07" a distance of 329.03 feet to a point; thence northwesterly with an interior angle of 70° 00' 00" a distance of 52.95 feet to a point; thence southwesterly with an interior angle of 270° 00' 00" a distance of 196.17 feet to a point; thence westerly with an interior angle of 110° 00' 54" a distance of 19.63 feet to a point; thence southerly with an interior angle of 269° 54' 41" a distance of 264.06 feet to a point; thence easterly with an interior angle of 270° 03' 35" a distance of 138.42 feet to a point; thence southwesterly with an interior angle of 61° 05' 23" a distance of 147.52 feet to a point; thence southwesterly with an interior angle of 174° 33' 55" a distance of 242.78 feet to a point; thence westerly with an interior angle of 122° 22' 15" a distance of 329.60 feet to a point; thence northwesterly with an interior angle of 157° 11' 19" a distance of 270.87 feet to a point; thence westerly with an interior angle of 205° 43' 54" a distance of 882.73 feet to a point; thence southwesterly with an interior angle of 185° 25' 54" a distance of 323.92 feet to a point; said point being the southeast corner of Out Lot A of Brentwood Heights; thence northerly with an interior angle of 83° 58' 38" along the east line of Brentwood Heights a distance of 1032.32 feet to the point of beginning and containing 44.78 acres more or less.

I find legal title to be vested in A. T. & C. Corporation of Omaha, Nebraska.

I further find that said abstract is certified to the 3rd day of July, 1964, at 3 o'clock P M. and contains 61 entries.

I further find that all real estate and personal taxes have been paid, and there are no judgments, liens or incumbrances existing against said real estate as shown on said abstract, said abstract being certified by the Abstract Guaranty Company of Council Bluffs, Iowa.

Very truly yours,

  
RAYMOND E. POGGE  
Attorney at Law

rep es

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TREASURER'S CERTIFICATION

STATE OF IOWA                    )  
  ) SS.  
COUNTY OF POTTAWATTAMIE )

I, William E. Kelso, 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 3 day of July, 1964.

  
\_\_\_\_\_  
TREASURER OF POTTAWATTAMIE COUNTY, IOWA  
William E. Kelso

RECORDER'S CERTIFICATION

STATE OF IOWA                    )  
  ) SS.  
COUNTY OF POTTAWATTAMIE )

I, Dorothy Letner, 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 A. T. & C. Corporation.

Witness my hand and official signature this 3 day of July, 1964.

  
\_\_\_\_\_  
COUNTY RECORDER OF POTTAWATTAMIE COUNTY,  
IOWA. Dorothy Letner

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CLERK OF THE DISTRICT COURT'S CERTIFICATION

STATE OF IOWA                    )  
  ) SS.  
COUNTY OF POTTAWATTAMIE    )

I, Nels P. Hansen, 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 3 day of July, 1964.

*Nels Hansen*  
\_\_\_\_\_  
CLERK OF THE DISTRICT COURT OF  
POTTAWATTAMIE COUNTY, IOWA  
Nels Hansen

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RESTRICTIONS AND COVENANTS UPON THE REAL ESTATE KNOWN AS  
WILSHIRE HEIGHTS IN POTTAWATTAMIE COUNTY, IOWA  
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WHEREAS, the A. T. & C. Corporation of Omaha, Douglas County, Nebraska, is the owner of all of the property in lots contained in Wilshire Heights Addition in Council Bluffs, Pottawattamie County, Iowa, and,

WHEREAS, the A. T. & C. Corporation desires 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, the said A. T. & C. Corporation does hereby create and establish the following restrictions which shall become binding on all the property and lots in Wilshire Heights consisting of 92 lots with the exception to Lots 1 and 2 of said subdivision; said Lots 1 and 2 are designated as proposed commercial lots and all of said restrictions set forth herein are not binding on these Lots 1 and 2 of Wilshire Heights Addition. Said restrictions herein are binding on the A. T. & C. Corporation 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 shall be known, described and used solely as residential lots and no structure shall be erected on any residential lot other than one detached family dwelling, not to exceed two stories in height and a one, two, or three car garage, with a minimum width to be 12 feet.
2. No building shall be erected on any residential building lot nearer than 35 feet to the front lot line nor shall it be further than 60 feet from the lot line fronting on the street.
3. No building or part of building shall be erected nearer than 10 feet to any side lot line. Said restriction shall not apply to any garage or other incidental building located 100 feet from said lot line fronting on the street.
4. No residential lots shall be divided into building lots unless approved by the grantor herein.
5. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
6. No structure shall be moved into any lots unless it meets with the approval of the grantor or a committee hereinafter referred to, or if there is no committee, it shall conform to and be in harmony with existing structures in the said subdivision.
7. No building shall be erected on any lot until the design and location thereof have been approved in writing by the grantor or its successor in title, or by a committee appointed by said grantor. The front set back and the side yard set back shall be approved in writing by the grantor.

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8. No dwelling shall be permitted on any lot described herein, having a square foot living area of less than 1,100 square feet exclusive of garage and basement.

9. No obnoxious or offensive activity 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.

10. No business shall be carried on upon any lot in said subdivision.

11. Sewage disposal shall be by septic tank, and each owner agrees to discontinue the use of said septic tank within one year after a sanitary sewer is constructed in said subdivision.

12. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

13. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

14. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

15. No individual sewage-disposal system shall be permitted on any lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of the Iowa Public Health Department. Approval of such system as installed shall be obtained from such authority.

16. All dirt from the cellars, basements, or other excavations from each and every lot in said subdivision which is not used on said lot where it is obtained must be removed to a designated area within said subdivision as the grantor may designate. This may be waived at the option of the grantor, or its successors in title, or by a committee appointed by said grantor, by written consent.

17. No boats or trailers of any kind shall be stored on any lot other than inside the family garage. No vehicle of any kind shall be stored on any lot unless it be inside the garage of said home.

These covenants and restrictions are to run with the land and shall be binding on all of the parties and all of the persons claiming under them until June 1, 1990, at which time said covenants and restrictions herein shall terminate.

By acceptance of this conveyance, the grantee, in consideration of the premises, binds himself, his heirs, executors and administrators or grantees to strictly observe and perform all of the restrictions and covenants herein contained.

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

The grantor agrees that all further deeds of property in this subdivision made by it shall contain all of these covenants and restrictions.

A. T. & C. CORPORATION

By

  
Thomas F. Carl - Vice-President and  
Treasurer.



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STATE OF IOWA )  
COUNTY OF POTTAWATTAMIE ) SS.

Now on this 30th day of June, 1964, personally appeared before me, a Notary Public in and for Pottawattamie County, Iowa, \_\_\_\_\_

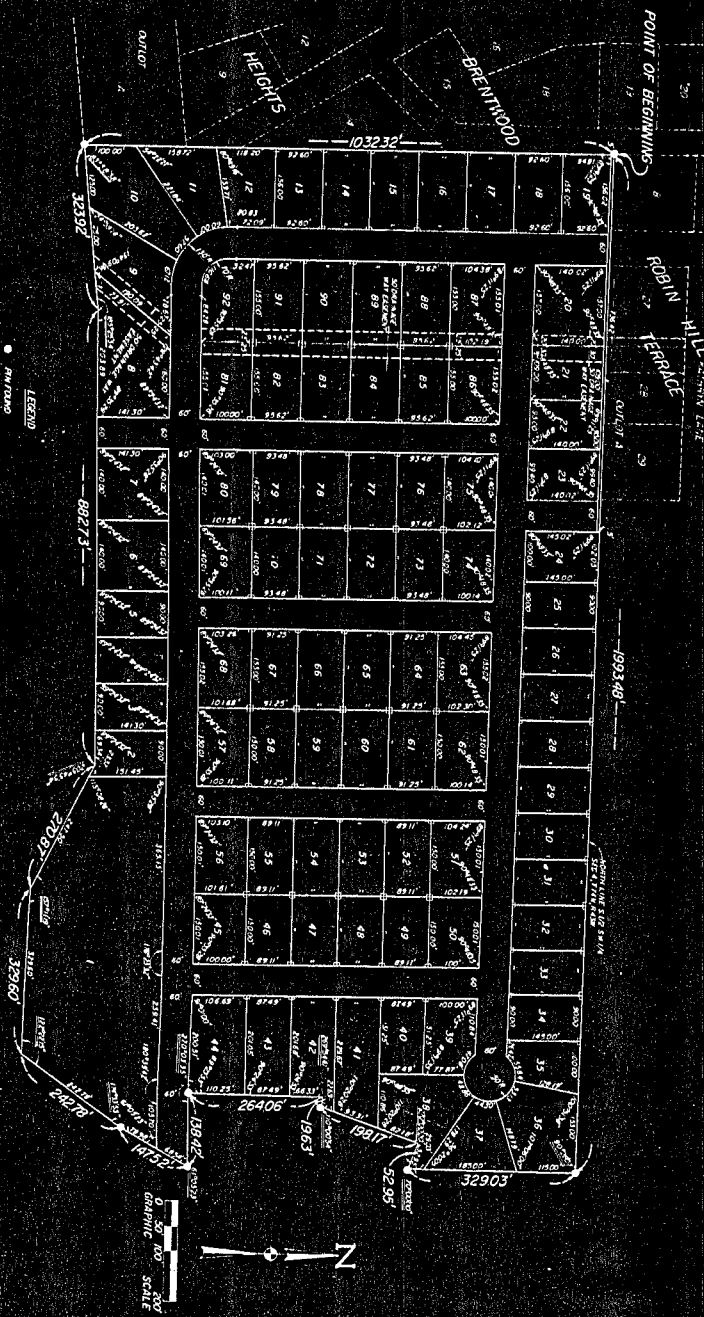
Thomas F. Carl, to me known to be the person who executed the foregoing instrument and acknowledged that he executed same as his voluntary act and deed for and on behalf of said Corporation and who further being duly sworn did say that he is the Vice-President and Treasurer of A. T. & C. Corporation and that he had authority to execute the foregoing instrument for and on behalf of the Corporation and in accordance with its Articles and By-laws and the acts of the Board of Directors of said Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation and that said instrument was signed and sealed on behalf of said Corporation under due authority of the Articles of Incorporation.

  
Notary Public  
Raymond E Pegg

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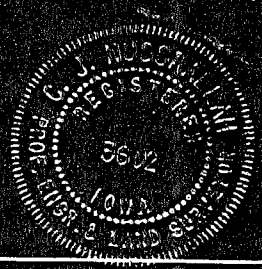
# WILSHIRE HEIGHTS

A SUBDIVISION IN THE SW 1/4 OF SEC. 4, T74N. R43W.  
POTTAWATTAMIE COUNTY, IOWA



June 30, 1964

*C. J. Mugg*



PREPARED BY  
MIRKHAM, MICHAEL & ASSOCIATES  
ENGINEERS - ARCHITECTS  
OAKMAN, IOWA CITY, IOWA

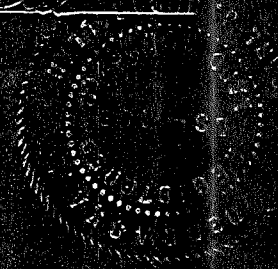
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the subdivision of said real estate attached hereto and that said plat accurately describes said subdivision which is known as Wilshire Heights, a subdivision in the SW1/4 of Section 4, Township 74 North, Range 43 West, Pottawattamie County, Iowa, and that the lots of said subdivision are numbered progressively as Lots 1 through 92 inclusive, said plat giving the dimensions of each lot by length and width and the width and courses of the streets established therein. I further certify that said subdivision is to be known as Wilshire Heights, a subdivision in the SW1/4 of Section 4, Township 74 North, Range 43 West, Pottawattamie County, Iowa, said plat further giving reference to the southwest corner of Lot 8 of Robin Hill Terrace and also the north line of the S1/2 of the SW1/4 of Section 4.

Dated this 2 day of July, 1964.

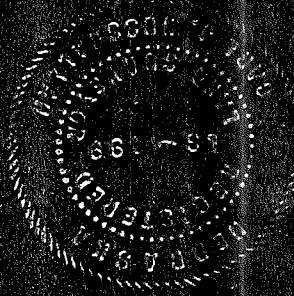
*Carl J. Kussrallah*



I further certify that the above described tract of land lies wholly within the tract of land conveyed to the A. T. & C. Corporation by a certain warranty deed dated April 27, 1964, and recorded in Book 1361, Page 117.

Dated this 2nd day of July, 1964.

*Carl J. Kussrallah*  
Carl J. Kussrallah



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SURVEYOR'S CERTIFICATION

I, Carl J. Nussrallah, registered professional engineer and land surveyor, No. 3602 in the State of Iowa, hereby certify that I have surveyed the following described real estate:

A tract of land lying wholly within the Southwest Quarter (S.W.1/4) of Section 4, Township 74 North, Range 43 West, in Pottawattamie County, Iowa and more particularly described as follows:

Beginning at the Southwest corner of Lot 8 of Robin Hill Terrace; thence Easterly along the South line of said Robin Hill Terrace, said South line also being the North line of the South Half (S. 1/2) of the S.W. 1/4 of said Section 4, a distance of 1993.48 feet to a point; thence Southeasterly with an interior angle of  $90^{\circ}28'07''$  a distance of 329.03 feet to a point; thence Northwesterly with an interior angle of  $70^{\circ}00'00''$  a distance of 52.95' feet to a point; thence Southwesterly with an interior angle of  $270^{\circ}00'00''$  a distance of 198.17 feet to a point; thence Westerly with an interior angle of  $110^{\circ}00'54''$  a distance of 19.63 feet to a point; thence Southerly with an interior angle of  $269^{\circ}54'41''$  a distance of 264.06 feet to a point; thence Easterly with an interior angle of  $270^{\circ}03'35''$  a distance of 138.42 feet to a point; thence Southwesterly with an interior angle of  $61^{\circ}05'23''$  a distance of 147.52 feet to a point; thence Southwesterly with an interior angle of  $174^{\circ}33'55''$  a distance of 242.78' feet to a point; thence Westerly with an interior angle of  $122^{\circ}22'15''$  a distance of 329.60 feet to a point; thence Northwesterly with an interior angle of  $157^{\circ}11'19''$  a distance of 270.87 feet to a point; thence Westerly with an interior angle of  $205^{\circ}43'54''$  a distance of 882.73' feet to a point; thence Southwesterly with an interior angle of  $185^{\circ}25'54''$  a distance of 323.92 feet to a point; said point being the Southeast corner of Outlot A of Brentwood Heights; thence Northerly with an interior angle of  $83^{\circ}58'38''$  along the East line of Brentwood Heights a distance of 1032.32 feet to the point of beginning and containing 44.78 acres more or less.

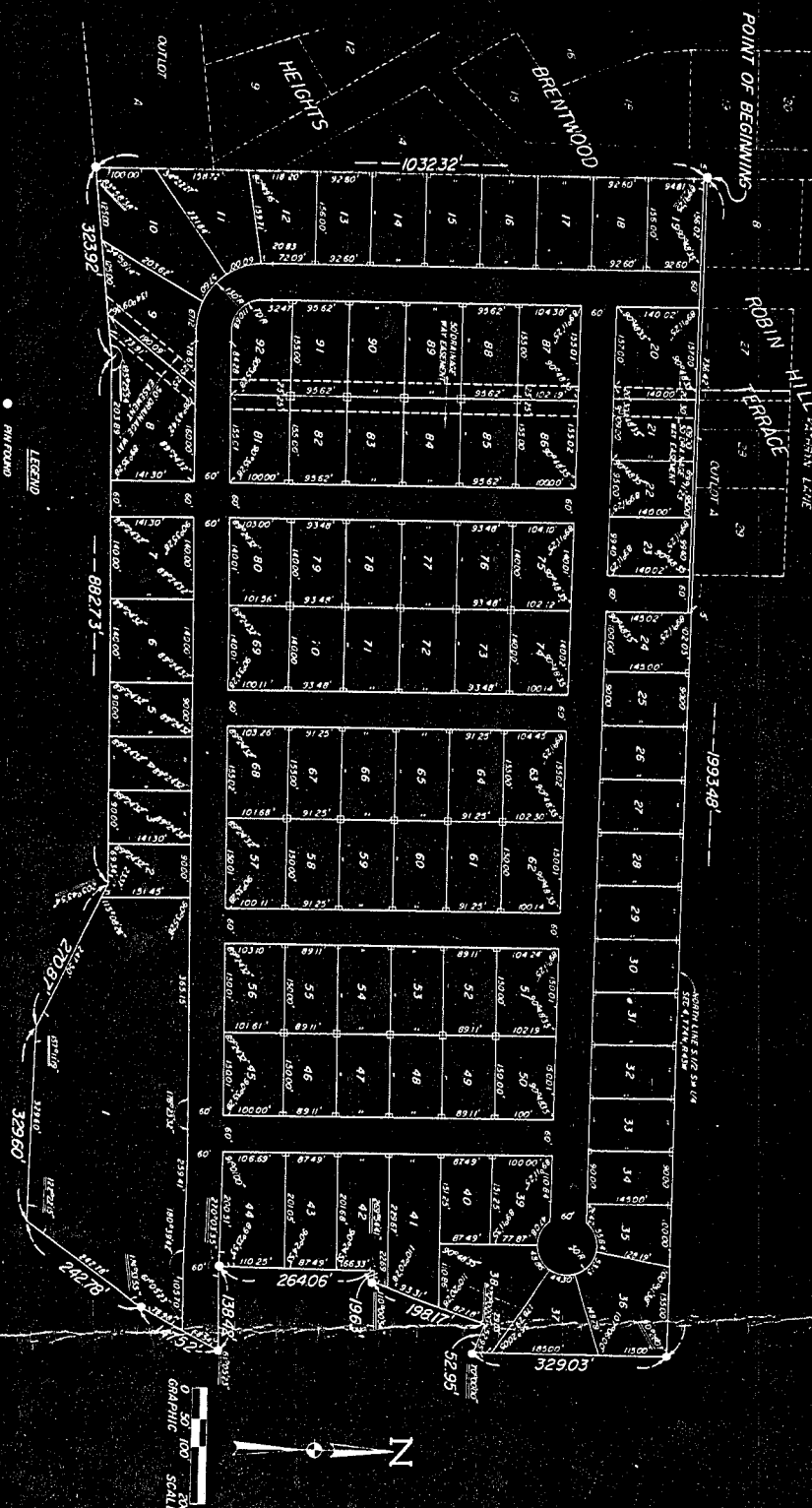
For and on behalf of A. T. & C. Corporation and have made a plat of

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# WILSHIRE HEIGHTS

A SUBDIVISION IN THE SW/4 OF SEC. 4, T74N R43W,  
POTTAWATTAMIE COUNTY, IOWA



1961  
1963  
1964

32903  
26406  
52995

0 50 100 300  
GRAPHIC SCALE

June 30, 1964

*Carl H. ...*

