

MICHELLE UTSLER, COUNTY RECORDER
MADISON IOWA

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DECLARATION OF USE RESTRICTIONS
AND
BUILDING SPECIFICATIONS
FOR
WILLIAMSON ADDITION PLAT 2
TO THE CITY OF EARLHAM,
MADISON COUNTY, IOWA

COMPUTER	<input checked="" type="checkbox"/>
RECORDED	<input checked="" type="checkbox"/>
COMPARED	<input type="checkbox"/>

THIS DECLARATION made this the 27 day of July, 2006,
by John N. Williamson and Geraldine M. Williamson, hereinafter
referred to "Williamsons".

W I T N E S S E T H :

WHEREAS, Williamsons are the owners of certain real estate in
the City of Earlham, Madison County, Iowa, described as:

Williamson Addition Plat 2 to the City of Earlham, Iowa,
and also described as:

A parcel of land located in the Southwest Fractional
Quarter of the Northwest Quarter of Section 6, Township
77 North, Range 28 West of the 5th P.M., Madison County,
Iowa is described as:

Beginning at the Northwest corner of Lot 12, Williamson
Addition Plat 1, an official plat, Earlham, Madison County,
Iowa; thence N00 12'43"W along the West line of the Northwest
Quarter of said section 6, a distance of 950.11 feet; thence
N88 50'14"E, a distance of 1051.58 feet to the West right of
way line of Iowa Highway No. 232, also known as "I" Avenue or
Chestnut Avenue, as it is presently established; thence S06
47'33"E along said west right of way line, a distance of
122.60 feet; thence S03 34'17"E along said west right of way
line, a distance of 762.78 feet to the Northeast corner of Lot
19 in said Williamson Addition Plat 1; thence S88 47'03"W
along the North line of said Lot 19, a distance of 212.21 feet
to the Northwest corner of Said Lot 19; thence S03 48'30"E

along the West line of said Lot 19, a distance of 35.73 feet; thence S88 51'28"W along the North line of Lots A, 18, 17, 16, 15, 14, and 13 in said Williamson Addition Plat 1, a distance of 680.34 feet to the Northwest corner of said Lot 13; thence S00 12'43"E along the West line of said Lot 13, a distance of 30.00 feet; thence S88 46'45"W along the North line of Lot A and Lot 12 in said Williamson Addition Plat 1, a distance of 220.03 feet to the point of beginning.

WHEREAS, Williamsons are desirous of developing the property as Williamson Addition Plat 2.

NOW THEREFORE, Williamsons, by the execution and recording of this document, hereby declare that this property shall be held, occupied, sold and conveyed subject to the covenants and restrictions set forth herein, on the following described real estate property:

Williamson Addition Plat 2 to the City of Earlham, Iowa, and also described as:

A parcel of land located in the Southwest Fractional Quarter of the Northwest Quarter of Section 6, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa is described as:

Beginning at the Northwest corner of Lot 12, Williamson Addition Plat 1, an official plat, Earlham, Madison County, Iowa; thence N00 12'43"W along the West line of the Northwest Quarter of said section 6, a distance of 950.11 feet; thence N88 50'14"E, a distance of 1051.58 feet to the West right of way line of Iowa Highway No. 232, also known as "I" Avenue or Chestnut Avenue, as it is presently established; thence S06 47'33"E along said west right of way line, a distance of 122.60 feet; thence S03 34'17"E along said west right of way line, a distance of 762.78 feet to the Northeast corner of Lot 19 in said Williamson Addition Plat 1; thence S88 47'03"W along the North line of said Lot 19, a distance of 212.21 feet to the Northwest corner of Said Lot 19; thence S03 48'30"E along the West line of said Lot 19, a distance of 35.73 feet; thence S88 51'28"W along the North line of Lots A, 18, 17, 16, 15, 14, and 13 in said Williamson Addition Plat 1, a distance of 680.34 feet to the Northwest corner of said Lot 13; thence S00 12'43"E along the West line of said Lot 13, a distance of 30.00 feet; thence S88 46'45"W along the North line of Lot A

and Lot 12 in said Williamson Addition Plat 1, a distance of 220.03 feet to the point of beginning.

Designation of Use. Lots 1-4 in Williamson Addition Plat 2 shall be used solely for residential townhouses, also known as rowhouses or terrace houses. Lots 5-20 in Williamson Addition Plat 2 shall be known and described as single residential lots, and shall not be improved, used or occupied for other than private single family residential purposes. Article I shall detail the covenants, conditions and restrictions placed upon Lots 5-20. Lots 1-4 shall be used only for said townhouses, with the townhouse developer to create additional restrictions and covenants.

ARTICLE I

1. Building Area. No dwelling shall be constructed upon or permitted to remain upon any Lot in this subdivision, unless it meets the following floor area requirements:

(a) One-story dwellings must have a ground floor finished area of not less than 1,600 square feet.

(b) One and one-half story dwellings must have not less than 1,000 square feet of finished area on the ground floor and a total on the ground floor and second floor of not less than 1,700 square feet of finished area.

(c) Two story dwellings must have not less than 900 square feet of finished area on the ground floor and a total on the ground floor and second floor of not less than 1,800 square feet of finished area.

(d) Split-entry dwellings must have not less than 1,200 square feet of finished area directly under the roof and a total finished area of 1,800 square feet.

(e) Split-level dwellings must have not less than 1,400 square feet of finished area directly under the roof and a total finished area of 1,800 square feet.

(f) In the computation of floor area, the same shall not include porches, breezeways or garages.

2. Design and Construction.

(a) No mobile homes as defined by the Code of Iowa shall be placed or erected on any Lot. All homes placed or erected on any Lot must have at least seventy-five percent (75%) of the home completed at the site of the home. This provision is intended to prevent certain types of pre-manufactured homes from being placed in the Addition.

(b) No building or structure shall be constructed, altered or maintained on any Lot unless it has a driveway running from a street to the dwelling, which must be of sufficient area to park at least two cars entirely off the street right of way. All driveways shall be constructed of concrete surfacing.

(c) All dwellings must have, at a minimum, double attached or double basement garages.

(d) Any dog run, trash receptacle, tool shed or other structure of like nature shall be attached to the home, and shall be totally screened by shrubbery or decorative fence, or both.

(e) All building structures or improvements of any kind must be completed within 12 months of the commencement date of construction.

(f) No above-ground swimming pool shall be permitted on any lot, except for small wading pools for infants.

(g) Acceptable roofing materials are slate, tile, cedar shake, butt wood, and high quality asphalt shingles, with a minimum weight rating of 260 pounds.

(h) No building shall be erected on any lot unless the design and location is in harmony with existing structures in the tract. The building must not conflict with other buildings in the tract through improper orientation, setbacks, landscaping and screening, grading, traffic circulation, or architectural incompatibility.

(i) No structure shall be erected on any Lot until the plans and specifications therefore have been submitted to and approved in writing by the Williamsons, or their designee, as to design, location on lot, outward appearance and color; provided, however, if Williamsons fail to approve or disapprove such plans and specifications within 15 days after the same have been submitted, then such approval shall not be required.

(j) No more than twelve inches (12") of concrete block, poured concrete or clay tile foundation shall be exposed on any building and any such exposed materials shall be painted or covered with brick or stone veneered.

3. Temporary Structures. No building or structure of a temporary character and no trailer, basement, tent, shack, garage or outbuilding shall be used at any time as a residential dwelling on any Lot, either temporarily or permanently.

4. Recreational Vehicles and Boats. No recreational vehicle or boat shall be parked so that such vehicle or boat is visible from the street or adjacent Lots for a period of time longer than one week.

5. Rubbish Containers. No rubbish container shall be visible from the street except on pick up day and one day before or after pick up day.

6. Utilities. All utility connection facilities and services shall be underground. No individual water supply system or individual sewage disposal system shall be permitted on any Lot. Each Lot owner must hook up to the public sanitary sewage system as soon as the same is available to the Lots. Each lot owner must also hook their sump pumps up to the storm sewer.

7. Towers and Antennas. No television, radio, microwave or other communications antenna, tower or receiver, including satellite dishes of more than twenty-four inches (24") in diameter, shall be allowed on any Lot or on any building constructed on a Lot, except a freestanding antenna, tower or receiver not to exceed six feet (6') in height and two feet (2') in diameter or width, shall be allowed in the rear yard of a Lot provided the same is screened from the neighboring residences and streets by landscaping or fences or both. Williamsons hereby reserve the right to amend this section at any time it owns at least one (1) Lot.

8. Signs. No sign of any kind shall be exhibited in any way on or above the property without the written approval of the Williamsons, or their duly authorized agent, except one professional sign advertising the property for sale or rent, or signs used by a builder during the construction and sale period. Said sign shall not be more than three square foot.

9. Nuisances. No noxious or offensive activity or odors shall be permitted on or to escape from any Lot, nor shall anything be done thereon which is or may become an annoyance or nuisance, either temporarily or permanently.

10. Livestock and Poultry Prohibited. No animals, livestock or poultry or any kind shall be raised, bred or kept on any Lot, except that dogs, cats and other common household pets may be kept so long as they are not kept, bred or maintained for commercial purposes. In no event, however, shall more than two dogs be maintained on any one lot at any one time. Dogs must be tied or fenced or kept in a dog run.

11. Landscaping and Sight Lines. Following construction of the residential dwelling on any Lot, the front yard and side yards must be fully sodded, and the rear yard must be seeded.

No hedge or shrub planting which obstructs sight lines at elevations between two (2) and ten (10) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet (25') from the intersection of the street lines, or in the case of a rounded property corner within the triangular area formed from the intersection of the street property line with the edge of the driveway. No trees shall be permitted to remain within such distance of such intersection unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

12. Easements. Certain perpetual easements are reserved as shown on the recorded plat. The owner or occupant of a Lot shall, at their own expense, keep and preserve that portion of the easement within their Lot in good repair and condition, and shall neither erect nor permit erection of any building, structure or fences of any kind within the easement which might interfere in any way with the use of such easement.

13. Sidewalks. The purchaser of a Lot shall, at the purchaser's expense, install public sidewalks in accordance with specifications of the City of Earlham. The installation and construction of the sidewalks shall incur within one (1) year following the construction of the house.

14. Fences. No fence or hedge shall be erected or maintained on the property within the front 50 feet (50') of any Lot. No fence or hedge shall be erected or maintained on the property of the subdivision which shall unreasonably restrict or block the view from an adjoining Lot, or which shall materially impair the continuity of the general landscaping plan of the subdivision. Chain link fences must be made of coated plastic and will be allowed in back yards. However, no wall or fence of any kind whatsoever shall be constructed on any lot until the height, type, design and location has been approved, in writing, by Williamsons, or their duly authorized agent.

15. Trucks and Trailers. No trailer shall be allowed on any of the Lots. No Lot shall be used as a junkyard or auto graveyard. No trucks or house trailers of any kind shall be permitted to be parked for a period of more than twelve (12) hours, unless the same is present in the actual construction or repair of buildings located on the land. No trucks or house trailers shall be parked over night in areas zoned residential.

16. Garages. No detached garages shall be permitted in this subdivision.

17. Garbage Cans and Equipment. Items such as garbage cans, clotheslines, lawn or garden equipment, building materials and other similar items, shall be placed out of the public view. Firewood shall not be stored on the front side of the house.

18. Playhouses and Sheds. No playhouse, utility building, storage shed, lean-to, or other similar structure shall be permitted; provided, however, a child's playhouse may be permitted if the floor area does not exceed sixty-four (64) square feet and if the exterior and the roof are constructed of the same material and have the same color and appearance as the residential dwelling on the said Lot.

19. Weed Control. The owner or person in possession of each Lot, whether vacant or improved, shall keep the same free of debris and shall keep the same mowed so that the grass and plantings do

not exceed six inches (6") in height. Each owner agrees that after written notice given by certified mail to such owner or person in possession by any property owner owning property within 500 feet (500') of such Lot, such weeds shall be cut and/or such debris shall be removed within fifteen (15) days, failing which, the property owner giving such notice may enter upon the property to cut or cause to be cut such weeds, or to remove or cause to be removed such debris, and shall have a right of action against the owner of such lot for collection of the cost thereof.

20. Miscellaneous. These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them until January 1, 2026.

21. Exterior Color. All homes shall have their exterior painted in either white or earth tones. Brick homes shall be exempted from this restriction.

22. Roof Pitch. All homes shall be constructed with a minimum of a six foot/twelve foot roof pitch.

The restrictions shall not be applicable to property dedicated to the City of Earlham, and said City may allow appropriate public use on city-owned property.

If the owner or persons in possession of any lot in Williamson Addition violates or attempts to violate any of the covenants or restrictions herein established before said restrictions or covenants expire or have been removed, as provided herein, it shall be lawful for any person or persons owning any other Lots in said plat to prosecute any proceedings in law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions, and either to prevent him or them from so doing or to recover damages or other dues for such violation.

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

DATED this 27th day of July, 2006.

John N. Williamson
John N. Williamson

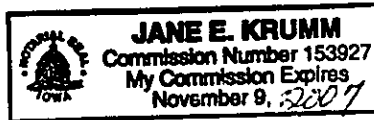
Geraldine M. Williamson
Geraldine M. Williamson
Geraldine M. Williamson

STATE OF IOWA)
COUNTY OF Madison) SS.:

July Subscribed and sworn to before me this 27th day of July, 2006, by John N. Williamson.

Jane E. Krumm
Notary Public - State of Iowa

STATE OF IOWA)
COUNTY OF Madison) SS.:



July Subscribed and sworn to before me this 28 day of July, 2006, by Geraldine M. Williamson.

Joan Welch
Notary Public - State of Iowa

