FILED NO. 51
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1973 JAN -9 AM 11:41

MARCE E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $ 8.50

D. H.

RESERVATION OF USE

We, William R. Kent and Elzara H. Kent, husband and wife, for and in consideration of the approval of the Plats of Fourth Avenue Place, an addition to the City of Winterset, Iowa, by the City Council of the City of Winterset, Iowa, do hereby impose upon ourselves, our executors, administrators, heirs, devisees, legatees, transferees, assignees, the following obligations and covenents to wit:

In the event any or all of the real estate legally described as:

> The West 300 feet of the East 495 feet of the South 290 feet and the West 336 feet of the East 495 feet of the North 370 feet of the South 660 feet and the North 50 feet of the South 500 feet of the East 156 feet of the Northwest quarter ($\frac{1}{4}$) of the Northeast quarter (NE$\frac{1}{4}$) of Section thirty-six (36) Township seventy-six (76), North Range twenty-eight (28), West of the 5th P.M.

should be sub-divided as required by or pursuant to the ordinances of the City of Winterset or the statutes of the State of Iowa, or at any other time the undersigned shall, upon the request or demand of the City Council of the City of Winterset, Iowa, transfer and convey the real estate described as:

> The North fifty feet (50) of the South 500 feet of the East 156 feet of the Northwest quarter (NW$\frac{1}{4}$), Northeast quarter (NE$\frac{1}{4}$) of Section 36, Township 76, North Range 28, West of the 5th P.M.

to the City of Winterset, Iowa, or to the developer or sub-divider of the sub-division of the above described real estate for inclusion in the sub-division as a public street, which transfer and conveyance shall be without further or additional consideration.

We further reserve the real estate legally described as:

> North 50 feet of the South 500 feet of the East 156 feet of the Northwest quarter (NW$\frac{1}{4}$) Northeast quarter (NE$\frac{1}{4}$) of Section 36, Township 76, North Range 28, West of the 5th P.M.

for future dedication to the City of Winterset and the public for street purposes and we impose this reservation upon ourselves, our heirs, devisees, legatees, executors, administrators, or assignees, as a covenant running with the real estate legally described as:

IND. ✓
REC. ✓
PAGE ✓

West 300 feet of the East 495 feet of the South 290 feet and the West 336 feet of the East 495 feet of the North 370 feet of the South 660 feet and the North 50 feet of the South 500 feet of the East 156 feet of the Northwest quarter (NW$\frac{1}{4}$) Northeast quarter (NE$\frac{1}{4}$) of Section 36, Township76, North Range 28 West of the 5th P.M.

We further agree as a condition imposed upon ourselves, our executors, administrators, heirs, devisees, legatees, and assignees, that upon sub-division of any or all of the real estate described herein, improvements as required by the City Council of the City of Winterset, pursuant to the ordinances of the City of Winterset, or the statutes of the State of Iowa, shall be installed by and at the expense of the developer or sub-divider of the real estate described herein.

Upon acceptance of these reservations as evidenced by the filing of this document and a resolution of the City Council of the City of Winterset, Iowa, accepting the terms and conditions hereof, in the office of the Recorder of Madison County, Iowa, the reservations , conditions and covenents contained herein, shall be binding upon the undersigned, their heirs, devisees, legatees, executors, administrators, transferees and assignees.

After the filing of the documents described above in the office of the Recorder of Madison County, Iowa, the terms and conditions contained herein, may be released only by the City Council of the City of Winterset, Iowa, in a proceedings in the manner of a vacation of a street or alley including public hearings, notices and publications, provided for in a vacation proceedings.

Dated at Winterset, Iowa this 30th day of September 1972.

William R. Kent

William R. Kent

Elzara H. Kent

Elzara H. Kent

STATE OF IOWA)
)
MADISON COUNTY)

On the 30 day of September 1972, before me a notary public in and for the State of Iowa, personally appeared William R. Kent and Elzara H. Kent, to me personally known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Leonard M. Flansler
NOTARY PUBLIC
LEONARD M. FLANSLER

RESOLUTION

Be it resolved by the City Council of the City of Winterset, Iowa, that the reservations and grants provided in the "Reservations of Use", executed by William R. Kent and Elzara H. Kent dated 30th September 1972 and tendered to the City of Winterset, Iowa, be and is hereby accepted and approved this 8th day of January 1973.

Robert Howell

Robert Howell, Mayor of the City of Winterset, Iowa

Attest--

City Clerk