1819

FILED NO. 107 PAGE 496

1978 MAR 13 AM 9:45

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee #30.50
Plat #2.50

DEDICATION OF PLAT

OF EVANS RURAL ESTATES PLAT 2

NOW ALL MEN BY THESE PRESENTS:

That we, Orval D. W. Evans and Jayne P. Evans, husband and wife, do hereby certify that we are the sole owners and proprietors of the following described real estate:

> A Subdivision of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.
>
> Description: Beginning at the Southeast Corner of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26), West of the 5th P.M., thence N 0°00'E, along the East line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), on an assumed bearing, 1318.02 feet; thence S 82°41'W, 2604.47 feet; thence S 0°22'E, 1310.43 feet; thence N 82°50'E (along the South line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24) 2595.16 feet to the point of beginning.

Contains 78.43 acres (including roadways).

That the subdivision of the above described real estate as shown by the final plat of Evans Rural Estates Plat 2 is with the free consent and in accordance with said owners' desire as owners of said real estate.

Dated this 20 day of September, 1977.

Orval D. Evans
(Orval D. Evans)

Jayne P. Evans
(Jayne P. Evans)

STATE OF IOWA :
: SS
Madison COUNTY :

On this 20th day of September, 1977, before me, the undersigned, a Notary Public in and for the State of Iowa personally appeared Orval D. Evans and Jayne P. Evans, to me known to be the identical persons named in and who executed the fore-

ENTERED FOR TAXATION
THIS 13 DAY OF March 1978
AUDITORS FEE $ 1.00
Bruce F. Abrahamson
AUDITOR

DEPUTY AUDITOR

going instrument, and acknowledged that they executed the same as their voluntary act and deed.

DEAN R. NELSON Iowa NOTARIAL SEAL

Notary Public in and for the State of Iowa.

CONSENT

Comes now the Dallas County State Bank of Adel, Dallas County, Iowa, and hereby consents and expressly agrees to give Partial Releases upon receipt of $5,000.00 for any lot platted in Evans Rural Estates Plat 2, hereby described in this Dedication of Plat for the mortgage, executed by Orval D. W. Evans and Jayne P. Evans, husband and wife, in the sum of $60,000.00. This mortgage is dated May 13, 1977, and was filed of record May 18, 1977, in the Office of the Madison County Recorder, in Book 126, page 246.

DALLAS COUNTY STATE BANK

BY Rich Hay

BY _____

STATE OF IOWA :
: SS
~~Dallas~~ COUNTY :

On this 21st day of September, 1977, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Rich Hay and _____, to me personally known, who, being by me duly sworn, did say that he ~~they~~ ~~are~~ is the Assistant Vice President and _____, respectively of said corporation executing the within and fore-

#3. Dedication of Plat of Evans Rural Estates Plat 2.

going instrument on behalf of said corporation by authority of its Board of Directors; and that the said Rich Hay and _____ as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



Bonnie E. Feldman
Notary Public in and for the State of Iowa.

Bonnie E. Feldman

2

RESTRICTIVE COVENANTS

FOR

EVANS RURAL ESTATES

PLAT 2

Comes now, Orval D. W. Evans and Jayne P. Evans, the title-holders of record of Evans Rural Estates Plat 2 legally described as follows:

A Subdivision of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.

Description: Beginning at the Southeast Corner of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., thence N 0°00' E, along the East line of the South Half (S½) of the Southeast Quarter)SE¼) of Section Twenty-four (24), on an assumed bearing, 1318.02 feet; thence S 82°41'W, 2604.47 feet; thence S 0°22' E, 1310.43 feet; thence N 82°50'E (along the South line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24) 2595.16 feet to the point of beginning, containing 78.43 acres (including roadways).

The following building restrictions and covenants shall be effective for Evans Rural Estates Plat 2, and by this reference said building restrictions and covenants are hereby incorporated into said Plat. The building restrictions and covenants shall be as follows:

(a) Only one single-family dwelling shall be erected on each lot of Evans Rural Estates Plat 2. Additional structures may be erected for use on an individual lot but may not be used for family dwelling purposes.

(b) All residential dwellings for lots #9 through 16 of Evans Rural Estates Plat 2 shall have a minimum set back of 200 feet from the County Road. All residential dwellings for lots #1 through 6 of Evans Rural Estates Plat 2 shall have a minimum set back of 150 feet from the private road as set forth on said Plat.

(c) All purchasers of lots in Evans Rural Estates Plat 2 shall be responsible for the erection and maintenance of all fences surrounding their property. The undersigned, Orval D. W. Evans and Jayne P. Evans, shall not be responsible for the erection of any fences.

(d) Each lot owner for lots #1 through 6, and lots 10 through 15, shall be responsible for 1/12 of the cost of road maintenance for said lots 1 through 6, and 10 through 15, which private road is shown on the plat. Also, each lot owner for lots 7 through 9 shall be responsible for 1/3 of the cost of road maintenance for lots 7 through 9, which private road is shown on said plat. The undersigned hereby agree to initially place white rock on said private road and thereafter maintenance shall be pro-rated

#2. Restrictive Covenants for
Evans Rural Estates Plat 2

as set forth herein. Each purchaser hereby expressly agrees to pay the cost of the maintenance for the private road which cost shall be a covenant to run with the lots and shall be binding on all parties and persons claiming under them.

(e) No trailer, basement, tent, shack, garage, bar or other out building erected in the tract shall at any time be used as a residence temporarily or permanently nor shall any residence of a temporary character be permitted.

(f) Titleholder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris.

(g) 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.

(h) These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until October 1, 1996, at which time said covenants shall be automatically extended for successive periods of ten years unless by vote of the majority of the then owners of the lots, it is agreed to change the said covenants in whole or in part, except for Item D.

(i) If the parties hereto, or any of them, or their heirs or assigns shall violate any of the covenants or restrictions herein before October 1, 1996, it shall be lawful for any person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in said equity against the person or persons violating or attempting to violate any such covenants or restriction and either to prevent him or them from so doing or to recover damages or other dues for such violations.

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

Dated this 18th day of November, 1977.

Orval D. W. Evans (Orval D. W. Evans)

Jayne P. Evans (Jayne P. Evans)

STATE OF IOWA :
: SS
MADISON COUNTY :

On this 18th day of November, A.D., 1977, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Orval D. W. Evans and Jayne P. Evans, to me 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.

Notary Public in and for the
State of Iowa.

3

106-617

H. CLAUDE PEER
DEAN R. NELSON
Attorneys-At-Law
Phone (515) 758-2257
EARLHAM, IOWA 50072

November 2, 1977

Mr. Jerry K. Trevillyan
Madison County Zoning Administration
Madison County Courthouse
Winterset, Iowa 50273

Dear Mr. Trevillyan:

Please find enclosed my Title Opinion and Restrictive Covenants for Evans Rural Estates Plat 2. Mr. O. D. Evans requested that I forward this to your attention.

If you have any questions, please do not hesitate to contact this office.

With kindest regards, I am

Sincerely yours,

Dean R. Nelson

drn:sa

Enc. as stated.

H. CLAUDE PEER
DEAN R. NELSON
Attorneys-At-Law
Phone (515) 758-2257
EARLHAM, IOWA 50072

September 20, 1977

Mr. Jerry K. Trevillyan
Madison County Zoning Administration
Madison County Courthouse
Winterset, Iowa 50273

Dear Mr. Trevillyan:

I have this day examined Abstract of Title from the date of government entry until the 21st day of July, 1977, at 8:00 A.M., to the following described real property, to-wit:

> A Subdivision of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.
>
> Description: Beginning at the Southeast Corner of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., thence N 0°00'E, along the East line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), on an assumed bearing, 1318.02 feet; thence S 82°41' W, 2604.47 feet; thence S 0°22' E, 1310.43 feet; thence N 82°50' E (along the South line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24) 2595.16 feet to the point of beginning, containing 78.43 acres (including roadways),

and I find legal title of record to be held by Orval D. W. Evans subject to the following:

1.-At Entry #64 there is shown a mortgage to the Dallas County State Bank in the sum of $60,000.00. This mortgage is dated May 13, 1977, and was filed of record May 18, 1977, in the Office of the Madison County Recorder in Book 126, page 246. This is a first and prior lien against the above described real estate.

2.- There are no judgments of record.

3.- There are no liens for old age assistance or no insane liens.

4.- There are no bankruptcy proceedings shown.

5.- There are no special assessments unpaid as shown by Abstract.

6.- There are no suits or notices against the above named owner.

7.- There are no claims for income tax or sales tax liens.

8.- Real estate taxes for the fiscal year 1976 due and payable in 1976-1977, and previous years are paid in full.

9.- That Orval D. W. Evans holds good and merchantable title of record.

Respectfully submitted

Peer & Nelson

By Dean R. Nelson

Dean R. Nelson
Attorneys at Law
Earlham, Iowa 50072
Telephone: (515) 758-2267

drn:sa

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CERTIFICATE OF COUNTY TREASURER

OF MADISON COUNTY, IOWA

I, Esther J. Frank, do hereby certify that I am the duly elected and acting Treasurer of Madison County, Iowa; that I have examined the records in my office and there are no unpaid taxes against the following described real estate, to-wit:

A Subdivision of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.

Description: Beginning at the Southeast Corner of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26), West of the 5th P.M., thence N 0°00'E, along the East line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), on an assumed bearing, 1318.02 feet; thence S 82°41'W, 2604.47 feet; thence S 0°22'E, 1310.43 feet; thence N 82°50'E (along the South line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24) 2595.16 feet to the point of beginning.

Contains 78.43 acres (including roadways).

Dated this 21 day of September, 1977.

Esther J. Frank

(Esther J. Frank, Treasurer)
Madison County, Iowa.

RECEIVED
OCT 7 1977
MADISON COUNTY
AUDITOR

6

CERTIFICATE OF THE CLERK OF THE DISTRICT COURT

OF MADISON COUNTY, IOWA.

I, Margaret Wheeler, do hereby certify that I am the duly elected and acting Clerk of the District Court of Madison County, Iowa; that I have examined the records in my office and that the following described real estate, to-wit:

> A Subdivision of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.
>
> Description: Beginning at the Southeast Corner of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., thence N 0°00'E, along the East line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), on an assumed bearing, 1318.02 feet; thence S 82°41'W, 2604.47 feet; thence S 0°22'E, 1310.43 feet; thence N 82°50'E (along the South line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24) 2595.16 feet to the point of beginning.

Contains 78.43 acres (including roadways).

is free from all judgments, attachments, mechanic's or other liens.

Dated this 3 day of Nov, 1977.

Margaret Wheeler

Margaret Wheeler, Clerk of the District Court of Madison County, Iowa.

1

CERTIFICATE OF THE COUNTY RECORDER

OF MADISON COUNTY, IOWA

I, Mary E. Welty, hereby certify that I am the duly elected and acting recorder of Madison County, Iowa; that Orval D.W. Evans and Jayne P. Evans, husband and wife, are now the fee simple owners and record holders of the following described real estate, to-wit:

> A Subdivision of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.
>
> Description: Beginning at the Southeast Corner of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., thence N 0°00'E, along the East line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), on an assumed bearing, 1318.02 feet; thence S 82°41'W, 2604.47 feet; thence S 0°22'E, 1310.43 feet; thence N 82°50'E (along the South line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24) 2595.16 feet to the point of beginning.

Contains 78.43 acres (including roadways).

That Orval D.W. Evans and Jayne P. Evans, husband and wife, have executed a Mortgage to the Dallas County State Bank in the sum of $60,000.00. This mortgage is dated May 13, 1977, and was filed of record May 18, 1977, in the Office of the Madison County Recorder in Book 126, page 246. This is a first and prior lien against the above described real property.

Dated this 5 day of JANUARY, 1978.

Mary E Welty
(Mary E. Welty, Recorder)

RESOLUTION APPROVING FINAL PLAT

OF

EVANS RURAL ESTATES SUB-DISTRICT

PLAT 2

WHEREAS, there was filed in the office of the Madison County Zoning Administrator a registered Land Surveyor's plat of a proposed subdivision known as Evans Rural Estates Syb-District Plat 2; and

WHEREAS, the real estate comprising said plat is described as follows:

> A Subdivision of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.
>
> Beginning at the Southeast Corner of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M.,thence N 0°00'E, along the East line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), on an assumed bearing, 1318.02 feet; thence S 82°41'W, 2604.47 feet; thence S 0°22'E, 1310.43 feet; thence N 82°50'E, (along the South line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24) 2595.16 feet to the point of beginning.
>
> Contains 78.43 acres (including roadways).

WHEREAS, there was also filed with said plat a dedication of said plat containing a statement to the effect that the subdivision as it appears on the plat is with the free consent and in accordance with the desire of the propriestors, Orval D. Evans and Jayne P. Evans; and

WHEREAS, said plat was accompainied by an opinion from an attorney at law showing that the fee title is in said proprietor and that the platted land is free from encumbrance, and a certified statement from the Treasurer of Madison, County, Iowa, that said platted land is free from taxes, and the Clerk of the District Court of Madison County, Iowa, that it is free from all judgements, attachments, mechanic's or other liens, and from the Recorder of Madison County Iowa, that the title in fee is in said proprietors and that it is free from encumbrance; and

WHEREAS, said subdivision and plat have been approved by the Madison County Zoning Administrator and the Madison County Zoning Commission; and

WHEREAS, the Board of Supervisors of Madison County, Iowa, find that said

plat conforms to the provisions of the Madison County Zoning Ordinance, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors and that said plat, known as Evans Rural Estates Sub-District Plat 2 should be approved by the Board of Supervisors of Madison County, Iowa.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Madison County, Iowa:

1. That said plat known as Evans Rural Estates Sub-District Plat 2 prepared in connection with said plat and subdivision are hereby approved.

2. The Madison County Zoning Administrator is hereby directed to certify this resolution which shall be affixed to said plat to the County Recorder of Madison County, Iowa, and attend to the filing and recording of the plat, papers and documents which should be filed and recorded in connection therewith.

Dated in Winterset, Iowa, this 6th day of March, 1978.

Paul W. Binns

Paul W. Binns, Chairman of the
Madison County Board of Supervisors

ATTEST:

George F. Abrahams

George F. Abrahams
Madison County Auditor

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PLAT AND CERTIFICATE

FOR

EVANS RURAL ESTATES SUB-DISTRICT

PLAT 2

I, Jerry K. Trevillyan, Madison County Zoning Administrator, do hereby certify that the plat to which this certificate is attached is a plat of a sub-division known and designated as Evans Rural Estates Sub-District Plat 2 and that the real estate comprising said platis described as follows:

A Subdivision of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.

Beginning at the Southeast Corner of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., thence N 0°00'E, along the East line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24), on an assumed bearing, 1318.02 feet; thence S 82°41'W, 2604.47 feet; thence S 0°22'E, 1310.43 feet; thence N 82°50'E,(along the South line of the South Half (S½) of the Southeast Quarter (SE¼) of Section Twenty-four (24) 2595.16 feet to the point of beginning.

Contains 78.43 acres (including roadways).

I do further certify that attached hereto are true and correct copies of the following documents which have been submitted in connection with said plat:

1. Dedication of plat of Evans Rural Estates Sub-District Plat 2.
2. Attorneys Opinion.
3. Certificate of County Treasurer of Madison County, Iowa.
4. Certificate of County Recorder of Madison County, Iowa.
5. Certificate of the Clerk of the District Court of Madison County, Iowa.
6. Resolution of the Madison County Board of Supervisors approving said plat.

All of which is duly certified in accordance with the Madison County Subdivision Ordinance.

Dated this 7th day of March, 1978.

Jerry K. Trevillyan

Jerry K. Trevillyan
Madison County Zoning Administrator

STATE OF IOWA :
: ss
MADISON COUNTY :

On this 7th day of March, 1978, before me, the undersigned, personally appeared, Jerry K. Trevillyan, Madison County Zoning Administrator, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledge that he executed the same as his voluntary act and deed.

SEAL OF COUNTY IOWA

Margaret Wheeler
~~Deputy~~ Clerk of the District Court

Filed March 13, 1978 at 9:45 A.M.
Farm Plat Book 1, page 133

FINAL PLAT of EVANS RURAL ESTATES PLAT 2

SCALE 1:200' | DATE 8-20-77 | Rev. 10-10-77 | Rev. 10-31-77

MADISON COUNTY

FOR O. EVANS - W. DES MOINES | IOWA

EVANS RURAL ESTATES PLAT 2

A SUBDIVISION OF THE S1/2 SE1/4 SEC. 24 T77N R26W OF THE 5TH. P.M., MADISON COUNTY, IOWA.

DESCRIPTION: BEGINNING AT THE SE COR. SEC. 24, T77N R26W OF THE 5TH P.M. THENCE N 0°00'E, ALONG THE EAST LINE OF THE S1/2 SE 1/4 SEC. 24 ON AN ASSUMED BEARING, 1318.02 FT.; THENCE S 82°41' W, 2604.47 FT.; THENCE S 0°22' E, 1310.43 FT.; THENCE N 82°50' E ALONG THE SOUTH LINE OF THE S1/2 SE1/4 SEC. 24) 2595.16 FT. TO THE POINT OF BEGINNING. CONTAINING 77.83 ACRES INCLUDING ROADWAYS.

NOTE: THE EAST LINE OF THE S1/2 SE1/4 SEC. 24 IS ASSUMED TO BEAR DUE NORTH AND SOUTH.

PRESENT ZONING : AGRICULTURE

WATER SUPPLY : PRIVATE WELLS

SEWAGE DISPOSAL : INDIVIDUAL SEPTIC TANKS

1318.02' N0°00'E

2604.47' S82°41'W

2595.16' N82°50'E

1310.43' S0°22'E

SET IRON ROD NE.CORN. SE1/4 SE1/4 SEC.24 (PCM)

FOUND CONC. MON. N.E.COR. SEC.24 T77N R26W

S.E.CORN. SEC.24 T77N R26W STONE (PCM)

NW. COR. SW/4 SE 1/4 SEC.24 T77N R26W (PCM) SET IRON ROD

S 1/4 COR. SEC.24 T77N R26W 1.INCD SET BY HILLER ENGR. ('15) (P.C.M.)

O INDICATES 5/8 INCH BARS SET (20 IS SET BY 18 - 1- 77)

FOR PERMANENT CONTROL MONUMENTS

OWNER: O.D. EVANS & JAYNE P. EVANS
ADDRESS: 259 - 5TH. ST. WEST DES MOINES, IOWA

SURVEYOR: DAVID L. HOWE
ADDRESS: 2316 LOCUST ST. WEST DES MOINES , IOWA

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

DAVID L. HOWE
8-31-77 No. 4468

VICINITY SKETCH
SCALE 1"=1000'

MADISON CO. COUNTY RD S5 WARREN CO.

THIS AREA

PICKEREL

N

SCALE IN FEET
0 100 200 400 600