Town Lot Deed Record, No. 37

Acme-Blackmar Co., Burlington, #1293

A. Carroll Meyer & wife
To
The Public

#1639A

Fee $17.50 ✓
Plat 1.50 ✓

Filed for record the 12 day of May A. D. 1964 at 3:10 o'clock P. M.

Mary E. Welty, Recorder

PLAT AND CERTIFICATE FOR CIRCLE HEIGHTS PLAT 2 TO WINTERSET, IOWA

STATE OF IOWA, COUNTY OF MADISON, CITY OF WINTERSET, SS:

We, Wayne Newton and O. D. Simmons, respectively Mayor and City Clerk of the City of Winterset, Madison County, Iowa, do hereby certify that the Plat to which this Certificate is attached is a plat of an addition to the City of Winterset, Iowa, designated as Circle Heights Plat 2 to Winterset, Iowa, the land comprising said plat being described as follows, to-wit:

> Commencing at a point 20 feet East and 508.3 feet North of the Southwest corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., Winterset, Madison County, Iowa, thence South 89° 37' East 145 feet, thence South 0° 00' 376.3 feet to the North line of Circle Heights First Addition to Winterset, Iowa, thence North 89° 37' West 145 feet to the East line of Fourth Avenue, thence North 0° 00' 376.3 feet to the point of beginning, all being in and forming a part of the City of Winterset, Madison County, Iowa

which Plat was filed with the City Clerk of the City of Winterset, Iowa on the 4th day of May, 1964, and was approved by the City Council of the City of Winterset, Iowa, by Resolution passed and adopted by said City Council on the 4th day of May, 1964, and approved by the Mayor of the City of Winterset, Iowa on the same date. That attached hereto and by this reference made a part of this Certification, are the following:

1. A true copy of said Resolution.

2. The certificate of Barry A. Bishop, a licensed and and registered engineer of Des Moines Iowa, dated the 26th day of March, 1964, referring to said Plat.

3. Dedication of said Plat, duly signed and acknowledged on the 2nd day of April, 1964, by A. Carroll Meyer and Nola Helen Meyer, as Proprietors of said real estate.

4. The attorney's opinion of Webster, Frederick & Jordan, of Winterset, Iowa, stating that a duly certified Abstract of Title to said platted real estate shows fee title to said platted real estate to be in said Proprietors, and that said real estate is free from encumbrance.

5. The Certificate of the Clerk of the District Court of the State of Iowa, in and for Madison County, dated the 4th day of May, 1964, stating that said platted real estate is free from all judgments, attachments, mechanics, or other liens as appears by the records of her office.

6. The Certificate of the County Recorder of Madison County, Iowa, dated the 4th day of May, 1964, stating that the titly in fee to said platted real estate is in said Proprietors, and is free from encumbrance.

7. The Certificate of the County Treasurer of Madison County, Iowa, dated the 4th day of May, 1964 stating that said platted real estate is free of all taxes.

8. A Deed of Restrictions executed by said Proprietors, dated and acknowledged on the 2nd day of May, 1964.

That all of said matters are duly certified herewith in accordance with the provisions of Chapter 409 of the Code of Iowa and all other provisions of law applicable thereto.

Dated and signed at Winterset, Iowa, and sealed with the official seal of the City of Winterset, Iowa this 4th day of May, 1964.

Wayne Newton
Wayne Newton Mayor
of the City of Winterset, Iowa

(CITY OF WINTERSET SEAL)

O. D. Simmons
O. D. Simmons, City Clerk
of the City of Winterset, Iowa

STATE OF IOWA MADISON COUNTY) SS:

On this 4th day of May, 1964, before me, a Notary Public in and for Madison County, Iowa,

personally appeared Wayne Newton and O. D. Simmons, respectively Mayor and City Clerk of the City of Winterset, Iowa, a municipal corporation, who being duly sworn on oath, and to me known to be the identical persons who signed the foregoing instrument, state that they are respectively the Mayor and City Clerk of the City of Winterset, Iowa, that the seal affixed to said instrument is the Seal of the City of Winterset, Iowa, and that said instrument was by them signed and sealed, and each of them acknowledged the execution of said instrument to be the voluntary act and deed of each of them as an official certification in accordance with Chapter 409 of the Code of Iowa, upon the authority of the City Council of the City of Winterset, Iowa.

Witness my hand and seal the day and year last written above.

(NOTARIAL SEAL)

Gordon K. Darling
Gordon K. Darling Notary Public
in and for Madison County, Iowa.

RESOLUTION: Approving Plat of
Circle Heights Plat 2 to Winterset, Iowa

WHEREAS, on the 4th day of May, 1964, there was filed in the office of the City Clerk of the City of Winterset, Iowa, a registered land surveyer's plat of the proposed addition to be platted of real estate within the Corporate Limits of the City of Winterset, Iowa, owned by A. Carroll Meyer and Nola Helen Meyer, husband and wife, to be known as Circle Heights Plat 2 to Winterset, Iowa and the land comprising said plat is more specifically described as follows, to wit:

> Beginning 20.0 feet east of and 508.3 feet north of the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M., Winterset, Madison County, Iowa, thence South 89° 37' East 145.0 feet, thence South 0° 00' West 376.3 feet to the North line of Circle Heights First Addition, thence North 89° 37' West 145.0 feet to the east line of 4th Avenue, thence North 0° 00' East 376.3 feet to the point of beginning, all being in andforming a part of the City of Winterset, Madison County, Iowa,

WHEREAS, there was also filed with said plat, on the 4th day of May, 1964, a correct description of the land involved, and 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 proprietor, the said A. Carroll Meyer and Nola Helen Meyer, husband and wife, signed and acknowledged by them before an officer authorized to take the acknowledgment of deeds, and,

WHEREAS, said plat was accompanied by a complete abstract of title and 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 judgments, attachments, mechanics' or other liens as appears by the record in her office, and from the Recorder of Madison County, Iowa, that the title in fee is in such proprietor and that it is free from encumbrance, and,

WHEREAS, said plat is accompanied by a certificate of Barry A. Bishop a licensed and registered land surveyer, of Des Moines, Iowa which explains said plat, and,

WHEREAS, there was also filed with said plat, on the 4th day of May, 1964, an instrument entitled "Deed of Restrictions" executed by the said A. Carroll Meyer and Nola Helen Meyer, husband and wife, with reference to said platted land, and,

WHEREAS, said plat has been approved by the City Planning and Zoning Commission of the City of Winterset, Iowa, and

WHEREAS, this City Council finds that said plat conforms to the provisions of the laws of the State of Iowa, particularly Chapter 409 of the Code of Iowa as applicable thereto, and the ordinances of the City of Winterset, Iowa, and that all provisions of law of the State of Iowa, particularly of Chapter 409 of the Code of Iowa applicable thereto, and of the ordinances of the City of Winterset, Iowa, as applicable thereto, have been complied with and that plat and said instruments and papers and documents presented in connection therewith should

Acme-Blackmar Co., Burlington, #1393

be approved by this City Council, and that said addition known as Circle Heights Plat 2 to Winterset, Iowa should be approved and accepted by the City of Winterset, Iowa, and that the the dedication of the portion therein dedicated to the public for use for public street purposes should be accepted by this City Council for and in behalf of the City of Winterset, Iowa.

NOW, Therefore, Be it Resolved by the City Council of the City of Winterset, Iowa:

That said plat for Circle Heights Plat 2 to Winterset, Iowa be and the same is hereby approved by the City Council of the City of Winterset, Iowa, for and in behalf of the City of Winterset, Iowa, and by the City of Winterset, Iowa, acting through its City Council, and that said instruments and papers and documents presented in connection therewith are hereby approved, and that said addition, known as Circle Heights Plat 2 to Winterset, Iowa, be and is hereby approved and accepted by this City Council, for and in behalf of the City of Winterset, Iowa, and by the City of Winterset, Iowa, acting through its City Council, and that the Mayor and City Clerk of the City of Winterset, Iowa, be and are 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 all instruments and papers and documents which should be filed and recorded in connection therewith, and that all things shall be done to carry out the provisions of Chapter 409.12 of the Code of Iowa, so far as applicable, and to carry out any other provisions of Chapter 409 of the Code of Iowa applicable thereto, or any other provisions of law or ordinances applicable thereto.

On roll call the members of the City Council voted as follows:

Duane O. Lauer	Yes	Kenneth Kirkpatrick	Yes
Wayne Estell	Yes	Noel Young	Yes

Approved by me this 4th day of May, 1964.

(CITY OF WINTERSET SEAL)

Wayne Newton Mayor
of the city of Winterset, Iowa

Attest: O. D. Simmons City Clerk
of the City of Winterset, Iowa

CIRCLE HEIGHTS PLAT 2 TO WINTERSET, IOWA

CERTIFICATE OF ENGINEER

I, Barry A. Bishop, a license engineer, do hereby certify that at the request of A. Carroll Meyer and Nola Helen Meyer, I have surveyed and set iron stakes at the corners of the lots as shown on the attached plat of Circle Heights Plat 2 to Winterset, Iowa. That the distances marked on said plat are correct and are marked in feet; and that the said Circle Heights Plat 2 to Winterset, Iowa, comprises real estate located on the South Half (½) of the Southwest Quarter (¼) of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M. and the land comprising said plat is more specifically described as follows, to-wit:

> Commencing at a point 20 feet East and 508.3 feet North of the Southwest corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Winterset, Madison County, Iowa, thence South 89° 37' East 145 feet, thence South 0° 00' 376.3 feet to the North line of Circle Heights First Addition to Winterset, Iowa, thence North 89° 37' West 145 feet to the East line of Fourth Avenue, thence North 0° 00' 376.3 feet to the point of beginning, all being in and forming a part of the City of Winterset, Madison County, Iowa,

That the plat is divided into six lots, five of said lots being numbered one through five and the other being known as Lot A. Lot A is dedicated to the public as a portion of the public street. That lot A and lots one through five are described as follows:

> Lot A commences at a point 20 feet East and 132 feet North of the Southwest corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M. thence North 376.3 feet, thence South 89° 37' East 5 feet, thence South 0° 00' 376.3 feet, thence North 89° 37' West 5 feet to the place of beginning.

Lot One (1) commences at a point 25 feet East and 132 feet North of the Southwest corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., thence North 0°00' 75 feet, thence South 89° 37' East 140 feet, thence South 0° 00' 75 feet, thence North 89° 37' West 140 feet to place of beginning;

Lot Two (2) commences at the Northwest corner of Lot One (1), thence North 0° 00' 75 feet, thence South 89° 37' East 140 feet, thence South 0° 00' 75 feet, thence North 89° 37' West 140 feet to the place of beginning;

Lot Three (3) commences at the Northwest corner of Lot Two (2), thence North 0° 00' 75 feet, thence South 89° 37' East 140 feet, thence South 0° 00' 75 feet, thence North 89° 37' West 140 feet to the place of beginning;

Lot Four (4) commences at the Northwest corner of Lot Three (3), thence North 0° 00' 75 feet, thence South 89° 37' East 140 feet, thence South 0° 00' 75 feet, thence North 89° 37' West 140 feet to the place of beginning;

Lot Five (5) commences at the Northwest corner of Lot Four (4), thence North 0° 00' 76.3 feet, thence South 89° 37' East 140 feet, thence South 0° 00' 76.3 feet, thence North 89° 37' West 140 feet to the place of beginning;

Barry A. Bishop
Barry A. Bishop, Licensed Engineer

Subscribed and sworn to before me by Barry A. Bishop this 26th day of March, 1964.

Robert W. Tavenner Notary Public
(NOTARIAL SEAL) in and for Polk County, Iowa

CIRCLE HEIGHTS PLAT 2 TO WINTERSET, IOWA

A. CARROLL MEYER and :
NOLA HELEN MEYER :
to : DEDICATION OF PLAT
THE PUBLIC :

KNOW ALL MEN BY THESE PRESENTS: That we, A. Carroll Meyer and Nola Helen Meyer, husband and wife do hereby certify that we are the sole owners and proprietors of the following described real estate, to-wit:

Commencing at a point 20 feet East and 132 feet North of the Southwest corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36) Township Seventy-six (76) North, Range Twenty-Eight (28) West of the 5th P. M., thence North 0° 00' 376.3 feet, thence South 89° 37' East 145 feet, thence South 0° 00' 376.3 feet, thence North 89° 37' West 145 feet to the point of beginning.

That the disposition of said land as shown by the annexed plat and Engineer's Certificate, is with our free consent and in accordance with our desires, and we dedicate to the public for use as public streets so much of the above described land as is by said plat set apart and designated as Lot A, and we, A. Carroll Meyer and Nola Helen Meyer hereby relinquish our right of dower therein.

IN WITNESS WHEREOF, we have hereunto set our hands this 2nd day of April, 1964.

A. Carroll Meyer
A. Carroll Meyer
Nola Helen Meyer
Nola Helen Meyer

STATE OF IOWA MADISON COUNTY :SS

On this 2nd day of April, 1964, before me, the undersigned, a Notary Public in and for Madison County, Iowa, personally appeared A. Carroll Meyer and Nola Helen Meyer, 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.

Lewis H. Jordan Notary Public
(NOTARIAL SEAL) in and for Madison County, Iowa.
Lewis H. Jordan

Acme-Blackmar Co., Burlington. 81393

ABSTRACT OF TITLE --- ATTORNEYS OPINION

May 4, 1964

9-4-641H

City Council of Winterset
Winterset Iowa

Gentlemen:

We have this day examined an abstract of title in two parts purporting to show the chain of title to the following described real estate, to-wit:

Commencing at a point 20 feet East and 508.3 feet North of the Southwest corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., Winterset, Madison County, Iowa, thence South 89° 37' East 145 feet, thence South 0° 00' 376.3 feet to the North line of Circle Heights First Addition to Winterset, Iowa, thence North 89° 37' West 145 feet to the East line of Fourth Avenue, thence North 0° 00' 376.3 feet to the point of beginning, all being in and forming a part of the City of Winterset, Madison County, Iowa

from the United States Government to date of last continuation thereof, to-wit: March 2, 1964, at 8 o'clock A. M. and an Addenda dated April 6, 1964.

In connection with this examination, it is our opinion that this constitutes a complete abstract of title to the above described real estate and that said abstract shows merchantable fee simple title in said real estate to be in A. CARROLL MEYER as of date of last continuation thereof and shows said real estate to be free from all encumbrances.

Respectfully submitted,
Webster, Frederick & Jordan
By Lewis H. Jordan
Lewis H. Jordan

LHJ:mh

CERTIFICATE OF THE CLERK OF THE DISTRICT COURT OF THE STATE OF IOWA IN AND FOR MADISON COUNTY

I, Marguerite Morrissey, hereby certify that I am the duly elected and acting Clerk of the District Court of the State of Iowa in and for Madison County; that the following described real estate situated in Madison County, Iowa, to-wit:

Commencing at a point 20 feet East and 132 feet North of the Southwest corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., thence North 0° 00' 376.3 feet, thence South 89° 37' East 145 feet, thence South 0° 00' 376.3 feet, thence North 89° 37' West 145 feet to the point of beginning

belonging to A. Carroll Meyer and Nola Helen Meyer, is free from all judgments, attachments, mechanic's liens or other liens as the same appears of record in my office.

Dated at Winterset, Iowa, this 4 day of May, 1964.

Marguerite Morrissey
Marguerite Morrissey Clerk of the
District Court of Iowa in and
for Madison County.

(DISTRICT COURT SEAL)

CERTIFICATE OF 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 A. Carroll Meyer holds record title in fee simple to the following described real estate, to-wit:

Commencing at a point 20 feet East and 132 feet North of the Southwest corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North Range Twenty-eight (28) West of the 5th P.M., thence North 0° 00' 376.3 feet, thence South 89° 37' East 145 feet, thence South 0° 00' 376.3 feet, thence North 89° 37' West 145 feet to the point of beginning

and that the same is free from encumbrance.

Dated at Winterset, Iowa, this 4 day of May, 1964.

Mary E. Welty
Mary E. Welty County Recorder
of Madison County, Iowa

(RECORDER'S SEAL)

CERTIFICATE OF COUNTY TREASURER OF MADISON COUNTY, IOWA

I, Laura Garnett, hereby certify that I am the duly elected and acting County 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:

Commencing at a point 20 feet East and 132 feet North of the Southwest corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., thence North 0° 00' 376.3 feet, thence South 89° 37' East 145 feet, thence South 0° 00' 376.3 feet, thence North 89° 37' West 145 feet to the point of beginning

Dated at Winterset, Iowa, this 4th day of May, 1964.

(TREASURER'S SEAL)

Laura Garnett
Laura Garnett County Treasurer
of Madison County, Iowa

CIRCLE HEIGHTS PLAT 2 TO WINTERSET, IOWA

A. CARROLL MEYER and :
NOLA HELEN MEYER :
To : DEED OF RESTRICTIONS
THE PUBLIC :

KNOW ALL MEN BY THESE PRESENTS: That we, A. Carroll Meyer and Nola Helen Meyer, husband and wife, are now the fee simple owners and record title holders of the following described real estate, to-wit:

Commencing at a point 20 feet East and 132 feet North of the Southwest corner of the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Thirty-six (36) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., thence North 0° 00' 376.3 feet, thence South 89° 37' East 145 feet, thence South 0° 00' 376.3 feet, thence North 89° 37' West 145 feet to the point of beginning

which we, as Grantors, are platting as Circle Heights Plat 2 to Winterset, Iowa.

That the said owners do hereby impose and subject said real estate to certain regulations, covenants, restrictions and easements as to the use and occupancy thereof as follows:

(a) All lots described herein shall be known, described and used solely as residential lots and no structure shall be erected on any residential building lot other than onedetached, single family dwelling not to exceed two stories in height and a one or two car garage.

(b) Any garage or carport erected shall have a common roofline with some part of the dwelling and shall be connected thereto either directly or by a breezeway.

(c) No building shall be erected near than Forty (40) feet to nor farther than Sixty (60) feet from the front lot line nor nearer than ten (10) feet to any side lot line.

(d) No residential lot shall be re-subdivided into building plots having less than Six Thousand Five Hundred (6500) square feet of area or a width of less than sixty (60) feet nor shall any building be erected on any residential building plot having an area of less than Six Thousand Five Hundred (6500) square feet.

(e) No trailer, basement, tent, shack, garage, barn or other out building erected on 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) No building shall be erected on any lot unless the design and location is in harmony with existing structures and locations in the tract and does not violate any protective covenant. In any case, no residential building shall be erected on any lot having a ground floor square foot area of less then Seven hundred sixty (760) square feet.

(g) Title holders of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris.

Rec 87-Page 473
11-13-65

Acres-Blackmar Co., Burlington. 81293

(h) 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.

(i) These covenants are to run with the land and shall be binding on all parties and persons claiming through or under them until January 1, 1989, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by a vote of the majority of the then owners of the lots, it is agreed to change the said covenants in whole or in part.

(j) If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein before January 1, 1989, it shall be lawful for any other person or persons owing any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attemption to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages or other dues for such violation.

(k) Invalidation of any one of these covenants by judgment or Court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

(l) A perpetual easement for utility and drainage purposes with the right to construct, maintain and remove electric light lines, poles, wires, conduits, water pipe lines, drain tile, sewer tile and other necessary installations is granted to the City of Winterset, Iowa and its assigns; and a perpetual easement is granted to the Northwestern Bell Telephone Company, and its assigns, for the purpose of enabling it to construct, maintain and remove telephone lines, poles, wires, conduits and other necessary installations; said easements including the right to ingress and egress by, through, over and in the following described land, to-wit:

The East five (5) feet of lots 2, 3, 4 and 5

The East five (5) feet and the South Five (5) feet of Lot 1

It is understood that the foregoing covenants and easements shall run with the land above described.

Dated at Winterset, Iowa, this 2nd day of April, 1964.

A. Carroll Meyer
A. Carroll Meyer
Nola Helen Meyer
Nola Helen Meyer

STATE OF IOWA MADISON COUNTY :SS

On this 2nd day of April, 1964, before me, the undersigned, a Notary Public in and for Madison County, Iowa, personally appeared A. Carroll Meyer and Nola Helen Meyer to me known to be the identical persons named in and who executed the foregoing instrument and acknowledge that they executed the same as their voluntary act and deed.

NOTARIAL SEAL

Lewis H. Jordan Notary Public
in and for Madison County, Iowa
Lewis H. Jordan