37-302
9-13-1962
#2742 B

PLAT AND CERTIFICATE FOR CROFT COURT ADDITION TO WINTERSET, IOWA

STATE OF IOWA, County of Madison, City of Winterset, ss:

We, Wayne Newton and O. D. Simmons, Mayor and City Clerk, respectively, of the City of Winterset, Iowa, located in 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 Croft Court Addition to Winterset, Iowa, located in the South Half (S½) of the North Half (N½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, and described as follows, to wit: A tract of real estate, bounded by and included within a line running as follows: Commencing at a point Eight Hundred Six Feet (806) East of the Northwest Corner of the South Half (S½) of the North Half (N½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Thirty-six (36), in Township Seventy-six (76) North, of Range Twenty-eight (28) West of the 5th P.M., Iowa, running thence South to the South line of said tract, thence East to East line of said tract, thence North to the North line of said tract, thence West to place of beginning, which plat was filed with the City Clerk of the City of Winterset, Iowa, on September 11, 1962, and was approved by the City Council of the City of Winterset, Iowa, by a resolution passed and adopted by said City Council on September 11, 1962, and approved by the Mayor of said City of Winterset, Iowa, on September 11, 1962, and that a true, correct and complete copy of said resolution is affixed to said plat and is made a part of the certification made by this Certificate, and said Mayor and City Clerk hereby certify said resolution, and that as part of said plat and of this certification is an attached certificate of land surveyor, executed by Harold R. Paasch, a licensed and registered land surveyor, of Des Moines, Iowa, dated September 5, 1962, with reference to said plat, which explains said plat, and also dedication of plat, duly signed and acknowledged on September 11, 1962, by Arling E. Smith, President of Madison Homes, Inc., a corporation, with reference to said land platted, and also an opinion from C. R. Bentz, an attorney at law at Winterset, Iowa, showing that the fee title to said platted real estate is in the said proprietors, Madison Homes, Inc., and that the land platted is free from encumbrance, and also a certificate of the Clerk of the District Court of the State of Iowa in and for Madison County, dated September 11, 1962, stating that said real estate platted is free from all judgments, attachments, mechanic's or other liens as appears by the record in her office, and also a certificate of the County Recorder of Madison County, Iowa, dated September 11, 1962, stating that the title in fee to said real estate platted is in such proprietors, to wit: Madison Homes, Inc., and that it is free from encumbrance, and also a certificate, or certified statement, from the County Treasurer of Madison County, Iowa, dated September 11, 1962, that said real estate platted is free from taxes, and an instrument of restrictions executed by Madison Homes, Inc., on September 11, 1962, with reference to said real estate; all of which is duly certified 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, in Madison County, Iowa, and sealed with the official seal of the City of Winterset, Iowa, on the 12th day of September, 1962.

WINTERSET

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

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

STATE OF IOWA, Madison County, ss:

On this 12th day of September, 1962, before me, a Notary Public in and for Madison County, Iowa, personally appeared Wayne Newton and O. D. Simmons, Mayor and City Clerk, respectively, of the City of Winterset, Iowa, a municipal corporation, who being to me known as the identical persons who signed the above and foregoing instrument, and by me duly sworn, each for himself, did say 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.

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



Marguerite Gallery
(Marguerite Gallery)
Notary Public in and for Madison County, Iowa

3

Final Plat

CROFT COURT

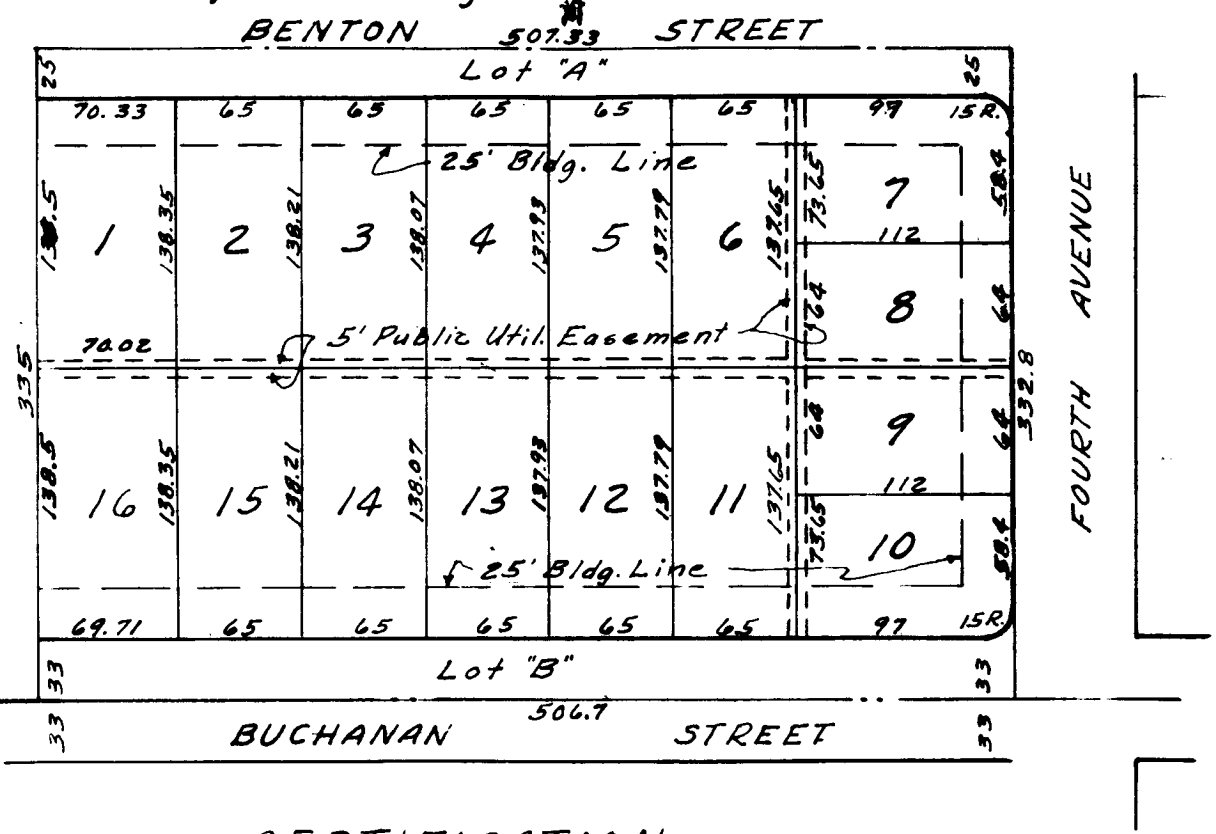
ADDITION TO WINTERSET, IOWA:

Being an Official Plat of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 36, Twp. 76 North, Range 28 West of the 5TH P.M., except the West 806 feet thereof. Containing 3.50 Acres, more or less.

2742

STATE OF IOWA
MADISON COUNTY | ss

Filed for record the 13 day of Sept.
A. D. 1962 at 10:30 clock A. M.
Recorded in book 1 on page 56
Mary E. Welty Recorder
..... Deputy
Fee $ 1.50



Scale 1"=100'
July 1962

CERTIFICATION

I hereby certify that I have surveyed the above described parcel and made the above plat, the same being correct to the best of my knowledge.

Harold E. Pasick
L.S. #3322
4033 - 9TH STREET
DES MOINES, IOWA

made by said City Planning and Zoning Commission as to said Lots One to Six, both inclusive, of said addition, and that said addition known as Croft Court Addition to Winterset, Iowa, should be approved and accepted by the City of Winterset, Iowa, and that 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 Croft Court Addition 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 Croft Court Addition 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, the same being subject to said limitation that as to said Lots One to Six, both inclusive, of said addition, no construction will be made on said Lots One to Six, both inclusive, until the adjacent portion of extended West Benton Street, with necessary and desirable improvements, including street improvements, sanitary sewer and water lines, and any other improvements for utilities, shall have been constructed to the satisfaction of the City Council of Winterset, Iowa, 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 theCode 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
Eugene W. Madsen	Yes
G. R. Glasscock	Yes
Cecil A. Letz	Yes

Approved by me this 11th day of September, 1962:

Wayne Newton
Mayor of the City of Winterset, Iowa

CITY SEAL
WINTERSET
IOWA

City Clerk of the City of Winterset, Iowa

RESOLUTION: Approving Plat of
Croft Court Addition to
Winterset, Iowa

WHEREAS, on the 11th day of September, 1962, there was filed in the office of the City Clerk of the City of Winterset, Iowa, a registered land surveyor's plat of the proposed addition to be platted of real estate within the Corporate Limits of the City of Winterset, Iowa, owned by Madison Homes, Inc., a corporation having its principal place of business at Winterset, in Madison County, Iowa, organized and existing under the laws of Iowa, to be known as Croft Court Addition to Winterset, Iowa, which real estate is situated in the South Half (S½) of the North Half (N½) of the Southwest Quarter (SW¼) of the Northeast Wuarter (NE¼) 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 sepeifically described as follows, to wit:

Commencing at a point Eight Hundred Six (806) Feet East of the Northeast Corner of the South Half (S½) of the North Half (N½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Thirty-six (36), in Township Seventy-six (76) North, of Range Twenty-eight (28) West of the 5th P.M., Iowa, running thence South to the South line of said tract, thence East to East line of said tract, thence North to the North line of said tract, thence West to the place of beginning, and,

WHEREAS, there was also filed with said plat, on the 11th day of September, 1962, 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, said Madison Homes, Inc., a corporation, signed and acknowledged by said corporation, by a proper officer thereof, before an officer authorized to take the adknowledgment 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 Harold R. Paasch, a licensed and registered land surveyor, of Des Moines, Iowa, which explains said plat, and,

WHEREAS, there was also filed with said plat, on the 11th day of September, 1962, an instrument entitled "Restrictive Covenants", executed by said Madison Homes, Inc., a corporation, by a proper officer thereof, 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, subject to the limitation that no construction will be made on Lots One to Six, both inclusive, of said Croft Court Addition to Winterset, Iowa, until the adjacent portion of extended West Benton Street, with necessary and desirable improvements, including street improvements, sanitary sewer and water lines, and any other improvements for utilities, shall have been constructed to the satisfaction of the City Council of Winterset, Iowa, and,

WHEREAS, this City Council finds that said plat conforms to the provisions of the law of theState 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 therwith should be approved by this City Council, subject to said limitation

CROFT COURT ADDITION

TO

WINTERSET, IOWA

CERTIFICATE OF LAND SURVEYOR

I, Harold R. Paasch, a registered land surveyor residing at 4033 Ninth Street, Des Moines, Iowa, do hereby certify that at the request of Madison Homes, Inc., I have surveyed and set iron stakes at the corners of the lots as shown on the attached Plat of Croft Court Addition to Winterset, Iowa; that the distances marked on said Plat are correct and are marked in feet; that the location and width of the streets are as shown on said Plat; that the said Croft Court Addition to Winterset, Iowa, comprises real estate located in the South Half ($S\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) 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., and the land comprising said Plat is more specifically described as follows, to-wit:

> Commencing at a point Eight Hundred Six Feet (806) East of the Northwest Corner of the South Half ($S\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-six (36), in Township Seventy-six (76) North, of Range Twenty-eight (28) West of the 5th P.M., Iowa, running thence South to the South line of said tract, thence East to East line of said tract, thence North to the North line of said tract, thence West to place of beginning.

That the real estate shown on said Plat as Lot "A" and as Lot "B" is dedicated to the public for use as a public street.

That in addition to that portion of the Plat dedicated to the public for use as public streets, the remaining area of real estate shown on said Plat is subdivided into lots and numbered 1 through 16 as shown on said Plat.

Harold R. Paasch

Harold R. Paasch

Subscribed and sworn to before me by Harold R. Paasch this 5th day of September, 1962.

Notary Public in and for Madison County, Iowa

PLAT OF CROFT COURT ADDITION

TO

WINTERSET, IOWA

MADISON HOMES, INC.

TO

THE PUBLIC

) DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENTS that Madison Homes, Inc., having its principal place of business at Winterset in Madison County and State of Iowa, a corporation organized and existing under the laws of Iowa, hereby certifies that it is the sole owner and proprietor of the following described real estate, to-wit:

> Commencing at a point Eight Hundred Six Feet (806) East of the Northwest Corner of the South Half ($S\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-six (36), in Township Seventy-six (76) North, of Range Twenty-eight (28) West of the 5th P.M., Iowa, running thence South to a point Thirty-three (33) feet North of the South line of said tract, thence East to East line of said tract, thence North to the North line of said tract, thence West to place of beginning.

That the disposition of said land, as shown by the annexed Plat and surveyor's certificate, is with its free consent and in accordance with its desires; and it hereby dedicates to the public for use as a public street so much of the above described land as is by said Plat set apart and designated as an extension of Benton Street in the City of Winterset, Iowa, and shown on said Plat as Lot "A". It further dedicates to the public for use as a public street so much of the above described land as is by said Plat set apart and designated as an extension of Buchanan Street in the City of Winterset, Iowa, being that portion of the real estate shown on said Plat as Lot "B" which is included in the above described land.

IN WITNESS WHEREOF, said corporation has caused this instrument to be duly executed this 11th day of September, 1962.

MADISON HOMES, INC.

By Arling E. Smith
Arling E. Smith, President

STATE OF IOWA)
) ss.
MADISON COUNTY)

On this 11th day of September, A.D. 1962, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Arling E. Smith, to me personally known, who, being by me duly sworn, did say that he is the President of said corporation; that no seal has been procured by the said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Arling E. Smith acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

C. R. BEATTY
IOWA
NOTARIAL SEAL

Notary Public in and for said County.

CROFT COURT ADDITION

TO

WINTERSET, IOWA

MADISON HOMES, INC.	)	
	)	
TO	)	RESTRICTIVE COVENANTS
	)	
THE PUBLIC	)	

KNOW ALL MEN BY THESE PRESENTS that Madison Homes, Inc., having its principal place of business at Winterset, in Madison County and State of Iowa, a corporation organized and existing under the laws of Iowa, is now the fee simple owner and record title holder of the following described real estate, to-wit:

> Commencing at a point Eight Hundred Six Feet (806) East of the Northwest Corner of the South Half ($S\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-six (36), in Township Seventy-six (76) North, of Range Twenty-eight (28) West of the 5th P.M., Iowa, running thence South to a point Thirty-three (33) feet North of the South line of said tract, thence East to East line of said tract, thence North to the North line of said tract, thence West to place of beginning.

which said corporation is platting as Croft Court Addition to Winterset, Iowa.

That said owner does hereby impose and subject said real estate and each and every lot in said addition to certain regulations, covenants, restrictions and easements as to the use and occupancy thereof, and all lots shall be sold subject to said covenants as follows:

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 one detached single family dwelling not to exceed two stories in height and a one or two car garage.

No building shall be erected on any residential building plot nearer than twenty-five (25) feet to nor farther than sixty (60) feet from the front lot line, nor nearer than five (5) feet to any side lot line. The side line restriction shall not apply to a garage located on the rear one-quarter ($\frac{1}{4}$) of a lot, except that on corner lots no structure shall be permitted nearer than twenty-five (25) feet to the side street line.

No dwelling shall be erected or placed on any lot having a width of less than thirty-five (35) feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than seven thousand (7,000) square feet.

No trailer, basement, tent, shack, garage, barn, or other outbuilding 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.

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 covenants. In any case no dwelling shall be permitted on any lot described herein having a ground floor of less than nine hundred (900) square feet in the case of a one story structure, nor less than seven hundred (700) square feet in the case of a one and one-half or two story structure.

Title holder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris.

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 a nuisance to the neighborhood.

A perpetual easement is reserved over the rear five (5) feet of each lot, over the east five (5) feet of Lot 6 and 11, over the south five (5) feet of Lot 8 and over the north five (5) feet of Lot 9 for utility installation and maintenance.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until September 1, 1987, at which time said covenants shall be automatically extended for successive periods of ten (10) 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.

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 September 1, 1987, it shall be lawful for any other person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or

attempting 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.

Invalidation of any one of these covenants by judgments or court order shall in nowise affect any of the other provisions which shall remain in full force and effect.

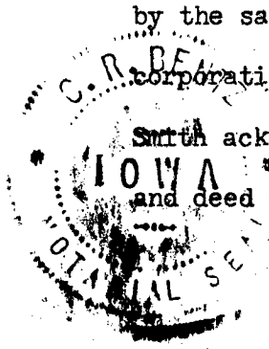
Dated at Winterset, Iowa, this 11th day of September, 1962.

MADISON HOMES, INC.

By Arling E. Smith
Arling E. Smith, President

STATE OF IOWA)
) ss.
MADISON COUNTY)

On this 11th day of September, A.D. 1962, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Arling E. Smith, to me personally known, who, being by me duly sworn, did say that he is the President of said corporation; that no seal has been procured by the said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Arling E. Smith acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.



Notary Public in and for said County.

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C. R. BENTZ
ATTORNEY AT LAW
WINTERSET, IOWA
TELEPHONE 178

September 11, 1962

ABSTRACT OF TITLE - ATTORNEY'S OPINION

City Council of Winterset
Winterset, Iowa

Gentlemen:

I have this day examined abstract of title purporting to show the chain of title to the following described real estate, to-wit:

> Commencing at a point Eight Hundred Six Feet (806) East of the Northwest Corner of the South Half ($S\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-six (36), in Township Seventy-six (76) North, of Range Twenty-eight (28) West of the 5th P.M., Iowa, running thence South to a point Thirty-three (33) feet North of the South line of said tract, thence East to East line of said tract, thence North to the North line of said tract, thence West to place of beginning.

from the United States Government to date of last continuation thereof, to-wit: September 11, 1962, at 4:05 P.M.

In connection with such examination, it is my 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 Madison Homes, Inc., as of date of last continuation thereof, and shows said real estate to be free of all encumbrances.

Respectfully submitted,

C. R. Bentz

CRB:js

CERTIFICATE OF COUNTY TREASURER

OF MADISON COUNTY, IOWA

- - - - - - - - - - - - -

I, C. A. McMurray, 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:

Commencing at a point Eight Hundred Six Feet (806) East of the Northwest Corner of the South Half ($S\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-six (36), in Township Seventy-six (76) North, of Range Twenty-eight (28) West of the 5th P.M., Iowa, running thence South to a point Thirty-three (33) feet North of the South line of said tract, thence East to East line of said tract, thence North to the North line of said tract, thence West to place of beginning.

Dated at Winterset, Iowa, this 11 day of September, 1962.

C A McMurray

C. A. McMurray, Treasurer of Madison County, Iowa.

MADISON COUNTY IOWA TREASURER

CERTIFICATE OF CLERK OF THE DISTRICT COURT 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, to-wit:

> Commencing at a point Eight Hundred Six Feet (806) East of the Northwest Corner of the South Half ($S\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-six (36), in Township Seventy-six (76) North, of Range Twenty-eight (28) West of the 5th P.M., Iowa, running thence South to a point Thirty-three (33) feet North of the South line of said tract, thence East to East line of said tract, thence North to the North line of said tract, thence West to place of beginning.

belonging to Madison Homes, Inc., is free from all judgments, attachments, mechanic's liens or other liens as the same appear of record in my office.

Dated at Winterset, Iowa, this 11 day of September, 1962.

SEAL OF THE DISTRICT COURT MADISON COUNTY IOWA

Marguerite Morrissey

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

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 Madison Homes, Inc. holds record title in fee simple to the following described real estate, to-wit:

> Commencing at a point Eight Hundred Six Feet (806) East of the Northwest Corner of the South Half ($S\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-six (36), in Township Seventy-six (76) North, of Range Twenty-eight (28) West of the 5th P.M., Iowa, running thence South to a point Thirty-three (33) feet North of the South line of said tract, thence East to East line of said tract, thence North to the North line of said tract, thence West to place of beginning.

and the same is free from all encumbrance, all as shown by the records in my office.

Dated at Winterset, Iowa, this 11 day of September, 1962.

Mary E. Welty

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

2742 B

COMPARED

NO.	✓
REC.	✓
PAGE	✓
C. M.	

STATE OF IOWA
MADISON COUNTY ss

Filed for record the 13 day of September
A. D. 19. 62 at 10:30 o'clock A. M.
Recorded in book 37 on page 202
Mary E. Kelly Recorder
..... Deputy

Fee $ 14.50
Plat 1.50