

SMUCKER AND BURD'S ADDITION TO THE CITY OF WATERLOO, IOWA.

OCT. 1944.
SCALE: 1" = 50'

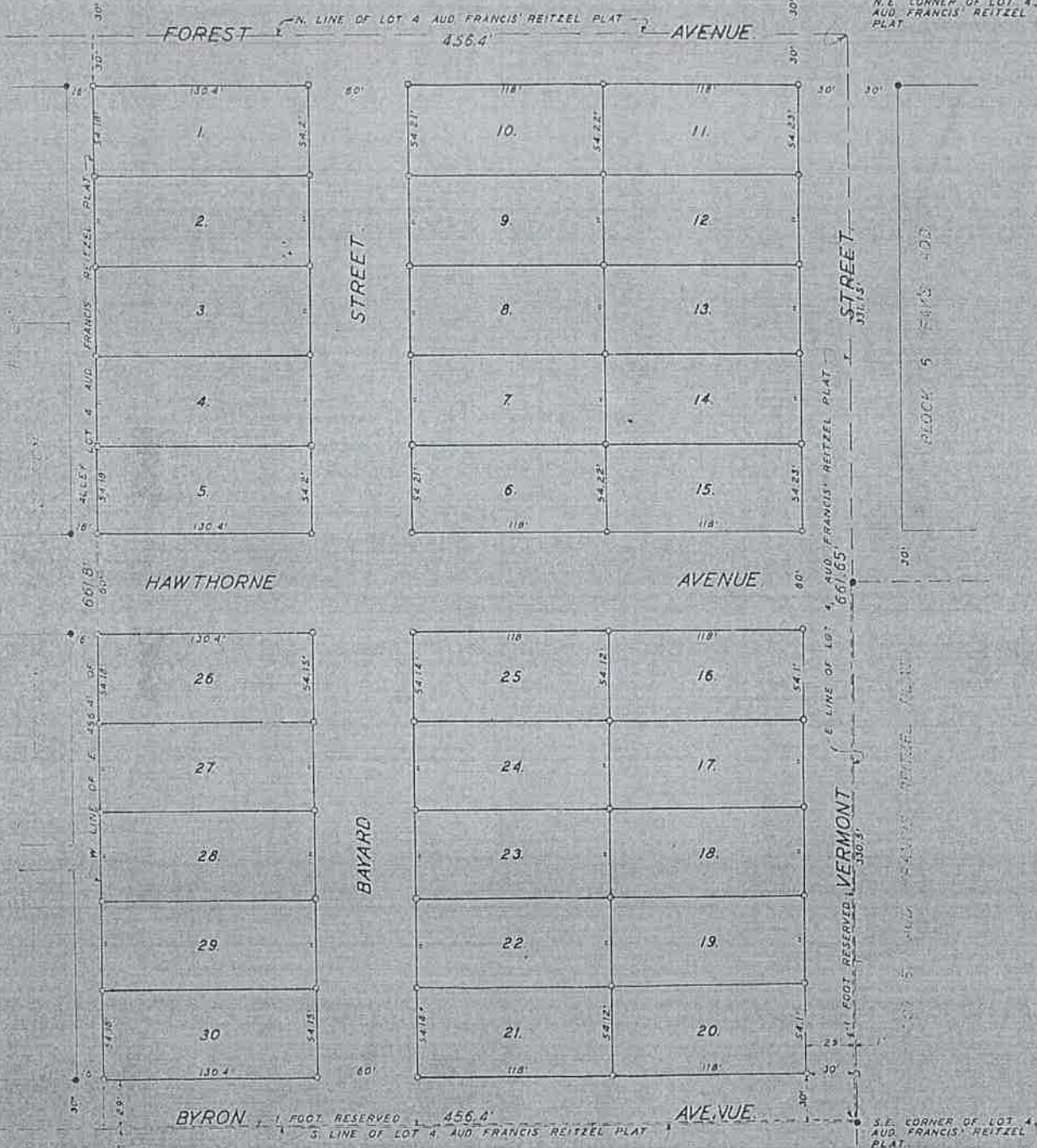
—•— INDICATES IRON STAKE FOUND
—○— INDICATES IRON STAKE SET

E. E. SCHENK.
CIVIL ENGINEER AND
LAND SURVEYOR
WATERLOO, IOWA.



BACK OF
CROWN-SHILL 400

VERMONT 400



N.E. CORNER OF LOT 4,
AND FRANCIS' REITZEL
PLAT

BACK OF
CROWN-SHILL 400

VERMONT 400

S.E. CORNER OF LOT 4,
AND FRANCIS' REITZEL
PLAT

437

ENGINEER'S CERTIFICATE OF SURVEY
OF SMUCKER AND BURD'S ADDITION
TO THE CITY OF WATERLOO, IOWA.

STATE OF IOWA,)
) SS.
COUNTY OF BLACK HAWK,)

I, Ernest E. Schenk, Civil Engineer and Land Surveyor of Waterloo, Iowa, hereby certify that I have made a survey of what is to be known as "SMUCKER AND BURD'S ADDITION TO THE CITY OF WATERLOO," which is located on and embraces the following described premises, to-wit:

The East Four Hundred Fifty-six and four-tenths feet (456.4') of Lot No. Four (4) in Auditor Francis' Reitzell Plat, in the City of Waterloo, Black Hawk County, Iowa, (now vacated);

which said Lot No. Four (4) was originally surveyed and platted as Lot No. Six (6) in Reitzell's Plat of Out Lots in the Northwest Quarter of Section No. 35 in Township No. 89 North, in Range No. 13 West of the 5th Principal Meridian, County and State aforesaid.

I further certify that the accompanying plat is a true representation of such survey and is made in accordance with my field notes thereof; that the figures on said plat representing distances are in feet and decimals of feet; that the location of streets, avenues and lots and their respective names, widths, numbers, courses and dimensions are to be as shown on the accompanying plat; that said survey and plat contain and show any excesses and/or deficiencies from former surveys; and that iron stakes are set at all lot corners.

The South one foot in width of Byron Avenue, and the East one foot in width of Vermont Street between the South line of Byron Avenue and the center-line of Hawthorne Avenue, as the said Avenue and Street are, respectively, shown and designated on the accompanying plat, are each reserved by the owners from use as a street or highway until such time as the owner or owners of the property abutting on Byron Avenue on the South and on Vermont Street on the East shall, respectively, grant or dedicate to the public for street purposes a strip of land not less than thirty feet in width and abutting upon the said Byron Avenue and Vermont Street, respectively, along the entire length of said Avenue or said Street, as the case may be, and as said Avenue and Street are shown on the accompanying plat, so that such Avenue or such Street as the case may be, may be immediately opened to the public a full sixty feet in width. Upon the granting of each such thirty foot strip of abutting ground, as aforesaid, the particular one foot reservation affected shall automatically cease and be of no further effect, and such one foot strip shall thereupon be a part of said Avenue or said Street, as the case may be, the same as if fully dedicated without reservation at this time.

WITNESS my hand and seal at Waterloo, Iowa, this 1st day of November, A. D. 1944.


Ernest E. Schenk, Civil Engineer and
Land Surveyor.



DEED OF DEDICATION

of

SMUCKER AND BURD'S ADDITION TO THE CITY OF WATERLOO, IOWA.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned William I. Smucker and Ellen Smucker, husband and wife, and Harry E. Burd and Mary Dorcas Burd, husband and wife, all of the City of Waterloo, County of Black Hawk And State of Iowa, being desirous of laying out and platting into lots, blocks, streets and ^{avenues} the land known as the East 456.4 feet of Lot No. Four (4), except the East 30 feet of the North 361.1 feet thereof, in Auditor Francis' Reitzell Plat in the City of Waterloo, Black Hawk County, Iowa, as the said Lot No. 4 is shown, numbered and designated on the record of the aforesaid Plat in the office of the Recorder of said County,--which land is described in the attached certificate of survey by Ernest E. Schenk, Civil Engineer and Land Surveyor, dated November 1st, A. D. 1944,--do by these presents designate and set apart the aforesaid premises as an Addition to the City of Waterloo in Black Hawk County, Iowa, the same to be hereafter known as and called "Smucker and Burd's Addition to the City of Waterloo," all of which is with the free consent and desire of each of us; and we do hereby dedicate and set apart for public use the streets and avenues as shown upon the attached plat, excepting, only, that we hereby reserve from use as a street or avenue the South One (1) foot in width of Byron Avenue and the East One (1) foot in width of Vermont Street between the South line of Byron Avenue and the center line of Hawthorne Avenue, as said Avenue and Street are, respectively, shown and designated on the attached plat of said Addition, until such time as the owner or owners of the property abutting on Byron Avenue on the south and on Vermont Street on the east, shall, respectively, grant or dedicate to the public for street purposes a strip of land, not less than thirty (30) feet in width, abutting upon the said Byron Avenue in the one case, and on Vermont Street in the other, along the entire length, in each instance, of such one-foot reservation, so that said Byron Avenue or said Vermont Street, as the case may be, may be immediately opened to the public a full sixty (60) feet in width. Upon the granting of each such thirty (30) foot strip of abutting ground, as aforesaid, the particular one-foot reservation affected shall automatically cease and be of no further effect, and such one-foot strip shall, thereupon, be a part of said Byron Avenue or said Vermont Street, as the case may be, the same as if fully dedicated without reservation at this time.

BE IT ALSO KNOWN, That, whereas the undersigned William I. Smucker and Harry E. Burd are, respectively, the owners in severalty of the fee simple title to the land included in said Addition, and the undersigned Ellen Smucker and Mary Dorcas Burd each has a dower interest in that part of said Addition owned by her husband, therefore, we, the undersigned, do hereby covenant and agree with each other, for ourselves and our respective heirs, executors, administrators and assigns, that each and all of the Lots in said Addition shall be, and the same hereby are, made subject to the following restrictions upon their use and occupancy as fully and effectively to all intents and purposes as if the same were contained and set forth in each deed of conveyance that we, or any of us, or our respective successors in interest, may hereafter make for any of said lots, and that such restrictions shall run with the land, and with each individual lot thereof, for the length of time and in the particulars hereinafter stated, to-wit:

1. No lot in said Addition shall be used for any other than residential purposes, and no building shall be erected on any of said lots other than one one-family or two-family dwelling house, not to exceed two stories in height, and a private garage.

and observe all of the foregoing covenants.

2. No building shall be erected on any of said lots within twenty (20) feet of the front lot line. On Lots 5 and 28 no building shall be erected within twenty-five (25) feet of Hawthorne Avenue. The placing of all buildings upon any of said lots in relation to lot lines shall conform to the regulations contained in the Building Code of Waterloo, Iowa.

3. No person who is not a member of the Caucasian race shall occupy or use any lot in said Addition, or use or occupy any building upon any such lot, excepting, only, that this restriction shall not prevent occupancy by domestic servants who do not belong to the Caucasian race and who are domiciled with a lot owner or tenant belonging to the Caucasian race.

4. No trailer, basement, tent, shack, garage, barn, or other outbuilding, on any lot in said Addition shall at any time be used as a residence, either permanently or temporarily, nor shall any residence structure of a temporary character be permitted within said Addition.

5. No building structure shall be moved onto any lot in said Addition unless such building shall conform to, and be in harmony with, existing buildings in said Addition.

6. No dwelling house having a construction cost of less than \$4000.00 shall be erected or placed on any lot in said Addition.

7. In improving each lot in said Addition that does not abut upon an alley, provision shall be made for a driveway, at least 8 feet in width, leading from the street onto the building lot.

8. For the mutual benefit of ourselves, our successors in interest in the ownership of any and all of the lots in said Addition, and of such public and private corporations and agencies as may have occasion to serve, service or supply any of said lots with water, sewer, gas, electricity, or communication service, we hereby expressly and specifically reserve and establish the following permanent easements in relation to each lot in said Addition: (1) Any Company or Agency supplying electricity or communication service in said Addition shall have the right to construct, maintain and operate permanent overhead or underground electricity or communication feeder or service facilities, with poles and other appurtenances necessary thereto, along the rear and the side lines of all lots, and the right to trim trees to maintain a two-foot clearance for wires along permanent overhead routes; and (2) The City of Waterloo and any public utilities company having a franchise for the distribution and sale of gas in said City, shall have the right to construct and maintain sewer, water and gas service lines in, across and along a strip of land five feet in width along the rear property line of each lot. The proprietors, agents and workmen of all such service corporations or agencies shall have the right of reasonable access to their said services and proposed installations for the purpose of the proper construction and maintenance of their lines and equipment.

9. All of the provisions hereof shall be enforceable by appropriate legal proceedings by any present or future owner of the legal or equitable title to any lot in said Addition. Invalidation of any one or more of the within restrictions by judgment or decree of court, shall not be regarded as affecting the validity of any of the other provisions hereof; nor shall any judicial determination with respect to any of the restrictive provisions hereof be regarded as affecting the validity or sufficiency of this instrument as a deed of dedication of said plat.

10. Each of the undersigned and all persons and corporations hereafter acquiring any right, title or interest in any of the lots in said Addition shall be taken and held to have agreed and covenanted with the owners of all other lots in the Addition, and with the respective successors and assigns of the owners of

1. No lot in said Addition shall be used for any other than residential purposes, and no building shall be erected on any of said lots other than one one-family or two-family dwelling house, not to exceed two stories in height, and a private garage.

all such other lots, to conform to and observe all of the foregoing covenants, restrictions and stipulations as to the use, improvement and occupancy of the lots in the Addition, and as to the construction of buildings thereon, for a period of twenty-five years from the date of the filing of said plat and this deed of dedication for record, and at the end of such twenty-five year period the said covenants shall be automatically extended for successive periods of ten years each, unless by vote of the majority of the owners of lots in said Addition at the end of any such period, it is agreed to change said covenants in whole or in part; provided, however, that the easements, rights and privileges provided in paragraph 7 hereof, shall not be subject to change at any time, but shall be permanent.

WITNESS OUR HANDS this 10th day of November, A. D. 1944, at Waterloo, Iowa.

William I. Smucker Harry E. Burd
Ellen Smucker Mary Dorcas Burd

STATE OF IOWA,)

SS.

COUNTY OF BLACK HAWK,)

On this 10th day of November, A. D. 1944, before me, J. J. Zimmerman, a Notary Public in and for Black Hawk County, Iowa, personally appeared William I. Smucker and Ellen Smucker, his wife, and Harry E. Burd and Mary Dorcas Burd, his wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

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

J. J. Zimmerman
Notary Public in and for Black Hawk County,
Iowa.
My Commission expires July 4, 1945.

