

DECLARATION OF RESTRICTIONS AFFECTING
THE LOTS IN THE PLAT OF SOUTH PROSPECT
ADDITION, in the City of Waterloo,
Black Hawk County, Iowa

James I. Kenyon, with May Belle Kenyon, his wife, having executed the plat of South Prospect Addition covering premises located in the City of Waterloo, County of Black Hawk and State of Iowa, according to the Proprietor's Statement thereof to which this Declaration is attached, and having dedicated to the public streets as shown thereon, desires to place restrictions on the use and occupancy of the lots included in said plat for the use and benefit of the present owners and for the future grantees thereof.

NOW, THEREFORE, in consideration of the premises, James I. Kenyon and May Belle Kenyon, his wife, for themselves, their successors and assigns, and for their and their future grantees, hereby agree that all of the lots in said South Prospect Addition shall be and are hereby restricted as to their use in the manner hereinafter set forth so far as the same shall apply to each particular lot in said Addition.

PERSONS BOUND BY THESE RESTRICTIONS:

All persons and corporations who now own or shall hereafter acquire any interest in any of the lots in South Prospect Addition shall be taken and held to agree and covenant with the owner of the lots shown on said plat, and with their or its successors and assigns, to conform to and observe the following covenants, restrictions, and stipulations as to the use thereof, and the construction of residences and improvements thereon, for a period of thirty years from the date of the filing of said plat.

USE OF LAND:

None of said lots may be improved, used or occupied for other than private residence purposes, and no flat nor apartment house though intended for residence purposes may be erected or maintained thereon.

Any residence erected or maintained thereon shall be designed for occupancy by a single family and not more than one house shall be built on any one lot. No lot shall be sold to, rented to, or leased by, or occupied by any person of other than the Caucasian race. No old or previously used buildings shall be moved onto any of the lots in said Addition.

SET BACK OF RESIDENCES:

(a) No part of any residence, except as hereinafter provided may be erected or maintained on any of said lots nearer to the front street or side street than is the front building line or the side building line shown on the said plat of South Prospect Addition, on the lot or lots on which such residences may be erected.

(b) Those parts of a residence which may project to and be nearer to the side streets than the side building line shown on said plat and the distance which each such part may project are as follows: window projections, vestibule and porch projections, any bay, bow, oriel, or other projecting windows, chimneys or grill work, may project beyond the side building lines, but not to exceed a distance of six feet.

(c) Out buildings, exclusive of greenhouses, shall conform to building lines as shown on the plat and shall occupy not to exceed 40% of the width of the lot.

(d) No buildings, trees or obstacles shall be erected, planted or maintained nearer than four feet to the rear lot line. Nor shall any building be erected nearer than six feet to the inside lot lines upon any of the lots. No fences shall be erected upon any lot lines to exceed five feet in height.

TREES:

No trees, except native hard wood trees, shall be planted along or upon the parkings on any street in said Addition.

COVENANT:

Each of the restrictions above set forth shall continue in effect and be binding upon James I. Kenyon, owner, and his successors and assigns

for a period of thirty years from the date of filing of said plat.

EASEMENT:

An easement is hereby specifically reserved as to each lot, of the right of use along the rear property line for permanent overhead or underground electric and communication feeder or service facilities, with poles and other appurtenances necessary thereto, and over side property lines for permanent underground or temporary overhead electric and communication feeder or service facilities, together with the rights of owners of said electric or communication facilities to trim trees to maintain a two-foot clearance for wires along permanent overhead routes.

Dated and signed this 15th day of September, 1939.

James I. Kenyon
May Belle Kenyon

STATE OF IOWA, COUNTY OF BLACK HAWK, SS.

On this 15 day of September, A. D. 1939, before me, a Notary Public in and for Black Hawk County, Iowa, personally appeared James I. Kenyon and May Belle Kenyon, 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.

John J. Clark
Notary Public in and for Black Hawk County, Iowa.

STATE OF IOWA }
BLACK HAWK CO. } SS
Filed for record this 19 day
of Sept A.D. 1939 at
the office of the Recorder
in book 21 of pages 469
James I. Kenyon Registrar
May Belle Kenyon Deputy
Fee 7.00

Indexed
Copied
Filed

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J. I. Kenyon