

Instrument #: 2019-001518
04/15/2019 09:42:05 AM Total Pages: 4
AFR RESOLUTION
Recording Fee: \$22.00 Transfer Tax: \$0
Lisa L. Hazell, Recorder, Des Moines County Iowa



Prepared by: City of Burlington 400 Washington St, Burlington, IA 52601
Eric Tysland, Development & Parks Director (319) 753-8158

RESOLUTION NO. 2019-429

Meeting No. 130 Paper No. 22
Introduced by Graham-Murray Ayes: Rinker, Wilson, Graham-Murray, & McCampbell
Seconded by: Wilson Nays: None Absent - Billups

**A RESOLUTION APPROVING RESTRICTIVE COVENANTS FOR PROPERTY
LOCATED WITHIN THE PARK VIEW SUBDIVISION**

WHEREAS, the City of Burlington has approved the Park View Subdivision, creating three (3) residential lots for new housing development, and

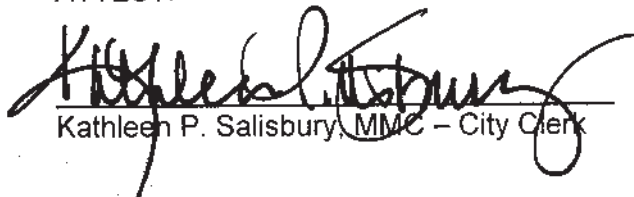
WHEREAS, it is in the interest of the City of Burlington to approve restrictive covenants as attached hereto as Exhibit "A" for the Park View Subdivision to ensure proper development of this property.

NOW THEREFORE, BE IT RESOLVED: that the City Council does hereby approve the Restrictive Covenants for Park View Subdivision as attached in Exhibit "A" attached hereto and made a part thereof by reference and authorizing the recording of these covenants.

APPROVED AND ADOPTED this 18th day of March, 2019.


Shane A. McCampbell - Mayor

ATTEST:


Kathleen P. Salisbury, MMC - City Clerk

Contract No. 7549

FILED - For Record

MAR 18 2019

CITY CLERK'S OFFICE
BURLINGTON, IOWA

RESTRICTIVE COVENANTS**COVERING LOTS 1 THROUGH 3 IN PARK VIEW SUBDIVISION IN THE CITY OF BURLINGTON, DES MOINES COUNTY, STATE OF IOWA**

WHEREAS, the City of Burlington, Iowa, an Iowa municipal corporation, is the owner of real property described as follows: Lots 1, 2, and 3, in **PARK VIEW SUBDIVISION**, in the City of Burlington, Des Moines County, Iowa, as per plat recorded in Instrument # 2019-001168 records of the Recorder's Office, Des Moines County, Iowa (hereinafter referred to individually as a "Lot" and collectively as the "Lots"); and

WHEREAS, the City of Burlington desires that certain restrictions be placed on the use of the Lots described above.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That all conveyances of the Lots shall be subject to the following Restrictive Covenants, and all owners of Lots, their successors and assigns, shall be bound by the terms of these Covenants:

1. Every owner of a Lot by acceptance of a deed to said Lot agrees to be bound by these Restrictive Covenants.
2. Construction of a single-family residential home ("Home") shall be commenced on each Lot within twelve (12) months and completed within twenty-four (24) months of the date such Lot is purchased from the City of Burlington commencing date the deed of conveyance is executed by the City of Burlington.
3. No more than one Home may be erected on a Lot.
4. Each Home shall include an attached two-car garage and a concrete driveway.
5. Each Home shall contain no less than 1,250 square feet of living space on the main floor exclusive of space in the attached two-car garage.
6. The owner of each vacant or unimproved Lot shall keep the same in a clean and neat condition and shall keep the lot mowed and free from weeds and debris.
7. Easements for the installation and maintenance of a sanitary sewer are reserved to the City of Burlington as shown on the recorded plat. Within these easements, no structure, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation or maintenance of a sanitary sewer. The easement area on each Lot and all improvements in it shall be maintained continuously by the owner of the lot, except for any sanitary sewer installed,

EXHIBIT "A"

constructed, or maintained within such easement, which sanitary sewer shall belong solely to the City of Burlington.

8. No owner of a Lot shall convey said Lot prior to construction of a Home thereon without the written consent of the City of Burlington.
9. Any owner of a Lot who fails to commence construction of a Home on such lot within twelve (12) months of the date such Lot is purchased from the City of Burlington, as aforesaid, shall within thirty (30) days of the expiration of said period convey the Lot back to the City of Burlington via Quit Claim Deed in exchange for the City of Burlington's return of the purchase price, exclusive of closing costs, unless the City of Burlington waives this provision in writing, or the owner of the Lot and the City of Burlington otherwise agree in writing.
10. In the event an owner of a Lot violates any term or terms of these Restrictive Covenants, the City of Burlington shall have the right to prosecute any proceedings at law or in equity against the owner of the Lot violating such term or terms to enjoin such violation and/or to recover damages.
11. Any owner of a Lot found by a court of law to have violated any of the covenants or restrictions set forth herein shall pay all costs and expenses incurred to enforce the same, including reasonable attorney fees.
12. Invalidation of any one of these covenants by judgment or court order shall in no way affect the validity of the other provisions, which shall remain in full force and effect.
13. These covenants shall run with the land and shall be binding upon the owners of each lot and each owners' heirs, successors, and assigns.

DATED AND SIGNED this 18th day of March, 2019.

CITY OF BURLINGTON, IOWA
an Iowa municipal corporation

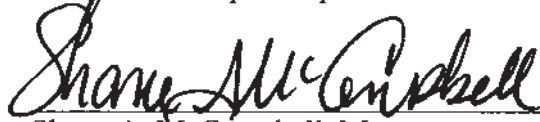
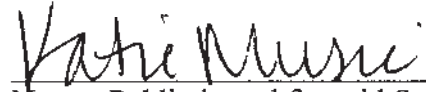

Shane A. McCampbell, Mayor

EXHIBIT "A"

STATE OF IOWA,
COUNTY OF DES MOINES, ss:

This instrument was acknowledged before me on the 18th day of March 2019, by the City of Burlington by **Shane A. McCampbell**, as Mayor for the City of Burlington, who executed the foregoing document and acknowledged that he executed the same as his voluntary act and deed.

Katie M Music
Notarial Seal, Iowa
Commission Number 701710
My Commission Expires February 11, 2021



Notary Public in and for said State

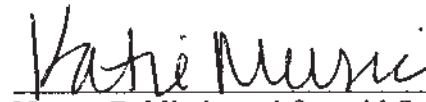
Attest. 

Kathleen P. Salisbury, City Clerk

STATE OF IOWA,
COUNTY OF DES MOINES, ss:

This instrument was acknowledged before me on the 18th day of March, 2019, by the City of Burlington by **Kathleen P. Salisbury**, as City Clerk for the City of Burlington, executed the foregoing document and acknowledged that she executed the same as her voluntary act and deed.

Katie M Music
Notarial Seal, Iowa
Commission Number 701710
My Commission Expires February 11, 2021



Notary Public in and for said State