

*Amendment
for Industrial
Park 2nd Addition*

8-11-2020

**FIRST AMENDMENT TO
OWNER'S STATEMENT, COVENANTS AND RESTRICTIONS
FOR INDUSTRIAL PARK SECOND ADDITION,
CITY OF OELWEIN, FAYETTE COUNTY, IOWA**

RECORDERS COVER SHEET

Prepared by and return to: R. L. Van Veldhuizen 319-283-3203
PO Box 635
Oelwein IA 50662

Tax Statement Address: Not Applicable (unchanged)

Titleholder: Oelwein Chamber and Area Development, Inc.

Legal Description: Industrial Park Second Addition, City of Oelwein, Fayette County, Iowa

Document or Instrument number of previously recorded documents. _____

**FIRST AMENDMENT TO
OWNER'S STATEMENT, COVENANTS
AND RESTRICTIONS FOR
INDUSTRIAL PARK SECOND ADDITION,
CITY OF OELWEIN, FAYETTE COUNTY, IOWA**

This First Amendment to Owner's Statement, Covenants and Restrictions for Industrial Park Second Addition, City of Oelwein, Fayette County, Iowa, Iowa, dated this ____ day of August, 2020, executed by the following, constituting a majority of the owners of the Industrial Park Second Addition, City of Oelwein, Iowa, as follows:

Whereas Oelwein Chamber and Area Development, Inc. is the owner of Lot 3, except Parcel W, and Lots 1 and 2, Industrial Park Second Addition, City of Oelwein, Fayette County, Iowa

Whereas Oelwein Community School District is the owner of Parcel W in Lot 3, Industrial Park Second Addition, City of Oelwein, Fayette County, Iowa.

Whereas Greater Oelwein Area Charitable Foundation, Inc. is the owner of Lot 4, Industrial Park Second Addition, City of Oelwein, Fayette County, Iowa.

Whereas the City of Oelwein is the owner of public right-of-way in Industrial Park Second Addition, City of Oelwein, Fayette County, Iowa.

It is the intent of the above-named titleholders, constituting the owners of all lots in Industrial Park Second Addition, to amend the Restrictions of the Owner's Statement for Industrial Park Second Addition, City of Oelwein, Fayette County, Iowa, filed November 13, 2000 as File No. 2000-3648, in the office of the Fayette County Recorder, as follows:

1. Paragraph 2 shall be amended and replaced as follows:
 2. No retail sales or services shall be permitted on any of the above described property, except Lot 1, Industrial Park Second Addition, City of Oelwein, Fayette County, Iowa, which have been re-zoned to C-2 Commercial - Highway District, to permit uses which ordinarily serve the traveling public and commercial uses and explicitly permitting principal uses and structures pursuant to the City of Oelwein, Iowa, local zoning ordinance, including, but not limited to Motel, sales of gasoline and petroleum products, groceries and general retail sales.
2. Paragraph 7 shall be amended and replaced as follows:
 7. Any sign permitted may contain only the name and location of the business. The sign may not exceed the height of the structure upon which it is mounted and no flashing sign will be permitted. The sign may be illuminated provided that all lighting and reflections must be shielded to prevent stray light from creating a

nuisance on the other property. No sign may be allowed in the required front yard. Any business requesting a sign shall make written application to the Board of Directors of the Oelwein Chamber and Area Development, Inc. for approval of said sign including in said application the proposed size, height and location of said sign. No sign may be erected without the approval of said Board

Excepted from the above, Lot 1, Industrial Park Second Addition, Fayette County, Iowa, has been re-zoned to C-2 Commercial - Highway District, permitting signage consistent with said zoning classification, including, but not limited to electronic message signage with each face not exceeding 150 square feet and 25 feet in height.

3. Paragraph 9 shall be amended to add the following:

These restrictive covenants now recognize that Lot 1, Industrial Park Second Addition, City of Oelwein, Fayette County, Iowa, has been re-zoned C-2 Commercial - Highway District which permits uses which ordinarily serve the traveling public, any restrictive covenant to the contrary herein, the provisions in the City of Oelwein zoning ordinance shall govern.

Signed by the parties as follows on the attached pages:

Date Signed: _____

Oelwein Chamber and Area Development, Inc.

By: _____
_____, President

By: _____
_____, Treasurer

STATE OF IOWA)
) SS.
COUNTY OF FAYETTE)

On this ____ day of August, 2020, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____ and _____ to me personally known, who, being by me duly sworn, did say that they are the Vice-President and Treasurer, respectively of said corporation executing the within and foregoing instrument to which this is attached, 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 _____ and _____ as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

Date Signed: _____

City of Oelwein

By: _____
Brett DeVore, Mayor

By: _____
Dylan Mulfinger, City Administrator

STATE OF IOWA, COUNTY OF FAYETTE: ss

On this _____ day of August, 2020, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Brett DeVore and Dylan Mulfinger, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Administrator, respectively, of the City of Oelwein, Iowa; a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed on behalf of the corporation, by authority of its City council, and Brett DeVore and Dylan Mulfinger acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

(notary seal)

Notary Public

(city seal)

Date Signed: _____

Oelwein Community School District

By: _____
(signature)

_____, _____
(Name) (Title)

By: _____
(signature)

_____, _____
(Name) (Title)

STATE OF IOWA, COUNTY OF FAYETTE, SS:

On this ____ day of August, 2020, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared _____, to me personally known, who, being by me duly sworn, did say that she is the President of the Board of Directors of the Oelwein Community School District; that no seal is affixed, and that the instrument was signed on behalf of the Oelwein Community School District, by authority of its Board of Directors, and _____ acknowledged the execution of the instrument to be her voluntary act and deed and the voluntary act and deed of the Oelwein Community School District, by it voluntarily executed.

(notary seal)

Notary Public

Date Signed: _____

Greater Oelwein Area Charitable Foundation, Inc.

By: _____
(signature)

_____, _____
(Name) (Title)

By: _____
(signature)

_____, _____
(Name) (Title)

STATE OF _____, COUNTY OF _____, SS:

On this ____ day of August, 2020, before me the undersigned a Notary Public in and for said state, personally appeared _____, to me personally known, who being by me duly sworn, did say that he is the _____ of Greater Oelwein Area Charitable Foundation, Inc., a non-profit corporation executing the within and foregoing instrument to which this is attached, that no seal has been procured by the corporation; that the instrument was signed (and sealed) on behalf of the corporation by authority of its Board of Directors; and that _____ as such officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by them voluntarily executed.

(notary seal)

Notary Public