

*Amendment for  
Industrial Park 1<sup>st</sup>  
Addition  
8/11/2020*

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

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**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 First Addition, City of Oelwein, Fayette County, Iowa

Document or Instrument number of previously recorded documents. \_\_\_\_\_

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

This Second Amendment to Owner's Statement, Covenants and Restrictions for Industrial Park First 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 First Addition, City of Oelwein, Iowa, as follows:

Whereas Shri Gajanand Motel, Inc. is the owner of Parcel "A" (North 257 feet) of Lot, Block 1, Industrial Park First Addition, City of Oelwein, Fayette County, Iowa.

Whereas Bertch Cabinet Mfg. Inc. is the owner of Lot 1, Block 1, except the North 257 feet thereof, Industrial Park First Addition, City of Oelwein, Fayette County, Iowa.

Whereas Oelwein Chamber and Area Development, Inc. is the owner of Lot 2, Block 1, Industrial Park First Addition, City of Oelwein, Fayette County, Iowa.

Whereas Heavy Metals, LLC, f/k/a Heavy Metals, Inc., is the owner of Lot 1, Block 2, Industrial Park First Addition, City of Oelwein, Fayette County, Iowa.

Whereas Forsyth Management Company, LLC is the owner of Lot 2, Block 2, Industrial Park First Addition, City of Oelwein, Fayette County, Iowa.

Whereas the City of Oelwein is the owner of public right-of-way in Industrial Park First 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 First Addition, to amend the Restrictions of the Owner's Statement for Industrial Park First Addition, City of Oelwein, Fayette County, Iowa, filed August 15, 1979 in Plat Book 4, Page 241, 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 Parcel A in Lot 1 and Lot 2, all in Block 1, Industrial Park First Addition, City of Oelwein, Fayette County, Iowa, which have been re-zoned to C-2 Commercial - Highway District, permit uses which ordinarily serve the traveling public and commercial uses as 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 Parcel "A" in Lot 1 and Lot 2, all in Block 1, Industrial Park First Addition, City of Oelwein, Fayette County, Iowa, have 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 parcel A in Lot 1 and Lot 2, all in Block 1, Industrial Park First Addition, City of Oelwein, Fayette County, Iowa, have 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: \_\_\_\_\_

Shri Gajanand Motel, 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 Shri Gajanand Motel, Inc., the 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

Date Signed: \_\_\_\_\_

Bertch Cabinet Mfg., 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 Bertch Cabinet Mfg., Inc., the 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

Date Signed: \_\_\_\_\_ Heavy Metals, LLC (f/k/a Heavy Metals, Inc.)

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 authorized Member of said Heavy Metals, LLC, a limited liability company, and that said instrument to which this is attached, was signed on behalf of the said limited liability company by authority of its managers and members; and the said \_\_\_\_\_ has acknowledged the execution of the foregoing instrument to be the voluntary act and deed of said limited liability company, by it voluntarily executed.

(notary seal)

\_\_\_\_\_  
Notary Public



Date Signed: \_\_\_\_\_ Forsyth Management Company, LLC

By: \_\_\_\_\_  
Dan Forsyth, Member and Manager

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 Dan Forsyth, to me personally known, who being by me duly sworn, did say that he is the authorized Member of said Forsyth Management Company, LLC, a limited liability company, and that said instrument to which this is attached, was signed on behalf of the said limited liability company by authority of its managers and members; and the said Dan Forsyth has acknowledged the execution of the foregoing instrument to be the voluntary act and deed of said limited liability company, by it voluntarily executed.

(notary seal)

\_\_\_\_\_  
Notary Public