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 Dallas County Iowa  
 Chad C. Airhart RECORDER  
 File#

BK **2017** PG **11768**

↘ Bill/Return to:  
 City of West Des Moines  
 PO BOX 65320  
 West Des Moines, Ia 50265

Prepared by and return to: Jennifer Schumann, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266 (515) 280-2009

*SPACE ABOVE THIS LINE FOR RECORDER*

**SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
 EASEMENTS AND RESTRICTIONS  
 APPLICABLE TO MILL RIDGE  
 WEST DES MOINES, DALLAS COUNTY, IOWA**

**THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO MILL RIDGE, WEST DES MOINES, DALLAS COUNTY, IOWA**, is made this 6 day of April, 2017, by **MILL RIDGE HOMES, LLC**, an Iowa limited liability company, (the "Declarant").

**WHEREAS**, the Declarant is the owner of Mill Ridge as that term is defined in that certain Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Mill Ridge, West Des Moines, Dallas County, Iowa, dated September 21, 2016, and filed for record in the Dallas County, Iowa, Recorder's Office on November 3, 2016 at Book 2016, Page 21890, as amended by the First Amendment to the Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Mill Ridge, West Des Moines, Dallas County, Iowa, dated January 3, 2017, and filed for record in the Dallas County, Iowa, Recorder's Office on January 16, 2017 at Book 2017, Page 905 (hereinafter referred to as the "Declaration"), and

**WHEREAS**, Section 6.12 of the Declaration provides that the Declarant may amend this Declaration at any time by written amendment so long as Declarant has ownership interest in any Lot, as defined in Article I, Section 1.01(i), and

**WHEREAS**, Declarant desires to amend the Declaration to add property to Mill Ridge.

**NOW, THEREFORE**, Declarant hereby amends the Declaration as follows:

1. The legal description in Exhibit A referenced in Article I, Section 1.02(m) shall be amended to add the following:

"Lots 1 through 75 and Outlots P, Q, R, S, T, U V, W, X, Y and Z, Mill Ridge Plat 2 of West Des Moines, Dallas County, Iowa as shown on the Official Plats thereof, any Lots created by and any further subdivision of the property, and any Lots created by any subdivision of any such Lots."

2. Section 2.22 of the Declaration is amended to read:

**“2.22 Requirement and Limitations with Respect to Easements Located upon an Owner’s Lot.** Easements for the installation and maintenance of sanitary sewers, utilities, storm sewers, sidewalks, electricity, buffer, surface water flowage areas and drainage ponds and related facilities, water mains, and/or public trails are reserved as shown on the recorded plats of any portion of Mill Ridge as the same hereafter are filed from time to time, or any replat of any portion thereof. The Owner of any Lot in Mill Ridge shall, at such Owner’s expense, keep and preserve that portion of such easements within such Owner’s property, at all times, in good condition, and shall neither erect nor permit erection of any building or structure of any kind nor permit any growth of any kind within such easement area nor change the grade of any such easement area in any manner that might interfere in any way with the use, maintenance, repair, restoration or replacement of any of the utility services, drainage, or sidewalks located in said easement area, without the prior consent of the City, or utility company or person or entity for whose benefit such easement runs. Any such building or structure erected, growth permitted, or change in grade made within an easement area without such consent may be removed or regraded by the person for whose benefit such easement runs in the exercise of any rights granted by such easement without any obligation to such Owner to restore, repair or replace such building, structure, growth or change in grade.”

3. Article I, Section 1.02(f) shall be amended to add at the end of the sentence the following:

“, including, but not limited to, the clubhouse and pool for use by the Owners.”

4. An Article II, Section 2.01(d) shall be added as follows:

“2.01(d) Pool and Clubhouse. The use and enjoyment of the pool and clubhouse maintained by the Association shall be for the benefit of Owners, their invitees and guests. The pool and clubhouse shall not be open to the general public. Owners shall abide by reasonable rules and regulations as adopted by the Board of Directors.”

5. Except as expressly modified by this Second Amendment of the Declaration, all of the terms, conditions, easements, restrictions and provisions of the Declaration continue and remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, MILL RIDGE HOMES, LLC has caused this Second Amendment to the Declaration to be executed as of the day and year first above stated.

**MILL RIDGE HOMES, LLC**

By: ~~Hubbell Realty Company, Managing Member~~

By: [Signature]  
Dan Cornelison, Senior Vice President

By: [Signature]  
Jennifer Schumann, Assistant Secretary

STATE OF IOWA                    )  
  )SS.  
COUNTY OF DALLAS            )

This record was acknowledged before me on this 6 day of April, 2017, by Dan Cornelison and Jennifer Schumann as Senior Vice President and Assistant Secretary respectively of Hubbell Realty Company, as managing member of Mill Ridge Homes, LLC.

[Signature]  
Notary Public in and for the State of Iowa

