



Book 2019 Page 837

2019 837 Type 06 018 Pages 10

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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by & Return to: Carr & Carr Attorneys,
117 S. Franklin St., PO Box 333, Manchester, Iowa 52057 (563) 927-4164

First Amendment to Declaration of Submission to
a Horizontal Property Regime and
of Easements, Restrictions and Covenants for Bailey Drive Estates
Manchester, Iowa

This First Amendment to Declaration of Submission to a Horizontal Property Regime and Easements, Restrictions and Covenants for Bailey Drive Estates Manchester, Iowa ("First Amendment") is made by EASTERN IOWA PUMPING, INC., and its successors or assigns ("Developer"), in order to amend the Declaration of Submission to a Horizontal Property Regime and Easements, Restrictions and Covenants for Bailey Drive Estates Manchester, Iowa recorded November 1, 2005 in Book 2005, Page 3954 of the records in the office of the Delaware County, Iowa Recorder (the "Declaration").

Recitals

- A. The Declaration established a horizontal property regime known as Bailey Drive Estates.
- B. Under Article 1.03 of the Declaration, the Developer reserved the right to amend the Declaration for future additions.
- C. Pursuant to the authority reserved in Article 1.03 of the Declaration, the Developer executes this First Amendment to amend the Declaration to (i) submit additional property to the Declaration, (ii) increase the number of total Units and Buildings from three (3) to (5) and (iii) substitute revised Exhibits as specified below.

Agreement

Now, therefore, pursuant to the reserved rights set forth in Article 1.03 of the Declaration, the Developer amends the Declaration, as follows:

1. Definitions. Capitalized terms shall have the meaning as defined in the Declaration except as otherwise defined in this First Amendment.
2. Amendments.
 - a. The real estate submitted shall be:

Lot 1 and Lot 2 of Bailey Drive Estates, a re-subdivision of Lot 1-Lot 24, including vacated streets, and part of Lot 25 of Empire Estates Subdivision City of Manchester, Delaware County, Iowa, according to Plat recorded in Book 2005 Page 2453
 - b. Article 1.01 of the Declaration is deleted and the following is substituted in lieu thereof:

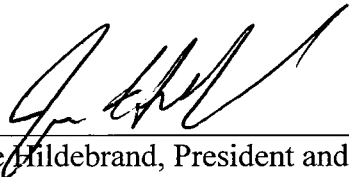
1.01 **Development Parcel.** (same as 2a above)
 - c. Article 1.02 of the Declaration is deleted and the following is substituted in lieu thereof :

1.02 **Building Complex.** One building consisting of 3 Units and one building consisting of 2 Units which shall be constructed on the development parcel. Each unit shall be one story with no basement. The Principle material of the complex consist of vinyl siding with brick in the front, sheet rock walls with wood frame, and shingles.
 - d. Article 1.04 of the Declaration is deleted and the following is substituted in lieu thereof:

1.04 **Unit.** A unit shall be used to designate a part of the development property intended for use as a one-family dwelling, and shall consist of a Unit and one Garage, as shown on Exhibit "A." "Unit" shall have the dame meaning as the term "apartment" defined in Section 499B.2 of the Iowa Code. Each Unit shall consist of the designated area shown on Exhibit "A." Floor plans are attached as Exhibit "B."
 - e. Exhibits A, B, and C to the Declaration are hereby amended by deleting the Exhibits as attached to the original Declaration and substituting in lieu thereof the Exhibits attached to this First Amendment.

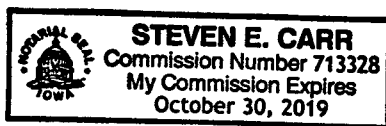
IN WITNESS WHEREOF, the said EASTERN IOWA PUMPING, INC., has caused its name to be signed to these presents by its President and Secretary this 12th day of April, 2019.

EASTERN IOWA PUMPING, INC.

By: 
Joe Hildebrand, President and Secretary

State of Iowa)
) ss:
County of Delaware)

This instrument was acknowledged before me on this 12th day of April, 2019 by Joseph G. Hildebrand as President and Secretary of Eastern Iowa Pumping, Inc.



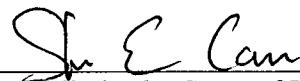

Notary Public in the State of Iowa

EXHIBIT A

LOT 2

LOT 1

LOT 3

BAILEY DRIVE

LEGEND

- CENTER LINE
- EASEMENT LINE
- BUILDING LINE
- OVERHANG LINE
- LOT LINE

Scale: 1" = 30'

Central Angle=09°27'22"
Radius=609.34'
Arc Length=100.57'
Chord Length=100.45'
Chord Bearing=N 17°35'16" W

Dimensions:

- 15.0' WALKWAY/BIKEWAY & UTILITY EASEMENT
- 5.0' UTILITY EASEMENT
- 10.0' UTILITY EASEMENT
- 171.7'
- 176.5'
- 127.8'
- 59.0'
- 10.5'
- 9.5'
- 11.1'
- 58.8'
- 17.1'
- 4.0'
- 28.0'
- 17.3'
- 60.9'
- 61.1' DRIVEWAY
- 32.0'
- 35.5'
- 28.1'
- 9.9'
- 59.0'
- 8.5'
- 7.4'
- 8.0'
- 58.3'
- 111.8'
- 6.3'
- 57°11'13" N 250.41'
- 133.3'
- 133.3'
- 58.36'
- N 27°18'57" W

LOT 1

LOT 2

LOT 3

UNIT A

UNIT B

UNIT C

PATIO

GARAGE

SIDEWALK

DRIVEWAY

SEAL: J. DAVID GIBBS, 8419, LICENSED LAND SURVEYOR, IOWA

STATEMENT: I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA

SHEET 1 OF 2

GIBBS ENGINEERING & SURVEYING

105 West Main, Manchester, Iowa 52057 (563) 927-2434 www.gibbseng.com

DATE

10/27/05

Central Angle=09°27'22"
Radius=609.34'
Arc Length=100.57'
Chord Length=100.45'
Chord Bearing=N 17°35'16" W

**GIBBS
ENGINEERING &
SURVEYING**

A circular professional seal for a Licensed Land Surveyor. The outer ring contains the text "LICENSED LAND SURVEYOR" at the top and "STATE OF IOWA" at the bottom, separated by two stars. In the center, the name "J. DAVID GIBBS" is printed above the license number "8419".

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED, AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA

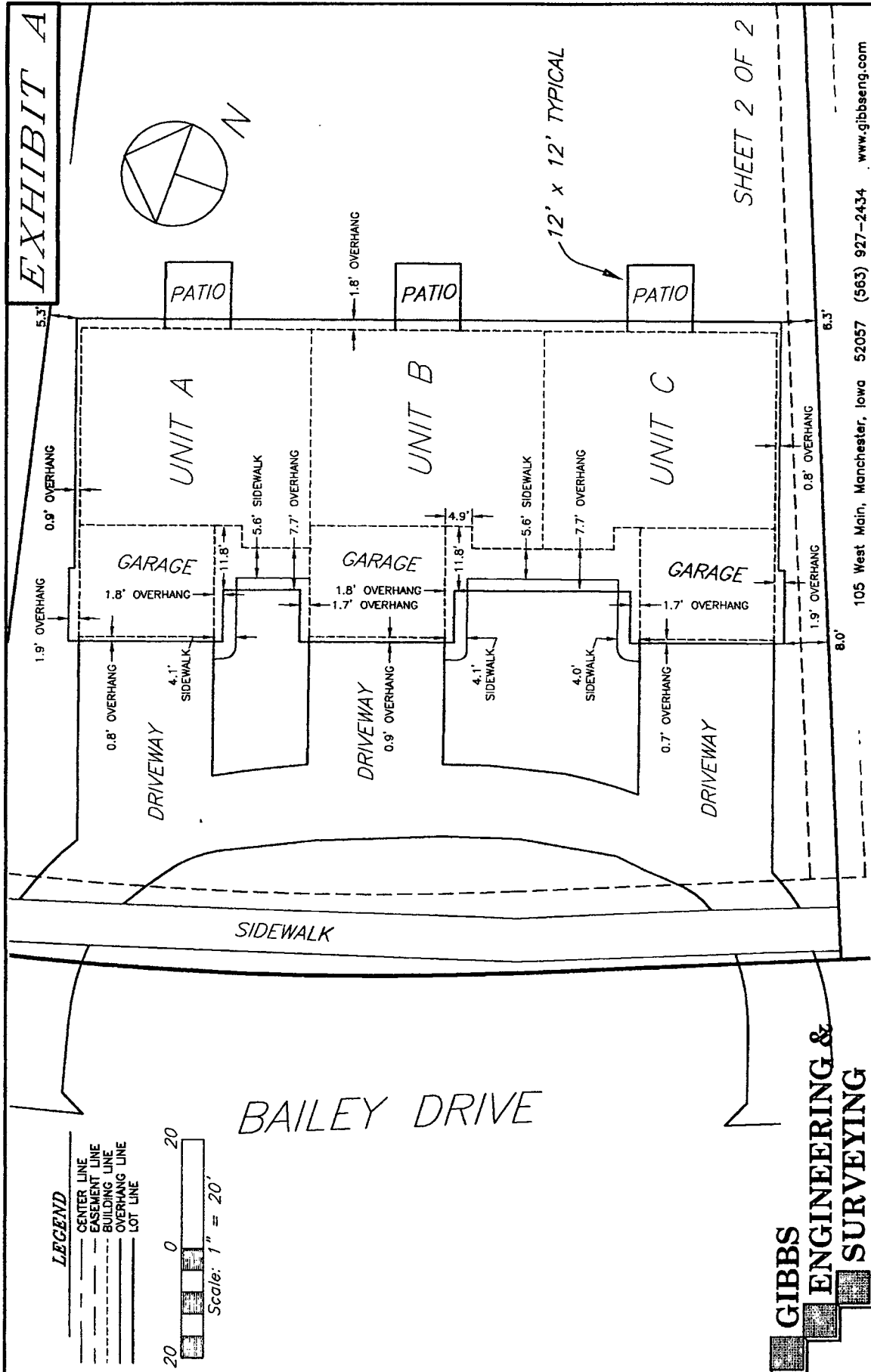
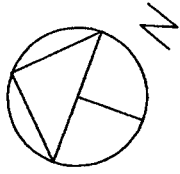
David Gibbs

DAVID GIBBS, I.P.E., L.S. LICENSE NO. 8419 DATE 10/27/05
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008
PAGES OR SHEETS COVERED BY THIS SEAL: 2

Manchester, Iowa 52057 (563) 927-2434 www.gibbseng.com

105 West Main, Manchester, Iowa 52057 (563) 927-2434 www.gibbseng.com

EXHIBIT A



SHEET 2 OF 2

12' x 12' TYPICAL

LEGEND

- CENTER LINE
- EASEMENT LINE
- BUILDING LINE
- OVERHANG LINE
- LOT LINE

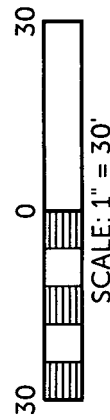
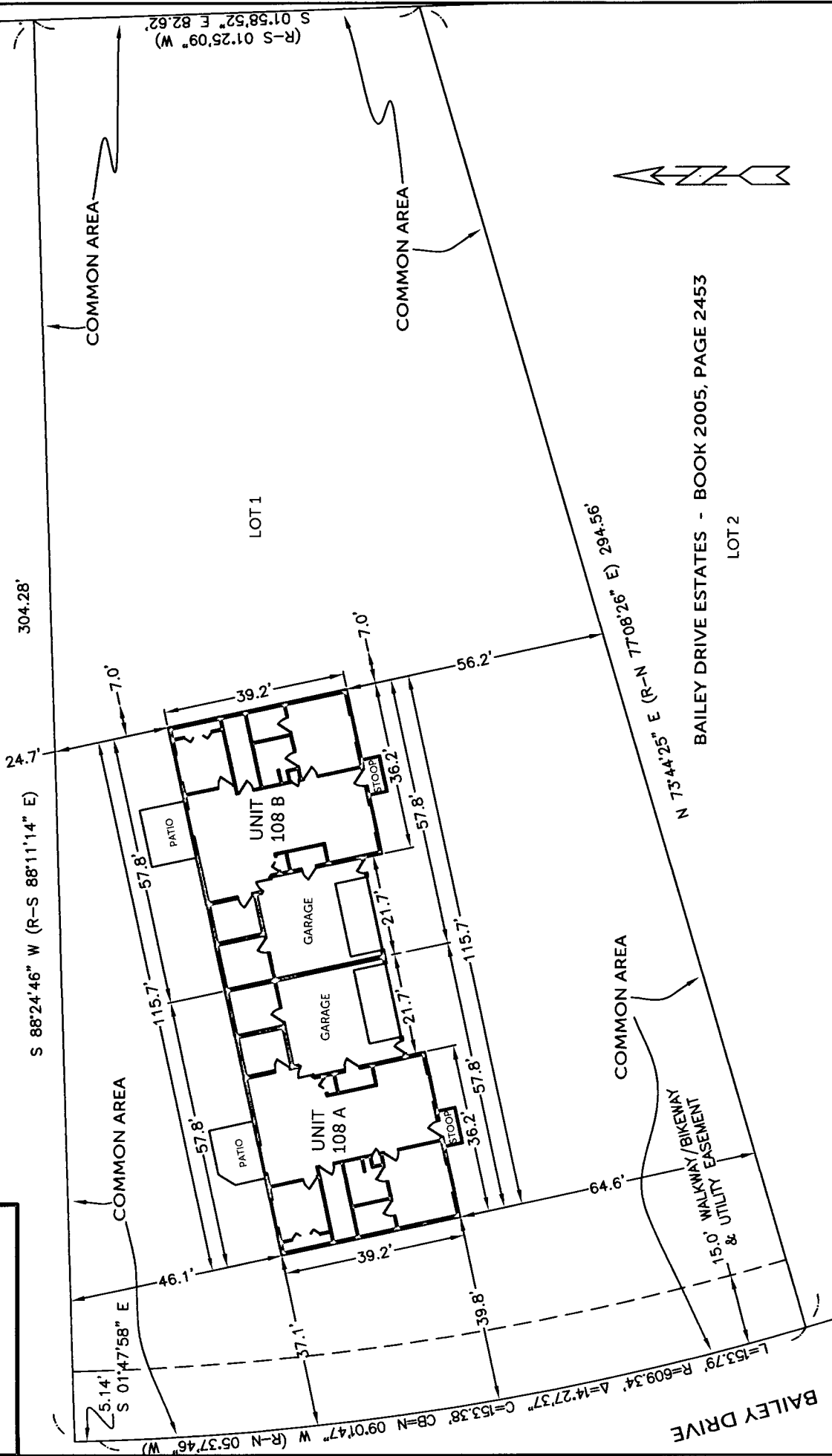


Scale: 1" = 20'

BAILEY DRIVE

GIBBS
ENGINEERING &
SURVEYING

EXHIBIT A



BURRINGTON GROUP, INC.
 Civil Engineering | Land Surveying
 105 W. Main Street Manchester, Iowa 52057

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA

4/16/19
 DATE

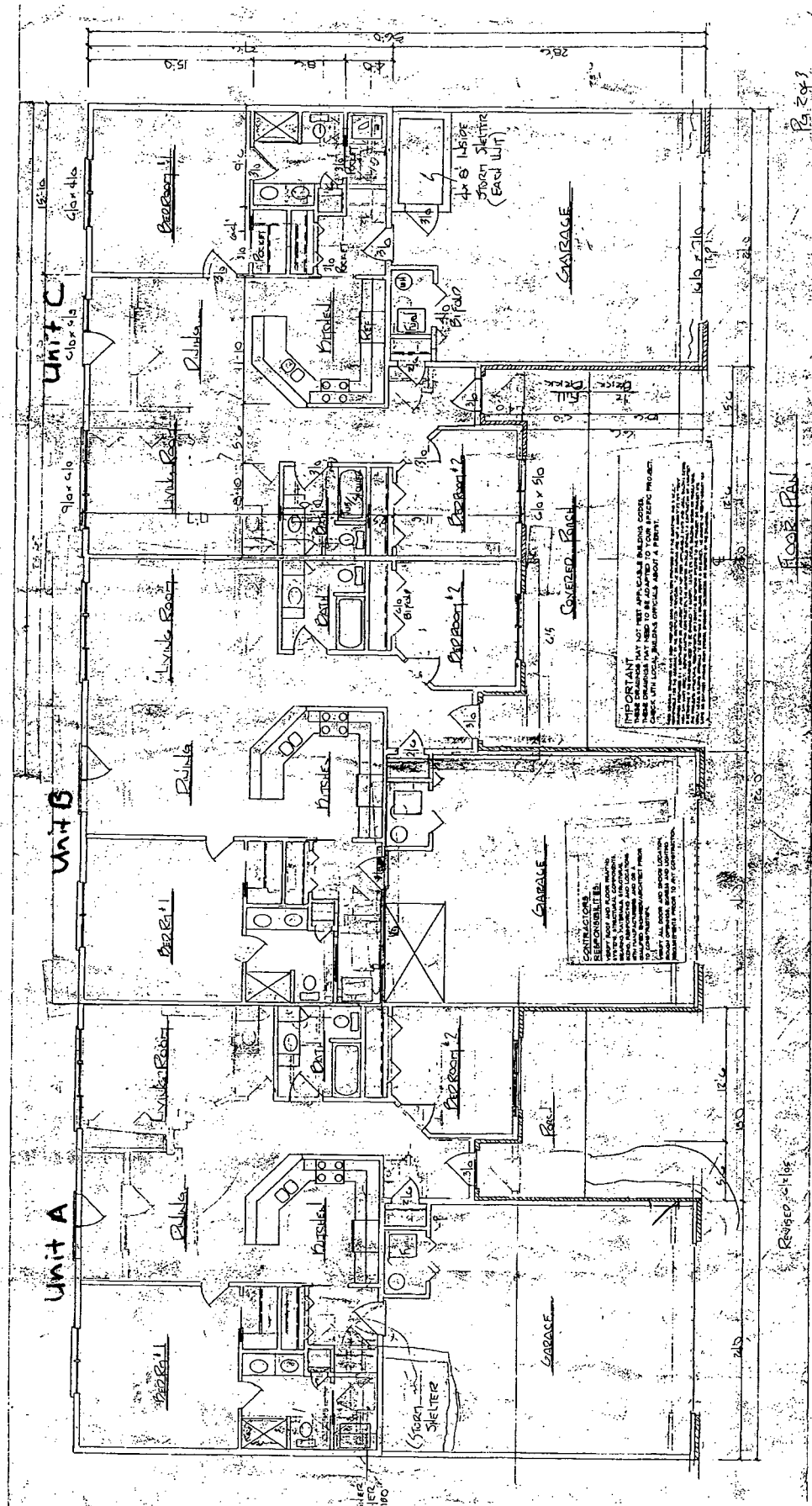
RANDALL L. RATTENBORG, P.L.S.
 LICENSE NO. 17939
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019
 PAGES OR SHEETS COVERED BY THIS SEAL: THIS SHEET ONLY

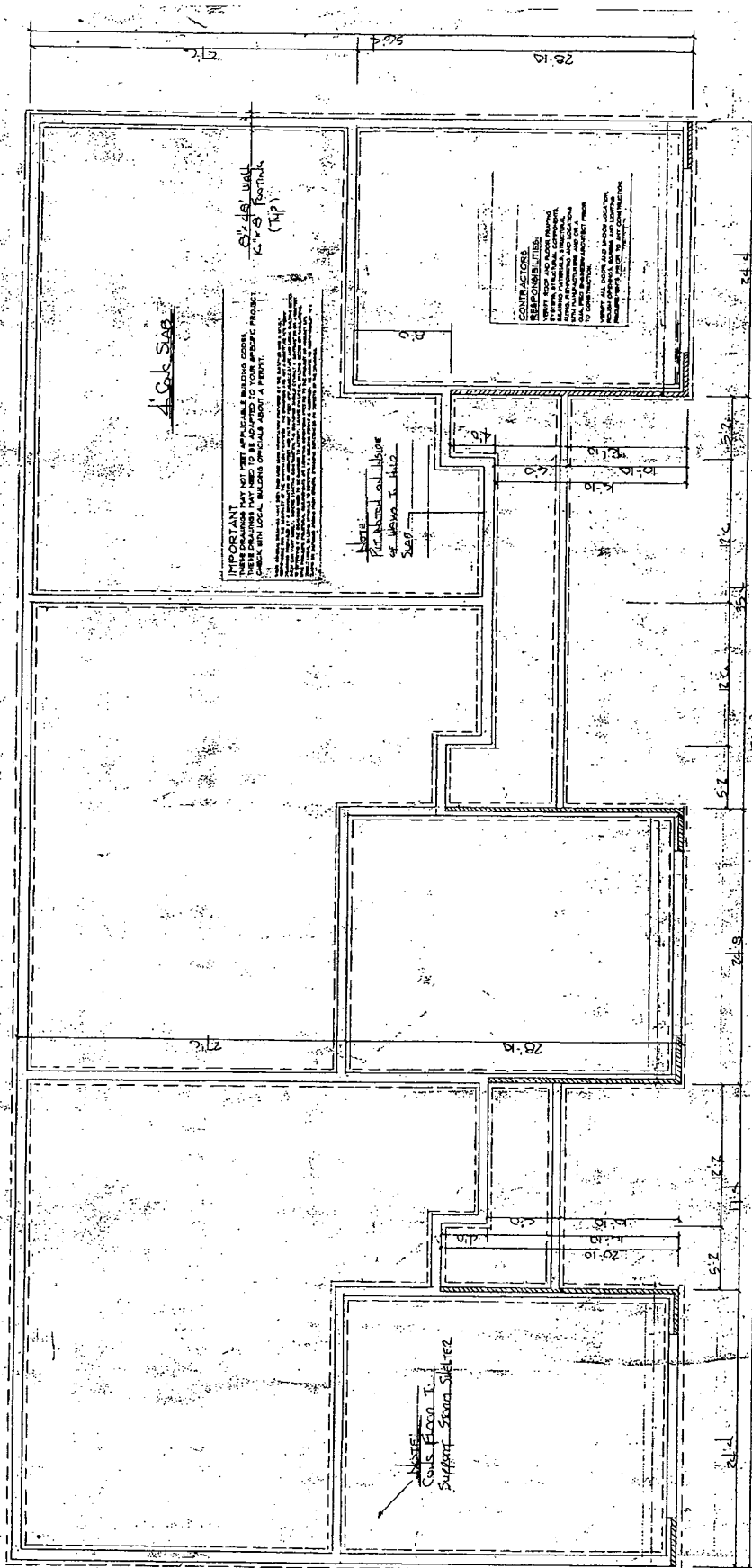


BAILEY DRIVE ESTATES - BOOK 2005, PAGE 2453

Phone 563-927-2434 burringtongroup.com

Exhibit B





<u>Lot Number</u>	<u>Unit</u>	<u>Percentage Interest</u>
Lot 1	Unit 108 A	20.00
	Unit 108 B	20.00
Lot 2	Unit A	20.00
	Unit B	20.00
	Unit C	20.00
TOTAL		100.00

“EXHIBIT C”