

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS FOR THE RESERVE AT DAYBREAK**

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Grantor:

The Reserve at Daybreak, L.L.C.

Grantee:

N/A

Legal Description:

Lots One (1) through Twenty-nine (29), and Outlot X, in The Reserve at Daybreak Plat 1, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa AND Lots One (1) through Thirty-nine (39) in The Reserve at Daybreak Plat 2, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa.

Document or instrument number of previously recorded documents:

Book 2018, Page 24051

**AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR THE RESERVE AT DAYBREAK**

THIS AMENDMENT TO DECLARATION is made this 9 day of September, 2019.

WHEREAS, a Declaration of Covenants, Conditions, Easements and Restrictions for The Reserve at Daybreak was executed on December 12, 2018, by The Reserve at Daybreak, L.L.C., an Iowa limited liability company ("Declarant") and filed of record in Dallas County, Iowa, on December 28, 2018, in Book 2018, Page 24051 ("Declaration").

WHEREAS, Parcels 18-31 and 18-32, and Lots 11 through 13 Sugar Grove Heights Plat 2, is property currently subject to the Declaration, all of which has been replatted into thirty-nine (39) single family residential lots to be known as The Reserve at Daybreak Plat 2.

WHEREAS, the undersigned Declarant, pursuant to rights granted under Article XIV of the Declaration as filed, has elected to amend the Declaration as filed in accordance with the terms hereafter.

NOW, THEREFORE, the undersigned Declarant does hereby modify the Declaration as follows:

1. Article III(A) of the Declaration shall be deleted in its entirety and replaced with the following:

A. No building or structure shall be constructed, altered or maintained on any Lot or Building Plot other than a single-family home or any structure allowed by the City zoning ordinance. No building shall be erected on any Lot or Building Plot unless the design and location is in harmony with existing structures within the Property as determined in the building plans review process described below in Article IV. All single-family homes shall contain the minimum square footages of living space and meet the following requirements:

- (i) For those dwellings situated on Lots 1 through 14 in The Reserve at Daybreak Plat 1, inclusive, all dwellings shall contain a minimum square footage of living space exclusive of floor below the exterior grade, attached garages, breezeways, and porches (including enclosed porches commonly referred to as "four seasons porches") as follows:
 - a. One-story dwellings must have a minimum of 2,200 square feet of finished floor area directly under the roof.
 - b. One and one-half story dwellings must have a finished floor area of at least 2,500 square feet.
 - c. Two story dwellings must have a finished floor area of at least 2,800 square feet.
 - d. Split entry dwellings must have not less than 2,800 square feet of finished area on the upper level, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
 - e. Split level dwellings must have not less than 2,800 square feet of finished area directly under the roof, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.

- (ii) For those dwellings situated on Lots 15 through 29 in The Reserve at Daybreak Plat 1, inclusive, all dwellings shall contain a minimum square footage of living space exclusive of floor below the exterior grade, attached garages, breezeways, and porches (including enclosed porches commonly referred to as “four seasons porches”) as follows:
 - a. One-story dwellings must have a minimum of 1,800 square feet of finished floor area directly under the roof.
 - b. One and one-half story dwellings must have a finished floor area of at least 2,000 square feet.
 - c. Two story dwellings must have a finished floor area of at least 2,200 square feet.
 - d. Split entry dwellings must have not less than 2,200 square feet of finished area on the upper level, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
 - e. Split level dwellings must have not less than 2,200 square feet of finished area directly under the roof, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
- (iii) For those dwellings situated on Lots 1 through 39 in The Reserve at Daybreak Plat 2, inclusive, all dwellings shall contain a minimum square footage of living space exclusive of floor below the exterior grade, attached garages, breezeways, and porches (including enclosed porches commonly referred to as “four seasons porches”) as follows:
 - a. One-story dwellings must have a minimum of 1,800 square feet of finished floor area directly under the roof.
 - b. One and one-half story dwellings must have a finished floor area of at least 2,000 square feet.
 - c. Two story dwellings must have a finished floor area of at least 2,200 square feet.
 - d. Split entry dwellings must have not less than 2,200 square feet of finished area on the upper level, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
 - e. Split level dwellings must have not less than 2,200 square feet of finished area directly under the roof, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.

2. Article VIII(B) of the Declaration shall be deleted in its entirety and replaced with the following:

- i. A nonexclusive, perpetual easement for the purpose of installing, maintaining, operating, repairing and replacing signage, other entrance features and landscaping in, on, over and under the following easement areas:

A PART OF LOT 20, THE RESERVE AT DAYBREAK PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WAUKEE, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 20; THENCE SOUTH 86°29'35" WEST ALONG THE SOUTH LINE OF SAID LOT 20, A DISTANCE OF 36.15 FEET; THENCE NORTH 10°58'31" EAST, 52.12 FEET; THENCE SOUTH 79°01'29" EAST, 35.00 FEET TO THE EAST LINE OF SAID LOT 20; THENCE SOUTH 10°58'31" WEST ALONG SAID EAST LINE, 43.08 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.04 ACRES (1,666 SQUARE FEET).

AND

A PART OF LOT 19, THE RESERVE AT DAYBREAK PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WAUKEE, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 19; THENCE NORTH 10°58'31" EAST ALONG THE WEST LINE OF SAID LOT 19, A DISTANCE OF 25.00 FEET; THENCE SOUTH 79°01'29" EAST, 35.00 FEET; THENCE SOUTH 10°58'31" WEST, 15.96 FEET TO THE SOUTH LINE OF SAID LOT 19; THENCE SOUTH 86°29'35" WEST ALONG SAID SOUTH LINE, 36.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (717 SQUARE FEET).

AND

A PART OF LOT 8, THE RESERVE AT DAYBREAK PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WAUKEE, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 00°18'08" EAST ALONG THE WESTERLY LINE OF SAID LOT 8, A DISTANCE OF 24.32 FEET; THENCE SOUTH 89°41'52" EAST, 35.00 FEET; THENCE SOUTH 00°18'08" WEST, 20.00 FEET TO THE SOUTHERLY LINE OF SAID LOT 8; THENCE SOUTH 83°15'36" WEST ALONG SAID SOUTHERLY LINE, 35.27 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (776 SQUARE FEET).

AND

A PART OF LOT 9, THE RESERVE AT DAYBREAK PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WAUKEE, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 83°15'36" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 9, A DISTANCE OF 35.27 FEET; THENCE NORTH 00°18'08" EAST, 36.06 FEET; THENCE SOUTH 89°41'52" EAST, 35.00 FEET TO THE EASTERLY LINE OF SAID LOT 9; THENCE SOUTH 00°18'08" WEST ALONG SAID EASTERLY LINE, 31.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1,186 SQUARE FEET).

ii. A nonexclusive, perpetual private storm sewer and overland flowage easement for the purpose of installing, maintaining, operating, repairing and replacing private storm sewer and overland flowage, located, on, over and under the following easement areas:

A PART OF LOT 8, THE RESERVE AT DAYBREAK PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WAUKEE, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS A 31.00-FOOT-WIDE EASEMENT BEING 16.50 FEET ON EACH SIDE OF THE FOLLOWING CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 1°12'01" WEST ALONG THE EAST LINE OF SAID LOT 8, A DISTANCE OF 43.65 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 40°39'30" WEST, 78.26 FEET; THENCE SOUTH 30°01'55" WEST, 22.50 FEET TO THE POINT OF TERMINUS AND CONTAINING (3,124 SQUARE FEET).

iii. A nonexclusive, perpetual private electric line easement for the purpose of installing, maintaining, operating, repairing and replacing a private electrical line, located, on, over and under the following easement areas:

THE EASTERLY 5.00 FEET OF LOT 9, THE RESERVE AT DAYBREAK PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WAUKEE, DALLAS COUNTY, IOWA.

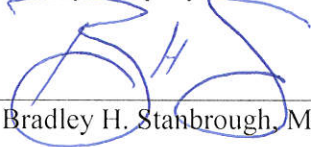
iv. The easements granted in paragraphs B(i) through B(iii) above shall be subject to the following conditions and/or restrictions:

- a. Any signs shall be for purposes of identifying the THE RESERVE AT DAYBREAK development, and shall conform to the ordinances, rules, and regulations of the City. If any irrigation system or lighting is installed by the Declarant within the easement areas, the charge for such service(s) shall be separately metered or otherwise separately billed by the utility entity furnishing such service(s), and charged to the Association.
- b. The Declarant shall install the initial signs and landscaping features within the easement areas, and the Association shall maintain, operate and replace all signs, entrance features, landscaping within the easement areas.
- c. Neither the Declarant nor the Association shall locate any such signage, entrance features, or landscaping in a manner to obstruct any vision triangles that overlap a portion of such easement areas, if any.
- d. The Owner of the Lot upon which an easement area is located shall not make any modifications or improvements to any such easement area without the consent of the Declarant or Association.
- e. No fence may be constructed within any of the easement areas without the prior written consent of the Declarant or the Association.

3. In all other respects, the Declaration shall remain unaffected and be enforceable as filed.

Dated on this day and year first written above.

THE RESERVE AT DAYBREAK, L.L.C., an Iowa limited liability company, Declarant

By: 
Bradley H. Stanbrough, Manager

STATE OF IOWA)
) ss
COUNTY OF Dallas)

This record was acknowledged before me on this 9 day of September, 2019, by Bradley H. Stanbrough, Manager of The Reserve at Daybreak, L.L.C.

Charlotte D Sloan

Notary Public in and for the State of Iowa

