

**FIRST AMENDMENT TO  
DECLARATION OF SUBMISSION OF PROPERTY  
TO  
HORIZONTAL PROPERTY REGIME  
FOR  
THE CONDOS AT DELAWARE PARK**

This First Amendment to Declaration of Submission of Property to Horizontal Property Regime for the Condos at Delaware Park, is made as of December 1, 2004 by Jerry's Homes, Inc., (the "Developer"), as follows:

**RECITALS**

**WHEREAS**, on December 5, 2003, a Declaration of Submission of Property to Horizontal Property Regime for the Condos at Delaware Park (the "Declaration") was recorded in Book 10298, Pages 117-175 in the office of the Recorder of Polk County, Iowa for certain property in the City of Ankeny, County of Polk, State of Iowa, which is more particularly described as:

**Lots one (1) through nine (9) in Delaware Park Condominiums, an official plat in the City of Ankeny, Polk County, Iowa**

**WHEREAS**, the Developer has determined that the Declaration should be amended as provided herein, which action shall not affect the substantive rights of any unit owner or mortgagee; and

**WHEREAS**, the Developer, pursuant to Article XIII, Section 1(d) of the Declaration, is expressly authorized to make minor amendments to the Declaration until December 31, 2013 without the approval of the unit owners or any other party.

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

1. The second sentence in Article II, Section 1 shall be amended by substituting the following in its entirety as previously filed:

Attached hereto as Exhibit "A" is the duly certified Final Site Plan.

2. The third sentence in Article II, Section 1 shall be amended by deleting the phrase "comprised of three pages".

3. Exhibit A to the Declaration shall be amended by substituting the attached Exhibit A in its entirety as previously filed.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this 2 day of December, 2004.

**JERRY'S HOMES, INC.**

By: Ronald R. Grubb  
Ronald Grubb, President

STATE OF IOWA        )  
  )ss  
COUNTY OF POLK    )

On this 2 day of December, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ronald Grubb, to me personally known, who being by me duly sworn, did say that he is the President of Jerry's Homes, Inc. executing the within and foregoing instrument; that said instrument was signed on behalf of the company; and that Ronald Grubb as such officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the company; by it and by him voluntarily executed.

Brent Kouba  
Notary Public in and for the State of Iowa



**DIMENSION NOTES**

- SEVEN DAYS PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL NOTIFY:
  - CITY OF ANKENY (515-963-6450)
  - JERRY'S HOMES
  - CIVIL ENGINEERING CONSULTANTS, INC.
- DIMENSIONS ARE TO PROPERTY LINE, OUTSIDE OF BUILDING WALLS AND TO BACK OF CURB.
- CONTRACTORS ARE RESPONSIBLE FOR OBTAINING ALL PERMITS AND LEASES.
- CONTRACTOR SHALL PROTECT ALL STRUCTURES AND UTILITIES AND VERIFY LOCATIONS. DAMAGE TO STRUCTURES AND UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER OR HIS UTILITY.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF ANKENY STANDARD SPECIFICATIONS.
- PRIVATE DRIVE PAVING SHALL BE HIGH NON-REINFORCED P.C.C.
- VERIFY COORDINATES AND BUILDING CORNERS WITH ARCHITECTURAL DRAWINGS PRIOR TO CONSTRUCTION.

**FINAL SITE PLAN**

**DELAWARE PARK CONDOMINIUMS**

**OWNER/DEVELOPER**

JERRY'S HOMES  
 2301 168th CIRCLE  
 WEAVERDALE, IOWA 50272  
 PHONE (515) 771-6260

**ZONING**

EXISTING: R-3A  
 PROPOSED: R-3A

**LAND USE**

EXISTING: AGRICULTURAL  
 PROPOSED: MULTI-FAMILY ATTACHED, CONDOMINIUMS

**AREAS**

DRIVEWAYS	273,711 SF.	12%
BUILDINGS	1,123,181 SF.	47%
OPEN SPACE	900,000 SF.	37%
TOTAL	2,296,892 SF.	100%

**PARKING**

REQUIRED: ROW - 2 SPACES/UNIT + 320  
 CONDO - 2 SPACES/UNIT + 1 ADDITIONAL/4 UNITS = 324

PROPOSED: ROW - 155 DRIVEWAY SPACES + 103 GARAGE - 17 VISITOR SPACES = 258  
 CONDO - 144 GARAGE SPACES + 180 SURFACE SPACES = 324  
 (INCLUDING 4 HANDICAP STALLS, 6 REQUIRED)

**DENSITY**


233 UNITS / 14.467 ACRES = 16.1 UNITS/ACRE

**LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE NW/4 OF THE SW/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 23 WEST OF THE 5TH E.M., CITY OF ANKENY, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE W/4 CORNER OF SAID SECTION 18, THENCE SOUTH 60°00'00" E, 100.00 FEET ALONG THE WEST LINE OF SAID SECTION 18 TO A POINT, THENCE N87°20'00" E, 33.00 FEET TO THE POINT OF BEGINNING ON THE EAST RIGHT-OF-WAY LINE OF THE DELAWARE AVENUE, THENCE N87°20'00" E, 89.50 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. INTERSTATE 80, N87°20'00" E, 254.18 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT, THENCE S04°10'24" E, 455.43 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT, THENCE N87°20'00" E, 154.16 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF THE DELAWARE AVENUE, THENCE S00°00'00" W, 161.44 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 14.467 ACRES MORE OR LESS.

**CERTIFICATION**



I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.


MELISSA N. HILL, IOWA REG. NO. 16023    15476  
 MY LICENSE EXPIRES DATE IS OCTOBER 31, 2008  
 PROJECT SHEETS COVERED BY THIS SEAL:

\_\_\_\_\_ SHEETS 1-8


**LEGEND**

- |  |                                    |  |                                      |
|--|------------------------------------|--|--------------------------------------|
|  | PLAT BOUNDARY                      |  | LIGHT Poles (NOT POLE HIGH PROPOSED) |
|  | STORM SYSTEM & SIZE                |  | MAIL BOX (CLUB/ROW)                  |
|  | GUTTER                             |  | ELECTRIC TRANSFORMER                 |
|  | WATER MAIN & SIZE                  |  | WATER SERVICE VALVE BOX              |
|  | STORM SEWER                        |  |                                      |
|  | FIRE HYDRANT                       |  |                                      |
|  | VALVE                              |  |                                      |
|  | EXISTING CONTOURS                  |  |                                      |
|  | PROPOSED CONTOURS                  |  |                                      |
|  | UTILITY MARKERS                    |  |                                      |
|  | SECTION CORNER                     |  | WELL CAPS & COVERS                   |
|  | ROUND CORNER                       |  | DROP GUARD                           |
|  | RTI CORNER BY 300' IR, CAP 4" x 4" |  | POLE                                 |
|  | 24" x 24" BOX                      |  | 1/2" x 1/2" x 1/2" x 1/2" SIGN       |
|  | PUBLIC UTILITY EASEMENT            |  | 1/2" x 1/2" x 1/2" x 1/2" SIGN       |
|  | ADDRESS                            |  | 1/2" x 1/2" x 1/2" x 1/2" SIGN       |
|  | BUILDING EASEMENT 10' x 10'        |  | 1/2" x 1/2" x 1/2" x 1/2" SIGN       |
|  | UNDERGROUND TTY PHONE              |  | 1/2" x 1/2" x 1/2" x 1/2" SIGN       |
|  | POWER POLE                         |  | 1/2" x 1/2" x 1/2" x 1/2" SIGN       |
|  | OVERHEAD ELECTRIC                  |  | 1/2" x 1/2" x 1/2" x 1/2" SIGN       |

CITY OF ANKENY DESIGN APPROVAL DATE: 8/18/2003  
 CITY OF ANKENY APPROVED FOR CONST. DATE:




**NORTH**  
SCALE: 1"=50'



**DELAWARE PARK CONDOMINIUMS**

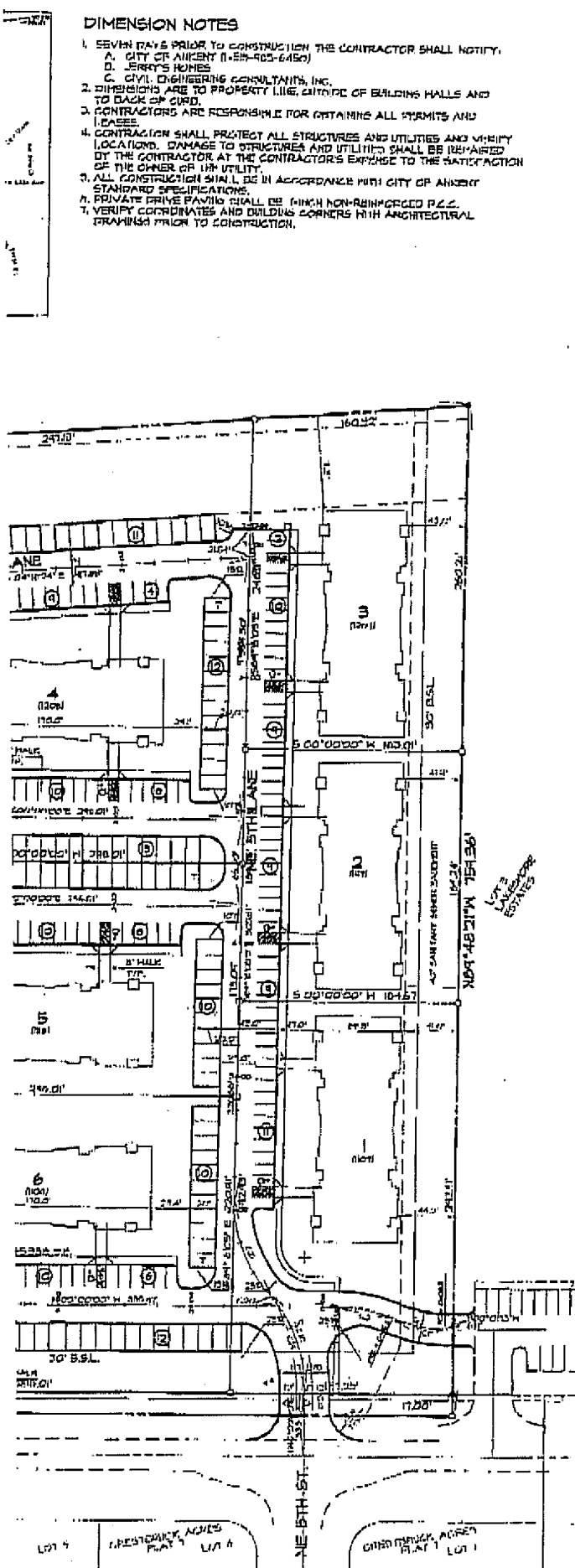
**DIMENSION PLAN**

DATE: 7/03/03  
 REVISIONS: 7/25/03  
 8/03/03  
 8/27/03  
 11/0/03  
 1/29/03

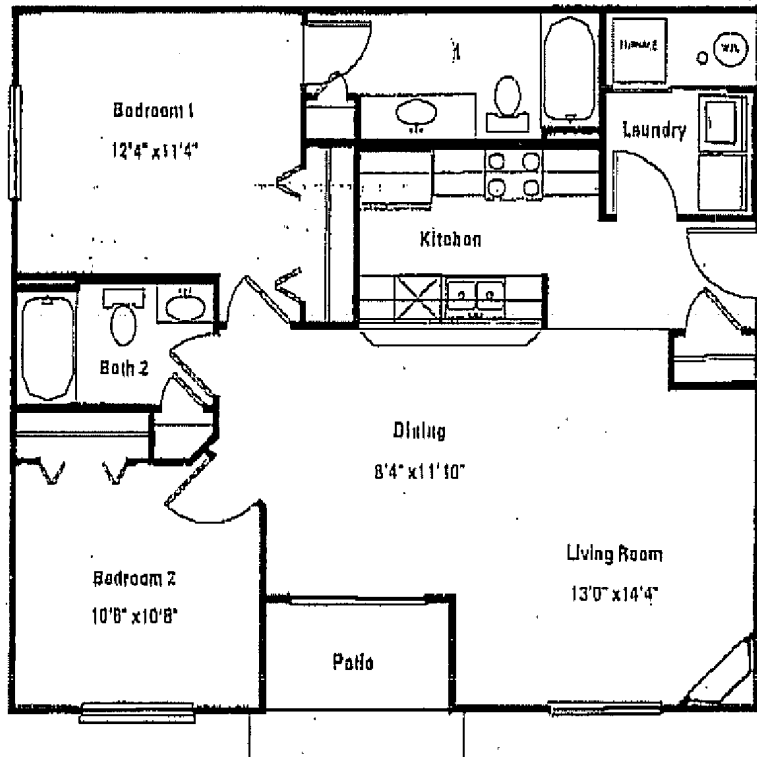


**CIVIL ENGINEERING CONSULTANTS, INC.**  
 2100 NINTH STREET, SUITE 17    DES MOINES, IOWA 50312-1319  
 PHONE: 319.276.0894    FAX: 319.276.7084

SHEET  
1 | 3



**The Ashton 2BR unit**  
 Total square feet approx: 995



**The Brewster 3BR unit**  
 Total square feet approx: 1215

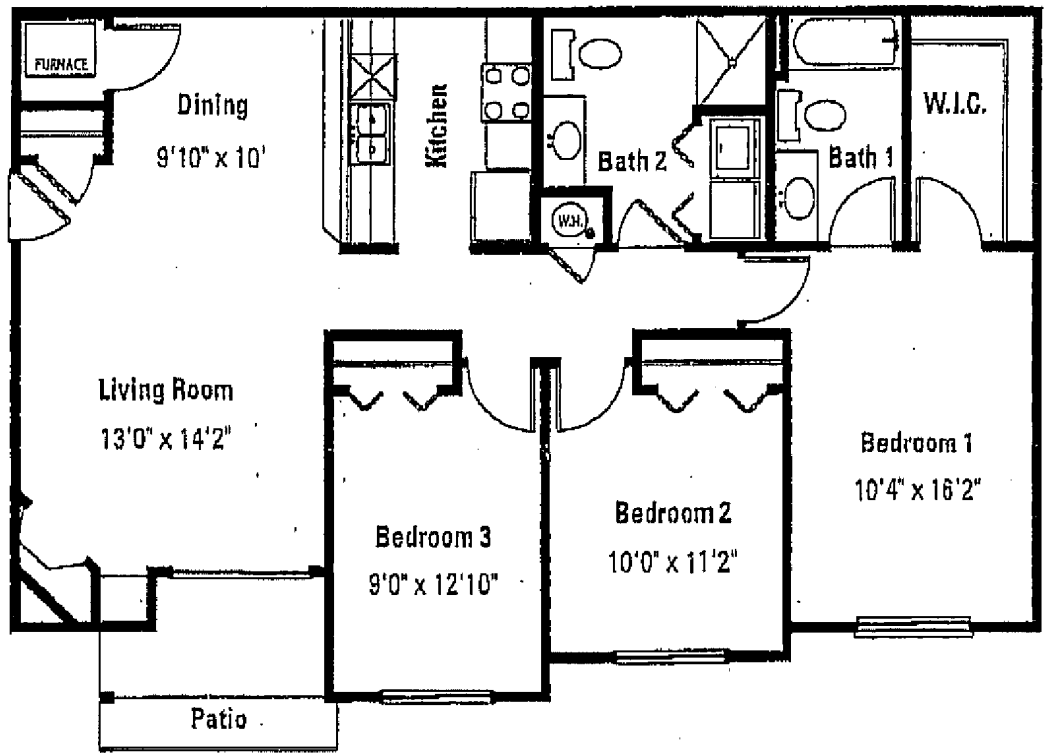


Exhibit A

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All prices, plans and features are subject to change without notice. The above information, although believed to be correct, is not warranted or guaranteed by the owner, listing firm, or listing agent, 9/13/03

[WWW.JERRYSHOMES.COM](http://WWW.JERRYSHOMES.COM)



