

**BK: 2021 PG: 14875**  
**Recorded: 5/19/2021 at 2:32:22.0 PM**  
**County Recording Fee: \$102.00**  
**Iowa E-Filing Fee: \$3.00**  
**Combined Fee: \$105.00**  
**Revenue Tax:**  
**Chad C. Airhart Recorder**  
**Dallas County, Iowa**

**FIRST AMENDMENT TO AMENDED, RESTATED &  
SUBSTITUTED DECLARATION OF SUBMISSION OF PROPERTY  
TO HORIZONTAL REGIME  
FOR BROOKVIEW POINTE CONDOMINIUMS**

**Preparer Information:**

Bryan M. Loya  
475 S.E. Alice's Road, Suite A  
Waukee, Iowa 50263  
(515) 369-2502

**Taxpayer Information:**

Brookview Pointe Master Association, Inc.  
10888 Hickman Road, Suite A  
Clive, Iowa 50325

**Return Document To:**

Wilson & Egge, P.C.  
475 S.E. Alice's Road, Suite A  
Waukee, Iowa 50263

**Grantor:**

Brookview Pointe Master Association, Inc.

**Grantee:**

N/A

**Legal Description:**

Lot 65 in Robel Century Run, an Official Plat, now included in and forming a part of the City of West Des Moines, Dallas County, Iowa.

**Document or instrument number of previously recorded documents:**

Book 2006, Page 14946/Book 2007, Page 2621/Book 2012, Page 12531

**FIRST AMENDMENT TO AMENDED, RESTATED & SUBSTITUTED  
DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL REGIME  
FOR BROOKVIEW POINTE CONDOMINIUMS**

This First Amendment to Amended, Restated & Substituted Declaration of Submission of Property to Horizontal Regime for Brookview Pointe Condominiums is executed on this 18<sup>th</sup> day of May, 2021, by Brookview Pointe Master Association, Inc., an Iowa corporation (collectively "Master Association") as to the following real property:

**Lot 65 in Robel Century Run, an Official Plat, now included in and forming a part of the City of West Des Moines, Dallas County, Iowa.**

**R E C I T A L S**

**WHEREAS**, the above-described real property was previously submitted to a horizontal property regime by virtue of a Declaration of Submission of Property to Horizontal Property Regime for Brookview Pointe Condominiums recorded September 1, 2006 in Book 2006, Page 14946; as amended by First Amendment to Declaration filed February 26, 2007 in Book 2007, Page 2621; and Amended, Restated & Substituted Declaration of Submission of Property to Horizontal Regime for Brookview Pointe Condominiums recorded July 27, 2012 in Book 2012 at Page 12531 (the "Declaration") of the Dallas County, Iowa records; and

**WHEREAS**, the Declaration established 96 garage units and 4 additional garages set aside for the containment of solid waste dumpsters; and

**WHEREAS**, Article XIV(1)(d) of the Declaration authorizes the Master Association to amend the Declaration upon the affirmative vote of at least 51 percent of all of the votes in the Master Association;

**WHEREAS**, the affirmative vote of at least 51 percent of all of the votes in the Master Association have elected to move dumpsters and solid waste collection sites to locations outside of the 4 single-stall garages initially set aside for solid waste dumpsters and to sell those 4 garages to residential unit owners pursuant to Article I, Section 20 of the Declaration; and

**WHEREAS**, the Master Association therefore desires to clarify the various matters set forth above pursuant to its authority, and hereby further amends the Declaration in the manner set forth below.

**NOW, THEREFORE**, in consideration of the premises, the Master Association does hereby declare the Declaration shall be amended as follows:

1. Article I, Section 20 of the Declaration is deleted in its entirety and is hereby replaced as follows:

20. Garage Unit. The condominium project contains 100 garage units. There are 92 single-stall garage units and 8 two-stall garage units as shown on the Site Plan. The garage units are, or will be, numbered 1 through 96, 8A, 32A, 48A, and 80A. The Master Association shall have the right, in its sole discretion, to change the number of single-stall or two-stall garage units in the Sub-Association regions II and III as those units are being built. Upon removal of all solid waste dumpsters from garages previously set aside for the containment of solid waste dumpsters,

all solid waste collection sites are Common Elements and shall be maintained by the Master Association.

The boundaries of each garage unit shall be the perimeter boundaries as depicted on the Site Plan extending vertically from the floor or pavement beneath to the height of the ceiling above the floor and the interior unfinished surfaces of the floor, the walls, and the ceiling.

Garage units are hereby declared to be individual condominium units which may be separately sold, transferred, or leased by the owner thereof upon such terms as the owner, in his sole discretion, deems appropriate. Individual garage units will initially be sold and conveyed by the Master Association, in its sole discretion, to residential unit owners. Once a garage unit is conveyed to a residential unit owner, the owner thereof may sell said garage to any other residential unit owner on such terms as they mutually agree upon. However, a garage unit may not be sold to any person who is not the owner of a residential unit in this project. For purposes of legally describing garage units in the abstract of title and for conveyance purposes, the garage numbers will be preceded by the capital letter "G". For example, Garage Unit No. 1 will be legally described as G1. The Developer reserves the right to renumber individual garage units as the Developer deems appropriate.

2. Exhibit "A" to the Declaration is deleted in its entirety and the Exhibit "A" attached hereto is substituted in lieu thereof.

Except as amended hereby, the Declaration shall remain unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the Master Association has caused this First Amendment to Declaration to be executed as of the date first above written.

MASTER ASSOCIATION:

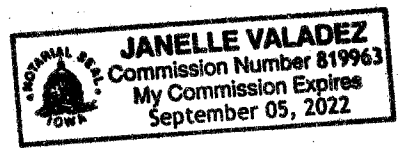
BROOKVIEW POINTE MASTER ASSOCIATION, INC.  
an Iowa corporation

  
\_\_\_\_\_  
By: Jason Fielder  
Its: President

STATE OF IOWA )  
 ) ss  
COUNTY OF POLK )

On this 18<sup>th</sup> day of May, 2021, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jason Fielder, President of Brookview Pointe Master Association, Inc.

*Janelle Valadez*  
Notary Public in and for the State of Iowa



**EXHIBIT "A"**  
**SITE PLAN**

E.P. TRUE PARKWAY

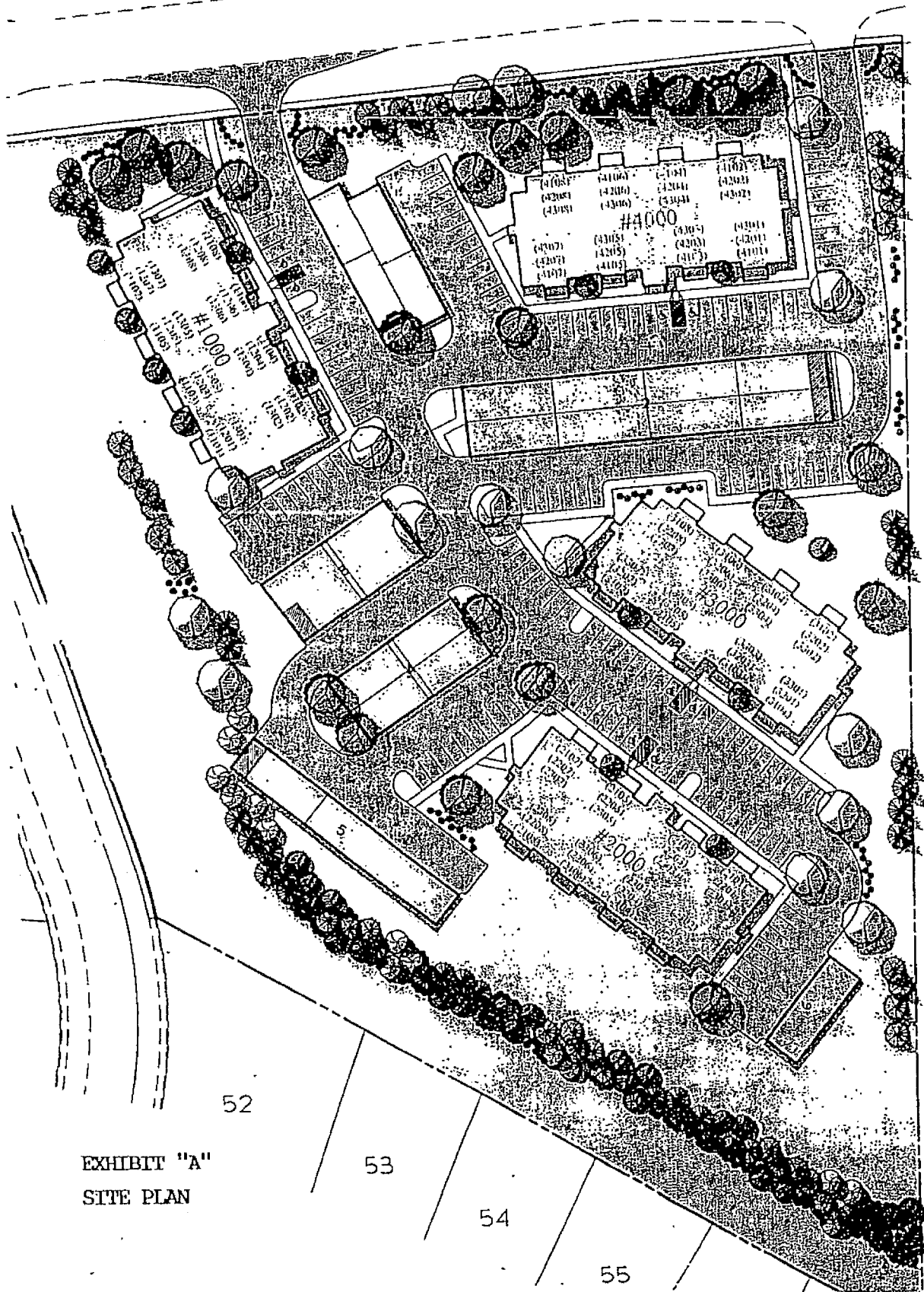


EXHIBIT "A"  
SITE PLAN

52

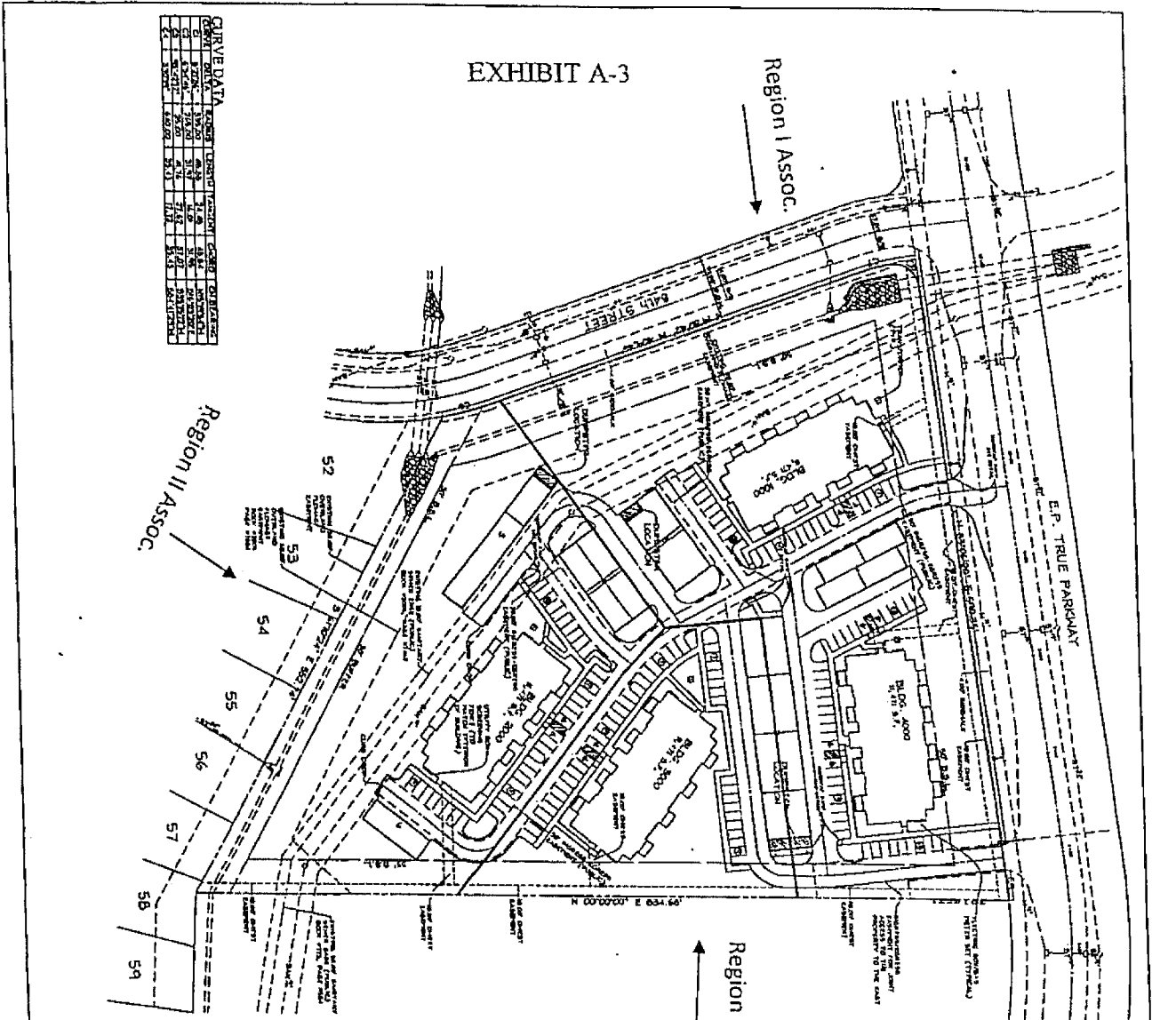
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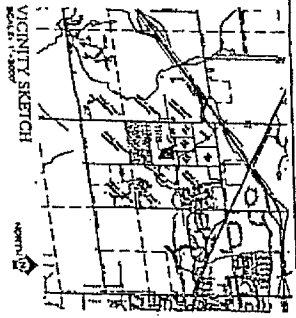


EXHIBIT A-3



GRID/VE DATA

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- LEGEND
- EXISTING/PROPOSED
  - PAVEMENT
  - WATER MAIN (12" DIA.)
  - SEWER MAIN (12" DIA.)
  - STORM SEWER (12" DIA.)
  - EXISTING/PROPOSED ELECTRICAL CABLE
  - EXISTING/PROPOSED TELEPHONE CABLE
  - EXISTING/PROPOSED CABLE TV
  - EXISTING/PROPOSED GAS
  - EXISTING/PROPOSED FIBER
  - EXISTING/PROPOSED CONDUIT
  - EXISTING/PROPOSED SIGN
  - EXISTING/PROPOSED LIGHT
  - EXISTING/PROPOSED TREE
  - EXISTING/PROPOSED SHUT FORCE
  - EXISTING/PROPOSED TRUCK

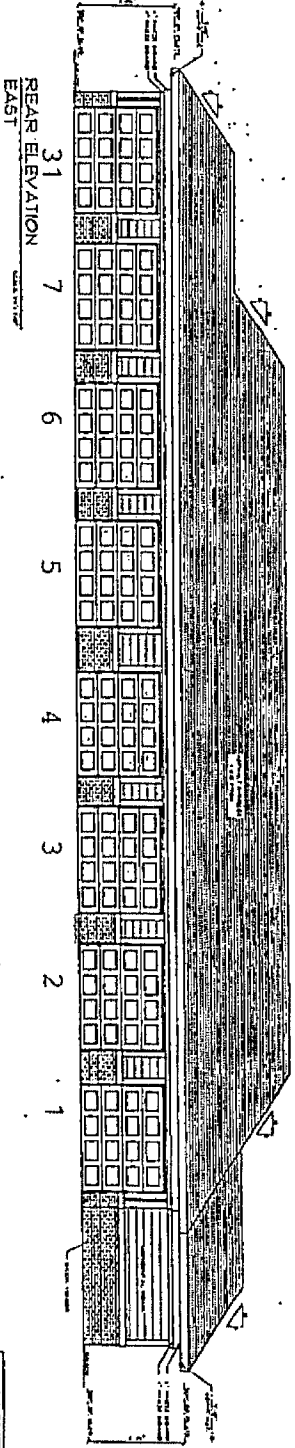
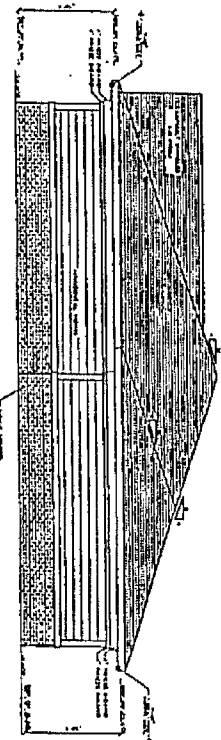
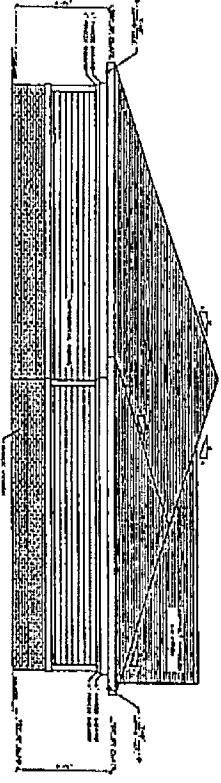
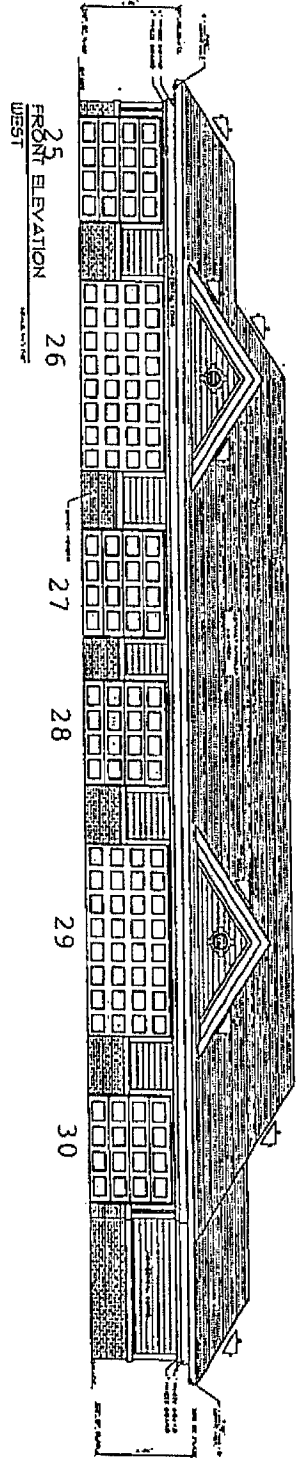


2147 GRAND AVENUE, WEST DES MOINES, IOWA 50319  
 PHONE: (515) 281-1111 FAX: (515) 281-1112  
**COOPER CRAWFORD & ASSOCIATES, L.L.C.**  
 CIVIL ENGINEERS

DATE: 10/1/12  
 SCALE: 1"=50'  
 SHEET: 0590  
 OF: 4

SITE PLAN  
**BROOKVIEW**  
**POINTE**  
 8350 E.P. TRUE PARKWAY  
 WEST DES MOINES, IOWA

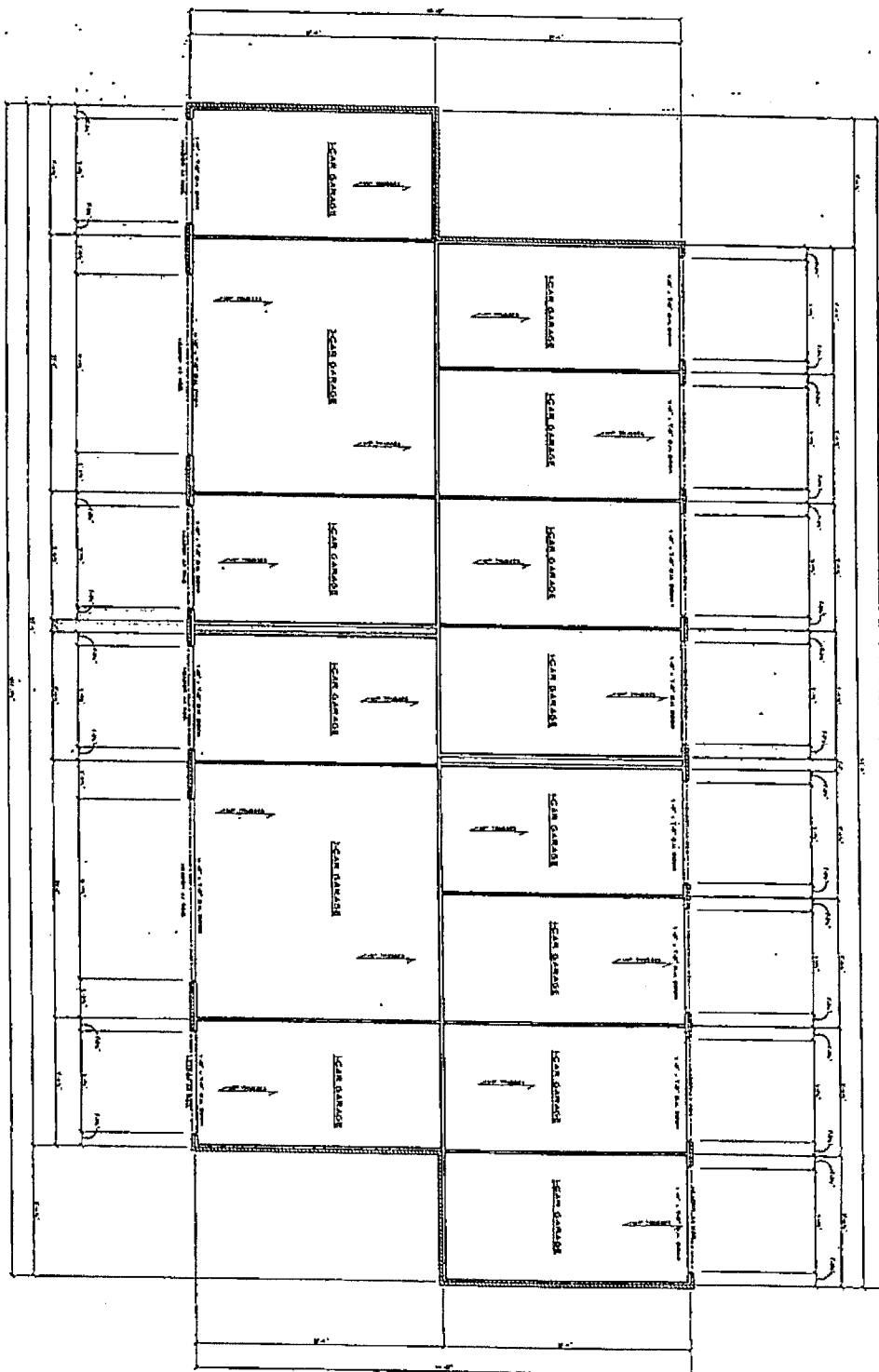
NOTES:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. FINISHES TO BE DETERMINED BY THE ARCHITECT.  
 3. MATERIALS TO BE DETERMINED BY THE ARCHITECT.  
 4. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES.  
 5. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MECHANICAL, ELECTRICAL AND PLUMBING CODES.  
 6. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.  
 7. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CONVENTIONS CODES.  
 8. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING CONVENTIONS CODES.  
 9. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE CONVENTIONS CODES.  
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 20. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CONVENTIONS CODES.



BROOKVIEW GARAGES  
 BUILDING 1


 AHMANN  
 DESIGN INC.  
 (319) 252-7900  
 WWW.AHMANNDESIGN.COM

MAIN FLOOR PLAN  
GARAGE - 16 UNIT



BROOKVIEW GARAGES  
BUILDING 1, FLOOR PLAN

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010 314-7802

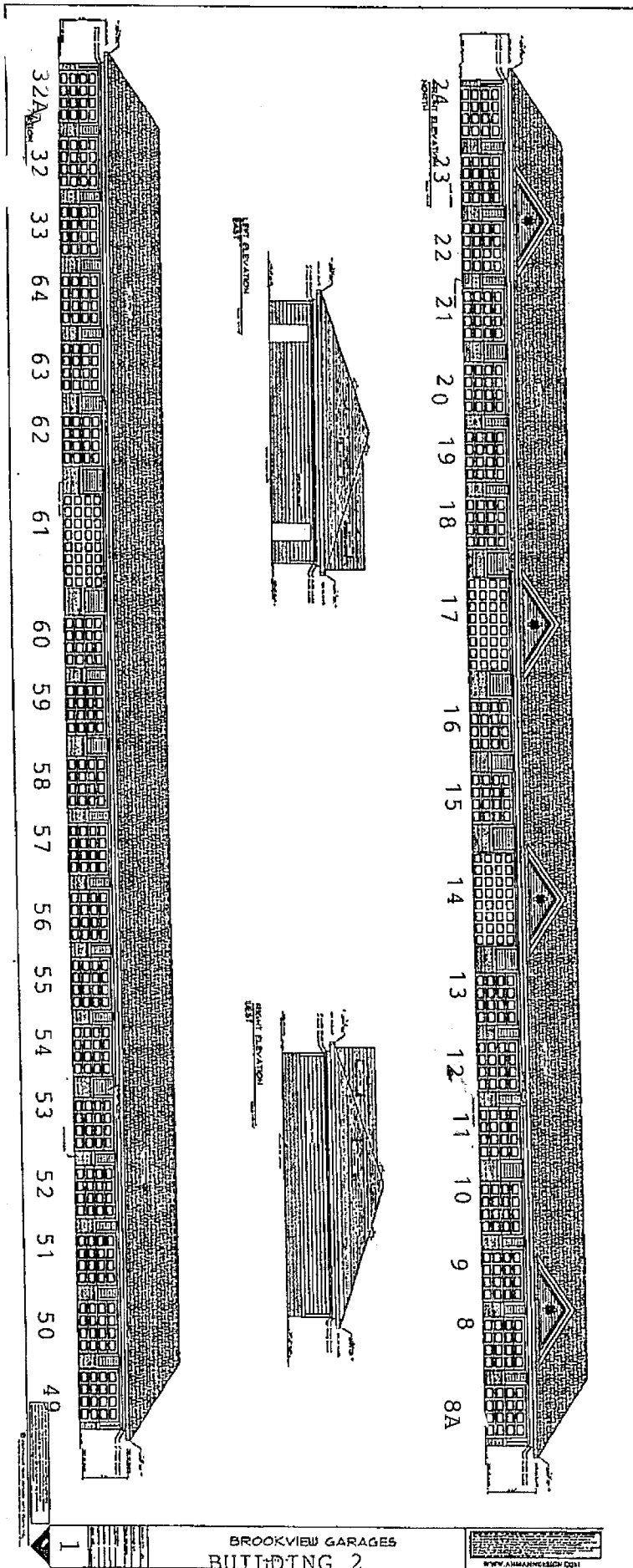
AHMANN  
DESIGN INC.



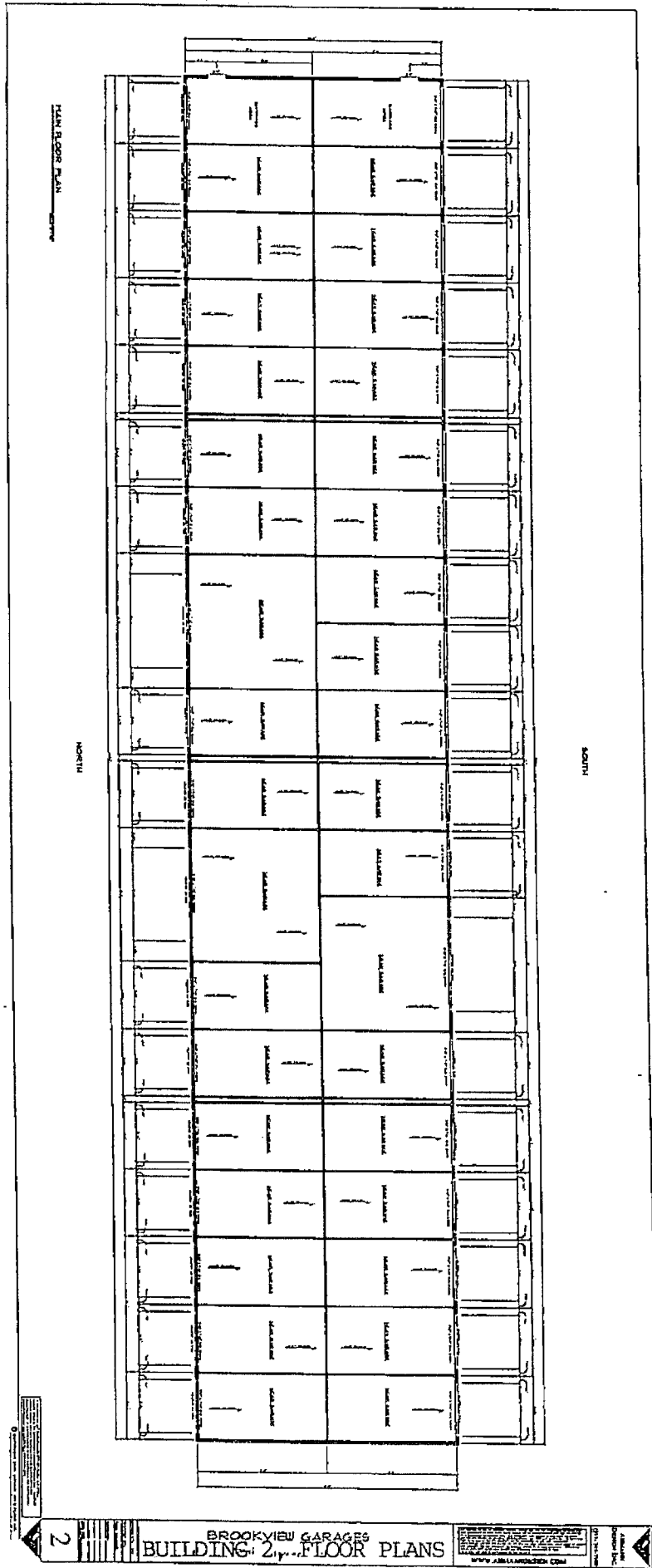
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EXHIBIT A-6



2



PLAN ROOM PLAN

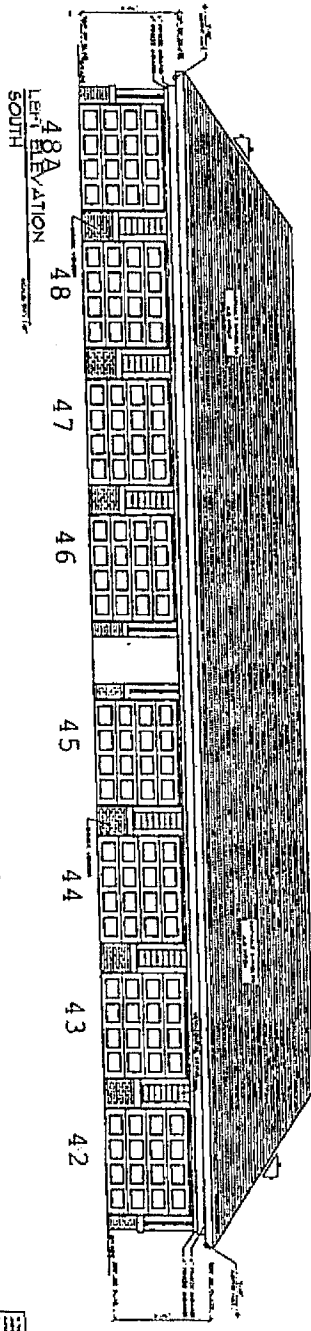
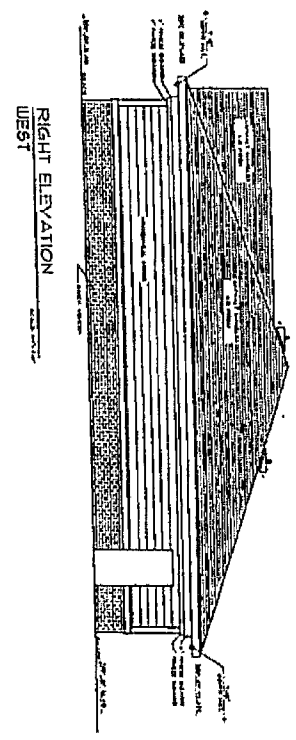
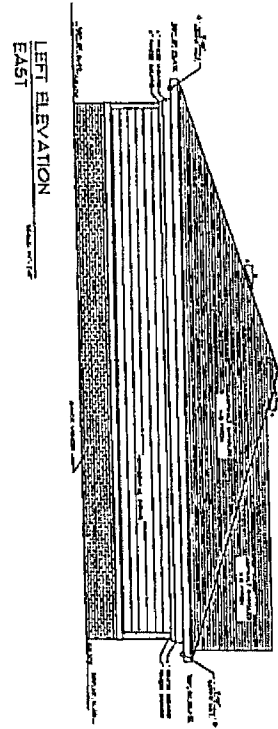
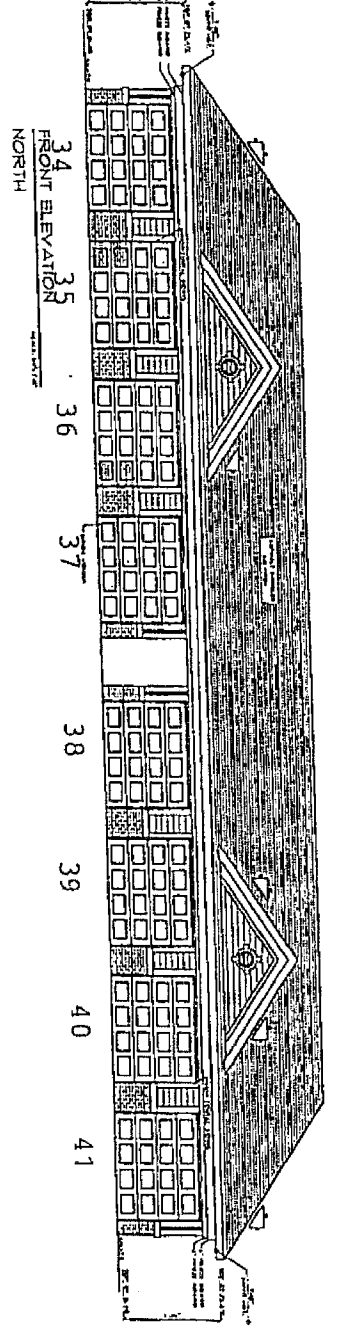
NORTH

NORTH

2

BROOKVIEW GARAGES BUILDING 2 - 2nd FLOOR PLANS

NOTES:  
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 2. FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 3. MATERIALS TO BE DETERMINED BY THE ARCHITECT.  
 4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
 5. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS.  
 6. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONTRACTS.  
 7. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AGREEMENTS.  
 8. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COORDINATION.  
 9. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSULTATION.  
 10. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REVIEW.



NOTES:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 3. MATERIALS TO BE DETERMINED BY THE ARCHITECT.  
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 9. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSULTATION.  
 10. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REVIEW.

NO.	DATE	DESCRIPTION
1		

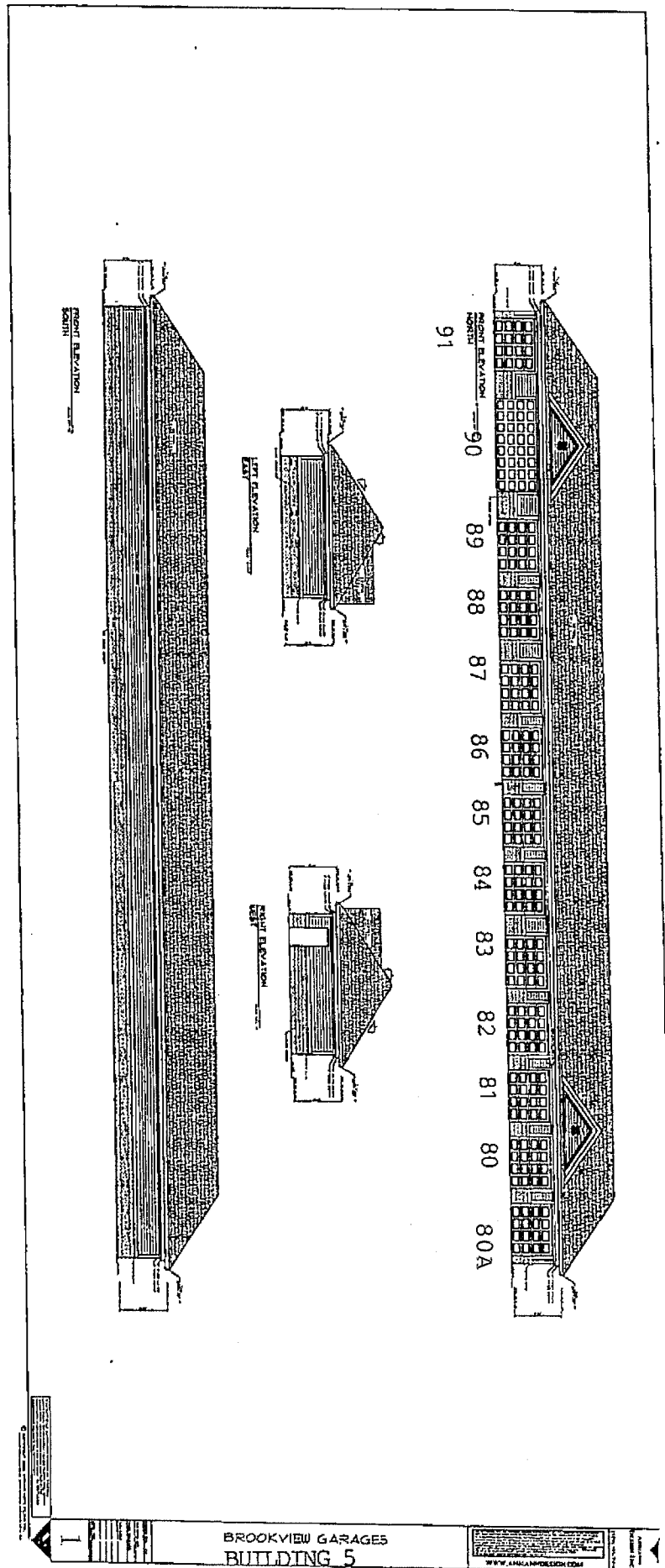
BROOKVIEW GARAGES  
 BUILDING 3

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 AHMANN DESIGN INC.  
 27802

3

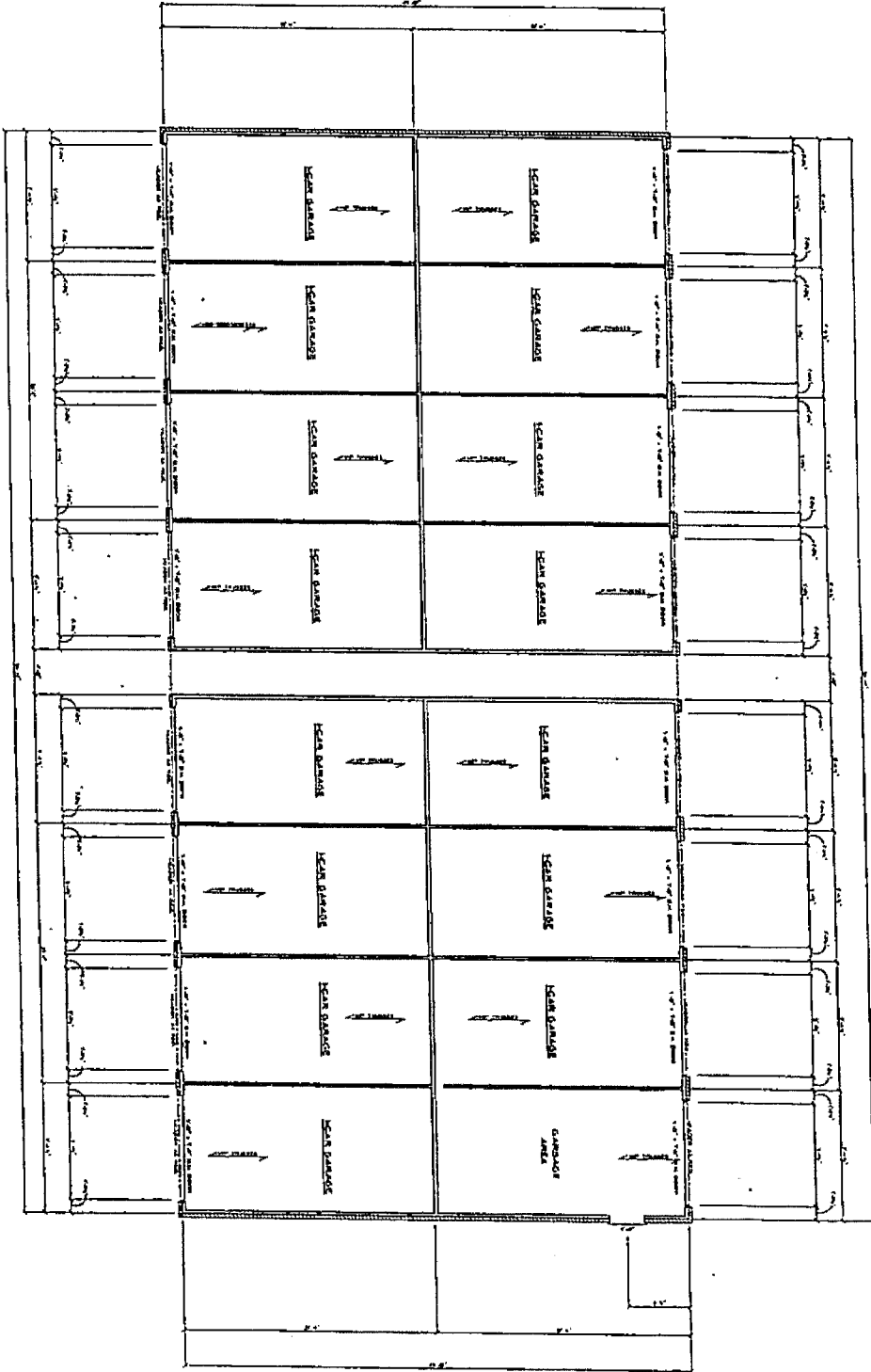


EXHIBIT A-10



5

MAIN FLOOR PLAN  
UNIT 2



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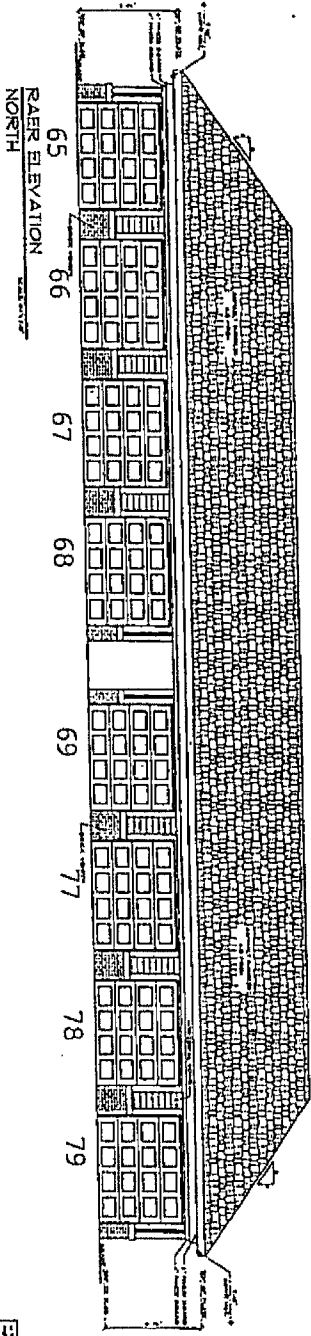
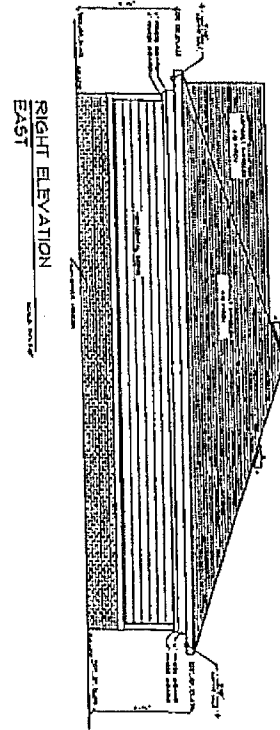
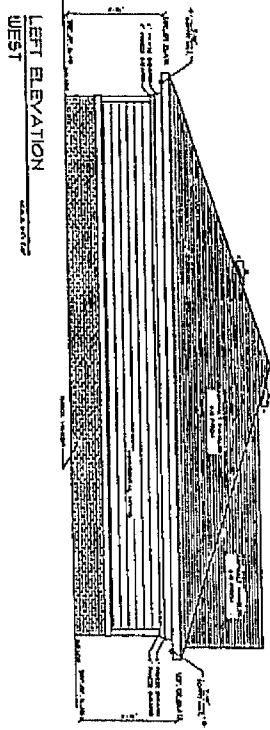
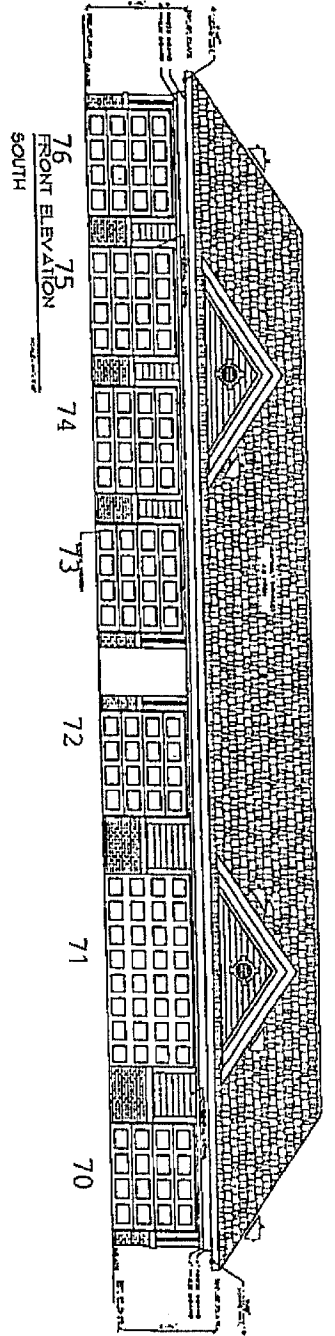
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BROOKVIEW GARAGES  
BUILDING 3, FLOOR PLANS

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 DESIGN INC.  
 (119) 395-7800

NOTES:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. FINISHES TO BE DETERMINED BY ARCHITECT.  
 3. SEE SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.  
 4. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS.  
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
 7. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.  
 8. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.  
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE ENVIRONMENT.  
 10. THE CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS THROUGHOUT THE PROJECT.



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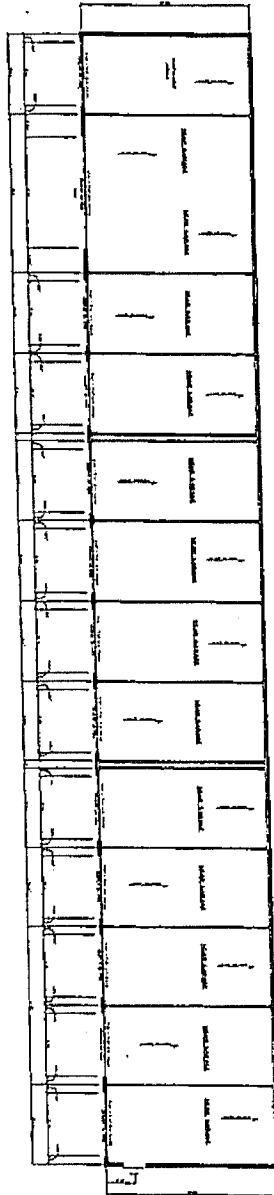
BROOKVIEW GARAGES  
 BUILDING 4

ww

4

EXHIBIT A-13

PLAN FLOOR PLAN

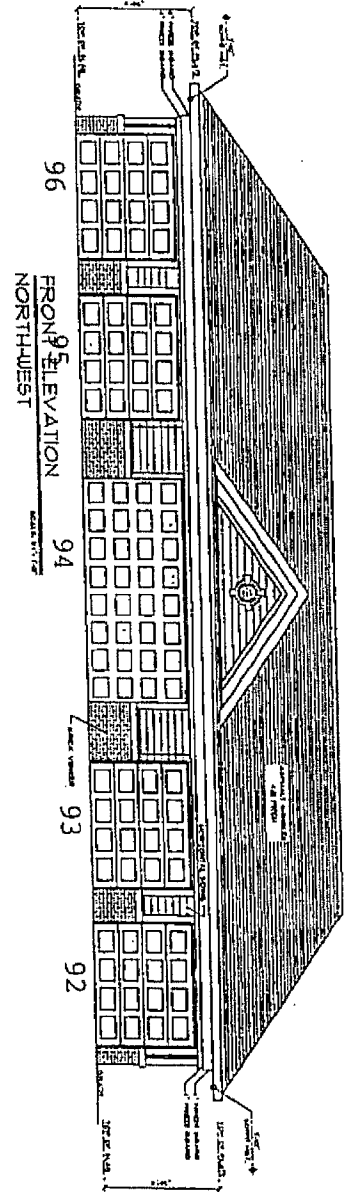


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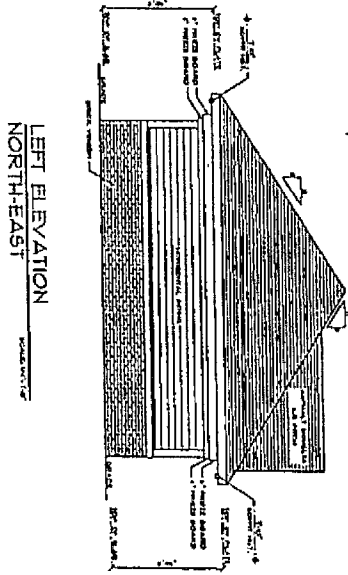
BROCKVIEW GARAGES  
BUILDING 5, FLOOR PLANS

WWW.ARMSTRONGDESIGN.COM

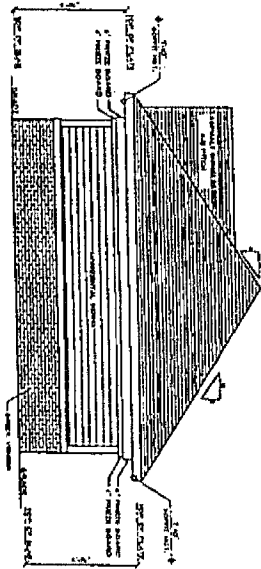
DATE: 10/11/11  
SCALE: AS SHOWN  
DRAWN BY: J. HARRIS  
CHECKED BY: J. HARRIS



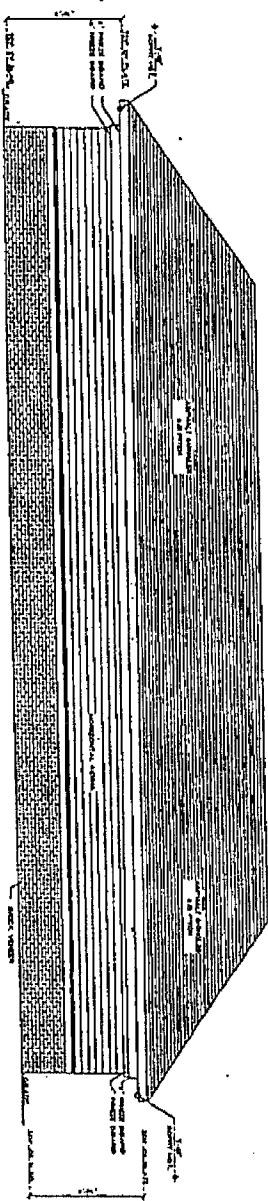
96 FRONT ELEVATION NORTHWEST 94



LEFT ELEVATION NORTHEAST



RIGHT ELEVATION SOUTHWEST



FRONT ELEVATION SOUTHEAST

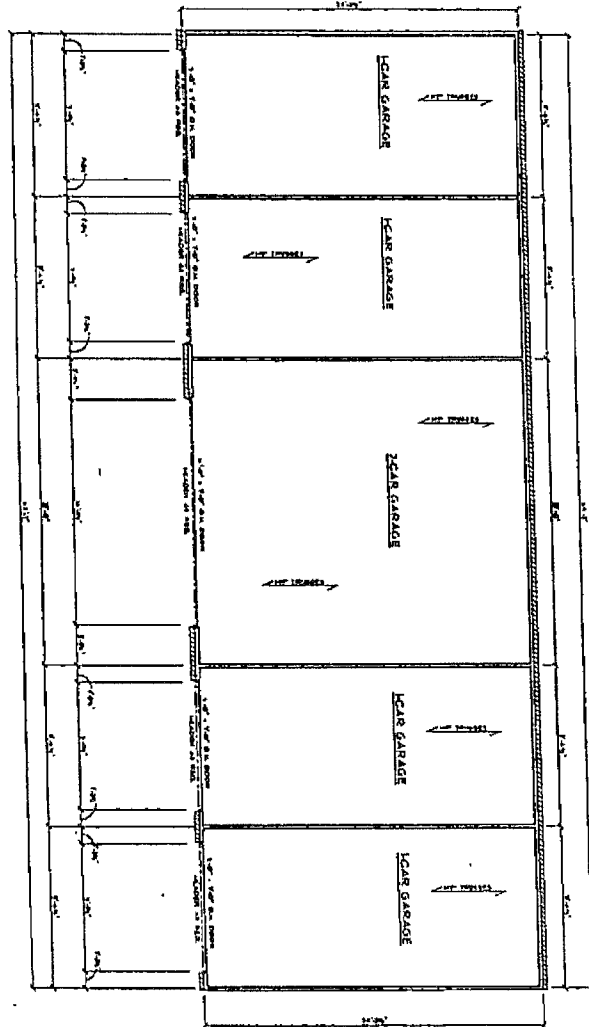
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BROOKVIEW GARAGES  
 BUILDING 6

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 DESIGN INC.  
 (319) 395-7900



MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

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 1100 W. 15th Street, Suite 100, Lincoln, NE 68502  
 (402) 441-1100  
 www.ahmannlorre.com



PROJECT NO.	2
DATE	12/15/01
DESIGNED BY	DAVID B. LORRÉ
CHECKED BY	DAVID B. LORRÉ
SCALE	AS SHOWN
DATE PLOTTED	12/15/01
PLOTTED BY	DAVID B. LORRÉ

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