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XZCV COVENANTS
Recording Fee: \$ 22.00
Jordyn Hill, Recorder, Warren County Iowa



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Return to: Great Western Crossing Homeowners Association, Inc., 12119 Stratford Dr, Clive, IA 50325
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Legal Description: Lots 1-7 in Great Western Crossing Plat 1; Lots 1-19 in Great Western Crossing Plat 2; Lots 1-11 and Outlot Z in Great Western Crossing Plat 3; Lots 1-39 and Outlot Z in Great Western Crossing Plat 4 and Lots 1-25 in Great Western Crossing Plat 5

Previously Recorded Documents: Inst. Nos. 2023-03701 and 2021-15169

**AMENDMENT TO AMENDED AND RESTATED DECLARATION OF RESIDENTIAL
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
GREAT WESTERN CROSSING**

THIS AMENDMENT TO AMENDED AND RESTATED DECLARATION OF RESIDENTIAL COVENANTS, CONDITIONS AND RESTRICTIONS FOR GREAT WESTERN CROSSING (this "Amended Declaration") is dated May 1, 2024 and made by **DILIGENT GWC, LLC**, an Iowa limited liability company, owner and developer of the Additional Land hereinafter described, and "Declarant" of the Amended and Restated Declaration of Residential Covenants, Conditions and Restrictions for Great Western Crossing recorded May 31, 2023 as **Instrument No. 2023-03701** in the records of the Recorder for Warren County, Iowa (the "Declaration").

WHEREAS, pursuant to the Declaration, Declarant has established and placed certain covenants, conditions, restrictions, reservations and easements upon the following described real property (the "Property"):

Lots 1-7 in GREAT WESTERN CROSSING PLAT 1, an Official Plat in Cumming, Warren County, Iowa.

Lots 1-19 in GREAT WESTERN CROSSING PLAT 2, an Official Plat in Cumming, Warren County, Iowa.

Lots 1-11 and Outlot Z in GREAT WESTERN CROSSING PLAT 3, an Official Plat in Cumming, Warren County, Iowa.

Lots 1-39 and Outlot Z in GREAT WESTERN CROSSING PLAT 4, an Official Plat in Cumming, Warren County, Iowa.

WHEREAS, the Declaration established the **Great Western Crossing Homeowners Association, Inc.**, an Iowa non-profit corporation (the "Association"), to own and maintain common area and common amenities with authority to levy assessments necessary for the maintenance of such common area and common amenities for the benefit of the Property.

WHEREAS, as an owner of a Lot subject to the Declaration, Declarant has the right to amend the Declaration and to subject additional land to the terms of the Declaration without the approval or consent of the Association, the Owners or any other party.

WHEREAS, Declarant desires to amend the Declaration and to subject the following described real property (the "Additional Land") to the terms of the Declaration upon the filing of this Amended Declaration:

Lots 1-25 in GREAT WESTERN CROSSING PLAT 5, an Official Plat in Cumming, Warren County, Iowa.

NOW, THEREFORE, pursuant to the authority described in the Declaration, Declarant hereby amends the Declaration as follows:

1. **Additional Land.** The Additional Land is hereby annexed and submitted to the Declaration, which real property shall be held, sold and conveyed subject to the same covenants, conditions, restrictions, reservations and easements of the Declaration, and the Owners of Lots within the Additional Land shall automatically become Members of the Association in the same manner as described in the Declaration and are hereby subjected to the terms, conditions, duties and assessments as described in the Declaration.
2. **Community Association.** In addition to this Declaration, Owners of Lots within the Additional Land are further subject to the covenants, conditions, restrictions, reservations and easements of the Declaration of Covenants, Conditions, Restrictions and Easements for Middlebrook recorded December 17, 2021 as **Instrument No. 2021-15169** (the "Community Declaration") establishing a mixed-use planned agrihood development known as "Middlebrook" in Cumming, Warren County, Iowa, and subject to assessments made by the **Middlebrook Community Association, Inc.** an Iowa non-profit corporation created thereunder to operate certain common amenities and community programming for the benefit of the owners of real property subject to the Community Declaration.
3. **Building Area.** Article III, Section 7 of the Declaration relating to building area design and construction is deleted in its entirety and replaced with the following:
 - A. For ALL LOTS IN GREAT WESTERN CROSSING PLAT 1, one and one-half story, two story, split-level, and split foyer dwellings must have a finished area of not less than 1,750 square feet; one story or ranch dwellings must have a finished area of not less than 1,500 square feet.
 - B. For ALL LOTS IN GREAT WESTERN CROSSING PLAT 2, two-story dwellings must have a finished area of not less than 1,800 square feet; one and one-half story, split-level, and split foyer dwellings must have a finished area of not less than 1,600



square feet; and ranch dwellings must have a finished area of not less than 1,500 square feet.

- C. For ALL LOTS IN GREAT WESTERN CROSSING PLAT 3, two-story dwellings must have a finished area of not less than 1,800 square feet; one and one-half story, split-level, and split foyer dwellings must have a finished area of not less than 1,600 square feet; and ranch dwellings must have a finished area of not less than 1,500 square feet.
- D. For LOTS 1 – 9 IN GREAT WESTERN CROSSING PLAT 4, two-story dwellings, one and one-half story, split-level, and split foyer dwellings must have a finished area of not less than 1,600 square feet; ranch dwellings must have a finished area of not less than 1,300 square feet.
- E. For LOTS 10–39 IN GREAT WESTERN CROSSING PLAT 4, two-story dwellings must have a finished area of not less than 1,800 square feet; one and one-half story, split-level, and split foyer dwellings must have a finished area of not less than 1,600 square feet; and ranch dwellings must have a finished area of not less than 1,500 square feet.
- F. For LOTS 1–25 IN GREAT WESTERN CROSSING PLAT 5, two-story dwellings must have a finished area of not less than 1,800 square feet; one and one-half story, split-level, and split foyer dwellings must have a finished area of not less than 1,600 square feet; and ranch dwellings must have a finished area of not less than 1,500 square feet.
- G. In computing total finished area, the same shall not include any finished area that has its floor below the exterior grade.
- H. In the computation of floor area, the same shall not include any porches, breezeways, or attached or built-in garages.

4. **Fences.** Article III, Section 14 of the Declaration relating to fencing is amended to add the following:

PLAT 5: LOTS 1 – 25: Painted or stained wood, black wrought iron, metal with a powder coated factory finish, ornamental aluminum, or combinations of masonry and wood or metal.


5. **Ratification.** Except as expressly amended hereby, all of the terms and conditions of the Declaration shall continue in full force and effect and are hereby ratified and confirmed.



IN WITNESS WHEREOF, the undersigned has executed this Amended Declaration as of the date first written above.

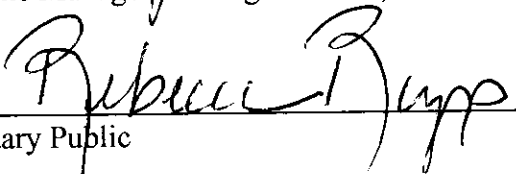
DECLARANT:

DILIGENT GWC, LLC,
an Iowa limited liability company
By: Diligent Development Group, LLC,
an Iowa limited liability company, its Manager

By: 
Tim Portzen, Manager

STATE OF IOWA, COUNTY OF POLK:

This record was acknowledged before me on May 2, 2024, by Tim Portzen, Manager of Diligent Development Group, LLC the Manager of Diligent GWC, LLC.

By: 
Notary Public

