

Page 1 of 6  
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Polk County Iowa  
JULIE M. HAGGERTY RECORDER  
File# 2008-00048174

BK 12484 PG 99-104

**Type of Document:** Third Amendment to Declaration of Submission of Property to Horizontal Property Regime

**Preparer Information:** (name, address and phone number)

Michael J. Green  
4500 Westown Parkway, Suite 277  
West Des Moines, IA 50266  
Phone: (515) 242-2431

578460

**Taxpayer Information:** (name and complete address)

High Land Co., L.C.  
c/o Robert J. Caluzzi  
P.O. Box 27061  
West Des Moines, IA 50265

RETURN TO:

**Return Document To:** (name and complete address)

Michael J. Green  
4500 Westown Parkway, Suite 277  
West Des Moines, IA 50266

**Grantors:**

High Land Co., L.C.

**Grantees:**

**Legal Description:** See Page 2

**Document or instrument number of previously recorded documents:** Book 12280, Page 763, Book 12294, Page 723 and Book 12484, Page 94.

**THIRD AMENDMENT  
TO  
DECLARATION OF SUBMISSION OF PROPERTY  
TO HORIZONTAL PROPERTY REGIME  
INGERSOLL SQUARE CONDOMINIUMS**

High Land Co., L.C., an Iowa limited liability company, hereinafter referred to as "Developer", hereby executes this Second Amendment to Declaration of Submission of Property to a Horizontal Property Regime known as Ingersoll Square Condominiums.

**RECITALS AND SUBMISSION:**

A. This Amendment is filed to amend one certain Declaration of Submission of Property to Horizontal Property Regime Ingersoll Square Condominiums, dated July 10, 2007 and filed of record July 11, 2007 at Book 12280, Page 763, one certain First Amendment to Declaration of Submission of Property to Horizontal Property Regime, dated July 19, 2007 and filed of record July 20, 2007 at Book 12294, Page 723 and one certain Second Amendment to Declaration of Submission of Property to Horizontal Property Regime, dated the \_\_\_\_ day of \_\_\_\_\_, 2007 and filed of record \_\_\_\_\_ at Book 12484, Page 94, affecting the following described real property:

All of Lots 1 through 8 and the East 51 feet of Lot 9 in Block B in West and Burton's Addition, an Official Plat; and all of Lots 1 through 9 in Harding Road Place, an Official Plat, now included in and forming a part of Des Moines, Polk County, Iowa, being subject to established easements of record; and the 16.0 foot wide vacated East/West Alley Right-of-Way lying South of and adjoining Lots 1 through 8, and lying South of and adjoining the East 51.0 feet of Lot 9, in Block B, West and Burton's Addition, an Official Plat; and which lies North of and adjoining Lots 1 through 9, Harding Road Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, except the portion of Lots 8 and 9 of Block B, West and Burton's Addition, and the portions of Lots 1 through 9 of Harding Road Place that were condemned by the City of Des Moines, Iowa, in those condemnation proceedings filed for record in the Office of the Polk County Recorder on June 21, 2002, at Book 9194, commencing at Page 1, together with all easements and servient estates appurtenant thereto.

B. Other than the amendments specifically referenced herein, all other provisions of the original Declaration remain unchanged.

NOW, THEREFORE, the Developer, in accordance with the provision of Article XI(1)(c) of the above-referenced Declaration hereby amends the same as follows:

1. At Recital A, delete from the first paragraph of the legal description therein the following:

“AND all of Lots One (1) through Nine (9) in in Harding Road Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa subject”.

2. That the intent and effect of this Amendment is to remove the above-described property from the Horizontal Property Regime Submission and to exclude said property in all regards from said Submission, as set forth on Parcel “B” of the Plat of Survey attached hereto as **Exhibit “A”**.

3. In all other regards the Declaration as originally filed and amended of record remains unchanged.

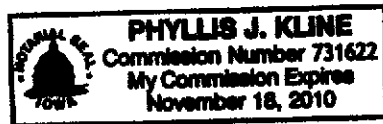
**HIGH LAND CO., L.C.**

By: *Robert J. Caluzzi*  
Robert J. Caluzzi, Manager

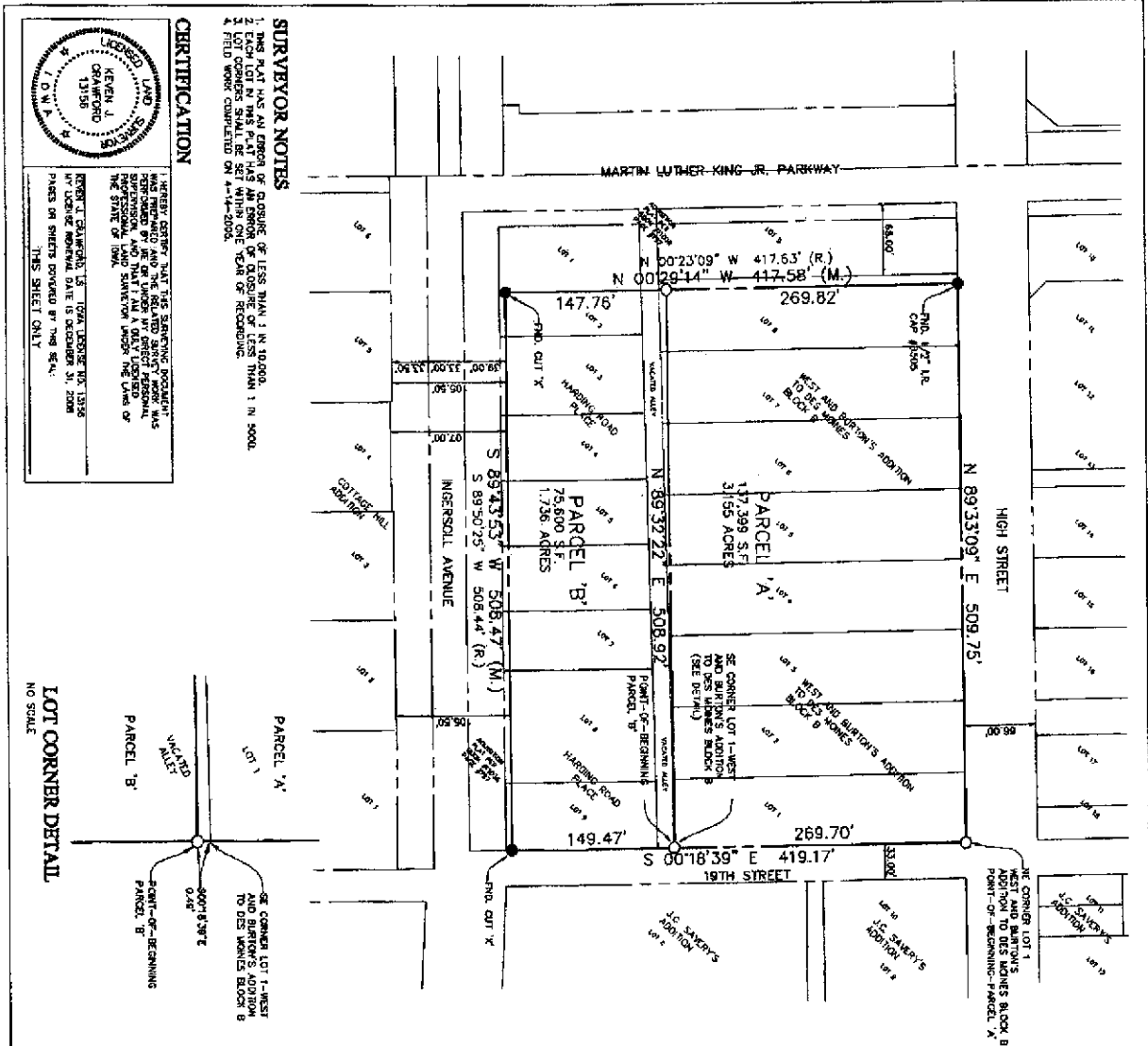
STATE OF IOWA )  
                          ) SS:  
COUNTY OF POLK )

On this 17th day of December, 2007, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Robert J. Caluzzi to me personally known, who being by me duly sworn, did say that he is the Manager of High Land Co., L.C., a limited liability company, executing the within and foregoing instrument; that no seal has been procured by the said limited liability company; that said instrument was signed on behalf of the limited liability company by authority of its members; and that Robert J. Caluzzi, as Manager, acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the limited liability company, by it and by him voluntarily executed.

*Phyllis J. Kline*  
Notary Public in and for the State of Iowa



**EXHIBIT**  
A



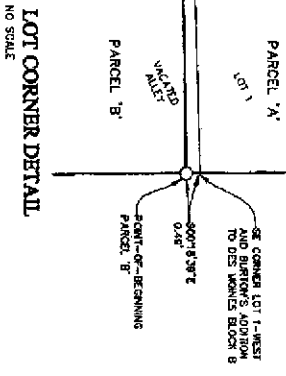
**CERTIFICATION**

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

REPORT DATE: 05/13/2014  
 REPORT TOTAL: 1074.0000  
 REPORT DATE: 12/31/2014  
 REPORT TOTAL: 1074.0000  
 THIS SHEET ONLY

**SURVEYOR NOTES**

- THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 IN 10,000.
- EACH LOT IN THIS PLAT HAS BEEN MEASURED AND RECORDED SEPARATELY.
- FIELD WORK COMPLETED ON 4-14-2014.



**PLAT OF SURVEY**  
**SHEET 1 OF 2**  
**OWNER/DEVELOPER**

1861 GRAND AVENUE  
 WEST DES MOINES, IOWA 50305  
 (515) 244-8237

**ZONING**  
 RESIDENTIAL NEIGHBORHOOD PEDESTRIAN COMMERCIAL  
 R-P-C-2

**LEGAL DESCRIPTION - PARCEL 'A'**  
 A PART OF LOTS 213, 214, 215, 216 AND 217 OF WEST AND BURTON'S ADDITION, AN OFFICIAL PLAT, AND A PART OF THE VACATED ALLEY Lying BETWEEN SAID WEST AND BURTON'S ADDITION AND HANCOCK ROAD PLACE, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT THE NORTHEAST CORNER OF SAID LOT 1, WEST AND BURTON'S ADDITION, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF 7.9TH STREET AS ITS PRESENTLY ESTABLISHED AND ON THE SOUTH RIGHT-OF-WAY LINE OF HANCOCK ROAD PLACE AS ITS PRESENTLY ESTABLISHED, THENCE 149.47 FEET ALONG THE EAST LINE OF SAID LOT 1, AND THE SAID WEST RIGHT-OF-WAY LINE, THENCE N89°32'22\"/>

**LEGAL DESCRIPTION - PARCEL 'B'**  
 A PART OF LOTS 213, 214, 215, 216 AND 217 OF WEST AND BURTON'S ADDITION, AN OFFICIAL PLAT, AND A PART OF THE VACATED ALLEY Lying BETWEEN SAID WEST AND BURTON'S ADDITION AND HANCOCK ROAD PLACE, CITY OF WEST DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT THE SOUTHWEST CORNER OF SAID LOT 1, WEST AND BURTON'S ADDITION, BEING SOUTH 89°30'25\"/>

**LEGEND**

- ▲ PLAT BOUNDARY
- ▲ SECTION CORNER
- POINT CORNER AS NOTED
- SET CORNER 5/0\"/>

**COOPER CRAWFORD & ASSOCIATES, L.L.C.**  
 CIVIL ENGINEERS

2167 GRAND AVENUE, WEST DES MOINES, IOWA 50305  
 PHONE: (515) 224-1244 FAX: (515) 224-1245

**JOB NUMBER: CC 0872**

SCALE: 1\"/>



Legal Description

Parcel 'B'

A part of Lots 2,3,4,5,6,7,8 and 9, of Harding Road Place, an official plat, and a part of Lots 1,2,3,4,5,6,7 and 8 of Block B, West and Burton's Addition, an official plat, and including a part of the vacated alley lying between said West and Burton's Addition and said Harding Road Place, City of Des Moines, Polk County, Iowa more particularly described as follows:

Commencing at the Southeast corner of said Lot 1, West and Burton's Addition; thence S00°18'39"E, 0.49 feet along the West right-of-way line of 19<sup>th</sup> Street as it is presently established to the Point of Beginning; thence continuing S00°18'39"E, 149.47 feet along said West right-of-way line to the North right-of-way line of Ingersoll Avenue as it is presently established; Thence S89°43'53"W, 508.47 feet along the said north right-of-way line to the East right-of-way line of Martin Luther King Junior Parkway as it is presently established; thence N00°29'14"W, 147.76 feet along said East right-of-way line; thence N89°32'22"E, 508.92 feet to the Point of Beginning.

Said tract of land contains 1.736 acres more or less.

Said tract of land subject to and together with any and all easements of record.

Parcel 'A'

A part of Lots 1-8, of West and Burton's Addition, an official plat, and a part of the vacated alley lying between said West and Burton's Addition and Harding Road Place, an official plat, City of West Des Moines, Polk County, Iowa more particularly described as follows:

Beginning at the Northeast corner of said Lot 1, West and Burton's Addition, said point also being on the West Right-of-Way line of 19<sup>th</sup> Street as it is presently established and on the South Right-of-Way line of High Street as it is presently established; thence S00°18'39"E, 269.70 feet along East line of said Lot 1 and the said West Right-of-Way line; thence N89°32'22"E, 508.92 feet to the East Right-of-Way of Martin Luther King Jr. Parkway, as it is presently established; thence N00°29'14"W, 269.82 feet along said East Right-of-Way line to the said High Street South Right-of-Way line, said point also being on the north line of said Lot 8; thence N89°33'09"E, 509.75 feet along said South Right-of-Way line to the point of beginning.

Said tract of land contains 3.155 acres more or less.

Said tract of land subject to and together with any and all easements of record.