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Fee Amt: \$42.00 Page 1 of 8
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2015-00176991
BK 15898 PG 866-873

**RELEASE, TERMINATION AND VACATION OF INGERSOLL SQUARE
CONDOMINIUMS DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS**

Preparer Information:

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225 - 2nd St. SE, Ste 310
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Tax Payer Information:

Ingersoll Square, L.L.C.
5607 - 4th Street Court SW
Cedar Rapids, Iowa 52404

RETURN TO:

Return Document to:

Joe H. Harris
225 - 2nd St. SE, Ste 310
Cedar Rapids, Iowa 52401
(319) 363-3512

Grantor:

High Land Co., L.C., et al.

Grantee:

N/A

Legal Description:

See Page 2

Document of Instrument number of previously recorded documents:
Book 12282 at Page 366

**RELEASE, TERMINATION AND VACATION
OF INGERSOLL SQUARE CONDOMINIUMS
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS**

This Release, Termination and Vacation of Ingersoll Square Condominiums Declaration of Covenants, Conditions and Restrictions is made on the 16th day of February, 2016, by High Land, Co., L.C., an Iowa Limited Liability Company (hereinafter referred to as “Declarant”), Ingersoll Square, L.L.C., Ingersoll Square Partners, LLC (f/k/a Ingersoll Square II Investments, L.L.C.), and Ingersoll Square Phase III Associates, L.P. (hereinafter collectively referred to as the “Owners”) and Ingersoll Square Condominium Association, Inc. (the “Association”):

WHEREAS, High Land Co., L.C. filed the Ingersoll Square Condominium Declaration of Covenants, Conditions and Restrictions on July 12, 2007, in Book 12282 at Page 366 in the office of the Polk County Iowa Recorder; amended by an Amendment to Ingersoll Square Condominiums Declaration of Covenants, Conditions and Restrictions filed for record on July 20, 2007 in Book 12294 at Page 721 of the Polk County Iowa Recorder; further amended by a Second Amendment to Ingersoll Square Condominiums Declaration of Covenants, Conditions and Restrictions filed for record on November 9, 2012 in Book 14524 at Page 873 in the office of the Polk County Recorder; and further amended by a Corrected Second Amendment to Ingersoll Square Condominiums Declaration of Covenants, Conditions and Restrictions filed for record on November 28, 2012 in Book 14549 at Page 549 in the office of the Polk County Iowa Recorder; and,

WHEREAS, the Ingersoll Square Condominiums Declaration of Covenants, Conditions and Restrictions, as amended, (hereafter the “Declaration”) created and imposed certain easements, restrictions, covenants and conditions upon that property which was subject to that certain Declaration of Submission of Property to Horizontal Regime Ingersoll Square Condominiums filed for record on July 11, 2007, with the Polk County Recorder in Book 12280 at Page 763, as subsequently amended; and,

WHEREAS, said Declaration of Submission of Property to Horizontal Property Regime Ingersoll Square Condominiums has been withdrawn by a Corrected Withdrawal of Real Estate from Declaration of Submission of Property to Horizontal Property Regime for Ingersoll Square Condominiums filed for record on November 28, 2012 in Book 14549 at Page 541 of the office of the Polk County Iowa Recorder and by a Withdrawal of Real Estate from Declaration of Submission of Property to Horizontal Property Regime for Ingersoll Square Condominiums that was filed for record on February 12, 2016 with the Polk County Recorder in Book 15895 at Page 789; and,

WHEREAS, said Withdrawals having withdrawn all of the real estate and land, buildings, units and common spaces constructed thereon, and appurtenances thereto from the above-described Horizontal Property Regime and from the Horizontal Property Act, Iowa Code §499B; and,

WHEREAS, there remains no real estate subject to said Declaration of Submission of Property to Horizontal Property Regime For Ingersoll Square Condominiums; and,

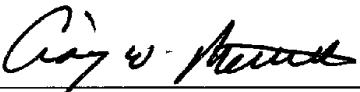
WHEREAS, the above-referenced Corrected Second Amendment to Ingersoll Square Condominiums Declaration of Covenants, Conditions and Restrictions filed for record on November 28, 2012 in Book 14549 at Page 549 in the office of the Polk County Iowa Recorder; removed the property described in Exhibit A from the covenants, restrictions, easements, conditions, uses, limitations and obligations of the Declaration, including any membership in, contribution to or control of the Association; and,

WHEREAS, it is the intention of the Parties to remove all of the remaining property that was subject to the Horizontal Property Regime For Ingersoll Square Condominiums from the covenants, restrictions, easements, conditions, uses limitations and obligations of the Declaration, including any membership in, contribution to or control of the Association;

NOW, THEREFORE, the undersigned Declarant, all Owners of record and the Association, do hereby release, terminate and vacate the Ingersoll Square Condominiums Declaration of Covenants, Conditions and Restrictions, thereby removing all of the real estate described in Exhibit B, and the buildings, units and common spaces constructed thereon, and appurtenances thereto that were subject to the Horizontal Property Regime For Ingersoll Square Condominiums from the provisions of the Ingersoll Square Condominium Declaration of Covenants, Conditions and Restrictions filed for record in the office of the Polk County Recorder on July 12, 2007, in Book 12282 at Page 366 and the covenants, restrictions, easements, conditions, uses, limitations and obligations of said Declaration, including any membership in, contribution to or control of the Association; and,

IN WITNESS WHEREOF, we, as the Declarant, all Owners of record and the Association have hereunto set our hands this 16th day of February, 2016.

HIGH LAND CO., L.C.
(Declarant)

By: 
Craig W. Mettill, Manager and Sole Member

INGERSOLL SQUARE, L.L.C.
(Owner)

By: 
Craig W. Mettill, Manager and Sole Member

INGERSOLL SQUARE CONDOMINIUM ASSOCIATION, INC.

By: *Craig W. Mettelle*
Craig W. Mettelle, President

INGERSOLL SQUARE PARTNERS, LLC f/k/a
INGERSOLL SQUARE II INVESTMENTS, L.L.C.
(Owner)

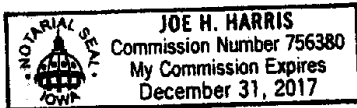
By: *Craig W. Mettelle*
Craig W. Mettelle, Manager

INGERSOLL SQUARE PHASE III ASSOCIATES, L.P.

By: *Frank N. Levy*
Frank N. Levy, General Partner

STATE OF IOWA)
)ss:
COUNTY OF LINN)

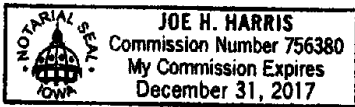
On this 16th day of February, 2016, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Craig W. Mettelle, to me personally known who being by me duly sworn, did say that he is the Manager and Sole Member of High Land Co., L.C., an Iowa limited liability company, executing the within and foregoing instrument; that the instrument was signed on behalf of said limited liability company by authority of its Members; and said Craig W. Mettelle, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the limited liability company, by and by him voluntarily executed.

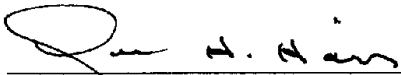


Joe H. Harris
Notary Public in and for said State

STATE OF IOWA)
)ss:
COUNTY OF LINN)

On this 16th day of February, 2016, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Craig W. Mettille, to me personally known who being by me duly sworn, did say that he is the Manager and Sole Member of Ingersoll Square, L.L.C., an Iowa limited liability company, executing the within and foregoing instrument; that the instrument was signed on behalf of said limited liability company by authority of its Members; and said Craig W. Mettille, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the limited liability company, by and by him voluntarily executed.

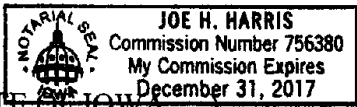


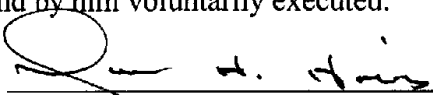


Notary Public in and for said State

STATE OF IOWA)
)ss.
COUNTY OF LINN)

On this 16th day of February, 2016, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Craig W. Mettille, to me personally known who being by me duly sworn, did say that he is the President and Sole Director of Ingersoll Square Condominium Association, Inc. an Iowa nonprofit corporation, executing the within and foregoing instrument; that the instrument was signed on behalf of said by the unanimous authority of its directors and said Craig W. Mettille, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the company, by and by him voluntarily executed.

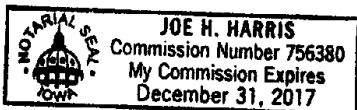


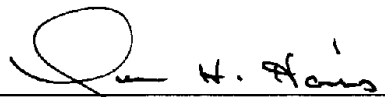


Notary Public in and for said State

STATE OF IOWA)
)ss:
COUNTY OF LINN)

On this 16th day of February, 2016, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Craig W. Mettille, to me personally known who being by me duly sworn, did say that he is the Manager of Ingersoll Square Partners, LLC f/k/a Ingersoll Square II Investments, L.L.C., an Iowa limited liability company, executing the within and foregoing instrument; that the instrument was signed on behalf of said limited liability company by authority of its Members; and said Craig W. Mettille, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the limited liability company, by and by him voluntarily executed.





Notary Public in and for said State

STATE OF IOWA)
)ss:
COUNTY OF POLK)

On this 17th day of February, 2016, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Frank N. Levy, to me personally known who being by me duly sworn, did say that he is the General Partner of Ingersoll Square III Associates, L.P. an Iowa limited partnership, executing the within and foregoing instrument; that the instrument was signed on behalf of said limited partnership by authority of the General Partner, and said Frank N. Levy, as such General Partner, acknowledged the execution of the instrument to be the voluntary act and deed of the limited partnership, by and by him voluntarily executed.

Angela Powers

Notary Public in and for said State



EXHIBIT A

A TRACT OF LAND BEING A PART OF PARCEL 'A' OF THE PLAT OF SURVEY OF A PART OF LOTS 1 - 8 OF WEST AND BURTON'S ADDITION, RECORDED AT BOOK 12613 PAGE 296 IN THE OFFICE OF THE POLK COUNTY RECORDER. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 'A'; THENCE N89°33'09"E, 242.15 FEET ALONG THE NORTH LINE OF SAID PARCEL 'A' AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF HIGH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE S00°26'31"E, 76.44 FEET; THENCE S89°33'29"W, 9.00 FEET; THENCE S00°26'31"E, 145.88 FEET TO A NON-TANGENT 100.38 FEET RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY, 31.50 FEET ALONG SAID CURVE, SAID CURVE HAVING A CHORD LENGTH OF 31.37 FEET AND A CHORD BEARING OF N81°40'35"W; THENCE S89°32'24"W, 201.97 FEET TO THE WEST LINE OF SAID PARCEL 'A' AND TO THE EAST RIGHT-OF-WAY LINE OF MARTIN LUTHER KING JR. PARKWAY AS IT IS PRESENTLY ESTABLISHED; THENCE N00°29'14"W, 217.58 FEET ALONG SAID WEST LINE AND EAST RIGHT-OF-WAY LINE, TO THE NORTHWEST CORNER OF SAID PARCEL 'A' AND TO THE POINT OF BEGINNING.

SAID TRACT OF LAND SUBJECT TO ALL EASEMENTS OF RECORD.
SAID TRACT OF LAND CONTAINS 1.181 ACRES MORE OR LESS.

AND

AN IRREGULAR SHAPED PART OF PARCEL 'A' IN A PORTION OF WEST AND BURTON'S ADDITION TO DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 12613 AT PAGE 296 IN THE OFFICE OF THE POLK COUNTY RECORDER DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 'B' IN A PORTION OF HARDING ROAD PLACE AND IN A PORTION OF WEST AND BURTON'S ADDITION TO DES MOINES, OFFICIAL PLATS NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 12613 AT PAGE 296 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE N00°29'14"W (PREVIOUSLY RECORDED BEARING) ALONG THE WESTERLY LINE OF SAID PARCEL 'B', A DISTANCE OF 147.76 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 'A' AND TO THE POINT OF BEGINNING; THENCE CONTINUING N00°29'14"W ALONG THE WESTERLY LINE OF SAID PARCEL 'A', A DISTANCE OF 52.24 FEET; THENCE N89°32'24"E, A DISTANCE OF 201.97 FEET; THENCE EASTERLY ALONG A 100.38 FEET RADIUS CURVE CONCAVE SOUTHERLY, A DISTANCE OF 54.98 FEET, SAID CURVE HAVING A CHORD BEARING OF S74°46'09"E AND A CHORD LENGTH OF 54.29 FEET; THENCE S00°29'14"E, A DISTANCE OF 37.55 FEET TO THE SOUTH LINE OF SAID PARCEL 'A'; THENCE S89°32'24"W ALONG THE SOUTH LINE OF SAID PARCEL 'A', A DISTANCE OF 254.23 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.
SAID TRACT OF LAND CONTAINS 0.30 ACRES.

EXHIBIT B

Parcel "A" of Lots 1-8, Block "B" 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, now included in and forming a part of the City of Des Moines, Polk County, Iowa, as shown in in Plat of Survey recorded in Book 12613 Page 296 in the Office of the Recorder of Polk County, Iowa:

EXCEPTING THEREFROM THE FOLLOWING TRACTS OF LAND:

A TRACT OF LAND BEING A PART OF PARCEL 'A' OF THE PLAT OF SURVEY OF A PART OF LOTS 1 - 8 OF WEST AND BURTON'S ADDITION, RECORDED AT BOOK 12613 PAGE 296 IN THE OFFICE OF THE POLK COUNTY RECORDER. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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