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COMPARED

INST # **17831**
RECORDING FEE 20.00
AUDITOR FEE -
RMA FEE 1.00 ECOM 1.00

FILED FOR RECORD
POTTAWATTAMIE CO. IA.

05 MAR 30 AM 8:14

JOHN SCIORTINO MAR 30 2005
RECORDER

Preparer Information Deborah L. Petersen of Reilly, Petersen, Hannan & Dreismeier, 215 S. Main St., P.O. Box 1016, Council Bluffs, IA 51502, (712) 328-1575
Individual's Name Street Address City, State Zip Code Phone
Deborah L. Petersen ISBA # 8314

SPACE ABOVE THIS LINE FOR RECORDER

**AMENDMENT TO FINAL PLAT OF
HIGHCLERE PHASE II**

The undersigned hereby submits the following Amendments to the Final Plat of Highclere Phase II, a Replatting of all of Lot 4, Highclere Subdivision, a subdivision located in the North ½ of the SW¼, Section 6; and also together with part of the North ½ of the SW¼ of Section 6; all located in Township 74 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, filed for record in the office of the Recorder for Pottawattamie County, Iowa, on March 11, 2005, in Book 105 at Page 16651 ;

**AMENDED AND SUBSTITUTED
DEDICATION AND CERTIFICATION
OF
HIGHCLERE PHASE II**

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS; that I, Robert I. Hancock, IV, The Woodbury Company II, L.L.C., a Nebraska Limited Liability Company, being the sole owner and proprietor of the land described in the surveyor's certificate embraced within this Plat, has caused said property to be subdivided into lots as shown, said Addition to be hereafter known as Highclere Phase II, consisting of Lots 15 and 16, Lots 1A thru 14A, Lots 1B thru 14B, and Outlots "A", "B", and "C" inclusive. I do hereby ratify and approve of the disposition of my property as shown on this Plat.

The Woodbury Company II, L.L.C., does hereby dedicate to the City of Council Bluffs, Iowa, for public use, Highclere Drive and Highclere Circle.

The Woodbury Company II, L.L.C., hereby dedicates to the City of Council Bluffs, Iowa, the parcel of land for a sanitary sewer, as shown on Sheet 2, does hereby dedicate to the City of Council Bluffs, Iowa, the following permanent storm sewer and drainage way easements for the installation and maintenance of storm sewer conduits and appurtenance thereto and any drainage systems deemed necessary by the City of Council Bluffs, Iowa.

Easements A, B, C, and D as shown on Sheet 3 on Plat.

Said Easements are subject to the following terms and conditions.

1. Erection of Structures Prohibited: Woodbury Company II, L.L.C., or it's successors or assigns shall not erect any structure over or within the easement area without obtaining the prior written consent of the City Engineer.
2. Change of Grade Prohibited: Woodbury Company II, L.L.C., or it's successors or assigns shall not change the grade elevation or contour of any part of the easement area without obtaining the prior written consent of the City Engineer.
3. Right of Access: City shall have the right of access to the easement area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the easement area as herein described.
4. Removal and Replacement: The cost of removal and replacement of any unauthorized improvement or structures within the easement area, necessitated by the exercise of the rights under this Dedication, shall be borne by the Woodbury Company II, L.L.C., or their successors or assigns.
5. Surface Restoration: City's liability to restore the surface within the easement area

shall be limited only to grading and seeding.

6. Duty to Repair: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the easement area which may be damaged as a result of any entry made through an exercise of the City's right of access, shall be repaired at no expense to the Woodbury Company II, L.L.C., or it's successors or assigns.

7. Easement Runs With Land: This easement shall be deemed to run with the land and shall be binding on Woodbury Company II, L.L.C., or it's successors and assigns.

The Woodbury Company II, L.L.C. does hereby set aside Outlots "A", "B", and "C" for green space and drainage and is to be owned and maintained by Highclere Townhomes Association, Inc., or it's successors or assigns.

CERTIFICATION:

I hereby certify that the following documents were recorded with the Pottawattamie County Recorder contemporaneously with the filing of the Final Plat on March 11, 2005.

A. All private Restrictions and/or Covenants, if any, which will be a part of the subject development.

B. Notarized certification of owner that the Subdivision as it appears hereon is with the free consent and in accordance with the desire of the owner.

C. A notarized statement from the Mortgage Holder or Lienholder, if any, that the Plat is prepared with their free consent and in accordance with their desire.

D. A notarized partial release from the Mortgage Holder or Lienholder for all areas conveyed to the governing body or dedicated to the public.

E. Certified Resolution of each governing body approving the Subdivision or waiving the right to review. I hereby certify that I will meet all Equal Opportunity and Fair Marketing Objectives consistent with Federal, State and Local Guidelines.

THE WOODBURY COMPANY II, L.L.C.

By Robert Hancock IV
ROBERT I. HANCOCK, IV

STATE OF IOWA)
) ss:
COUNTY OF POTTAWATTAMIE)

On this 29 day of March, 2005, before me, a Notary Public in and for said county and state, personally appeared ROBERT I. HANCOCK, IV, to me personally known, who being by me duly sworn did say that he is the Managing Member of said limited liability company, that no seal has been procured by the said limited liability company and that said instrument was signed on behalf of the said limited liability company by authority of its members and the said Robert I. Hancock, IV acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.

Angela M. Eitmann
Notary Public in the State of Iowa.

