

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS FOR INDI RUN**

Preparer Information:

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N/A

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Grantor:

Indi Run, L.L.C.

Grantee:

N/A

Legal Description:

Lots One (1) through Thirty-nine (39), and Outlot Z, in Indi Run Plat 1, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa AND Lots One (1) through Thirty-eight (38), and Outlots V, W, Y and Z, in Indi Run Plat 2, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa.

Document or instrument number of previously recorded documents:

Book 2018, Page 16166

**AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR INDI RUN**

THIS AMENDMENT TO DECLARATION is made this ____ day of _____, 2018.

WHEREAS, a Declaration of Covenants, Conditions, Easements and Restrictions for Indi Run was executed on June 25, 2018, by Indi Run, L.L.C., an Iowa limited liability company (“Declarant”) and filed of record in Dallas County, Iowa, on August 24, 2018, in Book 2018, Page 16166 (“Declaration”).

WHEREAS, the undersigned Declarant, pursuant to rights granted under Article XIII(F) and XIV(B) of the Declaration as filed, has elected to amend the Declaration as filed in accordance with the terms hereafter.

NOW, THEREFORE, the undersigned Declarant does hereby modify the Declaration as follows:

1. Article I(E) of the Declaration shall be deleted in its entirety and replaced with the following:

“Lot” shall mean and refer to Lots 1 through 39, inclusive, as shown on the recorded plat of Indi Run Plat 1 AND Lots 1 through 38, inclusive, as shown on the recorded plat of Indi Run Plat 2.

2. Article I(F) of the Declaration shall be deleted in its entirety and replaced with the following:

“Outlot” shall mean and refer to Outlot Z as shown on the recorded plat of Indi Run Plat 1 AND Outlots V, W, Y or Z as shown on the recorded plat of Indi Run Plat 2.

3. Article III(E) shall be deleted in its entirety and replaced with the following:

All dwellings located on (i) Lots 1 through 17 in Indi Run Plat 1 and (ii) Lots 1 through 38 in Indi Run Plat 2, must be constructed with the minimum of a three-car attached garage. Dwellings located on Lots 18 through 39 in Indi Run Plat 1, inclusive, must be constructed with the minimum of a two-car attached garage.

4. Article III(F) shall be deleted in its entirety and replaced with the following:

The exterior of any dwelling, garage or outbuilding located on any Lot shall be finished in an earth tone conservative color design that will blend well with the abutting subdivisions. All areas of exposed concrete, concrete block or tile foundations shall be either painted to blend with the exterior wall finishes, or covered with brick or stone veneer or the equivalent. A minimum of twenty percent (20%) of the front elevation of the dwelling on Lots 1 through 39 in Indi Run Plat 1 shall be covered with a brick or stone veneer. A minimum of thirty percent (30%) of the front elevation of the dwelling on Lots 1 through 38 in Indi Run Plat 2 shall be covered with a brick or stone veneer.

5. Article III(G) shall be deleted in its entirety and replaced with the following:

The siding requirements for any dwelling, garage or outbuilding are as follows:

- (1) For Lots 1 through 17 in Indi Run Plat 1, all siding must be a 50-year hard board (commonly referred to as “Hardie Plank”, “James Hardie Siding” or “LP Smartside”) or vinyl, unless otherwise approved in writing by Declarant.

- (2) For Lots 18 through 39 in Indi Run Plat 1, all siding must be a 50-year hard board (commonly referred to as “Hardie Plank”, “James Hardie Siding” or “LP Smartside”), unless otherwise approved in writing by Declarant. Vinyl siding is not permitted.
- (3) For Lots 1 through 38 in Indi Run Plat 2, all siding must be a 50-year hard board (commonly referred to as “Hardie Plank”, “James Hardie Siding” or “LP Smartside”), unless otherwise approved in writing by Declarant. Vinyl siding is not permitted.

6. Article III(I) shall be deleted in its entirety and replaced with the following:

All dwellings shall contain a minimum square footage of living space exclusive of attached garages, breezeways, and porches as follows:

- (1) All one-story dwellings must have the minimum square footage as follows:
 - a. Lots 1 through 17 in Indi Run Plat 1 must have a minimum of 1,375 square feet of finished floor area directly under the roof.
 - b. Lots 18 through 39 in Indi Run Plat 1 must have a minimum of 1,300 square feet of finished floor area directly under the roof.
 - c. Lots 1 through 5 in Indi Run Plat 2 must have a minimum of 1,450 square feet of finished floor area directly under the roof.
 - d. Lots 6 through 38 in Indi Run Plat 2 must have a minimum of 1,600 square feet of finished floor area directly under the roof.
- (2) All two-story dwellings must have the minimum square footage as follows:
 - a. Lots 1 through 17 in Indi Run Plat 1 must have a finished floor area of at least 1,650 square feet.
 - b. Lots 18 through 39 in Indi Run Plat 1 must have a finished floor area of at least 1,300 square feet.
 - c. Lots 1 through 5 in Indi Run Plat 2 must have a finished floor area of at least 1,800 square feet.
 - d. Lots 6 through 38 in Indi Run Plat 2 must have a finished floor area of at least 2,100 square feet.

7. Article III(J) shall be deleted in its entirety and replaced with the following:

Playhouses, utility buildings, storage sheds or other similar structures located on Lots 1 through 17 in Indi Run Plat 1 and Lots 1 through 38 in Indi Run Plat 2 shall be permitted; provided that the exterior and the roof of any such structure shall be constructed of the same material, have the same color and appearance as the residential dwelling on the same Lot and are located only in rear yards. No such structure shall be located closer than twenty feet (20') from any Lot line, unless the Declarant has specifically approved the structure and location. Playhouses, utility buildings, storage sheds or other similar structures are strictly prohibited on Lots 18 through 39 in Indi Run Plat 1.

8. Article III(K) shall be deleted in its entirety and replaced with the following:

A dog run shall be permitted on Lots 1 through 17 in Indi Run Plat 1 and Lots 1 through 38 in Indi Run Plat 2, provided: (i) it is located at the rear of the house or garage and extends toward the rear of the Lot from that portion of the house or garage which is the closest to the rear Lot line; (ii) it is entirely enclosed with a fence in compliance with Article IV of this Declaration; and (iii) and is screened from public view with landscape plantings or hedges. Any dog house constructed on the foregoing lots shall not exceed twenty (20) square feet in area, shall be constructed of the same material and have the same color and appearance as the residential dwelling, and shall be located in the rear yard of a Lot no closer than twenty (20) feet from any Lot line. Dog runs are strictly prohibited on Lots 18 through 39 in Indi Run Plat 1.

9. Article IV(C) shall be deleted in its entirety and replaced with the following:

Fences on Lots 1 through 17 in Indi Run Plat 1 and Lots 1 through 38 in Indi Run Plat 2 shall be permitted, provided:

- (1) No fence shall exceed six (6) feet in height and shall be constructed of wood, white pvc, or black vinyl coated chain link. The fence fabric or fence screening material shall be mounted on the exterior face of the fence posts or fence framing.
- (2) No fence shall be constructed forward of the dwelling's back building line, and shall not be constructed within a drainage easement area without the prior written consent of the City.
- (3) Pool fences shall be landscaped and screened with shrubs and bushes.
- (4) Wood fences must be regularly maintained and sealed/stained to prevent unsightly wood rot, decay or discoloration.
- (5) Fences are strictly prohibited on Lots 18 through 39 in Indi Run Plat 1.

10. Article VI(C) shall be deleted in its entirety and replaced with the following:

Only below-ground swimming pools shall be permitted on Lots 1 through 17 in Indi Run Plat 1 and Lots 1 through 38 in Indi Run Plat 2, which shall be located in the rear yard and shall be enclosed by a fence (if required by the City and approved by the Executive Committee) or hedges. No above-ground swimming pools are allowed. Pools are strictly prohibited on Lots 18 through 39 in Indi Run Plat 1.

11. Article VI(F) shall be deleted in its entirety and replaced with the following:

Trampolines are not permitted on any Lot, except those made permanent in nature and adequately screened with landscaping and only on Lots 1 through 17 in Indi Run Plat 1 and Lots 1 through 38 in Indi Run Plat 2. Any trampoline permitted hereunder must be located within the building setbacks and located in the rear yard only.

12. Article X(A) shall be deleted in its entirety and replaced with the following:

Duties of the Association. The Association, through its Board of Directors, shall have the right, power and authority to provide for the enforcement of this Declaration; to perform all maintenance,

repair, reconstruction, restoration, and replacement of the improvements made by the Declarant within the easement areas pursuant to Article VII or any other common area owned or controlled by the Association, including the Outlots; to perform all maintenance, repair, reconstruction, restoration, and replacement of any storm water detention areas owned or controlled by the Association; to perform all maintenance, repair, reconstruction, restoration and replacement of any fencing in common areas owned or controlled by the Association; to levy, collect, and have jurisdiction, control and possession of assessments as hereinafter provided; and, to enter into contracts, including contracts for insurance, as may be necessary or desirable to carry out the provisions of this Declaration

In all other respects, the Declaration shall remain unaffected and be enforceable as filed.

Dated on this day and year first written above.

INDI RUN, L.L.C., an Iowa limited liability company,
Declarant

By: _____
Eric J. Grubb, Manager

STATE OF IOWA)
) ss
COUNTY OF _____)

This record was acknowledged before me on this _____ day of _____, 2018, by Eric J. Grubb, Manager of Indi Run, L.L.C.

Notary Public in and for the State of Iowa