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Combined Fee: \$45.00
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

DECLARATION OF PRIVATE EASEMENTS

Preparer Information:

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Return Document To:

Bryan M. Loya
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222 N.W. Sunrise Drive
Waukee, Iowa 50263

Declarant:

Buck Haven Estates, LLC

Legal Description:

See Exhibit 'A' & 'B'.

Previously Recorded Instruments:

Book 2021 Page 3300

**AMENDED AND RESTATED
DECLARATION OF PRIVATE EASEMENTS**

This Amended and Restated Declaration of Private Easements (this "Amendment") is made as of the 18th day of August, 2021, by Buck Haven Estates, LLC, an Iowa limited liability company ("Declarant").

RECITALS

A. Declarant is the owner of real property in Madison County, Iowa, legally described as follows:

Lots 1 through 9, inclusive, and Outlot Z, in Buck Haven Estates Plat 1, an Official Plat, Madison County, Iowa.

B. To comply with County requirements in connection with the subdivision of Buck Haven Estates Plat 1, the Declarant executed a Declaration of Private Easements recorded as part of the subdivision plat on August 9, 2021 in Book 2021 Page 3300 ("Declaration").

C. Additional easements are now necessary for the development of Buck Haven Estates Plat 1, and the Declarant therefore desires to amend and restate the Declaration as herein provided.

DECLARATION

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby declares as follows:

1. Definitions. All capitalized terms used in this Declaration shall, unless otherwise defined elsewhere in this Declaration, have the following meanings:

"County" means the Madison County, Iowa.

"Lot" means Lot 1 through 9 existing after the filing of record of the final plat of Buck Haven Estates Plat 1.

"Outlot" means Outlot "Z" existing after the filing of record of the final plat of Buck Haven Estates Plat 1.

"Owner" means the record titleholder of the Property, or any portion thereof.

2. Grant of Access Easement. Declarant hereby establishes a perpetual, non-exclusive easement on, over and across the property set forth in Exhibit "A" attached hereto, for the purpose of constructing, reconstructing, repairing, replacing, enlarging and maintaining private ingress,

egress and access to and from public rights-of-way, together with the necessary appurtenances thereto.

3. Grant of Utility Easement. Declarant hereby establishes a perpetual, non-exclusive easement on, over and across the property set forth in Exhibit "B" attached hereto, for the purpose of installing, maintaining, operating, repairing and replacing utilities, together with the necessary appurtenances thereto.

4. Grant of Access and Utility Easement. Declarant hereby establishes a perpetual, non-exclusive easement on, over and across the property set forth in Exhibit "C" attached hereto, for the purpose of installing, constructing, maintaining, operating, repairing, replacing, and enlarging (1) utilities, together with the necessary appurtenances thereto, and (2) private ingress, egress and access to and from the public rights-of-way, together with the necessary appurtenances thereto.

5. Maintenance. The owner or occupant of the Lot or Outlot shall keep and preserve that portion of any easement area within his/her/its property in good repair and condition at all times, and shall remove all dead trees, shrubs, brush and trash which might obstruct or impede the flow of surface water.

6. Erection of Structures Prohibited. No structures shall be constructed on or in any easement area which would prevent the full access or use of said easement area consistent herewith.

7. No Merger. It is expressly understood and agreed that the easements, rights and privileges granted and conveyed herein shall never be extinguished by reason of the fact that the legal or beneficial title to the entirety of the Property (or any interest therein or part thereof), as the case may be, is or may be vested in the same person or entity.

8. Binding Effect; No Public Grant. This Declaration shall run with the land, and shall inure to the benefit of, and be binding upon, the parties hereto and their successors and assigns. The easement rights and dedications created hereby are not for the benefit of the public generally and nothing herein shall be construed as a dedication to the public.

9. Amendment. Any change or amendment to this Declaration shall be effective only if it is in writing and signed by all of the owners of record of the Property and the County. Declarant shall have the sole right to amend this Declaration for any reason so long as it owns a Lot in Buck Haven Estates Plat 1.

10. Waiver. Any failure, forbearance, delay or omission to exercise any rights under this Declaration in the event of a breach of any term of this Declaration shall not be deemed to be a waiver by any party of such term or any subsequent breach of the same or any other term, or of any rights of any party under the terms of this Declaration.

11. Severability. If any provision of this Declaration, or the application of it to any circumstance, is found to be invalid, the remainder of the provisions of this Declaration, or the

Consent by Lienholder

The undersigned, being a lienholder to the property to be encumbered by the foregoing easement and covenant pursuant to that certain Mortgage filed February 17, 2021 in Book 2021, Page 650, in the land records of the Madison County, Iowa, Recorder, does hereby consent to the conveyance of the foregoing easement.

PINNACLE BANK

By: Damon Morrison
Its: President

STATE OF IOWA)
) SS:
COUNTY OF Marshall)

This record was acknowledged before me on this 19 day of August, 2021, by Damon Morrison, the President of Pinnacle Bank.

Lindsay Halverson
Notary Public in and for Said State

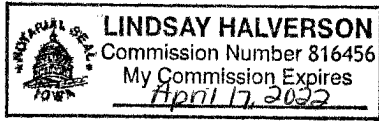


EXHIBIT "A"

An irregular shaped easement over and across Lots 1 through 9 inclusive in Buck Haven, an Official Plat, Madison County, Iowa, is described as follows: Commencing at the northwest corner of said Lot 1; thence N68°24'59"E along the northerly line of said Lot 1, a distance of 67.91 feet to the point of beginning; thence continuing N68°24'59"E along the northerly line of said Lot 1, a distance of 66.17 feet; thence southeasterly along a 333.00 foot radius curve concave westerly, a distance of 64.62 feet, said curve having a chord bearing of S19°42'02"E and a chord length of 64.52 feet; thence S14°08'29"E, a distance of 8.57 feet; thence southeasterly along a 270.23 foot radius curve concave northeasterly, a distance of 115.90 feet, said curve having a chord bearing of S26°25'43"E and a chord length of 115.02 feet; thence S38°42'57"E, a distance of 764.41 feet; thence southeasterly along a 267.00 foot radius curve concave northeasterly, a distance of 96.43 feet, said curve having a chord bearing of S49°03'47"E and a chord length of 95.91 feet; thence S59°24'36"E, a distance of 711.19 feet; thence N38°05'48"E, a distance of 20.17 feet; thence S59°24'36"E, a distance of 115.71 feet; thence S30°35'24"W, a distance of 106.00 feet; thence N59°24'36"W, a distance of 122.33 feet; thence N23°10'22"E, a distance of 20.17 feet; thence N59°24'36"W, a distance of 718.09 feet; thence northwesterly along a 333.00 foot radius curve concave northeasterly, a distance of 77.19 feet, said curve having a chord bearing of N52°46'08"W and a chord length of 77.02 feet; thence N38°33'39"W along the westerly line of Lots 5, 4, 3, 2, and 1, a distance of 848.37 feet; thence northeasterly along a 333.00 foot radius curve concave easterly, a distance of 74.06 feet, said curve having a chord bearing of N20°30'46"W and a chord length of 73.91 feet; thence N14°08'29"W, a distance of 25.82 feet; thence northwesterly along a 267.00 foot radius curve concave westerly, a distance of 56.06 feet to the point of beginning, said curve having a chord bearing of N20°09'21"W and a chord length of 55.95 feet.

AND

An irregular shaped easement over and across Lot 7 in Buck Haven, an Official Plat, Madison County, Iowa, is described as follows: Beginning at the most northerly corner of Outlot X in said Buck Haven; thence N00°51'00" E along the west line of said Lot 7, a distance of 237.49 feet; thence N38°33'39" W along the northwesterly line of said Lot 7, a distance of 127.70 feet; thence southeasterly along a 333.00 foot radius curve concave northeasterly, a distance of 77.19 feet, said curve having a chord bearing of S52°46'08"E and a chord length of 77.02 feet; thence S59°24'36"E, a distance of 56.49 feet; thence S00°48'05"W, a distance of 316.50 feet to the southwesterly line of said Lot 7 and the northeasterly line of said Outlot X; thence N28°22'57"W along the southwesterly line of said Lot 7, a distance of 61.94 feet to the Point of Beginning.

EXHIBIT "B"

An irregular shaped easement over and across Lots 1 through 9 inclusive in Buck Haven, an Official Plat, Madison County, Iowa, is described as follows: Commencing at the northwest corner of said Lot 1; thence N68°24'59"E along the northerly line of said Lot 1, a distance of 133.78 feet to the point of beginning; thence continuing N68°24'59"E along the northerly line of said Lot 1, a distance of 20.04 feet; thence southeasterly along a 353.00 foot radius curve concave westerly, a distance of 67.22 feet, said curve having a chord bearing of S19°35'47"E and a chord length of 67.12 feet; thence S14°08'29"E, a distance of 8.57 feet; thence southeasterly along a 250.23 foot radius curve concave northeasterly, a distance of 107.32 feet, said curve having a chord bearing of S26°25'43"E and a chord length of 106.50 feet; thence S38°42'57"E, a distance of 764.41 feet; thence southeasterly along a 247.00 foot radius curve concave northeasterly, a distance of 89.21 feet, said curve having a chord bearing of S49°03'47"E and a chord length of 88.73 feet; thence S59°24'36"E, a distance of 693.31 feet; thence N38°05'48"E, a distance of 20.17 feet; thence S59°24'36"E, a distance of 133.25 feet; thence S30°35'24"W, a distance of 20.00 feet; thence N59°24'36"W, a distance of 115.71 feet; thence S38°05'48"W, a distance of 20.17 feet; thence N59°24'36"W, a distance of 425.35 feet; thence S44°31'47"W, a distance of 68.00 feet; thence S59°24'36"E, a distance of 434.80 feet; thence S23°10'22"W, a distance of 20.17 feet; thence S59°24'36"E, a distance of 108.91 feet; thence S26°14'00"W, a distance of 10.03 feet; thence N59°24'36"W, a distance of 118.45 feet; thence N23°10'22"E, a distance of 20.17 feet; thence N59°24'36"W, a distance of 438.81 feet; thence N44°31'47"E, a distance of 78.31 feet; thence N59°24'36"W, a distance of 275.54 feet; thence northwesterly along a 267.00 foot radius curve concave northeasterly, a distance of 96.43 feet, said curve having a chord bearing of N49°03'47"W and a chord length of 95.91 feet; thence N38°42'57"W, a distance of 764.41 feet; thence northeasterly along a 270.23 foot radius curve concave easterly, a distance of 115.90 feet, said curve having a chord bearing of N26°25'43"W and a chord length of 115.02 feet; thence N14°08'29"W, a distance of 8.57 feet; thence northwesterly along a 333.00 foot radius curve concave westerly, a distance of 64.62 feet to the point of beginning, said curve having a chord bearing of N19°42'02"W and a chord length of 64.52 feet.

AND

An irregular shaped easement over and across Lots 1 through 9 inclusive in Buck Haven, an Official Plat, Madison County, Iowa, is described as follows: Commencing at the northwest corner of said Lot 1; thence N68°24'59"E along the northerly line of said Lot 1, a distance of 67.91 feet to the point of beginning; thence continuing N68°24'59"E along the northerly line of said Lot 1, a distance of 66.17 feet; thence southeasterly along a 333.00 foot radius curve concave westerly, a distance of 64.62 feet, said curve having a chord bearing of S19°42'02"E and a chord length of 64.52 feet; thence S14°08'29"E, a distance of 8.57 feet; thence southeasterly along a 270.23 foot radius curve concave northeasterly, a distance of 115.90 feet, said curve having a chord bearing of S26°25'43"E and a chord length of 115.02 feet; thence S38°42'57"E, a distance of 764.41 feet; thence southeasterly along a 267.00 foot radius curve concave northeasterly, a distance of 96.43 feet, said curve having a chord bearing of S49°03'47"E and a chord length of 95.91 feet; thence S59°24'36"E, a distance of 711.19 feet; thence N38°05'48"E, a distance of 20.17 feet; thence S59°24'36"E, a distance of 156.27 feet to the east line of said Lot 6; thence S00°12'24"E along the east line of said Lot 6 and said Lot 9, a distance of 123.40 feet; thence N59°24'36"W, a distance of 226.07 feet; thence N23°10'22"E, a distance of 20.17 feet; thence N59°24'36"W, a distance of 718.09 feet; thence northwesterly along a 333.00 foot radius curve concave northeasterly, a distance of 77.19 feet, said curve having a chord bearing of N52°46'08"W and a chord length of 77.02 feet; thence N38°33'39"W along the westerly line of Lots 5, 4, 3, 2, and 1, a distance of 848.37 feet; thence northeasterly along a 333.00 foot radius curve concave easterly, a distance of 74.06 feet, said curve having a chord bearing of N20°30'46"W and a chord length of 73.91 feet; thence N14°08'29"W, a distance of 25.82 feet; thence northwesterly along a 267.00 foot radius curve concave westerly, a distance of 56.06 feet to the point of beginning, said curve having a chord bearing of N20°09'21"W and a chord length of 55.95 feet.

EXHIBIT "C"

An irregular shaped easement over and across Lots 3 and 4 in Buck Haven, an Official Plat, Madison County, Iowa, is described as follows: Commencing at the northwest corner of said Lot 4; thence N63°05'55"E along the northerly line of said Lot 4, a distance of 68.58 feet to the point of beginning; thence N38°42'57"W, a distance of 61.30 feet to the southerly line of Lot 2 in said Buck Haven; thence N63°05'55"E along the southerly line of said Lot 2, a distance of 477.14 feet to the southeast corner of said Lot 2; thence S26°54'05"E, a distance of 85.00 feet; thence S63°05'55"W, a distance of 459.36 feet; thence N38°42'57"W, a distance of 25.54 feet to the point of beginning.