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BRANDY MACUMBER, COUNTY RECORDER  
MADISON COUNTY IOWA

Prepared by: Amy S. Beattie, 6701 Westown Parkway, Suite 100, West Des Moines, IA 50266. Telephone: (515) 274-1450.

*Return to: Black Birch Homes & Design LLC PO Box 287 Polk City IA 50226*

**VARIANCE TO  
THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF  
TIMBER RIDGE ESTATES, PHASE II, MADISON COUNTY, IOWA**

THIS Variance to the Declaration of Covenants, Conditions and Restrictions (“Declaration”) for Timber Ridge Estates, Phase II, an Official Plat, now included in and forming a part of Madison County, Iowa, is made this 17<sup>th</sup> day of August 2015.

WHEREAS, Timber Ridge Estates, Phase II, Madison County, Iowa, is legally described in Exhibit “A”, attached hereto and by this reference made a part hereof;

WHEREAS, the Declaration was recorded on April 28, 2005, in Book 2005, Page 1880 of the Office of the Recorder of Madison County, Iowa;

WHEREAS, the Declaration was subsequently amended by an instrument filed October 13, 2006, in Book 2006, Page 4226 of the Office of the Recorder of Madison County, Iowa;

WHEREAS, the Declarant, Timber Ridge Estates, as that term is defined in the Declaration (the “Declarant”), has not waived in writing and still has the powers granted to it by Article I, Section 4 of the Declaration;

WHEREAS, the undersigned Jerry Logsdon is the managing member of Declarant;

WHEREAS, a variance to the Declaration has been requested by the owner of Lot Twenty (20) of Phase II, Timber Ridge Estates, located in the Northeast Quarter (1/4) of Section Twenty-nine (29) in Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa (“Subject Real Estate”);

WHEREAS, the Subject Real Estate has a unique circumstance, which does not allow for sub-surface drainage of a sanitary sewer system. This has been confirmed by a reputable independent third party. Said third party has confirmed that the specific conditions of the Subject Real Estate no longer provide any possibility of utilizing a sub-surface drainage for the sanitary sewer system;

WHEREAS, the Declarant has been provided with the sanitary sewer system plans with a surface drainage for the Subject Real Estate. The Declarant has confirmed that such system is necessary based upon the unique circumstances of the Subject Real Estate, will not negatively impact the Common Areas or other Lots (as those terms are defined in the Declaration) and as such the Declarant consents to a variance to allow the Subject Real Estate to have a sanitary sewer system with surface drainage.

NOW, THEREFORE, the Declarant hereby adopts the variance described herein and to except the Subject Real Estate from compliance with the last sentence of Article IV, Section 10 of the Declaration which provides as follows:

“There shall be no surface drainage of any sanitary sewer system.”

Timber Ridge Estates

By: 

Jerry Logsdon, Manager

STATE OF IOWA, COUNTY OF POLK: ss

This record was acknowledged before me on October 6, 2023, by  
Jerry Logsdon as Manager Timber Ridge Estates HOA.

Susan Parrino  
Notary Public in and for the State of Iowa



FOR DEDICATION,  
RESOLUTION &  
CERTIFICATES SEE  
RECORD 2005-1880

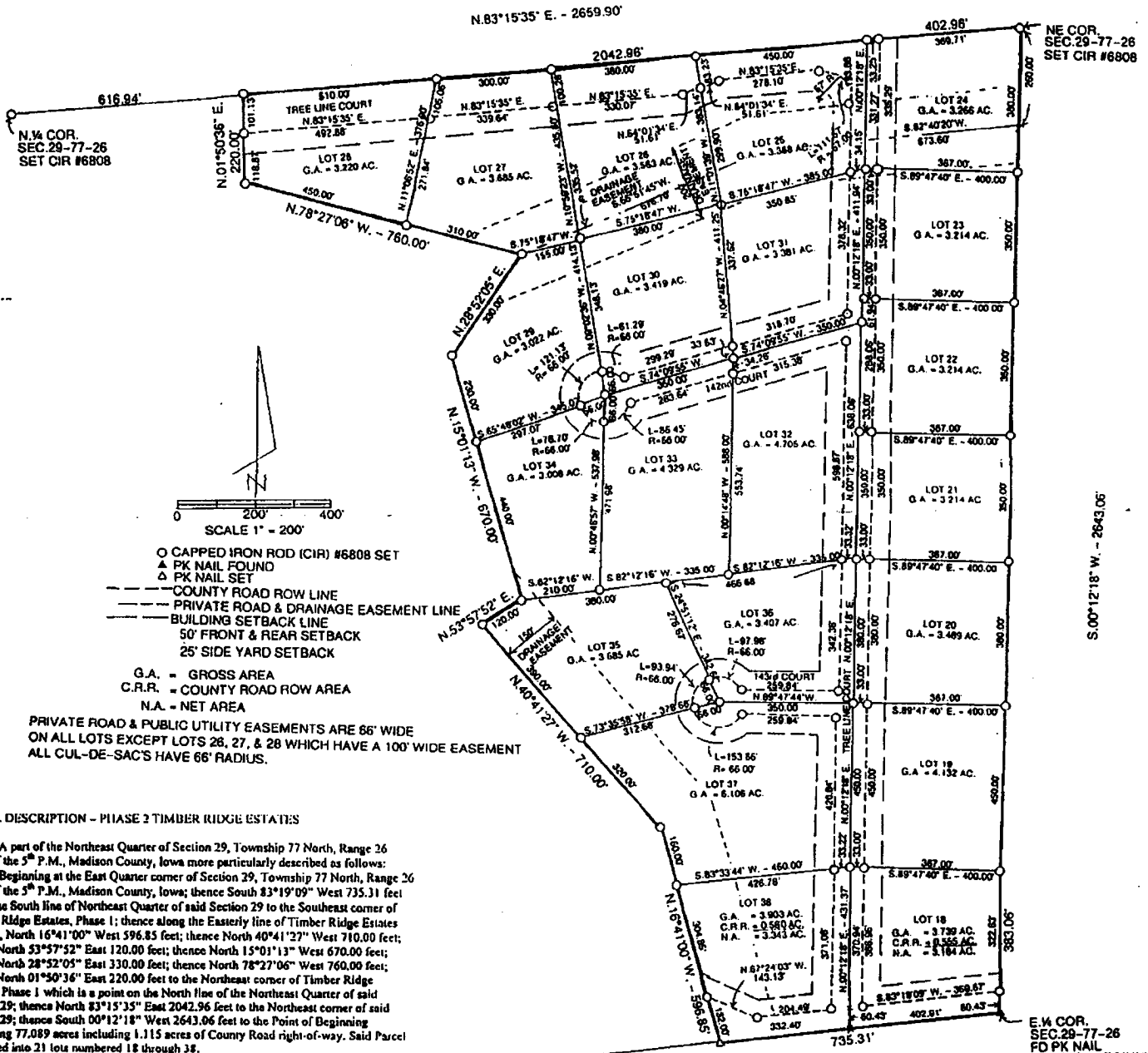
Book 2005 Page 1880 Type 06 044 Pages 41  
Date 4/28/2005 Time 11:41 AM  
Rec Amt \$207.00 Aud Amt \$5.00

MICHELLE "MICKI" UTSLER, COUNTY RECORDER  
MADISON IOWA

VANCE & HOCHSTETLER, P.C. CONSULTING ENGINEERS, WINTERSET, IOWA (515) 462-3995  
CHARLES T. VANCE, 110 WEST GREEN ST., WINTERSET, IOWA 50273  
JAMES M HOCHSTETLER, 110 WEST GREEN ST., WINTERSET, IOWA 50273

TIMBER RIDGE ESTATES

PHASE 2



PRIVATE ROAD & PUBLIC UTILITY EASEMENTS ARE 66' WIDE  
ON ALL LOTS EXCEPT LOTS 26, 27, & 28 WHICH HAVE A 100' WIDE EASEMENT  
ALL CUL-DE-SAC'S HAVE 66' RADIUS.

LEGAL DESCRIPTION - PHASE 2 TIMBER RIDGE ESTATES

A part of the Northeast Quarter of Section 29, Township 77 North, Range 26 West of the 5<sup>th</sup> P.M., Madison County, Iowa more particularly described as follows:  
Beginning at the East Quarter corner of Section 29, Township 77 North, Range 26 West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence South 83°19'09" West 735.31 feet along the South line of Northeast Quarter of said Section 29 to the Southeast corner of Timber Ridge Estates, Phase 1; thence along the Easterly line of Timber Ridge Estates Phase 1, North 16°41'00" West 596.85 feet; thence North 40°41'27" West 710.00 feet; thence North 53°57'52" East 120.00 feet; thence North 15°01'13" West 670.00 feet; thence North 28°52'05" East 330.00 feet; thence North 78°27'06" West 760.00 feet; thence North 01°50'36" East 220.00 feet to the Northeast corner of Timber Ridge Estates, Phase 1 which is a point on the North line of the Northeast Quarter of said Section 29; thence North 83°15'35" East 2042.96 feet to the Northeast corner of said Section 29; thence South 00°12'18" West 2643.06 feet to the Point of Beginning containing 77.089 acres including 1.115 acres of County Road right-of-way. Said Parcel is divided into 21 lots numbered 18 through 38.