

**SUPPLEMENTARY DECLARATION**  
**OF**  
**EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS**  
**OF**  
**BRIARWOOD**  
**A SUBDIVISION IN**  
**THE CITY OF COUNCIL BLUFFS**  
**POTTAWATTAMIE COUNTY, IOWA**

**THIS SUPPLEMENTARY DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS ("Supplement")** is made this 17<sup>th</sup> day of December, 2001, by DORCOR, INC., a Kansas corporation ("**Developer**").

**RECITALS:**

A. Developer is the assignee of BW Investments, L.C. under the Declaration (as defined below) with respect to the property attached hereto as **Exhibit A**, wherein Developer became the successor to BW Investments, L.C. with regard to that certain real property located in Briarwood, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa, according to the Plat thereof (the "**Second Plat**") recorded on December 18, 2001 in Book 102, Page 45387, in the office of the Recorder of Deeds for Pottawattamie County, Iowa, as more particularly described in **Exhibit A**.

B. Pursuant to paragraph 13.2 of the Declaration, the Developer desires to amend the Declaration of Easements, Covenants, Conditions, and Restrictions ("**Declaration**") dated August 23, 2000 and recorded on September 1, 2000 in Book 101, Page 10096, in the office of the Recorder of Deeds for Pottawattamie County, Iowa.

**NOW, THEREFORE**, in consideration of these mutual Agreements and other consideration, it is hereby agreed as follows:

1. That Developer assumes and agrees to perform any and all obligations pertaining to the rights, powers and easements of the Declaration binding BW Investments, L.C. only with respect to the property attached hereto as **Exhibit A**, and BW Investments, L.C. is hereby released and relieved from all liability only with respect to such obligations pertaining the property attached hereto as **Exhibit A** that accrue from and after the date of the recording of this Supplement.

BK102PG45405

CERTIFICATE AND RECEIPT

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STATE OF IOWA,

} ss.

Pottawattamie County,

The undersigned, Clerk of the City of Council Bluffs, Iowa,

hereby certifies that: Resolution 01-289 and Attachment "A" is a true and correct

copy

as the same appears of record in this office.

Witness my hand and seal of Council Bluffs, Iowa, this

18<sup>th</sup> day of December A.D. 2001

Olga Ramirez  
City Clerk of the City of Council Bluffs, Iowa



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BK102PG45406

RESOLUTION NO. 01-289

A RESOLUTION granting final plat approval for Briarwood Subdivision Phase 2, located on the west side of State Orchard Road, north of Greenview Road.

WHEREAS, DORCOR, Inc. has requested final plat approval for Phase 2 of Briarwood Subdivision, as shown on Attachment "A"; and

WHEREAS, the preliminary plan for Briarwood Subdivision was approved on August 23, 1999, by City Council Resolution No. 99-234. The final plat for Phase 1, which created 100 lots, was approved by Resolution No. 00-198 on August 14, 2000. On July 10, 2001, the Planning Commission extended the deadline for submitting an application for final plat approval for Phase 2 until August 23, 2002.

WHEREAS, the proposed subdivision is consistent with the 1994 Comprehensive Plan and the purpose and intent of the Subdivision and Zoning Ordinances;

WHEREAS, the appropriate city departments and utilities have reviewed the final plat with no adverse comments; and

WHEREAS, the Community Development Department recommends approval of the final plat for a subdivision to be known as Briarwood Phase 2, as shown on Attachment "A", subject to the following conditions:

1. Prior to executing the final plat, all required public improvements shall be installed at developer's expense and accepted by the City, or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to finish all required public improvements not yet completed and/or certified and accepted by the Public Works Department.
2. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat document. The two sections of Garwin Circle shall have "East" or "West" added as appropriate.
3. All fire hydrants shall be active and accessible prior to any framing activity in the subdivision.
4. The developer shall provide the City with two sets of as-built construction drawings, testing results, and a two-year maintenance bond, upon acceptance of all required improvements.
5. Sidewalk shall be installed at no expense to the City, along the street frontage of each lot prior to issuance of a certificate of occupancy for each house. The applicant is not required to construct sidewalk along the State Orchard Road frontage.

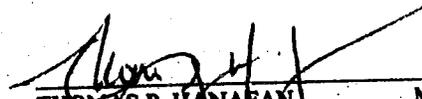
NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat of for a subdivision to be known as Briarwood Phase 2, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

**BE IT FURTHER RESOLVED**

That the Mayor and City Clerk are authorized and directed to endorse the final plat.

ADOPTED  
AND November 19, 2001  
APPROVED

  
\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:   
\_\_\_\_\_  
OLGA RAMIREZ City Clerk

Planning Case No. SUB-01-01-3