



PLANNING AND ZONING COMMISSION MEETING

Tuesday, January 06, 2026 at 8:30 AM

Council Chambers - 331 First Street East

AGENDA

MEETING OPENING

1. Roll Call
2. Approval of previous minutes - November 4th 2025

NEW BUSINESS

3. Election of Commission Chairperson
4. Election of Commission Secretary
5. Bluebird Ct: At the Pines Third Addition Final Plat Approval
6. Silberstein - Lot Combination approval

ADJOURNMENT

This agenda is subject to change.



www.independenceia.org

Commission Members

Item #2.

Jane Leaven
Stephanie Sailer
Stephanie Berns
Tami Fenner

Nathan Hansen
Bill Lake
Larry Karsten

PLANNING AND ZONING COMMISSION MINUTES

November 4, 2025

The Independence Planning & Zoning Commission met in the Council Chambers at 8:30 AM, on Tuesday, November 4, 2025.

Matthew Chesmore, Building Official, called the meeting to order with Stephanie Sailer, Tami Fenner, Jane Leaven, Stephanie Berns, Bill Lake, Larry Karsten and Nathan Hansen in attendance. Matthew Schmitz, Ron Ohl, Janice Ohl and Brian Crawford were also in attendance.

Meeting minutes from October 7, 2025, were approved. Tami Fenner made a motion to approve. Jane Leaven seconded. All Aye.

A motion to approve and set Public Hearing for consideration of the Rezoning request of Parcel 1009251014 from Ron and Janice Ohl to rezone property from A-1 to R-2 was made by Jane Leaven. Stephanie Berns seconded. Nathan Hansen objected to taking the motion. A roll-call vote was taken with the results of 6-1, (Nathan Hansen voting no).

Stephanie Berns made a motion to adjourn. Tami Fenner seconded. All Aye.

Respectfully submitted,

Stephanie Sailer

Planning and Zoning Commission Secretary



**Planning and Zoning
Commission
MEMORANDUM**

Item #3.

TO: Planning and Zoning Commission
FROM: Matt Chesmore – Building Official
DATE OF MEETING: January 6, 2026
SUBJECT: Election of Commission Secretary

BACKGROUND:

The election of the Commission Chair needs to occur each year. This is the first meeting for 2026.

RECOMMENDATION:

Staff recommends that the commission determine who the Secretary will be for the 2026 calendar year.



**Planning and Zoning
Commission
MEMORANDUM**

Item #4.

TO: Planning and Zoning Commission
FROM: Matt Chesmore – Building Official
DATE OF MEETING: January 6, 2026
SUBJECT: Election of Commission Secretary

BACKGROUND:

The election of the Commission Chair needs to occur each year. This is the first meeting for 2026.

RECOMMENDATION:

Staff recommends that the commission determine who the Secretary will be for the 2026 calendar year.



PLANNING AND ZONING MEMORANDUM

TO: Planning and Zoning Commission

FROM: Matt Chesmore, Building Official

DATE OF MEETING: January 6th, 2025

ITEM TITLE: Final Plat of Survey

BACKGROUND:

Steve Gee Construction inc. is seeking approval of the Final Plat of Survey for the Bluebird Court at the Pines Third Addition development and is dedicating public improvements to the City of Independence

DISCUSSION:

The attached plat has been reviewed by Fehr/Graham Engineering for compliance of Chapter 175 of the Code of Ordinances of the City of Independence Iowa and is closely consistent to the approved preliminary plat. Further testing of the public improvements, following SUDAS standards, were completed with no failures.

The City is entering into an agreement that will allow the City Council to approve the Final Plat and accept dedication following terms set forth in the "*Agreement for Delayed Installation of Public Improvements*" document. This document is currently being generated by legal staff and will go through full legal review prior to the City Council authorizing the City Manager to sign it. Once all public improvements are complete, Fehr/Graham will verify items and provide an engineer's certification that the remaining public improvements listed in the agreement document meet standards and are complete.

RESULTS:

The City has established priorities during strategic planning sessions. This item supports the Vision from that session of Developing and Reviving Independence. This item helps achieve that vision by allowing areas within the corporate border to be developed.

FINANCIAL CONSIDERATION:

There is no significant financial consideration for this matter other than the staff's time in preparing the resolution.

RECOMMENDATION:

Staff recommends the Planning and Zoning Commission recommend to the City Council to approve the Bluebird Court at the Pines Third Addition Final Plat of Survey and accept public improvements as submitted, contingent on items in the Agreement for Delayed Installation of Public Improvements agreement being completed.

FINAL PLAT: THE PINES THIRD ADDITION

INDEPENDENCE, IOWA

DESCRIPTION:

PART OF THE SE ¼ OF THE NW ¼ AND PART OF THE NE ¼ OF THE SW ¼ OF SECTION 9, TOWNSHIP 88 NORTH, RANGE 9 WEST OF THE 5TH P.M. IN THE CITY OF INDEPENDENCE, BUCHANAN COUNTY IOWA DESCRIBED AS: BEGINNING AT THE SE CORNER OF LOT 5, HUMMINGBIRD COURT AT THE PINES, SECOND ADDITION TO THE CITY OF INDEPENDENCE, BUCHANAN COUNTY, IOWA; THENCE ALONG THE EAST LINE OF SAID HUMMINGBIRD COURT AT THE PINES, SECOND ADDITION, N00°43'24"W, 45.49 FEET; THENCE CONTINUING ALONG SAID EAST LINE N00°25'10"W, 269.98 FEET TO THE SW CORNER OF LOT 6, GOLDFINCH COURT AT THE PINES, FIRST ADDITION; THENCE ALONG THE SOUTHERLY LINE OF SAID GOLDFINCH COURT AT THE PINES, FIRST ADDITION, N61°11'21"E, 736.70 FEET; THENCE N65°25'41"E, 88.35 FEET TO THE SW CORNER OF LOT 4, CARDINAL COURT AT THE PINES; THENCE ALONG THE SOUTHERLY BOUNDARY OF CARDINAL COURT AT THE PINES N81°16'41"E, 193.75 FEET; THENCE N89°50'03"E, 263.16 FEET TO THE WEST RIGHT-OF-WAY LINE OF 6TH AVENUE SOUTHWEST; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S00°09'57"E, 277.74 FEET TO THE NORTHEAST CORNER OF TRACT A OF THE PINES FIRST ADDITION; THENCE ALONG THE NORTH ERLY LINE OF SAID PINES FIRST ADDITION S89°50'08"W, 251.57 FEET; THENCE S61°22'57"W, 936.33 FEET TO THE NE CORNER OF LOT 1 OF THE PINES SECOND ADDITION; THENCE S75°25'08"W, 41.49 FEET; THENCE N89°59'47"W, 65.11 FEET TO THE POINT OF BEGINNING DESCRIBED LAND CONTAINS 9.12 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Subdivision Notes:

- Lot A is to be dedicated to the City of Independence as public street. Lot B is reserved for Stormwater Management.
- This development is outside of the flood hazard area based on FEMA Map #19019C0284E Dated June 16, 2015

OWNER/DEVELOPER:

Steve Gee Construction
2404 262nd Street
Independence, Iowa
Contact: Steve Gee
(319) 361-0419

PREPARED BY:

Crawford Engineering & Surveying Inc.
118 3rd Avenue NE
Independence, Iowa 50644
Contact: Brian M. Crawford
Ph: (319) 334-7077

NUMBER	ARC LEN.	RADIUS	CH. LEN.	CHORD DIRECTION
C1	74.73	180.00	74.19	N 77°56'32" E
C2	59.59	120.00	58.98	N 75°36'32" E
C3	67.68	130.00	66.92	S 76°17'50" W
C4	38.15	70.00	37.68	N 76°59'49" E
C5	14.66	180.00	14.66	N 63°42'56" E



0 50 100
Scale: 1" = 100'

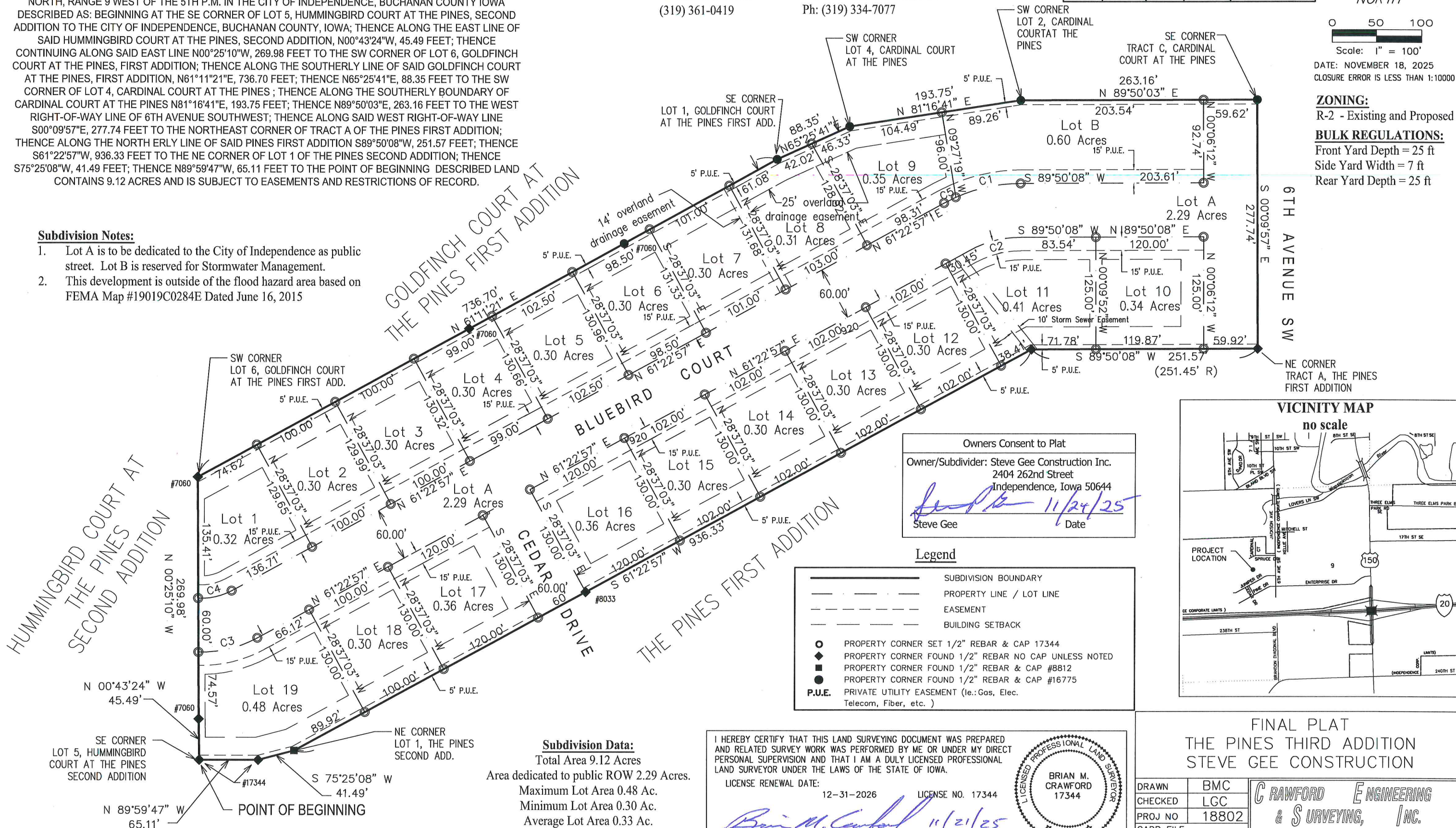
DATE: NOVEMBER 18, 2025
CLOSURE ERROR IS LESS THAN 1:10000

ZONING:

R-2 - Existing and Proposed

BULK REGULATIONS:

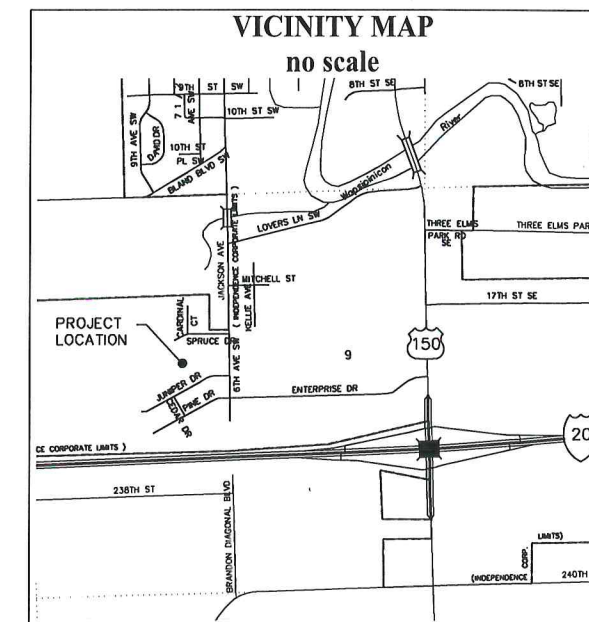
Front Yard Depth = 25 ft
Side Yard Width = 7 ft
Rear Yard Depth = 25 ft



Owners Consent to Plat
Owner/Subdivider: Steve Gee Construction Inc.
2404 262nd Street
Independence, Iowa 50644
Steve Gee 11/24/25
Steve Gee Date

Legend

—	SUBDIVISION BOUNDARY
---	PROPERTY LINE / LOT LINE
- - -	EASEMENT
---	BUILDING SETBACK
○	PROPERTY CORNER SET 1/2" REBAR & CAP 17344
◆	PROPERTY CORNER FOUND 1/2" REBAR NO CAP UNLESS NOTED
◆	PROPERTY CORNER FOUND 1/2" REBAR & CAP #8812
●	PROPERTY CORNER FOUND 1/2" REBAR & CAP #16775
P.U.E.	PRIVATE UTILITY EASEMENT (i.e.: Gas, Elec. Telecom, Fiber, etc.)



Approval of Subdivision Plat Name

Kris Wilgenbusch
Buchanan County Auditor
210 5th Ave. N.E.
Independence, Iowa 50644

The Buchanan County Auditor's Office has reviewed the Subdivision name of:

The Pines Third Addition

Pursuant to Iowa Code 354.6(2) and 354.11(5) the above Subdivision name or title is approved.

Signed: _____

Title: _____

Date: _____

(Seal)



OWNER'S STATEMENT OF CONSENT AND DEDICATION

STATE OF IOWA, COUNTY OF BUCHANAN, ss.

KNOW ALL MEN BY THESE PRESENTS: That Steve Gee Construction, Inc., an Iowa corporation, as proprietors and fee owners of the real estate described as follows:

See attached Exhibit A.

That the subdivision as it appears on the plat of said real estate, hereto attached, is entitled **The Pines Third Addition to the City of Independence, Iowa** and is with the free consent and in accordance with the desires of the owners and proprietors of the above described tract of land.

That there is a lien holder in regard to the property described above to obtain the consent thereof in regard to this platting procedure, to wit: **Northeast Security Bank.**

That the streets as shown on said plat are hereby dedicated to the public use forever. That the proprietors, Steve Gee Construction, Inc., an Iowa corporation, does dedicate all of the easements as shown on said plat to the uses set out and provided in Chapter 409A of the Iowa Code, and do hereby state that said easements as shown on the final plat filed herein, a copy of which is attached to this Dedication, are for the purposes of and shall be confined to the easements for public utilities to include gas, power, telephone, water, sewer and such drainage easements which are deemed necessary for the orderly development of the land encompassed within the plat.

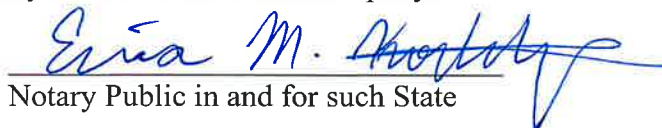
Dated: December 23, 2025.

STEVE GEE CONSTRUCTION, INC.



By: Steven P. Gee, its President

On this 23rd day of December, 2025, before me the undersigned, a Notary Public in and for the said County and State, personally appeared Steven P. Gee, to me personally known, who being by me duly sworn, did say that he is the President, respectively of said corporation, that no seal has been procured by the said company; that said instrument was signed on behalf of said company by authority of its Directors; and that the said Steven P. Gee as such officer, acknowledged the execution of said instrument to be his voluntary act and deed of said company.



Notary Public in and for such State



EXHIBIT A

Beginning at the Southeast corner of Lot 5, Hummingbird Court at the Pines Second Addition to Independence, Buchanan County, Iowa, thence along the East line of said Hummingbird Court at the Pines Second Addition, $N00^{\circ}43'24''$ West, 45.49 feet; thence continuing along said East line $N00^{\circ}25'10''$ West, 269.98 feet to the Southwest corner of Lot 6 Goldfinch Court at the Pines First Addition, thence along the Southerly line of said Goldfinch Court at the Pines First Addition, $N61^{\circ}11'21''$ East, 736.70 feet, thence $N65^{\circ}25'41''$ East, 88.35 feet to the Southwest corner of Lot 4, Cardinal Court at the Pines, thence along the Southerly boundary of Cardinal Court at the Pines $N81^{\circ}16'41''$ East, 193.75 feet, thence $N89^{\circ}50'03''$ East, 263.16 feet to the West right of way line of 6th Avenue Southwest, thence along said West right-of-way line $S00^{\circ}09'57''$ East, 277.74 feet to the Northeast corner of Tract A of the Pines First Addition, thence along the Northerly line of said Pines First Addition $S89^{\circ}50'08''$ West, 251.57 feet, thence $S61^{\circ}22'57''$ West, 936.33 feet to the Northeast corner of Lot 1 of the Pines Second Addition, thence $S75^{\circ}25'08''$ West, 41.49 feet, thence $N89^{\circ}59'47''$ West, 65.11 feet to the point of beginning.

LANGE & MCMAHON, PLC ATTORNEYS AT LAW

BENJAMIN M. LANGE*
 AUSTIN J. MCMAHON
 JULIAN B. WEST

222 1ST STREET EAST
 INDEPENDENCE, IOWA 50644
 TELEPHONE 319-334-4488

WRITER'S E-MAIL
BEN@LANGEMCMAHON.COM

December 23, 2025

Steve Gee Construction, Inc.
 2404 262nd Street
 Independence, IA 50644

RE: Title Opinion

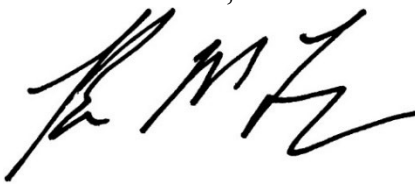
Dear Mr. Gee:

I have examined an abstract of title to the following described real estate, which is continued by Certified Title of Buchanan County to the 11th day of September 2025 at 8:00 A.M., to wit:

Beginning at the Southeast corner of Lot 5, Hummingbird Court at the Pines Second Addition to Independence, Buchanan County, Iowa, thence along the East line of said Hummingbird Court at the Pines Second Addition, N00°43'24" West, 45.49 feet; thence continuing along said East line N00°25'10" West, 269.98 feet to the Southwest corner of Lot 6 Goldfinch Court at the Pines First Addition, thence along the Southerly line of said Goldfinch Court at the Pines First Addition, N61°11'21" East, 736.70 feet, thence N65°25'41" East, 88.35 feet to the Southwest corner of Lot 4, Cardinal Court at the Pines, thence along the Southerly boundary of Cardinal Court at the Pines N81°16'41" East, 193.75 feet, thence N89°50'03" East, 263.16 feet to the West right-of-way line of 6th Avenue Southwest, thence along said West right-of-way line S00°09'57" East, 277.74 feet to the Northeast corner of Tract A of the Pines First Addition, thence along the Northerly line of said Pines First Addition S89°50'08" West, 251.57 feet, thence S61°22'57" West, 936.33 feet to the Northeast corner of Lot 1 of the Pines Second Addition, thence S75°25'08" West, 41.49 feet, thence N89°59'47" West, 65.11 feet to the point of beginning.

I find fee simple title to the above-described property described as The Pines Third Addition to the City of Independence, Buchanan County, Iowa to be in Steve Gee Construction, Inc. and that the land platted is free from encumbrance, except for a Deed of Trust to Security State Bank, dated April 25, 2016, filed April 26, 2016 as File No. 2016R01220 in the office of the Buchanan County Recorder.

Very truly yours,
 LANGE & MCMAHON, P.L.C.

By: 

Benjamin M. Lange

COUNTY TREASURER'S CERTIFICATE


STATE OF IOWA, COUNTY OF BUCHANAN, ss.

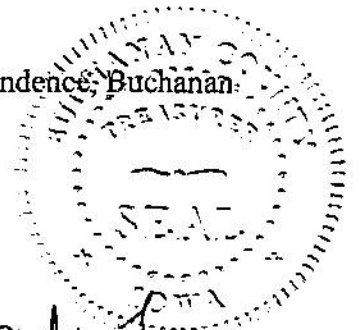
I, the undersigned, Gina Methel, hereby certify that I am the County Treasurer of Buchanan County, State of Iowa and I do further certify that the land is free from certified taxes and free from special assessments, and there are no unpaid taxes, or unredeemed tax sales and no unpaid special assessments against the following real property:

Beginning at the Southeast corner of Lot 5, Hummingbird Court at the Pines Second Addition to Independence, Buchanan County, Iowa, thence along the East line of said Hummingbird Court at the Pines Second Addition, N00°43'24" West, 45.49 feet; thence continuing along said East line N00°25'10" West, 269.98 feet to the Southwest corner of Lot 6 Goldfinch Court at the Pines First Addition, thence along the Southerly line of said Goldfinch Court at the Pines First Addition, N61°11'21" East, 736.70 feet, thence N65°25'41" East, 88.35 feet to the Southwest corner of Lot 4, Cardinal Court at the Pines, thence along the Southerly boundary of Cardinal Court at the Pines N81°16'41" East, 193.75 feet, thence N89°50'03" East, 263.16 feet to the West right-of-way line of 6th Avenue Southwest, thence along said West right-of-way line S00°09'57" East, 277.74 feet to the Northeast corner of Tract A of the Pines First Addition, thence along the Northerly line of said Pines First Addition S89°50'08" West, 251.57 feet, thence S61°22'57" West, 936.33 feet to the Northeast corner of Lot 1 of the Pines Second Addition, thence S75°25'08" West, 41.49 feet, thence N89°59'47" West, 65.11 feet to the point of beginning.

Said property is designated as **The Pines Third Addition** to the City of Independence, Buchanan County, Iowa.

Dated this 29th day of December, 2025.


 Gina Methel, County Treasurer
 Buchanan County, Iowa



CONSENT TO PLATTING

COMES NOW, Northeast Security Bank f/k/a Security State Bank, and states as follows:

1. That they are the mortgagees in a real estate mortgage covering the real estate described as Exhibit A attached hereto and by this reference made a part hereof and to be known as **The Pines Third Addition** to the City of Independence, Buchanan County, Iowa. That said real estate mortgage is dated April 25, 2016, filed April 26, 2016, as File No. 2016R01220, in the office of the Buchanan County, Iowa Recorder.

2. That Northeast Security Bank f/k/a hereby consents to the platting of this area into **The Pines Third Addition** to the City of Independence, Buchanan County, Iowa.

Dated: December 23, 2025.

NORTHEAST SECURITY BANK
F/K/A SECURITY STATE BANK


By: Stephanie A. Berns,
Its: Senior Vice President

STATE OF IOWA, COUNTY OF BUCHANAN, ss.

On this 23 day of December, 2025, before me the undersigned, a Notary Public in and for the said County and State, personally appeared Stephanie A. Berns, to me personally known, who being by me duly sworn, did say that she is the Senior Vice President, respectively of said corporation, that no seal has been procured by the said company; that said instrument was signed on behalf of said Northeast Security Bank f/k/a Security State Bank by authority of its Board of Directors; and that the said Senior Vice President as such officer, acknowledged the execution of said instrument to be his voluntary act and deed of said Northeast Security Bank f/k/a Security State Bank.





Signature of Notary Public

EXHIBIT A

Beginning at the Southeast corner of Lot 5, Hummingbird Court at the Pines Second Addition to Independence, Buchanan County, Iowa, thence along the East line of said Hummingbird Court at the Pines Second Addition, N00°43'24" West, 45.49 feet; thence continuing along said East line N00°25'10" West, 269.98 feet to the Southwest corner of Lot 6 Goldfinch Court at the Pines First Addition, thence along the Southerly line of said Goldfinch Court at the Pines First Addition, N61°11'21" East, 736.70 feet, thence N65°25'41" East, 88.35 feet to the Southwest corner of Lot 4, Cardinal Court at the Pines, thence along the Southerly boundary of Cardinal Court at the Pines N81°16'41" East, 193.75 feet, thence N89°50'03" East, 263.16 feet to the West right-of-way line of 6th Avenue Southwest, thence along said West right-of-way line S00°09'57" East, 277.74 feet to the Northeast corner of Tract A of the Pines First Addition, thence along the Northerly line of said Pines First Addition S89°50'08" West, 251.57 feet, thence S61°22'57" West, 936.33 feet to the Northeast corner of Lot 1 of the Pines Second Addition, thence S75°25'08" West, 41.49 feet, thence N89°59'47" West, 65.11 feet to the point of beginning.



PLANNING AND ZONING MEMORANDUM

TO: Planning and Zoning Commission

FROM: Matt Chesmore, Building Official

DATE OF MEETING: January 6, 2026

ITEM TITLE: Lot Combination

BACKGROUND:

Tammy Silberstein would like to construct a home on Lots 8 and 9 in the Pines First Addition – at approximately 803 Pine Dr. In reviewing what she would like to construct, we realized that the house would cross the property line between Lot 8 and Lot 9. While those two lots have been joined together according to the Amendment to Restrictive Covenants for The Pines First Addition in File No. 2010R02098, they have never been joined together according to the City's regulations. This agreement remedies this situation by allowing the Planning & Zoning Commission and the City Council to officially recognize the joining of these properties – without requiring the owner to submit a full plat of survey or something similar to perform this action.

DISCUSSION:

Ms. Silberstein has agreed to the terms set forth in the Agreement regarding lot Combination Exhibit A. The attached overview photo, exhibit B, shows the two parcels located in The Pines First Addition that are to be combined into one parcel.

RESULTS:

The City has established priorities during strategic planning sessions. This item supports the Vision from that session of Developing and Reviving Independence. This item helps achieve that vision by allowing areas within the corporate borders to be developed.

FINANCIAL CONSIDERATION:

There is no significant financial consideration for this matter other than the staff's time in preparing the resolution.

RECOMMENDATION:

Staff recommends the Planning and Zoning Commission makes a recommendation to the City Council to accept and approve the lot combination as submitted.

Exhibit B



Preparer Information: Brian C. Eddy, 2349 Jamestown Ave., Suite 4, Independence, IA 50644, Phone: (319) 334-3704

Return Document To: Brian C. Eddy, 2349 Jamestown Ave., Suite 4, Independence, IA 50644, Phone: (319) 334-3704

AGREEMENT REGARDING LOT COMBINATION

I, Tammy L. Silberstein, am the owner of the following described property located in Buchanan County, Iowa, legally described as:

Lots 8 and 9 in The Pines First Addition to Independence, Buchanan County, Iowa (the "Property").

***The Auditor is hereby requested to combine Parcel No. 1009304001 and 1009304002 into one tax parcel.**

The purchase of this Agreement is to set for my understanding and agreement to bind the Property made up of more than one platted lot, together as one, to agree to at no time to transfer one lot without the other, in recognition of the fact that to do so would be violative of the Independence, Iowa Code of Ordinances, and to further acknowledge my understanding and Agreement is irrevocable and shall run with the land, binding on my heirs, transferees, and successors in interest. The Property was combined pursuant to the Amendment of Restrictive Covenants for The Pines First Addition to the City of Independence, Iowa, in File No. 2010R02098, in the records of the Buchanan County, Iowa Recorded (the "Amendment"). While the Amendment attempted to combine the lots, the City does not recognize this as the City was not a party of the Amendment. Due to this fact, the Amendment effectively only restricted the ability of the owners of the Property to build a separate primary structure on each lot, and therefore this agreement is needed by the City to combine said lots together in order to build a single-family residence on the Property.

The City Council of the City of Independence approved this agreement by Resolution _____ on the _____ day of _____, 20_____, in lieu of requiring Tammy L. Silberstein to obtain a survey officially combining said lots to one parcel, as a mean of resolving side yard setback concerns where one house is proposed to be constructed on the Property, over the shared lot line of the lots described above.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: 12-19, 2025

Tammy Silberstein

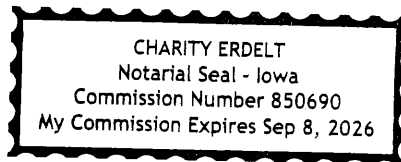
Tammy Silberstein


STATE OF IOWA, COUNTY OF BUCHANAN:

This instrument was acknowledged before me on December 19, 2025, by Tammy L. Silberstein, a single person.

Charity Erdelt

Notary Public



> 
Buchanan County Recorder
Diane Curry
Instrument #2010R02098
07/16/2010 @11:23 AM
ETC MISCELLANEOUS # Pages: 22
Total Fees: \$114.00

* Preparer: Brian C. Eddy, Eddy & Lange, P.C. 2349 Jamestown Ave. #4, Independence, IA 50644 (319) 334-3704
Return To: The Pines at Independence, Iowa, LLC, 2300 Swan Lake Blvd., Independence, IA 50644
Taxpayer: The Pines at Independence, Iowa, LLC

**AMENDMENT TO RESTRICTIVE COVENANTS
FOR
THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

WHEREAS, The Pines First Addition to the City of Independence ("The Pines") has restrictive covenants upon the property as described in the Owner's Statement and Deed of Dedication ("Owner's Statement");

WHEREAS, Paragraph 17 of the Owner's Statement provides that the owners of a majority of the lots within The Pines can change said covenants in whole or in part;

WHEREAS, the undersigned Randy Blin, as Executive Vice President of its Manager of The Pines, notified the record owners of The Pines of proposed amendments to the restrictive covenants and provided ballots on the two proposed amendments;

WHEREAS, a majority of the owners of the thirty-nine (39) lots within The Pines desire to amend the restrictive covenants as set forth herein, effective July 15, 2010, (See ballot results attached as Exhibit "A" and Exhibit "B");

NOW THEREFORE, in consideration of the following, a majority of the lot owners within The Pines agree as follows:

A. Paragraph 2 of the Owner's Statement is amended and restated in its entirety as follows:

- 2) No lot within the addition may be further split, divided, or subdivided, except that a lot may be sold to or with an adjoining lot. **Once combined a lot may not be split, divided or subdivided again. Each such combined lots will thereafter be treated as one parcel without setbacks on their combining sides. All non attached storage**

buildings must be confined to the rear two thirds of the lot. Each combined lot will be allowed one vote hereafter in those items coming before the Owners.

Effective July 15, 2010 the following Lots will be combined for the purposes of the Owner's Statement:

- a) Lot 1 shall be combined with Lot 2.
- b) Lot 3 shall be combined with the East 1/2 of Lot 4.
- c) Lot 5 shall be combined with the West 1/2 of Lot 4.
- d) Lot 6 shall be combined with Lot 7.
- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

B. Paragraph 9(A) of the Owner's Statement is amended and restated in its entirety as follows:

9 (A). Minimum floor areas for dwellings **on Lots 1 through 19 inclusive (those lots along Pine Drive)** shall be 1,500 square feet for a single story dwelling and a minimum of 1800 square feet of floor area for a dwelling more than one story. **For Lots 20 through 39 inclusive (those lots along Spruce Drive) the minimum floor areas for a single story dwelling shall be 1200 square feet and for a multi story dwelling a minimum of 1500 square feet of floor area.** This square footage requirement excludes the basement area. All floor areas refer to the levels provided as living accommodations, exclusive of garages, breezeways, attics or utility basements, defined as an area not used for living purposes but solely for furnace, laundry equipment, storage or related utility uses. All measurements shall be taken to the outside of the finished walls.

THE PINES AT INDEPENDENCE, IOWA, L.L.C.

The Pines at Independence, Iowa LLC
Randy Blin

By: Randy Blin, Executive Vice President of its Manager

STATE OF IOWA)
 BUCHANAN COUNTY)

On this 15th day of July, 2010, before me the undersigned, a Notary Public in and for the said County and State, personally appeared Randy Blin, to me personally known, who being by me duly sworn, did say that he is the Executive Vice President of its Manager of The Pines at Independence, Iowa, LLC, respectively of said limited liability company, that no seal has been procured by the said company; that said instrument was signed on behalf of said company by authority of its managers; and that the said Randy Blin as such officer, acknowledged the execution of said instrument to be his voluntary act and deed of said company.



[Signature]

Notary

Exhibit A

Ballot Item A Results
“Amending Paragraph 2 of the Owner’s Statement”

Voted Yes:	37
Voted No:	1
Ballot Not Returned:	1

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

The following language shall be adopted in its entirety and replace Paragraph 2 of the Owner's Statement and Deed Of Dedication (changes are denoted in RED):

- 2) No lot within the addition may be further split, divided, or subdivided, except that a lot may be sold to or with an adjoining lot. **Once combined a lot may not be split, divided or subdivided again. Each such combined lots will thereafter be treated as one parcel without setbacks on their combining sides. All non attached storage buildings must be confined to the rear two thirds of the lot. Each combined lot will be allowed one vote hereafter in those items coming before the Owners.**

Effective July 15, 2010 the following Lots will be combined:

- a) Lot 1 shall be combined with Lot 2.
- b) Lot 3 shall be combined with the East 1/2 (50') of Lot 4.
- c) Lot 5 shall be combined with the West 1/2 (50') of Lot 4.
- d) Lot 6 shall be combined with Lot 7.
- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

 X APPROVE

 DISAPPROVE

Signed: The Pines at Independence IA LLC
by Randy A. Blin

Date: 7-1-10

Print Name: The Pines at Independence, IA LLC
 By: Randy A. Blin EVP of its Mgr.

Address: P.O. Box 773
 Independence, Iowa 50644

Lot Numbers 2, 3, 4,
 5, 6, 7, 8, 9, 10, 11,
 12, 13, 16, 20, 21, 22,
 23, 24, 24, 26, 27, 28,
 29, 33, 34, 35, 36, 37,
 38 and 39

Total of 30 lots/votes

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

The following language shall be adopted in its entirety and replace Paragraph 2 of the Owner's Statement and Deed Of Dedication (changes are denoted in **RED**):

- 2) No lot within the addition may be further split, divided, or subdivided, except that a lot may be sold to or with an adjoining lot. **Once combined a lot may not be split, divided or subdivided again. Each such combined lots will thereafter be treated as one parcel without setbacks on their combining sides. All non attached storage buildings must be confined to the rear two thirds of the lot. Each combined lot will be allowed one vote hereafter in those items coming before the Owners.**

Effective July 15, 2010 the following Lots will be combined:

- a) Lot 1 shall be combined with Lot 2.
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- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

_____X_____ APPROVE

_____ DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Marilyn L. Hertzberg

Date: 7-1-2010

Print Name: MARILYN L. HERTZBERG

Lot Number 1

Owners: Robert or Marilyn Hertzberg
Address: 601 Pine Drive SW
Independence, IA 50644

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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- f) Lot 11 shall be combined with Lot 12.

X APPROVE

DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: E. Graeser

Date: 7/1/10

Print Name: E. GRAESER

Lot Number 15

Owner: Elizabeth Graeser
Address: 700 Pine Drive SW
Independence, IA 50644

BALLOT ITEM A**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

The following language shall be adopted in its entirety and replace Paragraph 2 of the Owner's Statement and Deed Of Dedication (changes are denoted in **RED**):

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- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

✓ APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: 

Date: 7/5/10

Print Name: Curtis R. Shurtz

Lot Number 17

Owners: Curtis R. & Pamela J. Shurtz
Address: 604 Pine Drive SW
Independence, IA 50644

BALLOT ITEM A**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

The following language shall be adopted in its entirety and replace Paragraph 2 of the Owner's Statement and Deed Of Dedication (changes are denoted in **RED**):

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- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

X APPROVE

_____ DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Kara L. Carr

Date: 7-9-10

Print Name: Kara L. Carr

Lot Number 18

Owner: Timothy A. & Kara L. Carr
Address: 602 Pine Drive SW
Independence, IA 50644

BALLOT ITEM A**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

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 APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed:

Date: 7/1/10

Print Name: Josh Schwartz

Lot Number 30

Owner: Joshua D & Melanie R Schwartz
Address: 804 Juniper Drive
Independence, IA 50644

BALLOT ITEM A**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

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- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

X APPROVE

DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Cheryl A. Schares
LeRoy D. Schares

Print Name: Cheryl A. Schares
LeRoy D. Schares

Date: 6-30-10

Lot Number 31

Owner: LeRoy D. & Cheryl A. Schares
Address: 802 Juniper Drive SW
Independence, IA 50644

BALLOT ITEM A**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

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- f) Lot 11 shall be combined with Lot 12.

 X APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Cheryl A. Schares
LeRoy D. Schares
Cheryl A. Schares
Print Name: LeRoy D. Schares

Date: 6-30-10

Lot Number 32
(800 Juniper Dr)

Owner: LeRoy D & Cheryl A Schares
Address: 802 Juniper Drive SW
Independence, IA 50644

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

The following language shall be adopted in its entirety and replace Paragraph 2 of the Owner's Statement and Deed Of Dedication (changes are denoted in RED):

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- f) Lot 11 shall be combined with Lot 12.

____ APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: 

Date: 7-1-10

Print Name: STEVEN L MAHURIN

Lot Number 19

Owner: Steven L & Kristy Ann Mahurin
Address: 600 Pine Drive SW
Independence, IA 50644

Exhibit B

Ballot Item B Results
“Amending Paragraph 9(A) of the Owner’s Statement”

Voted Yes:	34
Voted No:	4
Ballot Not Returned:	1

BALLOT ITEM B**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

The following language shall be adopted in its entirety and replace Paragraph 9(A) of the Owner's Statement and Deed Of Dedication (changes are denoted in RED):

9 (A). Minimum floor areas for dwellings on **Lots 1 through 19 inclusive (those lots along Pine Drive)** shall be 1,500 square feet for a single story dwelling and a minimum of 1800 square feet of floor area for a dwelling more than one story. **For Lots 20 through 39 inclusive (those lots along Juniper Drive) the minimum floor areas for a single story dwelling shall be 1200 square feet and for a multi story dwelling a minimum of 1500 square feet of floor area.** This square footage requirement excludes the basement area. All floor areas refer to the levels provided as living accommodations, exclusive of garages, breezeways, attics or utility basements, defined as an area not used for living purposes but solely for furnace, laundry equipment, storage or related utility uses. All measurements shall be taken to the outside of the finished walls.

 X APPROVE

 DISAPPROVE

Signed: The Pines at Independence IA LLC
by Randy A. Blin

Date: 7/1/10

Print Name: The Pines at Independence, IA LLC
 By: Randy A. Blin EVP of its Mgr.

Address: P.O. Box 773
 Independence, Iowa 50644

Lot Numbers 2, 3, 4,
 5, 6, 7, 8, 9, 10, 11,
 12, 13, 16, 20, 21, 22
 23, 24, 24, 26, 27, 28,
 29, 33, 34, 35, 36, 37,
 38 and 39

Total of 30 lots/votes

BALLOT ITEM B

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

The following language shall be adopted in its entirety and replace Paragraph 9(A) of the Owner's Statement and Deed Of Dedication (changes are denoted in RED):

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 X APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Cheryl A. Schares
LeRoy D. Schares

Date: 6-30-10

Print Name: Cheryl A. Schares
LeRoy D. Schares

Lot Number 32
(800 Juniper Dr)

Owner: LeRoy D & Cheryl A Schares
Address: 802 Juniper Drive SW
Independence, IA 50644

BALLOT ITEM B**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

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 X APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Cheryl A. Schares
LeRoy D. Schares

Date: 6-30-10

Print Name: Cheryl A. Schares
LeRoy D. Schares

Lot Number 31

Owner: LeRoy D & Cheryl A Schares
Address: 802 Juniper Drive SW
Independence, IA 50644

BALLOT ITEM B**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

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 X APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Josh Schwartz

Date: 7/1/10

Print Name: Josh Schwartz

Lot Number 30

Owner: Joshua D & Melanie R Schwartz
Address: 804 Juniper Drive SW
Independence, IA 50644

BALLOT ITEM B

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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 X APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Marilyn L. Hertzberg

Date: 7-1-2010

Print Name: MARILYN L. HERTZBERG

Lot Number 1

Owner: Robert or Marilyn Hertzberg
Address: 601 Pine Drive SW
Independence, IA 50644

BALLOT ITEM B

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

The following language shall be adopted in its entirety and replace Paragraph 9(A) of the Owner's Statement and Deed of Dedication (changes are denoted in **RED**):

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_____ APPROVE

 X DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: 

Print Name: ELIZABETH GRAESER

Date: 7/1/10

Lot Number 15

Owner: Elizabeth Graeser
Address: 700 Pine Drive SW
Independence, IA 50644

BALLOT ITEM B**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

The following language shall be adopted in its entirety and replace Paragraph 9(A) of the Owner's Statement and Deed of Dedication (changes are denoted in **RED**):

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____ APPROVE

✓ DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: _____

Date: _____

Print Name: _____

Lot Number 17

Owner: Curtis R & Pamela J Shurtz

Address: 604 Pine Drive SW

Independence, IA -50644

BALLOT ITEM B**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

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_____ APPROVE

 X DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Kara L. Carr

Date: 7-9-10

Print Name: Kara L. Carr

Lot Number 18

Owner: Timothy A & Kara L Carr
Address: 602 Pine Drive SW
Independence, IA 50644

BALLOT ITEM B**THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

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____ APPROVE

X DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed:



Date: 7-1-10

Print Name: STEVEN L. MAHURIN

Lot Number 19

Owner: Steven L & Kristy Ann Mahurin
Address: 600 Pine Drive SW
Independence, IA 50644