

**SECOND AMENDMENT TO DECLARATION OF EASEMENTS,
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR THE GRANDE BLUFFS AT MILL POINTE COMMUNITY**

This Second Amendment to Declaration of Easements, Covenants, Conditions, and Restrictions for the Grande Bluffs at Mill Pointe Community is made this 18 day of April, 2013, by Mill Pointe Land Company, LLC, a Kansas Limited Liability Company (hereinafter called the "Developer").

WITNESSETH:

WHEREAS, Developer filed its Declaration of Easements, Covenants, Conditions and Restrictions for the Grande Bluffs at Mill Pointe Community on December 27, 2010, in the Office of the Register of Deeds, Riley County, Kansas in Book 844, Page 2250 and

WHEREAS, Developer filed a First Amendment to the Declaration of Easements, Covenants, Conditions and Restrictions for the Grande Bluffs at Mill Pointe Community on May 20, 2011, in the Office of the Register of Deeds, Riley County, Kansas in Book 845, Page 6567 and

WHEREAS, said Declaration covers Lots 1-15 inclusive of Grande Bluffs at Mill Pointe Unit One (1) to the City of Manhattan, Riley County, Kansas; and

WHEREAS, pursuant to Section 14.4 of the Declaration, Developer maintains the right to amend this Declaration without approval of the Community Association Board until 95% of all land has been sold to third parties and Developer owns less than two (2) acres of land; and

WHEREAS, less than 95% of all land has been sold and Developer owns more than two (2) acres of land in said development.



Debra J. Register
Register of Deeds
Riley County, Kansas
Book:854 Page:6321
Receipt #: 176009 Total Fees: \$16.00
Pages Recorded: 3
Date Recorded: 04/18/2013 11:02:16 AM

Book: 854 Page: 6321



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NOW THEREFORE, Developer amends Section 7.4(d), 7.4(g) and 7.4(h) to read as

follows:

“(d) Roofs. Roofs shall be cedar shake or cedar shingles, slate, tile or concrete tile or thirty-year architectural grade asphalt shingles. Flat roof residences are not allowed. 6/12 minimum roof pitch. Any roof pitch less than 6/12 will be on the rear elevation, shall not exceed twenty-five percent (25%) of the structure, and is subject to Design Review Committee approval.

“(g) Garages. Garages are to be given the same architectural treatment and constructed of the same materials as the main structure. Each residence shall have an attached, private, fully enclosed garage. Garages shall have a minimum of space for two cars. The interior walls of all garages must be finished in a quality material. No garage may be left open, visible to the public street, for extended periods of time. No garage shall be permitted to be enclosed for living or used for purposes other than storage of automobiles and related normal use.

Side entry garages are encouraged wherever is possible. No more than three (3) garage spaces may face the street, and a maximum of four (4) garage spaces at street level per home.

“(h) Siding. Sixty percent (60%) of the front elevation shall be faced with masonry material such as brick, stone, stucco, or like material which shall extend to ground level with no exposed foundation. The remaining elevations shall be faced with quality facing materials such as brick, stone, stucco, wood or cement board lap siding.

The following materials will not be allowed: exposed standard concrete block, board and batt, metal or vinyl siding, and metal windows. Some brands of vinyl windows may be allowed, but are subject to Design Review Committee approval at time that plans are submitted. Alternative siding may be allowed with Design Review Committee approval. Prefabricated metal buildings are not allowed.

Developer hereby ratifies and confirms all other terms and provisions of the Declaration of Easements, Covenants, Conditions, and Restrictions for the Grande Bluffs at Mill Pointe Community except as amended herein.

IN WITNESS WHEREOF, Developer has caused this Second Amendment to Declaration to be duly executed.

MILL POINTE LAND COMPANY, LLC

By: *Angela R. Schultz*
Angela R. Schultz, Authorized Member

State of KANSAS, County of RILEY, ss:

On this 18 day of April, 2013, before me the undersigned, a notary public in and for the county and state, personally appeared Angela R. Schultz, authorized member of Mill Pointe Land Company, LLC, a Kansas Limited Liability Company, duly organized and existing under and by virtue of the laws of the State of Kansas, who is personally known to me to be the same person who executed the foregoing instrument and acknowledged that she executed the same of her free act and deed, and the said Angela Schultz further declared that she is the Authorized Member of the Mill Pointe Land Company, LLC, and the execution thereof was authorized on behalf of the company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written

Kristen M. Krainbill
Notary Public *Kristen M. Krainbill*

My appointment expires:

