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Office of the County Recorder
Scott County, Minnesota

Julie K. Hanson, County Recorder

**SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION
OF
DAKOTA CROSSING HOMEOWNERS ASSOCIATION**

This Second Amendment to the Amended and Restated Declaration of Easements, Covenants, Conditions and Restrictions ("Amended and Restated Declaration"), made effective upon recording, is made by Dakota Crossing Homeowners Association ("Association") and approved by at least 67% of the Owners of the Lots in the Association pursuant to Article XVI, Section 3 of the Amended and Restated Declaration.

WHEREAS, the Amended and Restated Declaration was filed in the Office of the Scott County Recorder on May 1, 2015 a Document No. A978319, as amended by the First Amendment to Amended and Restated Declaration recorded on May 18, 2017 as Document No. A1025551 in the Office of the Scott County Recorder;

WHEREAS, the Amended and Restated Declaration provides for amendment of the Declaration by at least sixty-seven percent (67%) of the Owners in the Association;

WHEREAS, the property subject to the Amended and Restated Declaration is described on the attached **Exhibit A**; and

WHEREAS, the necessary percentage of votes of the Owners in the Association approved the amendment to the Amended and Restated Declaration as set forth in the attached **Exhibit B**.

NOW, THEREFORE, the Association makes this Second Amendment declaring that the Amended and Restated Declaration shall be amended as set forth herein, and that the covenants and restrictions hereafter set forth shall be binding upon all persons having any right, title or interest in the Property, including their heirs, personal representatives, grantees, successors and assigns, effective as of the date of the filing of this Amendment.

- 1. Each of the above recitals is true and correct and is hereby incorporated by this reference.**

2. Article X, Section 3(a) of the Amended and Restated Declaration shall be amended, modified and restated as follows:

- (a) Complete detailed plans, specifications, and related information regarding any proposed Alteration, in form and content acceptable to the Board, shall be submitted to the Board prior to the projected commencement of construction. Lot Owner shall, at a minimum, comply with the restrictions set forth in Article XI hereof. No Alterations shall be commenced prior to receiving written approval from the ACC.

3. Article XI, Section 1 of the Amended and Restated Declaration shall be amended, modified and restated as follows:

Section 1. Residential and Accessory Structures. All Lots within the Property shall be used only for single-family residential purposes. Except as set forth herein, no building or structure shall be erected, altered, placed or permitted to remain on any Lot except a single-family residence structure together with an attached garage. Subject to receiving prior written approval from the Association's ACC, pursuant to Section X of the Declaration, a Lot owner may install a single storage type of shed, adhering to the following minimum requirements:

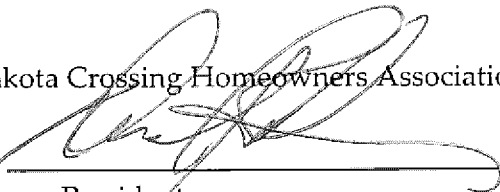
- (a) The shed's style, material and color must be consistent with dwelling located on the Lot.
- (b) The exterior material of the shed may not be plastic, metal or resin.
- (c) The shed's location must be in the rear side of the Lot, behind the dwelling, not located in any utility or drainage easements on the Lot, and should be placed so as not to be visible from the street in front of the driveway.
- (d) The total size of the shed must be less than 200 square feet.
- (e) The Owner shall comply with all local laws and ordinances as well as additional guidelines as described in the Association rules & regulations.

An approved shed will be treated as an improvement on the Lot, subject to the Owner's obligation to maintain the same, and the Association shall have the same rights regarding the failure to maintain an approved shed as it would have regarding an Owner's Lot and the improvements thereon, per Article VII, Section 4 and Article XIV.

All other terms, covenants, conditions and restrictions contained in the Amended and Restated Declaration and prior amendments thereto, shall remain in full force and effect, except as otherwise specifically amended or modified hereby.

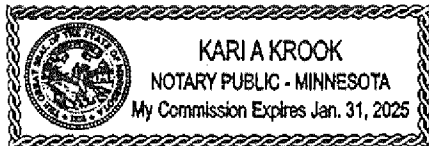
IN WITNESS WHEREOF, the undersigned has executed this instrument the 7TH day of OCTOBER, 2020

Dakota Crossing Homeowners Association

By 
President

STATE OF MINNESOTA)
) ss
COUNTY OF Scott)

The foregoing Second Amendment to Amended and Restated Declaration was acknowledged before me this 7th day of October, 2020, by DAVID RUBENÉ, the President of Dakota Crossing Homeowners Association, a Minnesota corporation, on behalf of the corporation/association.



Kari A. Krook
Notary Public

This instrument was drafted by:
Gretchen S. Schellhas, Esq. (#195595)
Chestnut Cambronne PA
100 Washington Avenue South, Suite 1700
Minneapolis, MN 55401-2138
(612) 339-7300

DAKOTA CROSSING HOMEOWNERS ASSOCIATION

EXHIBIT A

TO

SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION

PROPERTY LEGAL DESCRIPTION

**Lots 1 through 3, inclusive, Block 1;
Lots 1 through 20, inclusive, Block 2;
Lots 1 through 24, inclusive, Block 3; and
Lots 1 through 19, inclusive, Block 4,**

All in Dakota Crossing, Scott County, Minnesota

DAKOTA CROSSING HOMEOWNERS ASSOCIATION

EXHIBIT B

TO

SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION

AFFIDAVIT OF SECRETARY

The undersigned, ANDREW MARBLE as Secretary of Dakota Crossing Homeowners Association, being first duly sworn on oath, hereby swears and certifies, pursuant to the applicable provisions of the Amended and Restated Declaration, that this instrument has been duly approved by the Association by obtaining the approval of at least sixty-seven percent (67%) of the Owners votes in the Association, in satisfaction of the requirements of the Amended and Restated Declaration.




Secretary

STATE OF MINNESOTA)

COUNTY OF Scott) ss.

The foregoing instrument was acknowledged before me this 9th day of October, 2020 by Andrew Marble, the Secretary of Dakota Crossing Homeowners Association, a Minnesota nonprofit corporation, on behalf of the non-profit corporation.



Notary Public