

**CORRECTIVE**

**SUMMERS LANDING HOMEOWNERS ASSOCIATION**

**THIRD AMENDMENT TO  
DECLARATION OF PROTECTIVE COVENANTS,  
EASEMENTS AND RESTRICTIONS**

*That certain Summers Landing Homeowners Association Third Amendment to Declaration of Protective Covenants, Easements and Restrictions dated May 22, 2018, and filed for record with the office of the county recorder for Washington County, Minnesota on June 5, 2018 as Doc. No. 41560288 contained scrivener errors corrected in this Corrective Third Amendment.*

**THIS THIRD AMENDMENT TO DECLARATION** ("Third Amendment") is dated June \_\_\_, 2018 by Summergeate Development, LLC, a Minnesota limited liability company ("Declarant") and Summers Landing Homeowners Association, a Minnesota non-profit corporation.

**RECITALS**

**WHEREAS**, Declarant, as the owner of all of the Property and Common Elements legally described in that said Declaration ("Declaration") dated June 6, 2016, filed for record with the office of the County Recorder for Washington County, Minnesota on June 8, 2016 as Doc. No. 4069983, thereby subjected the said Property to the covenants, easements and restrictions of the said Declaration; and

**WHEREAS**, the Declaration was duly amended by that certain First Amendment to Declaration of Protective Covenants, Easements and Restrictions dated October 19, 2016, filed for record with the office of the County Recorder for Washington County, Minnesota on February 14, 2017 as Doc. No. 4102745, by that certain Second Amendment to Declaration of Protective Covenants, Easements and Restrictions dated May 31, 2017, filed for record with the office of the County Recorder for Washington County, Minnesota on June 6, 2017 as Doc. No. 4114527, and by that certain Supplemental Declaration dated May 22, 2018, and is subject to that certain Supplemental Declaration dated as of May 18, 2018, filed for record with the office of the County Recorder for Washington County, Minnesota on July \_\_\_, 2018 as Doc. No. \_\_\_\_\_.

**WHEREAS**, Outlot F, SUMMERS LANDING consists of a ponding area which, pursuant to the conditions of approval for SUMMERS LANDING as set forth, inter alia, in Exhibit L to the DEVELOPMENT AGREEMENT FOR PLAT OF SUMMERS LANDING ("Development Agreement") executed by and between the City of Cottage Grove and Declarant, filed for record with the office of the County Recorder for Washington

County, Minnesota on May 11, 2016 as Doc. No. 4066509, is required to be deeded to the said City prior to the platting of a third phase of the overall SUMMERS LANDING project; and

**WHEREAS**, by Quit Claim Deed dated October 19, 2016, the said Outlot F, SUMMERS LANDING was mistakenly deeded to the Summers Landing Homeowners Association (“Association”); and

**WHEREAS**, the Board of Directors of the Association has authorized the conveyance by the Association of said Outlot F to the City of Cottage Grove in fulfillment of the obligations set forth in the Development Agreement, which conveyance will necessitate the amendment of Exhibits A and B of the Declaration; and

**WHEREAS**, pursuant to Section 14 of the Declaration, the Declaration may be amended by the consent of the Owners of seventy-five percent (75%) or more of the Lots comprising the Property and by the consent of Declarant.

**WHEREAS**, there are a total of one-hundred forty-six (146) Lots in the Association; and

**WHEREAS**, pursuant to Section 14 of the Declaration, the Declaration may be amended by the consent of the Owners of seventy-five percent (75%) or more of the Lots comprising the property and by the consent of Declarant, a total of one-hundred six (106) Lots or more; and

**WHEREAS**, there are attached to this Third Amendment written consents of the Owners of Lots included within the Property which, in combination with the Lots now owned by Declarant, comprise more than seventy-five percent (75%) of the Lots comprising the Property covered by the Declaration, as amended.

**NOW THEREFORE**, Declarant, for itself, and as the Owner of its Lots hereinabove described, joined by all the other Lot Owners who have executed the written consents attached hereto, makes this Third Amendment for the purpose of amending certain of the provisions of the Declaration such that the Summers Landing Homeowners Association may deed Outlot F, SUMMERS LANDING to the City of Cottage Grove for public stormwater management and ponding purposes, as contemplated by all of the plans for, and the Development Agreement regarding, the Summers Landing project.

#### **AMENDMENT AND SUBSTITUTION OF EXHIBITS A AND B TO DECLARATION**

Exhibits A and B to the Declaration, as amended, are herewith deleted in their entirety, and shall be replaced by the attached SUMMERS LANDING – Exhibits A and B to Declaration. Henceforth, all references to Exhibits A and B to the Declaration shall mean and refer to the Exhibits A and B attached hereto, and all references to the Common Elements shall henceforth mean and refer to the Common Elements legally described in the attached Exhibit B.

#### **APPLICABILITY AND BINDING EFFECT**

Except as specifically modified by this Third Amendment, the Declaration, as amended, shall remain in full force and effect. Unless otherwise specifically set forth herein, all words and terms used in this Third Amendment shall have the same meaning as set forth in the Declaration.

**IN WITNESS WHEREOF**, Declarant has executed this instrument the day and year first set forth.

DECLARANT:

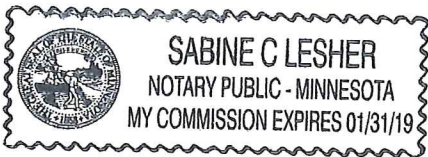
SUMMERGATE DEVELOPMENT, LLC  
a Minnesota limited liability company

By: Day Wollschlager

Its: V.P.

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF DAKOTA )

The foregoing instrument was acknowledged before me this 18 day of July, 2018, by Day Wollschlager the V.P. of Summergate Development, LLC, a Minnesota limited liability company, on behalf of the company



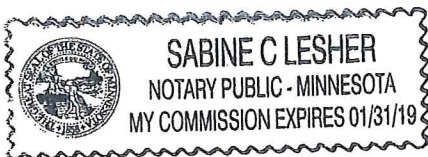
Sabine C. Leshner  
Notary Public

SUMMERS LANDING HOMEOWNERS  
ASSOCIATION  
a Minnesota non-profit corporation

By: Joann Wollschlager  
Its: President

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF DAKOTA )

The foregoing instrument was acknowledged before me this 18 day of July, 2018, by Joann Wollschlager the President of Summers Landing Homeowners Association, a Minnesota non-profit corporation, on behalf of the corporation.



Sabine C. Leshner  
Notary Public

This instrument was drafted by:

S. Todd Rapp, P.A.  
P. O. Box 1619  
Burnsville, MN 55337

**SUMMERS LANDING**

**EXHIBIT A TO DECLARATION**

**LEGAL DESCRIPTION OF THE PROPERTY**

Lots 1 through 21, inclusive, Block 1;

Lots 1 through 32, inclusive, Block 2,

Lots 1 and 2, Block 3;

And

Outlots A, B, C, D, and E

SUMMERS LANDING, Washington County, Minnesota

And

Lots 1-13, Block 1

Lots 1-7, Block 2

Lots 1-16, Block 3

Lots 1-15, Block 4

Lots 1-16, Block 5

Lots 1-16, Block 6

Lots 1-8, Block 7

And

Outlots A, B, D, F, G, H, and I,

SUMMERS LANDING 2<sup>ND</sup> ADDITION, Washington County, Minnesota

**SUMMERS LANDING**

**EXHIBIT B TO DECLARATION**

**LEGAL DESCRIPTION OF COMMON ELEMENTS**

Outlots A, B, C, D, and E, SUMMERS LANDING, Washington County, Minnesota

EXCEPT:

All that part of Outlot B, SUMMERS LANDING, according to the recorded plat thereof, Washington County, Minnesota, lying southeasterly of a line drawn from a point on the south line of said Outlot B distant 69.00 feet westerly of the southeast corner of said Outlot B to a point on the east line of said Outlot B distant 87.00 feet northerly of the southeast corner of said Outlot B.

And

Outlots A, B, D, F, G, H, and I,

SUMMERS LANDING 2<sup>ND</sup> ADDITION, Washington County, Minnesota