

# DEMEYER PARK SUBDIVISION NO. 2

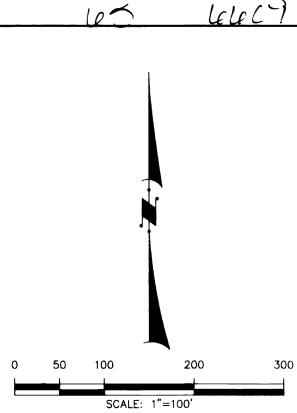
A SKYLINE DEVELOPMENT COMPANY DEVELOPMENT

LOCATED IN THE SW 1/4 OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN,  
BOISE CITY, ADA COUNTY, IDAHO

1994

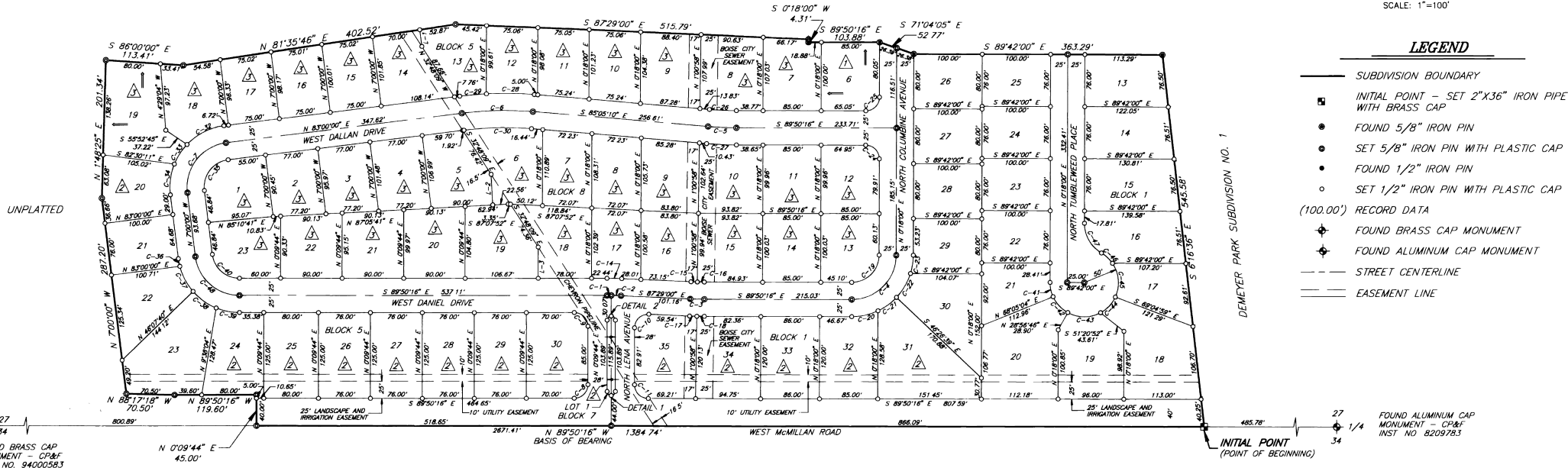


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UNPLATTED

DEMEYER PARK SUBDIVISION NO. 1



## LEGEND

- SUBDIVISION BOUNDARY
- INITIAL POINT - SET 2"x36" IRON PIPE WITH BRASS CAP
- FOUND 5/8" IRON PIN
- SET 5/8" IRON PIN WITH PLASTIC CAP
- FOUND 1/2" IRON PIN
- SET 1/2" IRON PIN WITH PLASTIC CAP
- (100.00') RECORD DATA
- ◆ FOUND BRASS CAP MONUMENT
- ◆ FOUND ALUMINUM CAP MONUMENT
- STREET CENTERLINE
- EASEMENT LINE

CURVE DATA					
CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD
C-1	0°43'09"	500.00	6.28	3.14	6.28
C-2	1°38'07"	500.00	14.27	7.14	14.27
C-3	2°21'18"	500.00	20.55	10.27	20.54
C-4	0°51'44"	65.00	101.84	64.84	91.81
C-5	4°43'06"	500.00	41.47	20.74	41.45
C-6	1°15'40"	500.00	103.87	51.93	103.78
C-7	0°50'00"	65.00	102.10	65.00	91.92
C-8	0°50'00"	50.00	31.42	20.00	28.38
C-9	0°50'00"	50.00	31.42	20.00	28.38
C-10	0°50'00"	50.00	31.42	20.00	28.38
C-11	0°50'00"	50.00	31.42	20.00	28.38
C-12	0°50'00"	50.00	31.42	20.00	28.38
C-13	0°50'00"	50.00	31.42	20.00	28.38
C-14	0°50'00"	50.00	31.42	20.00	28.38
C-15	0°50'00"	50.00	31.42	20.00	28.38
C-16	0°50'00"	50.00	31.42	20.00	28.38
C-17	0°50'00"	50.00	31.42	20.00	28.38
C-18	0°50'00"	50.00	31.42	20.00	28.38
C-19	0°50'00"	50.00	31.42	20.00	28.38
C-20	0°50'00"	50.00	31.42	20.00	28.38
C-21	0°50'00"	50.00	31.42	20.00	28.38
C-22	0°50'00"	50.00	31.42	20.00	28.38
C-23	0°50'00"	50.00	31.42	20.00	28.38
C-24	0°50'00"	50.00	31.42	20.00	28.38
C-25	0°50'00"	50.00	31.42	20.00	28.38
C-26	0°50'00"	50.00	31.42	20.00	28.38
C-27	0°50'00"	50.00	31.42	20.00	28.38
C-28	0°50'00"	50.00	31.42	20.00	28.38
C-29	0°50'00"	50.00	31.42	20.00	28.38
C-30	0°50'00"	50.00	31.42	20.00	28.38
C-31	0°50'00"	50.00	31.42	20.00	28.38
C-32	0°50'00"	50.00	31.42	20.00	28.38
C-33	0°50'00"	50.00	31.42	20.00	28.38
C-34	0°50'00"	50.00	31.42	20.00	28.38
C-35	0°50'00"	50.00	31.42	20.00	28.38
C-36	0°50'00"	50.00	31.42	20.00	28.38
C-37	0°50'00"	50.00	31.42	20.00	28.38
C-38	0°50'00"	50.00	31.42	20.00	28.38
C-39	0°50'00"	50.00	31.42	20.00	28.38
C-40	0°50'00"	50.00	31.42	20.00	28.38
C-41	0°50'00"	50.00	31.42	20.00	28.38
C-42	0°50'00"	50.00	31.42	20.00	28.38
C-43	0°50'00"	50.00	31.42	20.00	28.38
C-44	0°50'00"	50.00	31.42	20.00	28.38
C-45	0°50'00"	50.00	31.42	20.00	28.38
C-46	0°50'00"	50.00	31.42	20.00	28.38
C-47	0°50'00"	50.00	31.42	20.00	28.38
C-48	0°50'00"	50.00	31.42	20.00	28.38
C-49	0°50'00"	50.00	31.42	20.00	28.38

## IRRIGATION RIGHTS

THIS SUBDIVISION IS WITHIN THE SETTLERS IRRIGATION DISTRICT. THE DEVELOPER HAS MADE PROVISION TO SUPPLY IRRIGATION WATER TO THE INDIVIDUAL LOTS. EACH LOT WILL BE SUBJECT TO THE DISTRICT ASSESSMENTS. THE DEVELOPER WILL COMPLY WITH IDAHO CODE 31-3805.

## RESTRICTIVE COVENANTS

BUILDING AND OCCUPANCY SHALL CONFORM TO THE STANDARDS ESTABLISHED BY THE RESTRICTIVE COVENANTS ON FILE IN BOOK 42 OF MISCELLANEOUS RECORDS AT PAGE 100. IN THE OFFICE OF THE RECORDER, ADA COUNTY, IDAHO. INSTRUMENT NUMBER

## BUILDING SETBACKS

MINIMUM BUILDING SETBACK LINE SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT OR AS SPECIFICALLY APPROVED.

## LANDSCAPE LOTS

LOT 1 OF BLOCK 7 IS A LANDSCAPE LOT AND NO STRUCTURE SHALL BE BUILT THEREON. THIS LOT SHALL BE OWNED BY THE DEMEYER PARK HOMEOWNERS ASSOCIATION.

## EASEMENTS

ALL LOTS HAVE A 10 FOOT WIDE EASEMENT CONTIGUOUS TO ALL STREETS AND REAR LOT LINES FOR PUBLIC UTILITIES, DRAINAGE AND IRRIGATION PURPOSES. ALL STREET FRONTAGE HAS A 10 FOOT WIDE STREET LIGHT EASEMENT TO BLOT CITY. ALL LOTS HAVE A 5 FOOT WIDE EASEMENT ON EACH SIDE FOR NATURAL GAS AND TELEPHONE. THE LANDSCAPE EASEMENT ALONG MCMILLAN ROAD IS TO BE MAINTAINED BY THE DEMEYER PARK HOMEOWNERS ASSOCIATION AS DESCRIBED IN THE RESTRICTIVE COVENANTS. ALL OTHER EASEMENTS ARE AS SHOWN.

## CHEVRON PIPELINE COMPANY EASEMENT

A 16.5 FOOT WIDE PIPELINE RIGHT-OF-WAY FOR THE TRANSPORTATION OF LIQUID PETROLEUM PRODUCTS HAS BEEN GRANTED THROUGH INSTRUMENT NO. 297542, AS FILED OF RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, RECORDED FEBRUARY 17, 1950 IN BOOK 22 OF MISCELLANEOUS RECORDS AT PAGE 263.

## FIRE DEPARTMENT

NO BUILDING PERMITS WILL BE ISSUED ON ANY LOT IN THIS SUBDIVISION UNTIL THE PROVISIONS OF RECORDED INSTRUMENT NO. 94027385 HAVE BEEN FULFILLED AS DETERMINED BY THE CITY OF BOISE.

## RE-SUBDIVISION

ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.

## NOTES

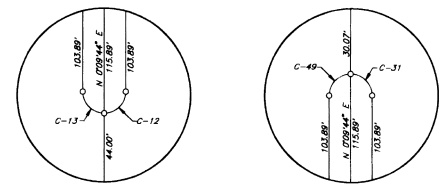
- 1 DIRECT LOT ACCESS TO WEST MCMILLAN ROAD IS PROHIBITED UNLESS SPECIFICALLY ALLOWED BY THE ADA COUNTY HIGHWAY DISTRICT AND BOISE CITY.

△ SOLAR LOT

△ SHADE RESTRICTED LOT

△ SOLAR LOT AND SHADE RESTRICTED LOT

AS DEFINED IN THE BOISE CITY SUBDIVISION ORDINANCE



DETAIL 1

DETAIL 2



CIVIL SURVEY CONSULTANTS, INCORPORATED

P.O. BOX 39  
1530 WEST STATE STREET  
MERIDIAN, IDAHO 83680  
(208) 888-4312

SHEET 1 OF 2

# DEMEYER PARK SUBDIVISION NO. 2

Book 65 6609 6610

## CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, are the Owners of the real property described below in Ada County, Idaho, and that we intend to include the following described property in this DEMEYER PARK SUBDIVISION NO. 2;

A parcel located in the SW 1/4 of Section 27, Township 4 North, Range 1 East, Boise Meridian, Boise City, Ada County, Idaho, more particularly described as follows: Commencing at an aluminum cap monument marking the southeast corner of said SW 1/4;

thence N 89°50'16" W along the southerly boundary of said SW 1/4 a distance of 485.78 feet to a brass cap monument and the POINT OF BEGINNING (Initial Point);

thence continuing N 89°50'16" W a distance of 1384.74 feet to a 5/8 inch diameter iron pin marking the southeasterly corner of that parcel described in Instrument No. 9347570 on file in the office of the Recorder, Ada County, Idaho;

thence leaving said southerly boundary N 0°09'44" E a distance of 45.00 feet to a 5/8 inch diameter iron pin marking the northeasterly corner of said Instrument No. 9347570;

thence N 89°50'16" W along the northerly boundary of said Instrument No. 9347570 a distance of 119.60 feet to a 5/8 inch diameter iron pin;

thence N 88°17'18" W along the northerly boundary of said Instrument No. 9347570 and Instrument No. 9347573 a distance of 70.50 feet to a 5/8 inch diameter iron pin;

thence N 7°00'00" W a distance of 287.20 feet to a 5/8 inch diameter iron pin;

thence N 1°48'25" E a distance of 201.34 feet to a 5/8 inch diameter iron pin;

thence S 86°00'00" E a distance of 113.41 feet to a 5/8 inch diameter iron pin;

thence N 81°35'46" E a distance of 402.52 feet to a 5/8 inch diameter iron pin;

thence S 87°29'00" E a distance of 515.79 feet to a 5/8 inch diameter iron pin on the westerly boundary of Lot 5 of Block 5 of DEMEYER PARK SUBDIVISION NO. 1 as shown on the plat on file in said office of the Recorder in Book 62 of Plats at Pages 6291 and 6292;

thence along the westerly and southerly boundaries of said DEMEYER PARK SUBDIVISION NO. 1 the following described courses:

thence S 0°18'00" W a distance of 4.31 feet to a 5/8 inch diameter iron pin at the southwest corner of said Lot 5;

thence S 89°50'16" E a distance of 103.88 feet to a 5/8 inch diameter iron pin at the southeast corner of said Lot 5;

thence S 71°04'05" E a distance of 52.77 feet to a 5/8 inch diameter iron pin at the southwest corner of Lot 2 of Block 6;

thence S 89°42'00" E a distance of 363.29 feet to a 5/8 inch diameter iron pin at the corner common to Lots 10, 11 and 12 of Block 1;

thence S 6°16'36" E a distance of 545.58 feet to the POINT OF BEGINNING. This parcel contains 19.83 acres.

All the lots in this subdivision will be eligible to receive water service from Boise Water Corp. Boise Water Corp. has agreed in writing to serve all the lots in this subdivision. The public streets shown on this plat are hereby dedicated to the public. Public utility, irrigation, and drainage easements on this plat are not dedicated to the public, but the right of access to, and use of, these easements is hereby reserved for public utilities, drainage and for any other uses as may be designated hereon and no permanent structures other than for said uses are to be erected within the limits of said easements.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 14 DAY OF MARCH, 1994.

## SKYLINE DEVELOPMENT COMPANY, AN IDAHO LIMITED PARTNERSHIP

By Edward A. Johnson, President of the Skyline Corporation, the General Partner;

## JOINT TRUSTEE FOR ALBERT A. DEMEYER ESTATE

Arden A. DeMeyer, Trustee  
Joanna DeMeyer, Trustee  
Joanna DeMeyer, His Attorney in Fact

## AS INDIVIDUALS

Arden A. DeMeyer  
Joanna DeMeyer  
Joanna DeMeyer, His Attorney in Fact

## PIONEER TITLE COMPANY OF ADA COUNTY, TRUSTEE

Harold Huston, Vice President  
Doug Broetje, Vice President

## ACKNOWLEDGMENT

STATE OF IDAHO } S.S.  
COUNTY OF ADA }

ON THIS 14 DAY OF MARCH, 1994, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED EDWARD A. JOHNSON, PRESIDENT OF THE SKYLINE CORPORATION, THE GENERAL PARTNER OF SKYLINE DEVELOPMENT COMPANY KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING "CERTIFICATE OF OWNERS" AND ACKNOWLEDGED TO ME THEY DID EXECUTE THE SAME. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES 10/13/1999  
Beverly Patterson  
NOTARY PUBLIC FOR THE STATE OF IDAHO

## ACKNOWLEDGMENT

STATE OF IDAHO } S.S.  
COUNTY OF ADA }

ON THIS 15th DAY OF March, 1994, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE OF IDAHO, PERSONALLY APPEARED ARLEN A. DEMEYER AND JOANNA DEMEYER KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FORGOING "CERTIFICATE OF OWNERS" AND ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME ON THEIR OWN BEHALF AND ALSO AS JOINT TRUSTEES OF A TRUST CREATED BY THE WILL OF ALBERT A. DEMEYER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES 1/25/99  
George N. Johnson  
NOTARY PUBLIC FOR THE STATE OF IDAHO

## ACKNOWLEDGMENT

STATE OF IDAHO } S.S.  
COUNTY OF ADA }

ON THIS 21st DAY OF MARCH, 1994, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED HAROLD HUSTON AND DOUG BROETJE, KNOWN TO ME TO BE THE VICE PRESIDENTS OF PIONEER TITLE COMPANY OF ADA COUNTY, AND ACKNOWLEDGED TO ME THEY DID EXECUTE THIS INSTRUMENT ON BEHALF OF THE TRUST CREATED BY THE WILL OF ALBERT A. DEMEYER. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES 12/22/99  
James J. Morgan  
NOTARY PUBLIC FOR THE STATE OF IDAHO

## CERTIFICATE OF SURVEYOR

I, GLENN K. BENNETT DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" WAS DRAWN FROM THE FIELD NOTES OF A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

GLENN K. BENNETT  
IDAHO NO. 5082

## APPROVAL OF THE CITY ENGINEER

I, THE UNDERSIGNED CITY ENGINEER IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO, HEREBY APPROVE THIS PLAT OF "DEMEYER PARK SUBDIVISION NO. 2".

Charles R. Moore  
CITY ENGINEER OF BOISE, IDAHO



## APPROVAL OF CENTRAL DISTRICT HEALTH DEPARTMENT

SANITARY RESTRICTIONS OF THIS PLAT ARE HEREBY REMOVED ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE COUNTY RECORDER OR HIS AGENT USING THE CONDITIONS OF APPROVAL.

APPROVAL James E. Johnson DATE 3/23/94

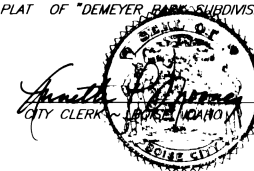
## ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ACCEPTANCE

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE 16th DAY OF MARCH, 1994.

Glenn K. Bennett  
ADA COUNTY HIGHWAY DISTRICT

## APPROVAL OF THE CITY COUNCIL

I, THE UNDERSIGNED CITY CLERK IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO, HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 16th DAY OF March 22, 1994, THIS PLAT OF "DEMEYER PARK SUBDIVISION NO. 2" WAS DULY ACCEPTED AND APPROVED.



## CERTIFICATE OF THE COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF ADA, STATE OF IDAHO, PER THE REQUIREMENTS OF I.C. 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

DATE April 27, 1994  
Barbara Bauer  
COUNTY TREASURER

## APPROVAL OF THE COUNTY SURVEYOR

I, JOHN E. PRIESTER, REGISTERED ENGINEER/LAND SURVEYOR FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.



## CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO } S.S.  
COUNTY OF IDAHO }  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF Skyline Development Co. AT 13 MINUTES PAST 2 O'CLOCK P.M. ON THIS 27th DAY OF April, 1994.

Joanna Hooper  
DEPUTY  
11/00

J. David Navarro  
EX OFFICIO RECORDER

94046210  
*Skyline Development*  
AD. J. DAVIS  
RECORDED  
JULY 15, 1993  
BOOK 93  
PAGE 162

**FIRST AMENDMENT TO MASTER DECLARATION  
OF  
COVENANTS, CONDITIONS, RESTRICTION AND EASEMENTS  
FOR  
DEMEYER PARK SUBDIVISION**

**1727000134**

**MARCH 21, 1994**

'94 MAY 17 PM 1:19  
FEE 6.00  
RECORDED  
REQUEST OF *Shaper*

**RECITALS**

WHEREAS, there has been recorded by Skyline Development Company, by Skyline Corporation, General Partner, by Edward A. Johnson, as Grantor, a Master Declaration of Covenants, Conditions, Restrictions and Easements for DeMeyer Park Subdivision No. 1, dated March 24, 1993, recorded July 15, 1993, as Instrument No. 9356162, records of Ada County, Idaho (hereafter "Master Declaration");

WHEREAS, the Master Declaration allows for the annexation of additional property to DeMeyer Park Subdivision, which additional property, when annexed, is brought within the provisions of the Master Declaration;

WHEREAS, the purpose of this First Amendment is to annex the additional property hereafter described, and upon such annexation to subject such additional property to all of the terms, covenants, conditions, restrictions and easements contained in the Master Declaration;

**ARTICLE I.**

**PROPERTY COVERED**

The property which is covered by this First Amendment and which shall be annexed under the Master Declaration is that real property described as follows:

Lots 6 through, and including Lot 30, of Block 2, Lots 13 through, and including Lot 35, Block 7, Lots 1 through, and including Lot 23, of Block 8, DEMEYER PARK SUBDIVISION NO. 2, according to the official plat thereof filed in Book 65 of Plats at Pages 6609 & 6610, records of Ada County, Idaho.

Which above described real property is hereafter referred to as "Annexed Property".

**ARTICLE II.**

**DEFINED TERMS**

Unless the context otherwise specifies or requires, the words and phrases in this First Amendment shall have the same meaning as such words and phrases are defined in the Master Declaration.

**ARTICLE III.**

**ANNEXATION AND DECLARATION**

Pursuant to Section 12.01 of the Master Declaration, the Grantor hereby declares that the annexed property is annexed to The DeMeyer Park Subdivision and brought within the provisions of the Master Declaration, and is hereby made subject to all of the covenants, conditions, restrictions and easements of the Master Declaration.

**ARTICLE IV.**

**PERMITTED USES AND PERFORMANCE STANDARDS**

In addition to the minimum square footage requirements, as stated in the Master Declaration, the initial cost of the lot and the initial improvements located on any buildable lot in DeMeyer Park Subdivision No. 2 shall not be less than \$145,000, based on January 1994 costs, adjusted for subsequent years in accordance with reasonable increases in lot prices and construction costs for residential dwelling units.

**ARTICLE V.**

**CHEVRON PIPELINE EASEMENT**

Chevron Oil Pipeline Easement. Certain lots and are within the subdivision are crossed by a 16.5 foot wide pipeline right-of-way owned by the Chevron Pipe Line Company ("CPL") which has one high pressure pipeline containing petroleum products. The specific location of the pipeline right-of-way is shown on the recorded plat of the subdivision. In order to ensure the safety of residents of the subdivision, the continued safe and uninterrupted operation of the pipeline, and to allow CPL the right to exercise its rights under the right-of-way with minimum interference or problem, Owners of lots that are adjacent to or crossed by outer boundary of the pipeline right-of-way, specifically, the lots affected are Lots 13, 14 & 30, Block 2; Lots 5, 6, 18 & 19, Block 8; Lot 1, Block 9; and Lot 35, Block 7, shall comply with the following requirements:

- a. No building, building overhang, foundation, or other structure or physical improvement of any type which, in CPL's opinion, unreasonably impedes or hampers CPL's access to the pipeline may be located or constructed at any time within the pipeline right-of-way;
- b. The construction of any structure or improvement on any lot or common area burdened by a right-of-way shall be diligently prosecuted by the Owner with due care and in accordance with sound design, engineering and construction practices, and in a manner which will not unreasonably interfere with CPL's rights in the right-of-way;
- c. No buried utility lines shall be installed across the pipeline right-of-way and no asphalt, concrete, or other hard surface, driveway, or road, or any other major modification of the surface of the pipeline right-of-way shall be constructed without prior notice to an consultation with CPL;
- d. Landscaping on the pipeline right-of-way shall be limited to grass, sod, and shrubbery having root lengths extending less than twelve (12) inches beneath the surface at all times;
- e. CPL shall have the right to mark the location of its pipeline at any time for any reason with markers presently or routinely used by CPL in residential area;
- f. No excavation, digging, grading, or use of heavy machinery may take place on CPL's right-of-way without adequate prior notice to CPL, and at a minimum without prior notice in accordance with Idaho's Utility "Dig Line" Law, Idaho Code Section 55-2201, et seq.;
- g. CPL shall have the right reasonably to access its right-of-way across lots subject to the right-of-way, and Owners shall not restrict CPL's access to the pipeline right-of-way, and any fences crossing the pipeline right-of-way contain gates sufficiently wide to allow CPL vehicles and equipment to move along the right-of-way. Fences installed parallel to the pipeline shall not be closer than 8.25 feet to the centerline of the pipeline. Owners shall take proper care when digging post holes near the pipeline by hand excavating within the easement boundaries;
- h. Owners shall not remove or disturb signs or markers installed by CPL to mark the location of the pipeline right-of-way without the express written consent of CPL; and
- i. The Owner will at all times give due regard to the need for the continued safe and uninterrupted operation of CPL's pipeline thereon, and will indemnify and hold CPL harmless from all loss, cost and expense, including attorney fees, arising from the failure by Owner to abide by the terms of this covenant and restriction.

As an additional precaution to the foregoing and in furtherance of ensuring the safety of the residents of the subdivision and the continued safe and uninterrupted operation of the pipeline, Owners of any lot within ten (10) feet of the outer boundary of the existing pipeline right-of-way, are recommended to contact CPL and request comments and suggestions prior to the construction or erection of any building, foundation, structure, physical improvement or landscaping, within ten (10) feet of the boundary of the pipeline right-of-way, and to submit plans and specifications showing the property structure or improvements in advance for comment by CPL.

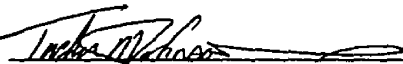
#### ARTICLE VI.

#### EFFECTIVE DATE

This First Amendment shall be effective from and after the date it is recorded in the official Records of Ada County, Idaho.

IN WITNESS THEREOF, the undersigned, being the original Grantor under the Master Declaration, and the successor Grantor, and pursuant to Section 12.01 of the Master Declaration, have hereunto executed this First Amendment as of the date and year first above written.

ORIGINAL GRANTOR:



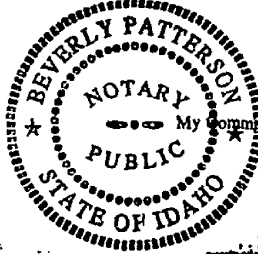
Skyline Development Company, An Idaho Limited Partnership,  
By Skyline Corporation, General Partner

State of Idaho)  
County of Ada)

On this 17<sup>th</sup> Day of May, 1994, before me, a notary public in and for said State, personally appeared Tucker M. Johnson, Known to me to be the person whose name are subscribed to the within instrument, and acknowledged to me that he executed the same.

  
Notary Public

Residing at Boise, Idaho



My Commission Expires 10/13/1999

94048776

1730001652

ADDENDUM TO THE FIRST AMENDMENT TO MASTER DECLARATION  
OF  
COVENANTS, CONDITIONS, RESTRICTION AND EASEMENTS  
FOR  
DEMEYER PARK SUBDIVISION

MAY 23, 1994

RECORDED  
J. DAVID HAVARRO  
Skyline Corp  
'94 MAY 25 AM 11:02  
FEE 3.00  
RECORDED AT THE REQUEST OF

In the First Amendment for DeMeyer Park Subdivision, dated March 21, 1994, and recorded as Instrument No. 94046210, amend Articles I. and V. as follows:

## ARTICLE I.

PROPERTY COVERED

The property which is covered by this First Amendment and which shall be annexed under the Master Declaration is that real property described as follows:

Lots 6 through, and including Lot 30, of Block 5; Lots 13 through, and including Lot 35, Block 1; Lots 1 through, and including Lot 23, of Block 8; DEMEYER PARK SUBDIVISION NO. 2, according to the official plat thereof filed in Book 65 of Plats at Pages 6609 & 6610, records of Ada County, Idaho....

## ARTICLE V.

CHEVRON PIPELINE EASEMENT

Chevron Oil Pipeline Easement. Certain lots and are within the subdivision are crossed by a 16.5 foot wide pipeline right-of-way owned by the Chevron Pipe Line Company ("CPL") which has one high pressure pipeline containing petroleum products. The specific location of the pipeline right-of-way is shown on the recorded plat of the subdivision. In order to ensure the safety of residents of the subdivision, the continued safe and uninterrupted operation of the pipeline, and to allow CPL the right to exercise its rights under the right-of-way with minimum interference or problem, Owners of lots that are adjacent to or crossed by outer boundary of the pipeline right-of-way, specifically, the lots affected are Lots 13, 14 & 30, Block 5; Lots 5, 6, 18 & 19, Block 8; Lot 1, Block 9; and Lot 35, Block 1, shall comply with the following requirements....

END OF ADDENDUM.

ORIGINAL GRANTOR:

Tucker M. Johnson  
Skyline Development Company, An Idaho Limited Partnership,  
By Skyline Corporation, General Partner

State of Idaho)  
County of Ada)

On this 24th Day of May, 1994, before me, a notary public in and for said State, personally appeared Tucker M. Johnson, Known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Beverly Patterson  
Notary Public

Residing at Boise, Idaho  
My Commission Expires 10/13/1999

