



# MELVIN'S EAGLE POINTE SUBDIVISION NO. 3

## CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS: THAT MAX A. BOESIGER, INC., A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF IDAHO AND DULY QUALIFIED TO DO BUSINESS WITHIN THE STATE OF IDAHO, AND SCOTT T. NEWTON AND DOLORES M. NEWTON, HUSBAND AND WIFE, DO HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE REAL PROPERTY AS DESCRIBED BELOW AND IT IS THEIR INTENTION TO INCLUDE SAID REAL PROPERTY IN THIS SUBDIVISION PLAT. THE OWNERS ALSO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH IDAHO CODE 50-1334, (2). ALL LOTS IN THIS SUBDIVISION WILL RECEIVE DOMESTIC WATER FROM AN EXISTING WATER SYSTEM AND EAGLE RANCH WATER COMPANY HAS AGREED IN WRITING TO SERVE THIS SUBDIVISION.

A PARCEL OF LAND BEING A PORTION OF THE NE 1/4 NE 1/4 OF SECTION 9 AND THE NW 1/4 NW 1/4 OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, CITY OF EAGLE, ADA COUNTY, IDAHO SAID PARCEL LYING SOUTH OF FLOATING FEATHER ROAD AND EAST OF NORTH EDGEWOOD LANE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE NE CORNER OF SECTION 10, T.4N., R.1E., B.M.; SAID BRASS CAP ALSO BEING A POINT ON THE CENTERLINE OF FLOATING FEATHER ROAD; THENCE SOUTH 00°08'24" EAST 843.70 FEET ALONG THE WESTERLY LINE OF SAID SECTION 10 TO AN ALUMINUM CAP, WHICH IS THE INITIAL POINT OF THIS DESCRIPTION;

THENCE LEAVING THE SAID WESTERLY SECTION LINE, SOUTH 89°18'41" WEST 8.13 FEET TO A POINT, ON THE EASTERLY RIGHT-OF-WAY LINE OF NORTH EDGEWOOD ROAD;  
THENCE SOUTH 00°41'19" EAST 473.00 FEET TO A POINT;  
THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE NORTH 89°06'03" EAST 3.60 FEET TO A POINT, BEING THE NORTH 1/16 CORNER COMMON TO SECTIONS 9 AND 10;  
THENCE NORTH 87°47'36" EAST 167.98 FEET TO A POINT;  
THENCE NORTH 02°01'54" WEST 468.67 FEET TO A POINT;  
THENCE SOUTH 89°18'41" WEST 152.41 FEET TO THE INITIAL POINT.

COMPRISING 1.79 ACRES MORE OR LESS.

THE EASEMENTS INDICATED ON SAID PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES AND FOR ANY OTHER USES AS DESIGNATED HEREON, AND NO PERMANENT STRUCTURES ARE TO BE ERRECTED WITHIN THE LINES OF SAID EASEMENTS.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS 15th DAY OF February, 1992.

MAX A. BOESIGER, INC.

Richard Boesiger  
RICHARD BOESIGER, VICE PRESIDENT-SECRETARY

Scott T. Newton  
SCOTT T. NEWTON

Dolores M. Newton  
DOLORES M. NEWTON

STATE OF IDAHO }  
COUNTY OF ADA } SS

ON THIS 15th DAY OF February, 1992, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED RICHARD BOESIGER, KNOWN OR IDENTIFIED TO ME TO BE VICE PRESIDENT-SECRETARY, OF MAX A. BOESIGER, INC. THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.

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

Lawrence R. Salt  
NOTARY PUBLIC FOR IDAHO  
RESIDING AT BOISE, IDAHO  
MY COMMISSION EXPIRES: 6/1/95

STATE OF IDAHO }  
COUNTY OF ADA } SS

ON THIS 15th DAY OF February, 1992, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED SCOTT T. NEWTON AND DOLORES M. NEWTON, HUSBAND AND WIFE, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

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

Lawrence R. Salt  
NOTARY PUBLIC FOR IDAHO  
RESIDING AT BOISE, IDAHO  
MY COMMISSION EXPIRES: 6/1/95

## APPROVAL OF CITY ENGINEER

I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR EAGLE CITY, ADA COUNTY, IDAHO, HEREBY APPROVE THIS PLAT OF MELVIN'S EAGLE POINTE SUBDIVISION NO. 3.

[Signature]  
CITY ENGINEER

## ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ACCEPTANCE

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE 24th DAY OF JANUARY, 1992.

[Signature]  
CHAIRMAN  
ADA COUNTY HIGHWAY DISTRICT

## CERTIFICATE OF COUNTY ENGINEER

I, JOHN E. PRIESTER, P.E., REGISTERED PROFESSIONAL ENGINEER/LAND SURVEYOR FOR ADA COUNTY, IDAHO, HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT OF MELVIN'S EAGLE POINTE SUBDIVISION NO. 3, AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

[Signature]  
JOHN E. PRIESTER, P.E., REGISTERED PROFESSIONAL ENGINEER/LAND SURVEYOR  
STATE OF IDAHO  
EXPIRES 9-9-98

## 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 LISTING THE CONDITIONS OF APPROVAL.

BY [Signature] 2/4/92  
CENTRAL DISTRICT HEALTH DEPARTMENT

## CERTIFICATE OF SURVEY

I, MICHAEL E. MARKS, P.L.S., DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT OF MELVIN'S EAGLE POINTE SUBDIVISION NO. 3 AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON; AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS, SURVEYS AND THE CORNER PERPETUATION AND FILING ACT, IDAHO CODE 55-1601 THROUGH 55-1612.

[Signature]  
MICHAEL E. MARKS, P.L.S. NO. 4988  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF IDAHO  
EXPIRES 10/31/90

## CERTIFICATE OF COUNTY TREASURER

I, [Signature] 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 PROPOSED SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

[Signature]  
COUNTY TREASURER  
Deputy Treasurer  
DATE 3/3/92

## APPROVAL OF CITY COUNCIL

I, BARBARA MONTGOMERY, CITY CLERK IN AND FOR EAGLE CITY, ADA COUNTY, IDAHO DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 12 DAY OF November, 1991, THIS PLAT OF MELVIN'S EAGLE POINTE SUBDIVISION NO. 3 WAS DULY ACCEPTED AND APPROVED.

[Signature]  
BARBARA MONTGOMERY  
CITY CLERK

## COUNTY RECORDERS CERTIFICATE

INSTRUMENT NO. 9812919

STATE OF IDAHO }  
COUNTY OF ADA } SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF Biggs Engineering AT 06 MINUTES PAST 10 O'CLOCK A.M., THIS 14th DAY OF March, 1992, IN MY OFFICE AND WAS DULY RECORDED IN BOOK 59 OF PLATS AT PAGES 5819 AND 5820.

[Signature] DEPUTY  
[Signature] OFFICE RECORDER

Fee 11.00

9213175

ADA COUNTY, ID. FOR MAX A BOESIGER  
J. DAVID NAVARRO INC  
RECORDER BY Rhade  
900

SUPPLEMENTAL DECLARATION '92 MAR 5 AM 9 51  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
MELVIN'S EAGLE POINTE SUBDIVISION - PHASE 1 1384001514

(Annexation of Melvin's Eagle Pointe #3)

This Supplemental Declaration ("Supplement") is made effective as of the 5th day of March, 1992, by MAX A. BOESIGER, INC., an Idaho corporation, or "Declarant," and shall be incorporated into and supplement that certain Declaration of Covenants, Conditions and Restrictions for Melvin's Eagle Point Subdivision - Phase 1, recorded as Instrument No. 9114059, records of Ada County, as to the Phase 3 Property hereby covered as described below.

ARTICLE I.

GENERAL

1.1 Property Covered. Grantor/Declarant is the Owner for the real property in the County of Ada, State of Idaho, describe as:

Melvin's Eagle Pointe Subdivision #3, a portion of the N.E. 1/4 of the N.E. 1/4, Sec. 9, T.4 N., R.1 E. BM, Eagle, Ada County, Idaho, according to the official plat thereof recorded as Instrument No. 9212919, records of Ada County, Idaho. ("Phase 3 Property" and "Phase 3 Lots" as to the lots therein).

1.2 Purpose. The purpose of this Supplemental Declaration is to annex the Phase 3 Property to the Property covered by the Declaration, and to include the Owners of Phase 3 Lots in the Association.

1.3 Annexation. Grantor, pursuant to the provisions of Article VIII of the Declaration, does hereby annex the Phase 3 Property to the Property covered by the Declaration and said Phase 3 Property hereby becomes subject to the Declaration and encompassed within the general plans and scheme of covenants, conditions, restrictions, and reservations of easements and equitable servitudes and other terms and conditions therein, except as otherwise specified herein. Unless otherwise provided, all defined terms as contained in the Declaration shall have the same meaning in this Supplement as are applicable to the Declaration.

1.5 Association Membership. Article IV general and Section 4.2 specifically, is hereby supplemented to provide that each Owner of a Phase 3 Lot shall be a member of the EAGLE POINTE HOMEOWNERS ASSOCIATION.

## ARTICLE II

DECLARATION

Grantor hereby declares that the Phase 3 property, and each Lot, parcel, or portion hereof, is and shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to the Declaration, as supplemented hereunder, and the restrictions, covenants, limitations, conditions and equitable servitudes contained therein, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance, subdivision, improvement and sale of the Phase 3 property, or any lot, parcel or portion thereof, and to enhance the value, desirability and attractiveness of the Property. The covenants, conditions and restrictions set forth in the Declaration, as supplemented hereunder, shall run with the land (described as the Property including the Phase 3 Property), and each estate therein and shall be binding upon all persons having or acquiring any right, title or interest in the property, including the Phase 3 Property, or any Lot, parcel or portion hereof shall inure to the benefit of and be binding upon Grantor, its successors in interest and each Grantee and his respective successors in interest, and may be enforced by Grantor, by any Grantee or Owner or his successors in interest, or by the Association as described in the Declaration.

## ARTICLE III

SUPPLEMENTS AND MODIFICATIONS

3.1 Plat Conditions. Article 1, Section 1.19 is hereby supplemented to provide that "Plat" as the Phase 3 property shall refer to the recorded plat of Melvin's Eagle Pointe No. 3. All conditions of the Plat are hereby incorporated herein by reference and notice is hereby given of the same.

3.2 Size Limitations. Single story and basement units shall have not less than 1600 square feet of floor area on the main floor, exclusive of porches and garages. Split level and two story units shall have not less than 1800 square feet of total floor area, exclusive of porches and garages.

3.3 Roofing Material. The roofing material of each unit may be constructed of composition asphalt shingles, cedar shakes or shingles, or such other material as may be approved by the Architectural Committee.

