



# DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 6 AT THE COLONIES

A PARCEL OF LAND ALL LOCATED IN THE NE 1/4 OF SECTION 30, T.4N., R.2W., B.M.,  
CITY OF CALDWELL, CANYON COUNTY, IDAHO  
2004

## OWNERS CERTIFICATE

Know all men by this presents: That the undersigned is the owner of the property described as follows and intends to include said property in this plat:

A parcel of land located in the northeast 1/4 of Section 30, Township 4 North, Range 2 West, Boise Meridian, City of Caldwell, Canyon County, Idaho, more particularly described as follows;

**COMMENCING** at a 5/8" rebar/no cap marking the northeast corner of said Section 30;

Thence North 89°50'28" West coincident with the north line of said northeast 1/4 of Section 30 a distance of 2638.25 feet to a 5/8" rebar/no cap marking the northwest corner of said northeast 1/4 of Section 30 (north 1/4 corner);

Thence South 00°22'27" West coincident with the west line of said northeast 1/4 of Section 30 a distance of 295.00 feet to a 5/8" rebar/cap PLS 7732;

Thence South 89°50'28" East parallel with said north line of the northeast 1/4 of Section 30 a distance of 607.73 feet to a 5/8" rebar/cap PLS 5461 and the **POINT OF BEGINNING**;

Thence continuing South 89°50'28" East parallel with said north line of the northeast 1/4 of Section 30 a distance of 590.43 feet to the centerline of the Noble Drain, from which a 5/8" rebar/cap PLS 5461 marking a witness corner bears North 89°50'28" West, 73.67 feet;

Thence South 41°32'44" East coincident with the centerline of said Noble Drain, 447.37 feet from which a 5/8" rebar/cap PLS 5461 marking a witness corner bears South 10°46'04" West, 69.50 feet;

Thence South 10°46'04" West, 426.19 feet to a 5/8" rebar/cap PLS 5461;

Thence South 00°11'23" West, 279.11 feet to a 5/8" rebar/cap PLS 5461;

Thence North 89°48'37" West, 102.01 feet to a 5/8" rebar/cap PLS 5461;

Thence South 00°22'45" West, 290.00 feet to a 5/8" rebar/cap PLS 5461;

Thence North 89°37'15" West, 256.00 feet to a 5/8" rebar/cap PLS 5461;

Thence South 00°22'45" West, 62.00 feet to a 5/8" rebar/cap PLS 5461;

Thence South 20°48'21" West, 35.30 feet to a 5/8" rebar/cap PLS 5461;

Thence North 46°00'00" West, 581.12 feet to a 5/8" rebar/cap PLS 5461;

Thence North 39°40'00" West, 97.20 feet to a 5/8" rebar/cap PLS 5461;

Thence North 52°25'00" East, 90.25 feet to a 5/8" rebar/cap PLS 5461;

Thence North 23°07'27" West, 72.03 feet to a 5/8" rebar/cap PLS 5461;

Thence North 17°08'01" East, 146.85 feet to a 5/8" rebar/cap PLS 5461;

Thence North 46°00'00" West, 367.94 feet to a 5/8" rebar/cap PLS 5461;

Thence North 00°20'00" East, 43.44 feet to a 5/8" rebar/cap PLS 5461;

Thence North 86°07'13" East, 108.89 feet to a 5/8" rebar/cap PLS 5461;

Thence North 46°06'47" East, 66.14 feet to a 5/8" rebar/cap PLS 5461;

Thence North 74°08'45" East, 104.13 feet to a 5/8" rebar/cap PLS 5461;

Thence North 00°20'00" East, 140.24 feet to a 5/8" rebar/cap PLS 5461;

Thence North 30°41'41" West, 65.24 feet to a 5/8" rebar/cap PLS 5461;

Thence North 00°10'00" East, 100.06 feet to the **POINT OF BEGINNING**.

The parcel above described contains 23.29 acres more or less.

The public streets shown on this plat are hereby dedicated to the public. The easements as shown on this plat are not dedicated to the public. However the right to use said easements is perpetually reserved for public utilities and for any other uses as designated hereon, and no permanent structures are to be erected within the lines of said easements.  
All lot shown on this plat will be eligible to receive water service from the City of Caldwell's Municipal Water Department and the City of Caldwell's Municipal Water Department has agreed in writing to serve all of the lots in this subdivision.

COREY BARTON — MANAGER  
DYVER DEVELOPMENT L.L.C.

## CERTIFICATE OF SURVEYOR

I, David S. Short, do hereby state that I am a Land Surveyor, licensed by the State of Idaho, and that this plat, 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 plotted thereon, 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.



## ACKNOWLEDGMENT

State of Idaho } ss  
County of Canyon

On this 19<sup>th</sup> day of July, 2004, before me Adair Koltas, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the manager of Dyver Development L.L.C., and the manager who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company's name.

In witness whereof, I have hereunto set my hand and notarial seal the day and year last above written.

Adair Koltas

Notary Public for Idaho  
Residing at Nampa, ID  
My commission expires 6-05-2010



3130 S. Owyhee St.  
Boise, Idaho 83705-4768

(208)342-5400  
(208)342-5363 Fax  
whpacific.com

Planners • Engineers • Surveyors • Landscape Architects

BOOK 35, PAGE 18

SHEET 2 OF 3

I:/PROJECTS/HEARTLAND/31218/ACAD/31218-SURV-PT01.DWG

# DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 6 AT THE COLONIES

A PARCEL OF LAND ALL LOCATED IN THE NE 1/4 OF SECTION 30, T.4N., R.2W., B.M.,  
CITY OF CALDWELL, CANYON COUNTY, IDAHO  
2004

## CERTIFICATE OF COUNTY SURVEYOR

I, DAVID R. KINZER, Canyon County Surveyor, do hereby certify that I have examined this plat and that it complies with the requirements of Idaho State Code, relating to plats and surveys. VACATIONS

David R. Kinzer  
Canyon County Surveyor  
DAVID R. KINZER PE/LS 3659

8/2/04  
Date

## APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk in and for the City of Caldwell, Canyon County, Idaho do hereby certify that at a regular meeting of the City Council held on the 1<sup>st</sup> day of November, 2004, this plat was accepted and approved.

Heidi Hunter  
Deputy City Clerk, Caldwell, Idaho

11-2-04  
Date



## APPROVAL OF CITY ENGINEER

I, Gordon N. Law, City Engineer, in and for the City of Caldwell, Canyon County, Idaho hereby approve this plat.

Gordon N. Law, P.E.  
City of Caldwell Engineer 16.6998

3 Nov 2004  
Date

## CERTIFICATE OF COUNTY TREASURER

I, \_\_\_\_\_, County Treasurer in and for the County of Canyon, 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 certificate is valid for the next thirty (30) days only.

Thacie Lloyd by J. Mercado  
County Treasurer Deputy Treasurer

11-10-04  
Date

## COUNTY RECORDERS CERTIFICATE

STATE OF IDAHO }  
COUNTY OF CANYON }SS

I hereby certify that this instrument was filed for record at the request of W&H Pacific at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock \_\_\_\_\_ M., on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in Book \_\_\_\_\_ of plats at Pages \_\_\_\_\_ through \_\_\_\_\_.

Deputy

Ex-Officio Recorder



3130 S. Owyhee St.  
Boise, Idaho 83705-4768  
(208)342-5400  
(208)342-5353 Fax  
whpacific.com

Planners • Engineers • Surveyors • Landscape Architects

INSTRUMENT NO. 200503465

SUPPLEMENTAL DECLARATION OF ANNEXATION ESTABLISHING  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
DELAWARE PARK SUBDIVISION NO. 6 AT THE COLONIES  
PLATTED AS DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 6 AT THE COLONIES

THIS SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by Dyver Development, LLC, an Idaho limited liability company, hereinafter referred to as "Declarant";

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property situated in the City of Caldwell, County of Canyon, State of Idaho, which is particularly described as:

Delaware Park Subdivision No. 1 Unit No. 6 At The Colonies, according to the official plat Thereof on file in the office of the County Recorder of Canyon County, State of Idaho, in Book 35 of plats at page 18; more particularly described on Exhibit "A" attached hereto and incorporated herein by this Reference.

(which real property is hereinafter referred to as the "Phase 6 Property"); and

WHEREAS, Declarant has heretofore recorded a Declaration Establishing Covenants, Conditions and Restrictions for Delaware Park At The Colonies Subdivision Phase II, recorded on February 27, 2002, as Instrument Number: 200209365, records of Canyon County, Idaho.

WHEREAS, Delaware Park Subdivision No. 1 Unit No. 6 At The Colonies is being developed according to a master plan of development and is thereby related to Delaware Park At The Colonies Subdivision Phase II, and Declarant desires that the Phase 6 property be subject to the covenants, conditions and restrictions for Delaware Park At The Colonies Subdivision Phase II as set forth in the Declaration (as Declaration may be, from time to time, amended), and that owners of Building Lots or parcels within the boundaries of the Phase 6 Property be members of Delaware Park At The Colonies Subdivision Homeowners Association, Inc.;

NOW, THEREFORE, Declarant hereby declares:

ARTICLE I

The Phase 6 Property shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration, as amended, incorporated herein by this reference as if set forth in full, which easements, restrictions, covenants and conditions are for the purpose of protecting the value and desirability of, and which shall run with and bind, the Phase 6 Property and each and every part, parcel and Building Lot thereof, and be binding on all parties having any right, title or interest in the Phase 6 Property or any parcel or building lot thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

## ARTICLE II

Pursuant to the Sections 1.2 and 6.1 of the Declaration, the Declaration is hereby amended to include the Phase 6 Property, and the Phase 6 Property is hereby made subject to and the beneficiary of the rights, privileges, restrictions and covenants set forth in the Declaration. The Phase 6 Property is designated a "Tract" as defined in Section 3.15 of the Declaration, and is hereby annexed to the Property covered by the Declaration and is included within the term "Property" as used in the Declaration.

## ARTICLE III

Except for terms expressly defined herein, all capitalized terms shall have the same meaning as defined in the Declaration.

## ARTICLE IV

The Phase 6 Property shall be subject to all city and county setbacks and utility easements as set forth on the official plat thereof on file in the office of the County Recorder of Canyon County, State of Idaho, in Book 35 of plats at page 18; more particularly described on Exhibit "A" attached hereto and incorporated herein by this Reference.

Also as stated in the "Notes" on the official recorded plat thereof for Delaware Park Subdivision No. 1 Unit No. 6 at the Colonies:

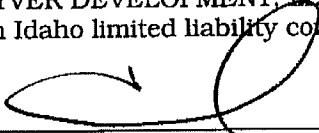
- (1) A public utility, property drainage and irrigation easement is hereby dedicated as follows unless otherwise noted.
  - 10 feet wide along subdivision boundary
  - 10 feet wide along rear lot lines
  - 10 feet wide along street frontage
  - 5 feet wide each side of side lot linesIf the lot lines are adjusted, the easement shall also be adjusted accordingly, provided no facilities have been installed within the easement.
- (2) Lot 6 Block 14, Lot 3 Block 21 and Lot 13 Block 15 are designated as common area lots for the purpose of retention ponds to be owned and maintained by the Homeowner's Association.
- (3) Lot 7 Block 14 is for the purpose of a sewer easement and a pedestrian ingress/egress easement to be owned and maintained by the Homeowner's Association.
- (4) This development recognizes section 22-4503 of Idaho code, right to farm act, which states "no agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply whenever nuisance results from the improper or negligent operation of any agricultural operation or appurtenance to it."
- (5) this subdivision is subject to compliance with Idaho Code Section 31-3805 concerning irrigation water.
- (6) Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of resubdivision.
- (7) Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of the City of Caldwell.

- (8) Lot 16 Block 14 and Lot 4 Block 21 are for the purpose of the Noble Drain Easement and to be owned and Maintained by the Homeowner's Association. No fencing or obstructions shall be placed within the Noble Drain Easement.

(The specific lots identified as Common Area in Section 10.1 of the Declaration refer to lots and blocks in Delaware Park At The Colonies Subdivision (Phase 2) only.) All Common Area, including the original Common Area identified as such in Section 10.1 of the Declaration, and the Common Area identified as such in this Supplemental Declaration and in any future Supplemental Declaration, shall all be included within the term "Common Area" as used in the Declaration and shall be shared among the owners of all Building Lots in the Property (including future annexed Tracts), as provided in Article X of the Declaration.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereto set its hand this 20<sup>th</sup> day of January 2005.

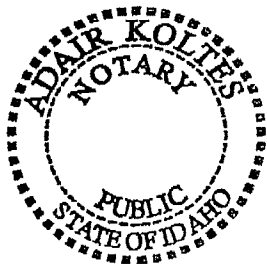
DYVER DEVELOPMENT, LLC,  
An Idaho limited liability company

  
By: Corey Barton, Its Manager

STATE OF IDAHO                     )  
                                                  ) ss.  
County of Ada                     )

On this 20<sup>th</sup> day of January, 2005, before me Adair Koltes, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the Manager of Dyver Development, LLC, a limited liability company, who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company's name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Adair Koltes  
Notary Public for Idaho  
Residing at Nampa, ID  
My commission expires 6-05-2010

**PROJECT:**

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 6

A parcel of land located in the northeast ¼ of Section 30, Township 4 North, Range 2 West, Boise Meridian, City of Caldwell, Canyon County, Idaho, more particularly described as follows:

**COMMENCING** at a 5/8" rebar/no cap, corner record #915631 marking the northeast corner of said Section 30;

Thence North 89°50'28" West coincident with the north line of said northeast ¼ of Section 30 a distance of 2638.25 feet to a 5/8" rebar/no cap, corner record #950587 marking the northwest corner of said northeast ¼ of Section 30 (north 1/4 corner);

Thence South 00°22'27" West coincident with the west line of said northeast ¼ of Section 30 a distance of 295.00 feet to a 5/8" rebar/cap PLS 7732;

Thence South 89°50'28" East parallel with said north line of the northeast ¼ of Section 30 a distance of 607.73 feet to a 5/8" rebar/cap PLS 5461 and the **POINT OF BEGINNING**;

Thence continuing South 89°50'28" East parallel with said north line of the northeast ¼ of Section 30 a distance of 590.43 feet to the centerline of the Noble Drain, from which a 5/8" rebar/cap PLS 5461 marking a witness corner bears North 89°50'28" West, 73.67 feet;

Thence South 41°32'44" East coincident with the centerline of said Noble Drain, 447.37 feet from which a 5/8" rebar/cap PLS 5461 marking a witness corner bears South 10°46'04" West, 69.50 feet;

Thence South 10°46'04" West, 426.19 feet to a 5/8" rebar/cap PLS 5461;

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Thence North 23°07'27" West, 72.03 feet to a 5/8" rebar/cap PLS 5461;

Thence North 17°08'01" East, 146.85 feet to a 5/8" rebar/cap PLS 5461;

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Thence North 30°41'41" West, 65.24 feet to a 5/8" rebar/cap PLS 5461;

Thence North 00°10'00" East, 100.06 feet to the POINT OF BEGINNING.

The parcel above described contains 23.29 acres more or less.

Basis of bearings is North 89°50'28" West between the 5/8" rebar/no cap marking Northeast corner of said Section 30, and a 5/8" rebar/no cap marking the North ¼ of said Section 30, both in Township 4 North, Range 2 West, Boise Meridian.

Together with and subject to covenants, easements, and restrictions of record.

200503465

RECORDED

2005 JUN 21 PM 3:57

G NOEL HALES

CANYON CNTY RECORDER

BY

*C. McLaughlin*  
ap

PIONEER-CALDWELL

REQUEST

TYPE *mic* FEE *15.00*