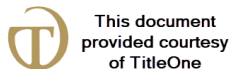


DELAWARE PARK SUBDIVISION NO. 2 UNIT NO. 1 AT THE COLONIES

200603453



This document
provided courtesy
of TitleOne

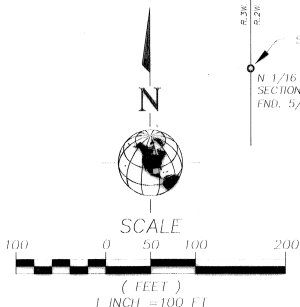
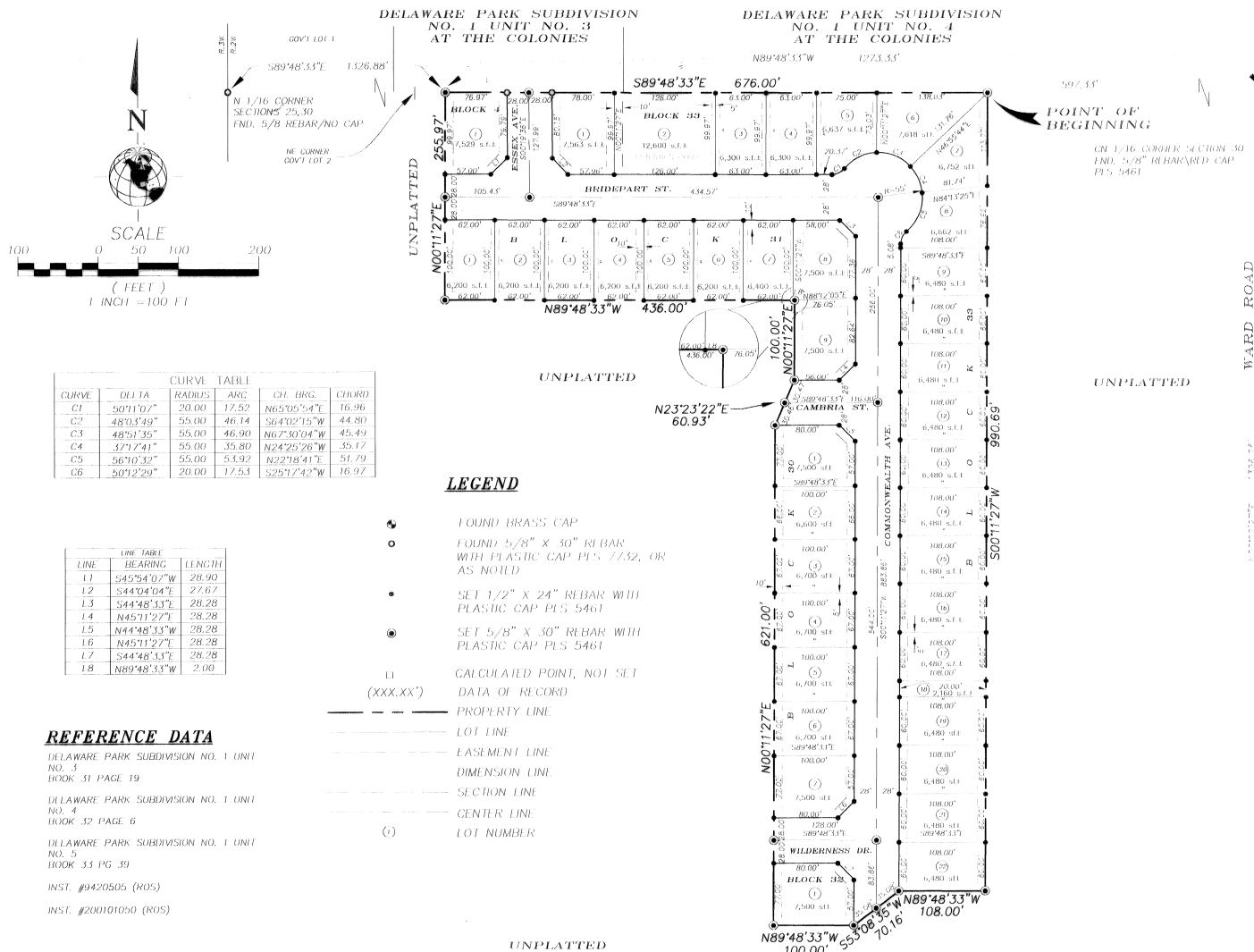
A PARCEL OF LAND LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 30, T.1N., R.2W., B.M.,
CITY OF CALDWELL, CANYON COUNTY, IDAHO
2006

RECORDED

2006 JUN 18 PM 3:49

G NOEL HALE
CANYON COUNTY RECORDER

Due 11



CURVE	DELTA	RADIUS	ARC	CH. BRG.	CHORD
C1	50°11'02"	20.00	17.52	N65°05'04"E	16.96
C2	48°03'49"	55.00	46.14	S64°02'15"W	44.80
C3	48°31'35"	55.00	46.90	N67°30'04"W	45.49
C4	37°17'41"	55.00	35.80	N24°25'26"W	35.17
C5	56°10'32"	55.00	53.92	N22°18'41"E	51.79
C6	50°12'29"	20.00	17.53	S25°17'42"W	16.97

LEGEND

- FOUND BRASS CAP
- FOUND 5/8" X 30" REBAR WITH PLASTIC CAP PLS 5461 OR AS NOTED
- SET 1/2" X 24" REBAR WITH PLASTIC CAP PLS 5461
- SET 5/8" X 30" REBAR WITH PLASTIC CAP PLS 5461
- CALCULATED POINT, NOT SET
- (XXX.XX') DATA OF RECORD
- PROPERTY LINE
- LOT LINE
- EASEMENT LINE
- DIMENSION LINE
- SECTION LINE
- CENTER LINE
- (1) LOT NUMBER

REFERENCE DATA

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5
BOOK 31 PAGE 19

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 4
BOOK 32 PAGE 6

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5
BOOK 33 PG. 39

INST. #9420505 (R05)

INST. #200101050 (R05)



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

(208)342-5400
(208)342-5353 Fax
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BOOK _____, PAGE _____

E:\PROJ\GIS\HEARL AND\51787\ACAD\51787-SURV-P1-07.DWG

NOTES

1. A PUBLIC UTILITY, PROPERTY DRAINAGE AND IRRIGATION EASEMENT IS HEREBY DEDICATED AS FOLLOWS UNLESS OTHERWISE NOTED:

TO 11 FT WIDE ALONG SUBDIVISION BOUNDARY
TO 11 FT WIDE ALONG NEAR LOT LINES
TO 11 FT WIDE ALONG STREET FRONTAGE
5 FT WIDE EACH SIDE OF SIDE LOT LINES

IF THE LOT LINES ARE ADJUSTED, THE EASEMENT SHALL ALSO BE ADJUSTED ACCORDINGLY, PROVIDED NO FACILITIES HAVE BEEN INSTALLED WITHIN THE EASEMENT.

2. LOT 2 BLOCK 33 IS DESIGNATED AS A COMMON AREA LOT FOR THE PURPOSE OF A RETENTION POND TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

3. THIS DEVELOPMENT RECOGNIZES SECTION 2, 4503 OF IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPEARANCE 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 APPEARANCE TO IT."

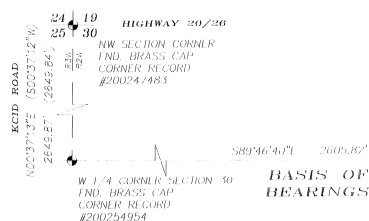
4. TO COMPLY WITH IDAHO CODE 31-3805, DYER DEVELOPMENT, LLC HAS AGREED IN WRITING TO ANNEX SURFACE WATER RIGHTS INTO THE CALDWELL MUNICIPAL IRRIGATION SYSTEM FOR THIS SUBDIVISION.

5. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.

6. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF CALDWELL.

7. LOT 18 BLOCK 33 IS DESIGNATED AS A COMMON AREA LOT FOR THE PURPOSE OF PEDESTRIAN INGRESS/EGRESS, UTILITIES, IRRIGATION AND LANDSCAPE AND IS TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

8. THE AVAILABILITY OF BUILDING PERMITS FOR THIS DEVELOPMENT MAY BE LIMITED PURSUANT TO CALDWELL CITY CODE 11-02-06(1)(c) WHICH LIMITS THE NUMBER OF BUILDING PERMITS THAT MAY BE ISSUED PRIOR TO FINAL COMPLETION OF THE DEVELOPMENT. APPLICANT SHALL DISCLOSE TO LOT PURCHASERS WHETHER THE ISSUANCE OF BUILDING PERMITS IS IN FACT RESTRICTED BY CALDWELL CITY CODE 11-02-06(1)(c) AND LOT PURCHASERS ARE ENCOURAGED TO CONTACT THE CALDWELL CITY BUILDING DEPARTMENT PRIOR TO CLOSING.



C 1/4 CORNER SECTION 30
FND 5/8" REBAR RED CAP
PLS 5461

SE 1/4 CORNER SECTION 30
FND BRASS CAP
CORNER RECORD
#200254954



37-13

SHEET 1 OF 3

DELAWARE PARK SUBDIVISION NO. 2 UNIT NO. 1 AT THE COLONIES

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 30, T.4N., R.2W., B.M.,
CITY OF CALDWELL, CANYON COUNTY, IDAHO
2006

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 being a portion of the Southeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$ 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 found brass cap, corner record #200254954, marking the West $\frac{1}{4}$ corner of said Section 30;

Thence South 89° 46' 40" East, coincident with the south line of the said Northwest $\frac{1}{4}$ of Section 30, a distance of 2605.82 feet to a found rebar/cap PLS 5461 marking the Center $\frac{1}{4}$ corner of Section 30;

Thence North 00° 22' 27" East, coincident with the east line of the said Northwest $\frac{1}{4}$ of Section 30, a distance of 1326.25 feet to a found rebar/cap PLS 5461, marking the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ corner of Section 30;

Thence North 89° 48' 33" West, coincident with the north line of the said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 30, a distance of 597.33 feet to a set 5/8" rebar/cap PLS 5461, marking the northeast corner of this property and being the **POINT OF BEGINNING** for this description;

Thence South 00° 11' 27" West, 990.69 feet to a set 5/8" rebar/cap PLS 5461;

Thence North 89° 48' 33" West, 108.00 feet to a set 5/8" rebar/cap PLS 5461;

Thence South 53° 08' 35" West, 70.16 feet to a set 5/8" rebar/cap PLS 5461;

Thence North 89° 48' 33" West, 100.00 feet to a set 5/8" rebar/cap PLS 5461;

Thence North 00° 11' 27" East, 621.00 feet to a set 5/8" rebar/cap PLS 5461;

Thence North 23° 23' 22" East, 60.93 feet to a set 5/8" rebar/cap PLS 5461;

Thence North 00° 11' 27" East, 100.00 feet to a set 5/8" rebar/cap PLS 5461;

Thence North 89° 48' 33" West, 436.00 feet to a set 5/8" rebar/cap PLS 5461;

Thence North 00° 11' 27" East, 255.97 feet to a set 5/8" rebar/cap PLS 5461 on the north line of the said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 30;

Thence South 89° 48' 33" East, coincident with the said north line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 30, a distance of 676.00 feet, to the **POINT OF BEGINNING**.

Basis of Bearings is South 89° 46' 40" East between Instrument No. 200225954, a brass cap marking the West $\frac{1}{4}$ Corner of Section 30, and a 5/8" rebar PLS 5461 marking the Center $\frac{1}{4}$ of Section in Township 3 North, Range 2 West, Boise Meridian.

The parcel above described contains 8.48 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 lots 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.



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

(208)342-5400
(208)342-5353 Fax
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BOOK _____, PAGE _____

I: /PROJECTS/HEARTLAND/3178/ACAD/3178-SURV-PT-07.DWG

ACKNOWLEDGMENT

State of Idaho } ss
County of ~~Canyon~~ Ada }

On this 5th day of Dec., 2005, 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 Dyer 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
Residing at
My commission expires

Idaho
Nampa, ID
6-05-2010



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.

David S. Short



12/7/2005

37-13

SHEET 2 OF 3

DELAWARE PARK SUBDIVISION NO. 2 UNIT NO. 1 AT THE COLONIES

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 30, T.4N., R.2W., B.M.,
CITY OF CALDWELL, CANYON COUNTY, IDAHO
2006

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.

David R. Kinzer
Canyon County Surveyor
DAVID R. KINZER TELLS 2659

12/16/05
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 5th day of DECEMBER, 2005, this plat was accepted and approved.

Monica Jones
City Clerk, Caldwell, Idaho

1/10/2006
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

10 JAN 2006
Date

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on the State of Idaho, Department of Environmental Quality (DEQ) approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water or sewer/septic facilities were constructed. Building construction can be allowed with appropriate building permits if drinking water or sewer facilities have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities or meet the other conditions of DEQ, then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

Robert A. Verso
District Health Department, REHS

1/6/06
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.

Joan Floyd
County Treasurer

1-17-06
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
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BOOK _____, PAGE _____

I:/PROJECTS/HEARTLAND/31787/ACAD/31787-SURV-PT-07.DWG

37-13

SHEET 3 OF 3

200623763

RECORDED

2006 MAR 31 PM 4 15

COUNTY CLERK

CANYON COUNTY RECORDER

BY *[Signature]*

PIONEER - NAMPA

REQUEST

TYPE *Amc* FEE *21-*

SUPPLEMENTAL DECLARATION OF ANNEXATION ESTABLISHING
COVENANTS, CONDITIONS AND RESTRICTIONS FOR

DELAWARE PARK SUBDIVISION NO. 2 UNIT NO. 1
AT THE COLONIES

PLATTED AS

DELAWARE PARK SUBDIVISION NO. 2 UNIT NO. 1
AT THE COLONIES

W29009

SUPPLEMENTAL DECLARATION OF ANNEXATION ESTABLISHING
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
DELAWARE PARK SUBDIVISION NO. 2 UNIT NO. 1 AT THE COLONIES
PLATTED AS DELAWARE PARK SUBDIVISION NO. 2 UNIT NO. 1 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. 2 Unit No. 1 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 37 of plats at page 13; more particularly described on Exhibit "A" attached hereto and incorporated herein by this Reference.

(which real property is hereinafter referred to as the "Delaware Park Subdivision No. 2 Unit No. 1"); 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. 2 Unit No. 1 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 Delaware Park Subdivision No. 2 Unit No. 1 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 Delaware Park Subdivision No. 2 Unit No. 1 Property be members of Delaware Park At The Colonies Subdivision Homeowners Association, Inc.:

NOW, THEREFORE, Declarant hereby declares:

ARTICLE I

The Delaware Park Subdivision No. 2 Unit No. 1 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 Delaware Park Subdivision No. 2 Unit No. 1 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 Delaware Park Subdivision No. 2 Unit No. 1 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 7.1 of the Declaration, the Declaration is hereby amended to include the Delaware Park Subdivision No. 2 Unit No. 1 Property, and the Delaware Park Subdivision No. 2 Unit No. 1 Property is hereby made subject to and the beneficiary of the rights, privileges, restrictions and covenants set forth in the Declaration. The Delaware Park Subdivision No. 2 Unit No. 1 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 Common Areas granted to the Delaware Park Homeowners Association, Inc. are:

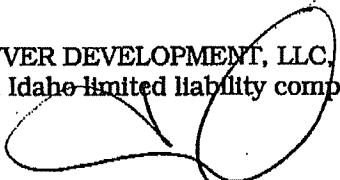
Lot 2, Block 33, Lot 18, Block 33.

This Common Area shall be conveyed to the Association free and clear of all liens and title encumbrances (other than easements, taxes, and common restrictions) and shall be owned and maintained by the Association.

Notes. The Common Area and building lots are subject to the "Notes," as stated on the final recorded Plat for DELAWARE PARK SUBDIVISION NO. 2 UNIT NO. 1, recorded in County of Canyon, Idaho and recorded as instrument #200603453; and attached as Exhibit A.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereto set its hand this 30th day of March 2006.

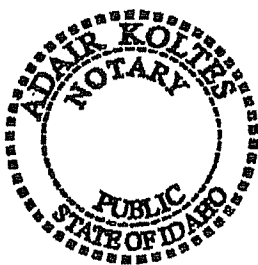
DYVER DEVELOPMENT, LLC,
An Idaho limited liability company


By: Corey Barton, Its Manager

STATE OF IDAHO)
) ss.
County of Ada)

On this 30th day of March, 2006, 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.

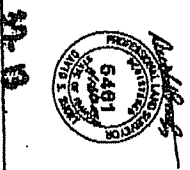
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



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

200603453

RECORDED
JUN 10 1964
G. M. HILL
CANYON CITY RECORDER



SHIFT 1 OF 3

1. A PUBLIC UTILITY, AFFIDAVIT OF SERVICE AND REGISTRATION CASEMENT IS HEREBY INITIALED AS FOLLOWS UNLESS OTHERWISE NOTED:

- [illegible]

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 30, T.4N., R.2W., B.M.,
CITY OF CALDWELL, CANYON COUNTY, IDAHO
2005

23. ~~Section 10~~ Canyon County Surveyor, do hereby certify that I have examined this plan and find it complies with the requirements of Idaho State Code, relating to plats and surveys.

1228.155
Dols

1, the undersigned, City Clerk in and for the City of Grand, Canyon County, Idaho do hereby certify that at a regular meeting of the City Council held on the 2nd day of ~~December~~ March, this fact was accepted and approved.

Date: 1/10/2004

1. ~~At the City of Phoenix~~, City Engineer, at one for the City of
Phoenix, Canyon County. He has hereby approved this plan.

COPIES DESTROYED
Date



Министерство «Регионы» и «Сфера услуг» в соответствии с Законом

BOOK PAGE

2 / PROJECTS / HEAVY PLANT / 51707 / ACAD / 51707-SHEV-PF-07.DWG

[illegible]

Date 2/24/20

County Treasurer is and for the County of _____, State of Idaho, per the requirements of IC 50-1504, 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.

1-17-06
Date

STATE OF IDAHO } ss
COUNTY OF CAYTON }

I hereby certify that this instrument was filed for record at the request of _____ of _____
 was Pacific at _____ minutes past _____ o'clock _____ M., on this _____ day of _____ in Book _____ of page _____ through _____ of page _____

Er-Officio Records