

RECEIVED NOV 15 2005

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 11/08/05 09:16 AM  
DEPUTY Vicki Allen  
RECORDED - REQUEST OF  
Olympic Investments

AMOUNT 12.00



**NOTICE OF ADDITION OF TERRITORY  
AND  
SUPPLEMENTAL DECLARATION OF  
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
FOR  
ROCKBRIDGE SUBDIVISION PHASE 5**

THIS NOTICE OF ADDITION OF TERRITORY AND SUPPLEMENTAL DECLARATION (hereinafter "Supplemental Declaration") is made this 1<sup>st</sup> day of October, 2005 by OLYMPIC INVESTMENTS, LLC, an Idaho Limited Liability company, hereinafter referred to as "Declarant".

**RECITALS**

A. Declarant is the owner of certain real property situate in the City of Star, County of Ada, State of Idaho, which is particularly described as:

All the land within the boundaries of Rockbridge Subdivision Phase 5, according to the plat thereof recorded in Book 93 of Plats at pages 11093 through 11097, Instrument #105122704, records of Ada County, State of Idaho.

which property is hereinafter referred to as "Rockbridge Subdivision Phase 5"; and

B. On April 23, 2002, Declarant recorded in the real property records of Ada County, Idaho as Instrument No. 102046958, a Declaration of Covenants, Conditions, Restrictions and Easements for Rockbridge Subdivision (hereinafter the "Master Declaration") designating the property subject thereto as a planned development and providing for amendment thereof to annex additional parcels as part of the property subject to the Master Declaration and to include the owners of Lots in such annexed property as members of the Association provided for in the Master Declaration; and

C. Declarant desires to add Rockbridge Subdivision Phase 5 as part of the planned development with Rockbridge Subdivision Phases 1 through 4 collectively referred to as "Rockbridge Subdivision", and the owners of lots therein as members of the Association;

NOW THEREFORE, DECLARANT HEREBY DECLARES AS FOLLOWS:

1. Annexation.

1.1 Establishment of General Plan.

A. This Supplemental Declaration and the Master Declaration are hereby established upon Rockbridge Subdivision Phase 5, and every portion thereof, in furtherance of a general plan for the improvement and sale of lots within Rockbridge Subdivision, for the purpose of protecting and enhancing the value of each Lot therein, and are further declared to be for the benefit of

Rockbridge Subdivision Phase 5 and every part thereof, and for the benefit of each Owner of a Lot in Rockbridge Subdivision Phase 5.

- B. Rockbridge Subdivision Phase 5, and every part thereof, is hereby made subject to the Master Declaration except as herein modified for Rockbridge Subdivision Phase 5 only. Rockbridge Subdivision Phase 5, and every part thereof, shall be held, conveyed, hypothecated, encumbered, leased, occupied or otherwise used, improved, or transferred, in whole or in part, subject to this Supplemental Declaration and Master Declaration.
  - C. This Supplemental Declaration and Master Declaration are hereby imposed as equitable servitudes upon Rockbridge Subdivision Phase 5, and each and every part thereof, as a servient tenement for the benefit of the other portions thereof and of each and every other Lot within Rockbridge Subdivision as the dominant tenants.
  - D. This Supplemental Declaration and Master Declaration shall run with the land in Rockbridge Subdivision Phase 5 and shall be binding upon and inure to the benefit of all parties having or hereinafter acquiring any right, title or interest in Rockbridge Subdivision Phase 5 or any portion thereof.
  - E. This Supplemental Declaration is recorded pursuant to Article XII of the Master Declaration and the provisions hereof shall be deemed an amendment and supplement to the Master Declaration, and may be enforced as provided for the enforcement of other provisions thereof.
2. Common Area. "Common Area" as defined in Article II, Section 2.10, of the Master Declaration is amended to include, in addition to the lots, parcels and easements described therein, the following: Lot 20, Block 4 and Lot 5, Block 12, as depicted on and according to the official recorded plat for Rockbridge Subdivision Phase 5.
  3. Building Setbacks. Unless otherwise provided for in the deed to any Lot from Declarant or as determined by the Architectural Control Committee, structures and improvements other than approved fencing shall not be placed within the setbacks from the property lines of lots in Rockbridge Subdivision Phase 5 as identified in the Findings of Fact and Conclusions of Law of the Rockbridge Subdivision PUD and Preliminary Plat Amendment dated August 19, 2002, as may be amended, on file in the records of the City of Star.
  4. Storm Water Drainage and Retention System. A portion of Lots 5, 9 and 10, Block 12 Rockbridge Subdivision Phase 5 shall be subject to an Ada County Highway District Storm Water and Drainage Easement, in addition the Lots described in the Master Declaration or other instruments as being subject thereto, as more fully described in Article VI of the Master Declaration.
  5. Easement for Pressurized Irrigation System. Each of the Lots in Rockbridge Subdivision Phase 5 shall be subject to an easement in favor of the Association for the installation and operation of a pressurized irrigation system, as more fully described in the Master Declaration, in the locations depicted and noted on the plat thereof.

6. Miscellaneous Provisions.

6.1 Amendment and Duration.

This Supplemental Declaration may be amended or repealed at any time only by complying with the requirements of Article XV, Section 15.2, of the Master Declaration. Unless amended or repealed as provided herein, this Supplemental Declaration shall continue and remain in full force and effect for so long as the Master Declaration remains in effect.

6.2 Enforcement and Non-Waiver.

Reference is hereby made to the provisions of Article XI of the Master Declaration which provisions are hereby incorporated in this Supplemental Declaration by this reference as though set forth fully herein.

6.3 Construction; Severability; Singular-Plural; Titles.

A. Restrictions Construed Together. All of the provisions of this Supplemental Declaration shall be liberally construed together with the restrictions in the Master Declarations to promote and effectuate the fundamental concepts of Rockbridge Subdivision as set forth in Article I of the Master Declaration.

B. Restrictions Severable. Notwithstanding the provisions of the foregoing Paragraph A, each of the provisions of this Supplemental Declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision hereof.

C. Singular Includes Plural. Unless the context requires a contrary construction, the singular shall include the plural and the plural the singular; the masculine, feminine or neuter shall each include the masculine, feminine or neuter.

D. Captions. All captions or titles used in this Supplemental Declaration are intended solely for convenience or reference and shall not affect that which is set forth in any of the terms or provisions hereof.

[Signatures on Following Page]

