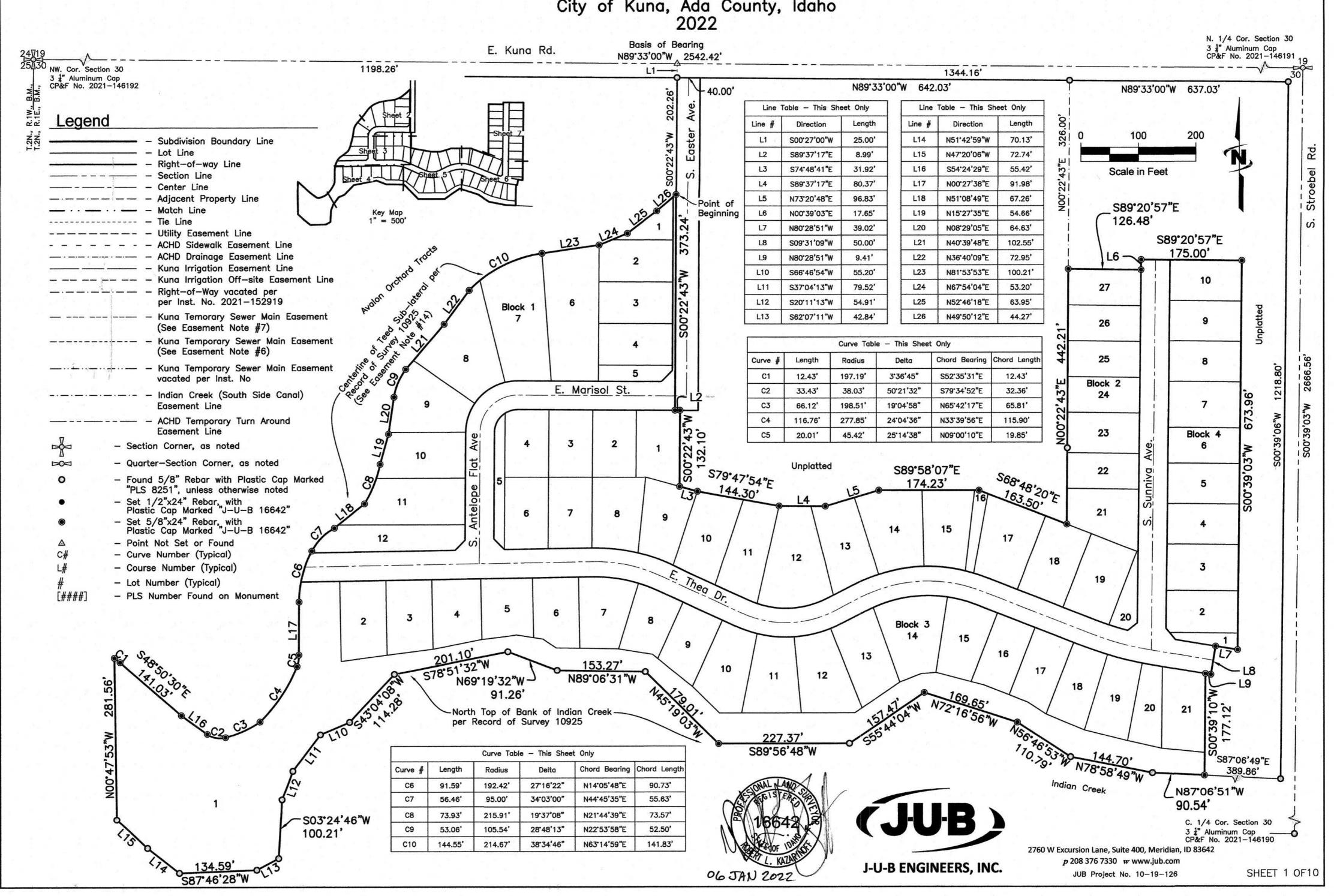
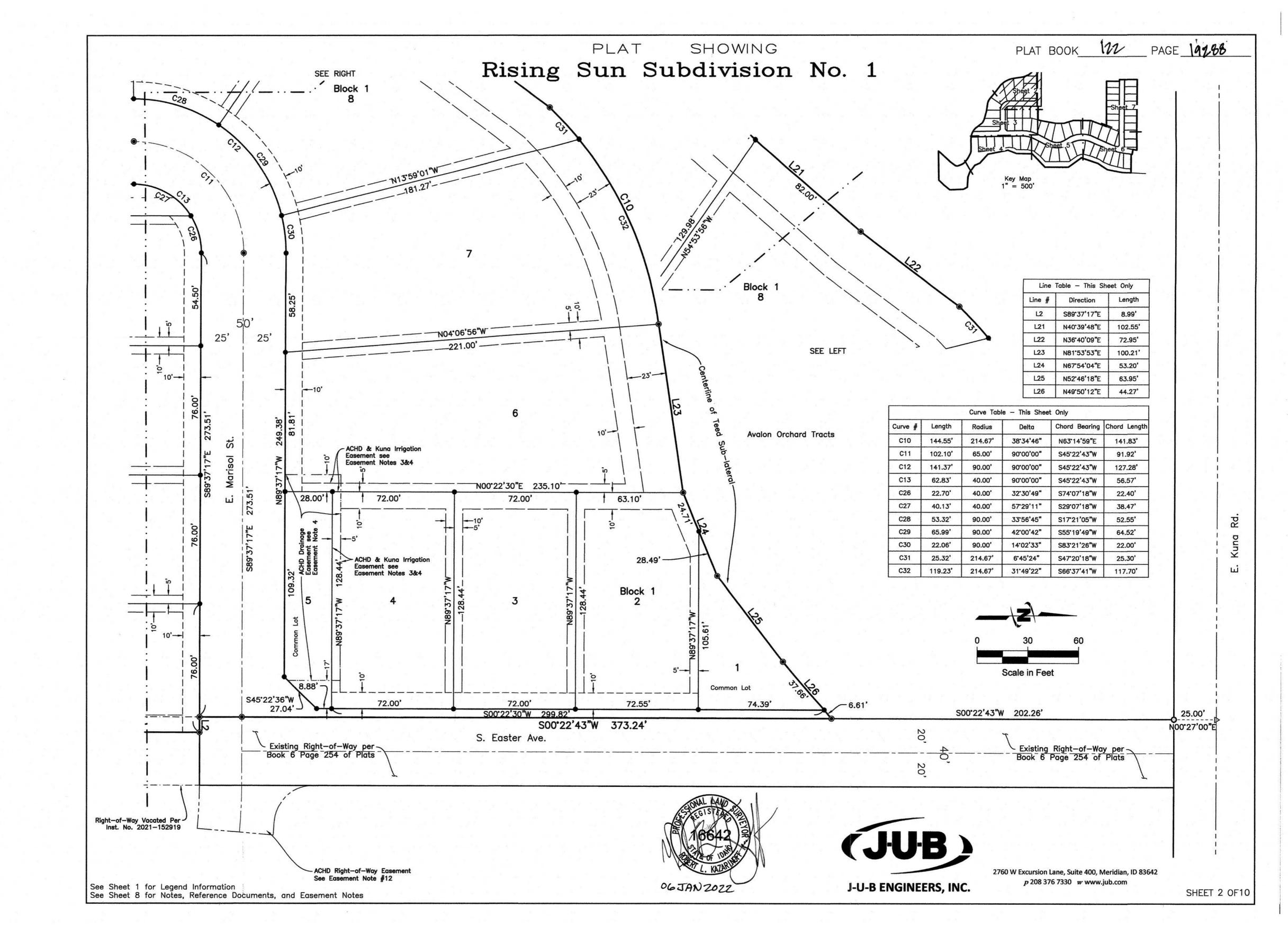
PLAT BOOK 122 PAGE 19281

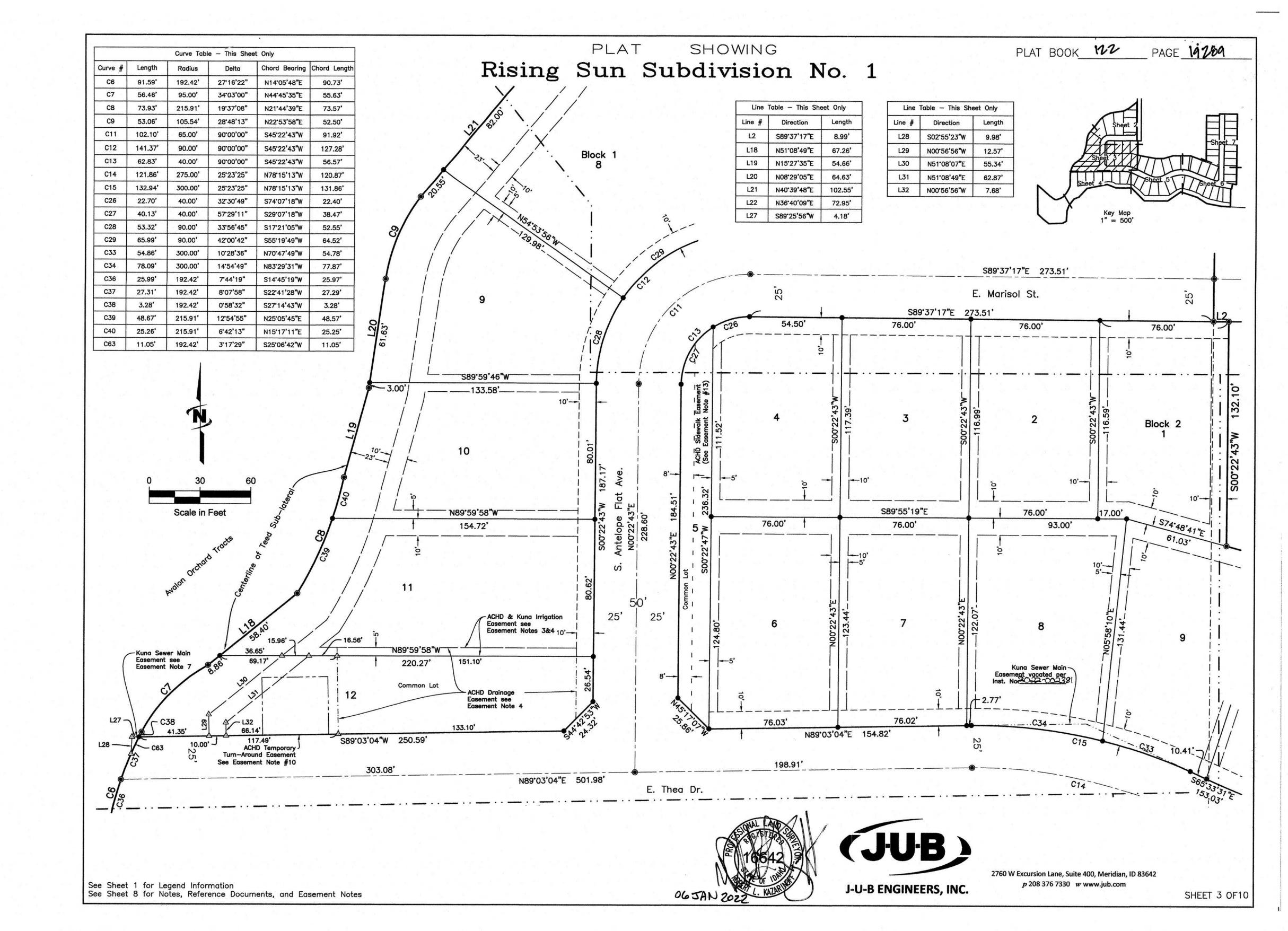
# Rising Sun Subdivision No. 1

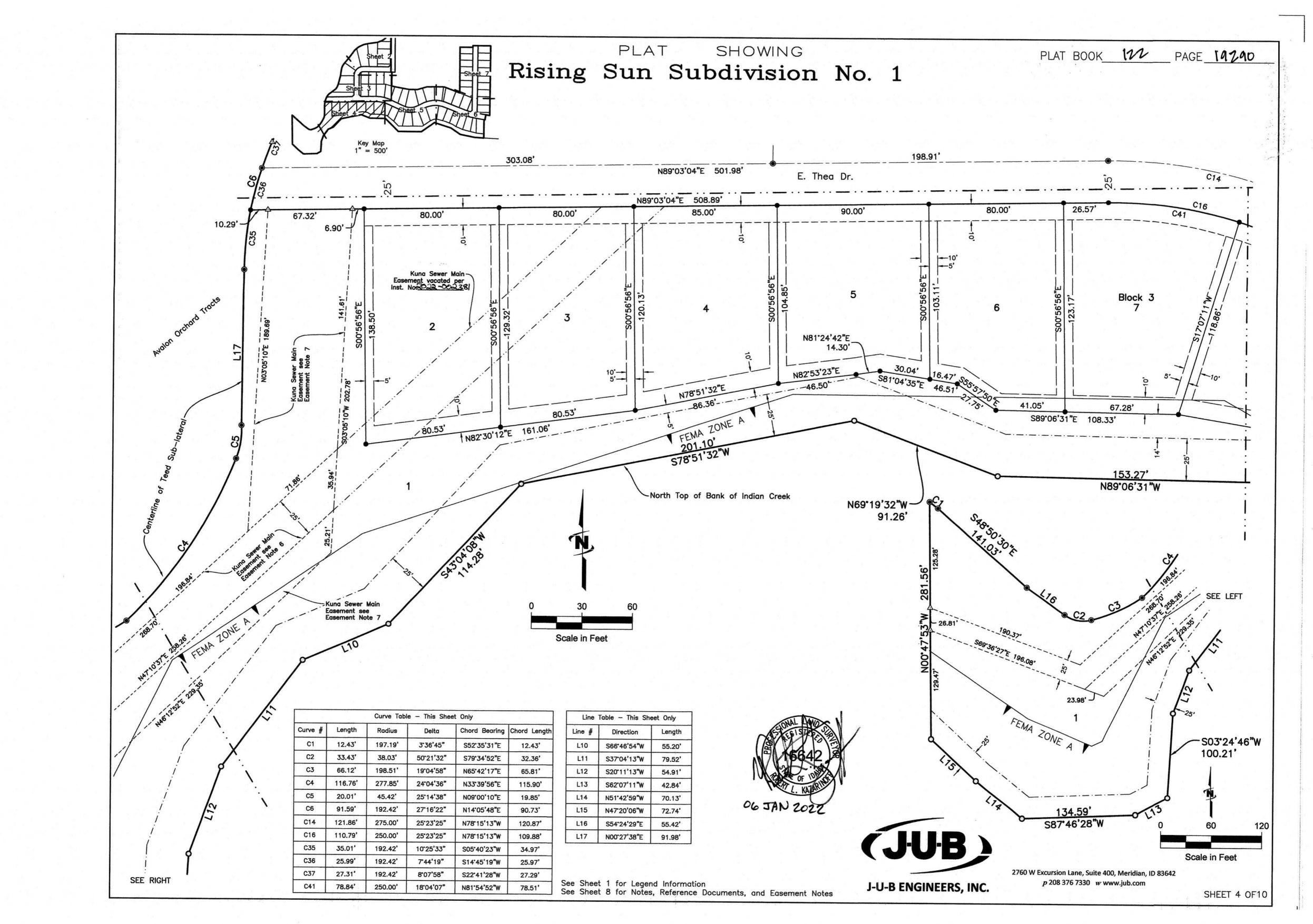
A re-plat of those portions of Lots 5, 6, 7, 8, 9 and 10 of Block 5, Lots 1, 3, 5 and 6 of Block 6, and Lot 2 of Block 7 of the Amended Plat of Part of the Avalon Orchard Tracts and of Lot 3 in the northeast quarter of the northwest quarter of Section 30 of Avalon Orchard Tracts Situated in the Northwest Quarter of Section 30, Township 2 North, Range 1 East, Boise Meridian,

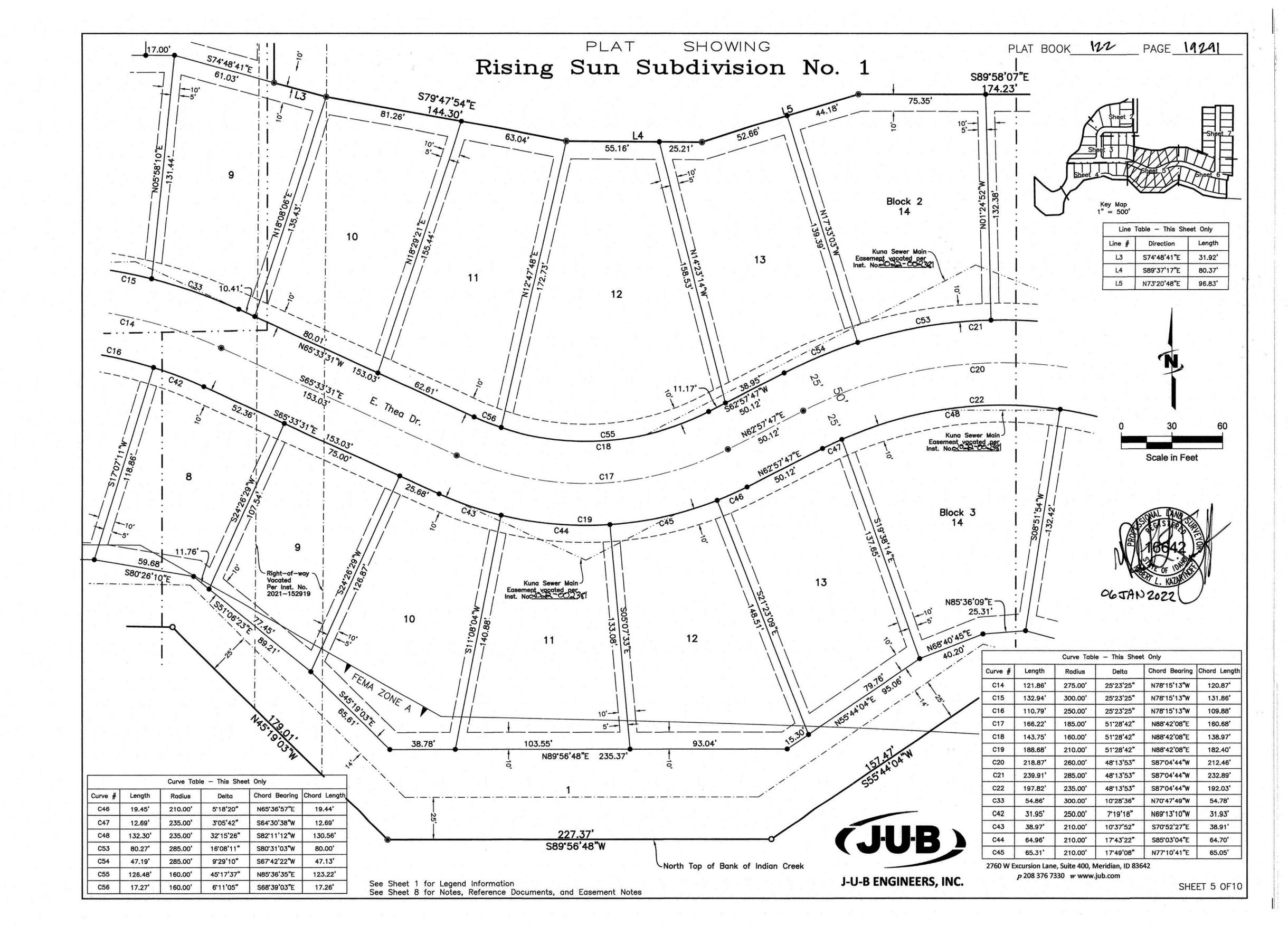
# City of Kuna, Ada County, Idaho

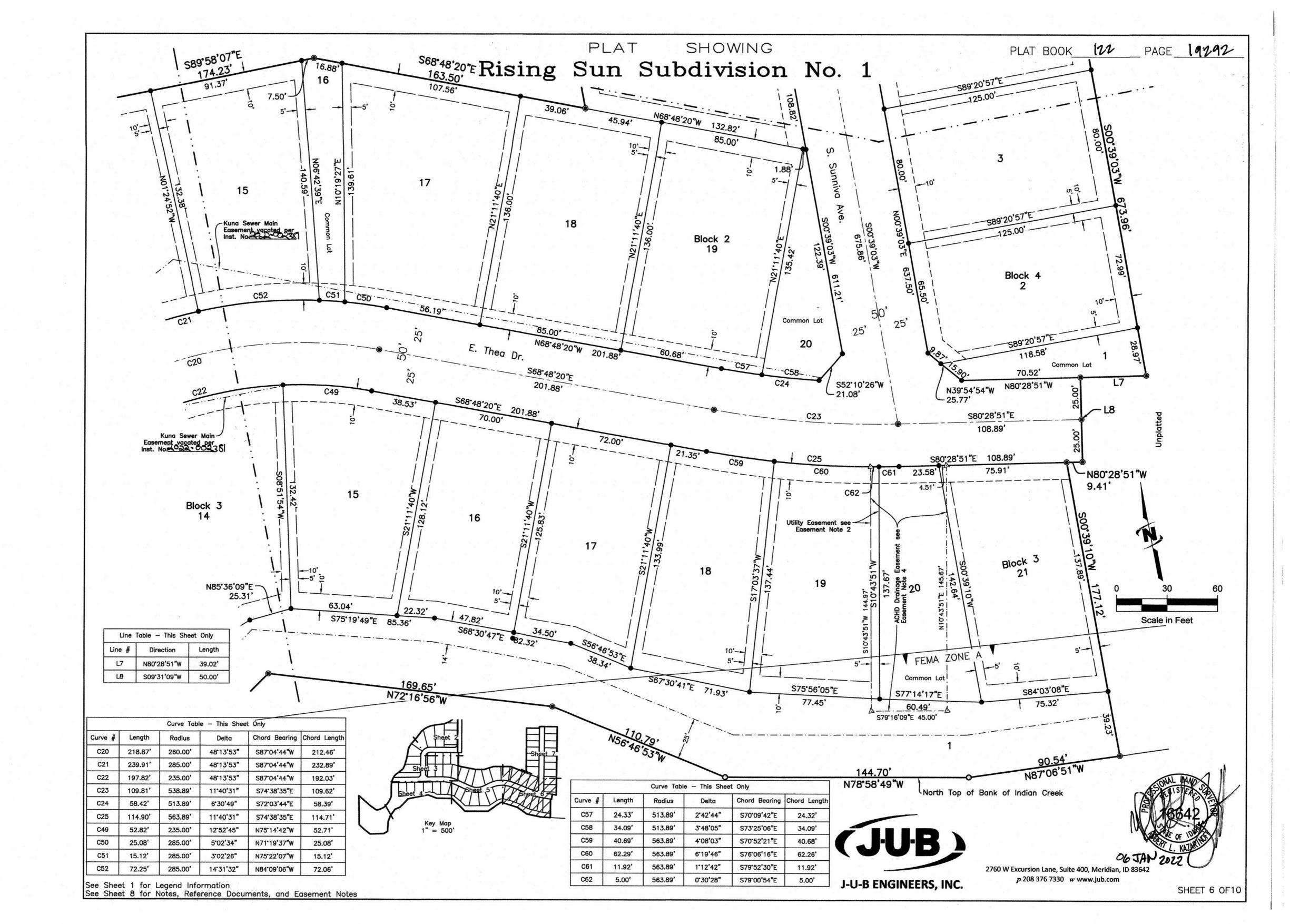


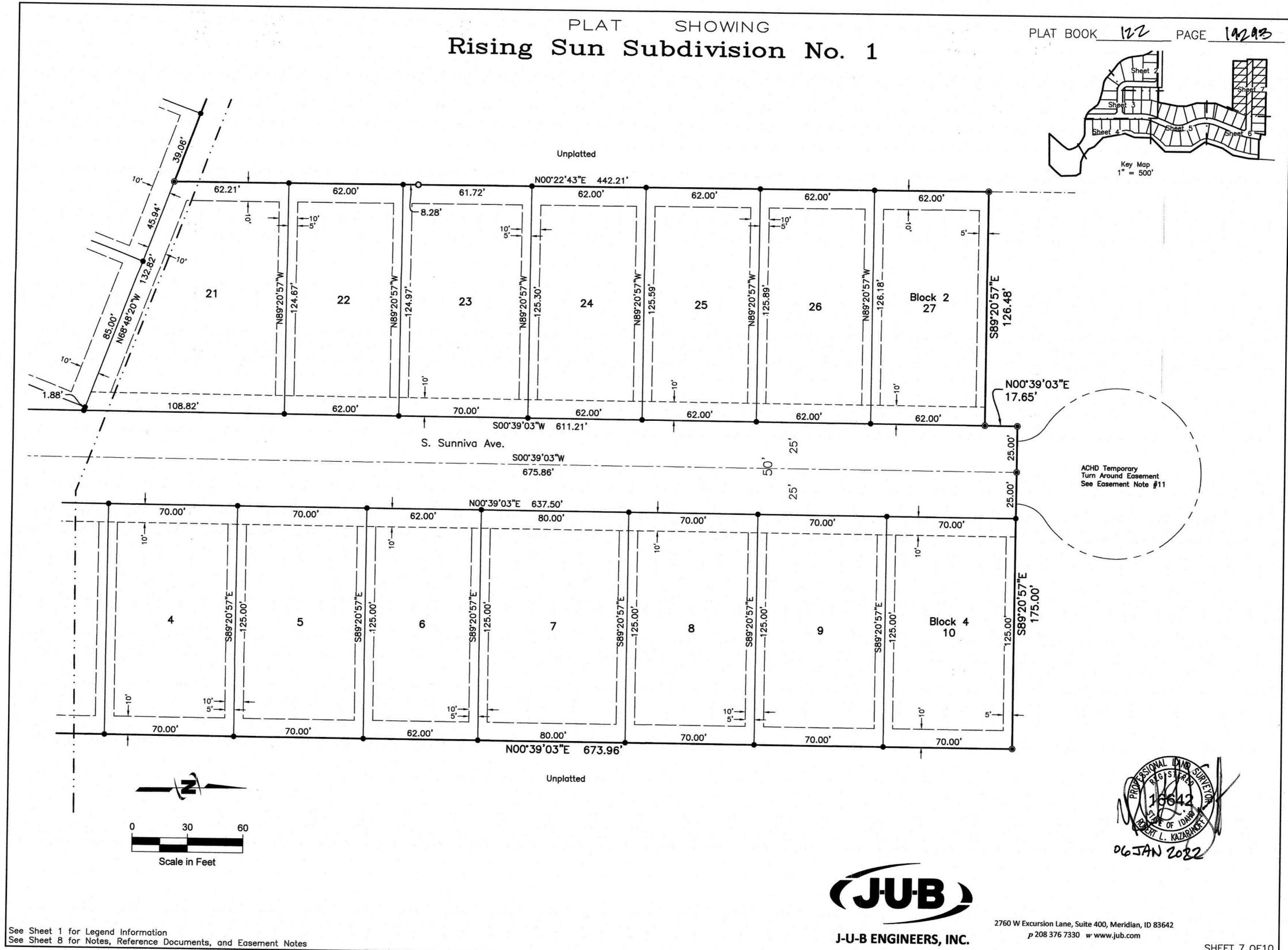












SHEET 7 OF10

# Rising Sun Subdivision No. 1

#### Notes

- 1. Any re-subdivision of this plat shall comply with the applicable zoning regulations in effect at the time of re-subdivision.
- 2. Lots 1, 5 and 12 of Block 1; Lots 5, 16 and 20 of Block 2; Lot 20 of Block 3; and Lot 1 of Block 4 are common lots which shall be owned and maintained by the Indian Creek Ranch Homeowners' Association, Inc. The ownership and maintenance commitment may not be dissolved without the express consent of the City of Kuna.
- 3. Minimum building setback lines shall be in accordance with the City of Kuna's Zoning Ordinance at the time of issuance of the individual building permit, or as specifically approved and/or required.
- 4. Lots shall not be reduced in size without prior approval from the health authority.
- 5. No additional domestic water supplies shall be installed beyond the water system approved in the sanitary restriction release.
- 6. Reference is made to the public health letter on file with Ada County Recorder regarding additional restrictions.
- 7. A portion of this Subdivision is located within Special Flood Hazard Area (SFHA) Zone A (100-year Flood) as shown on FEMA Flood Insurance Rate Program (FIRM) Map Panel No. 16001C0400J, Effective date 10/02/2003.
- 8. This development recognizes Section 22-4503 of Idaho Code, Right to Farm Act, which states, "No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof."
- 9. Maintenance of any irrigation, drainage pipe, or ditch, crossing a lot, is the responsibility of the lot owner, unless such responsibility is assumed by an irrigation or drainage entity or district.
- 10. The Indian Creek Ranch Homeowners' Association, Inc. (ICRHOA), its ownership, and maintenance commitments cannot be dissolved without the express written consent of the City of Kuna, Idaho. All improved individual lots are subject to the fractional share of the irrigation assessment for each ICRHOA common lot that receives municipal irrigation. If the assessment is not paid by the ICRHOA, the individual improved lots are subject to a lien for non-payment.
- 11. This Development is subject to ACHD Temporary License Agreement Instrument No. 2021-138957.
- 12.Right—of—Way from Amended Plat of Part of the Avalon Orchard Tracts filed in Book 6 of Plats at Page 254, Ada County Records, has been vacated per Instrument No. 2021—152919.
- 13.Lot 1 of Block 3 will be deeded to the City of Kuna after recording to be a City Park maintained by the City of Kuna.
- 14. This development will be subject to Covenants, Conditions, Restrictions, and Easements, to be recorded subsequent to the Plat, and as may be amended from time to time.

#### Surveyor's Narrative

SURVEY PURPOSE: To determine the boundary of a portion of that land as described in that Warranty Deed recorded under Instrument No. 2020—147825, Ada County Records, Idaho, and to include said portion of said lands within this subdivision.

DOCUMENTS USED: See Reference Documents below.

BOUNDARY CONTROLLED BY: The northwesterly and southerly boundaries are controlled by that land as surveyed according to said Record of Survey No. 10925.

The easterly and northerly boundaries are controlled by a boundary line created by the client reflecting how portions of the lands of hereinabove described Warranty Deed is desired to be subdivided.

#### Reference Documents

Subdivisions: Amended Plat of Part of the Avalon Orchard Tracts, Map of Avalon Orchard Tracts, Book 6 Page 254 of Plats

Surveys: Records of Survey Nos. 10912 & 10925.

Deeds: 2020-147825, 2021-152919

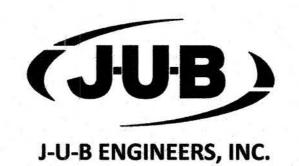
Easements (Partial): 2017-013829, 2020-044292, 2021-118208, 2021-139118, 2021-118207, 2021-139117

Easement Terminations (Partial): 2017-013829, 2020-044292, 2021-152919

#### **Easement Notes**

- Lots 1, 5 and 12 of Block 1; Lots 5, 16 and 20 of Block 2; Lot 20 of Block 3; and Lot 1 of Block 4 are designated as having a Utility Easement co-situate with said Lot (i.e. blanket easement).
   Lot 1 of Block 1 is designated as having an Irrigation Pump & Pond Easement co-situate with said Lot (i.e. blanket easement).
- 2. All Utility Easements shown or designated hereon are non-exclusive, perpetual, shall run with the land, are appurtenant to the lots shown hereon, and are hereby reserved for the installation, maintenance, operation, and use of public & private utilities, sewer service, cable television/data; City of Kuna water, sewer & drainage; appurtenances thereto; and lot drainage.
- 3. The Kuna Irrigation Easements shown hereon are non-exclusive, perpetual, shall run with the land, and is hereby reserved for the installation, maintenance, operation, and use of City of Kuna irrigation pipes; and appurtenances thereto.
- 4. Portions of Lots 4, 5, 6, 11, and 12 of Block 1 and of Lots 1, 19, 20, and 21 of Block 3 are servient to and contain the ACHD storm water drainage system. These lots are encumbered by that certain first amended Master Perpetual Storm Water Drainage Easement recorded on November 10, 2015 as Instrument Number 2015—103256, official records of Ada County, and incorporated herein by this reference as if set forth in full (the "Master easement"). The Master Easement and the storm water drainage system are dedicated to ACHD pursuant to Section 40—2302 Idaho Code. The Master Easement is for the operation and maintenance of the storm water drainage system.
- 5. Indian Creek (South Side Canal) widths provided by Boise Project Board of Control per letter to City of Kuna dated July 11, 2007.
- 6. See Instrument Number 2017-013829 for Temporary Kuna Sewer Main Easement. Portions of said Easement (except for those portions delineated on this plat) shall terminate upon the dedication of public road right-of-way acceptable to the City of Kuna. Additional portions (as shown on this plat) not terminated upon dedication have been vacated per Instrument Number
- 7. See Instrument Number 2020-044292 for Sanitary Sewer Easement (Kuna). Portions of said Easement (except for those portions delineated on this plat) shall terminate upon the dedication of public road right-of-way acceptable to the City of Kuna. Additional portions (as shown on this plat) not terminated upon dedication have been vacated per Instrument Number 2022-002381.
- 8. No Utility Easement shown or designated hereon shall preclude the construction and maintenance of hard—surfaced driveways, landscaping, parking, side & rear property line fences, or other such nonpermanent improvements.
- 9. All easements are parallel (or concentric) to the the lines (or arcs) that they are dimensioned from unless otherwise noted.
- 10. See Instrument Number 2021-118208 for Temporary ACHD Turn Around Easement No. 1.
- 11. See Instrument Number 2021-139118 for Temporary ACHD Turn Around Easement No. 2.
- 12. See Instrument Number 2021-118207 for Permanent ACHD Right-of-Way Easement.
- 13. See Instrument Number 2021-139117 for Permanent ACHD Sidewalk Easement.
- 14. The Teed Sub-lateral is not under the jurisdiction of the Boise Project per email dated February, 9, 2021 from Tom Ritthaler, Boise Project. Adjacent and downstream landowners maintain prescriptive rights to the Teed Sub-lateral.





### PLAT BOOK W PAGE 19295

# Rising Sun Subdivision No. 1

#### Certificate of Owners

Know all people by these presents: that M3 ID Rising Sun, LLC, an Idaho limited liability company, does hereby certify that it is the owner of that real property to be known as Rising Sun Subdivision No. 1, and that it intends to include said real property, as

A re-plat of those portions of Lots 6, 7, 8, 9 and 10 of Block 5, Lots 1, 3, 5 and 6 of Block 6, and Lot 2 of Block 7, of the Amended Plat of Part of the Avalon Orchard Tracts, according to the official plat thereof, filed in Book 6 of Plats at Page 254, Ada County Records, and of Lot 3 in the northeast quarter of the northwest quarter of Section 30 of Avalon Orchard Tracts, according to the official plat thereof, filed in Book 4 of Plats at Page 189, Ada County Records, lying in the the Northwest Quarter of Section 30, Township 2 North, Range 1 East, Boise Meridian, in the City of Kuna, Ada County Idaho, particularly described as follows:

Commencing at the north quarter corner of Section 30, Township 2 North, Range 1 East, Boise Meridian, from which the northwest corner of said Section 30 bears North 89°33'00" West, 2542.42 feet; Thence along the north line of said Section 30, North 89°33'00" West, 1,344.16 feet; Thence departing from said north line, South 00°27'00" West, 25.00 feet to the southerly right-of-way line of E. Kuna Road; Thence along the east line of Block 6 of the Amended Plat of Part of the Avalon Orchard Tracts according to the official plat thereof filed in Book 6 of Plats at Page 254, Ada County Records, South 00°22'43" West, 202.26 feet to the POINT OF BEGINNING;

Thence continuing S 00°22'43" W, 373.24 feet along said east line of Block 6;

Thence S 89°37'17" E, 8.99 feet departing from said east line;

Thence S 00°22'43" W, 132.10 feet; Thence S 74°48'41" E, 31.92 feet; Thence S 79°47'54" E, 144.30 feet; Thence S 89°37'17" E, 80.37 feet; Thence N 73°20'48" E, 96.83 feet; Thence S 89°58'07" E, 174.23 feet; Thence S 68°48'20" E, 163.50 feet; Thence N 00°22'43" E, 442.21 feet; Thence S 89°20'57" E, 126.48 feet; Thence N 00°39'03" E, 17.65 feet; Thence S 89°20'57" E, 175.00 feet; Thence S 00°39'03" W, 673.96 feet; Thence N 80°28'51" W, 39.02 feet; Thence S 09°31'09" W, 50.00 feet; Thence N 80°28'51" W, 9.41 feet; Thence S 00°39'10" W, 177.12 feet to the southerly line of the Debra Young Tax Parcel according to Record of Survey No. 10925, Ada County Records;

Thence along said southerly line the following nineteen (19) courses:

1) N 87'06'51" W, 90.54 feet; 2) N 78'58'49" W, 144.70 feet: 3) N 56'46'53" W, 110.79 feet;

4) N 72'16'56" W. 169.65 feet:

5) S 55'44'04" W, 157.47 feet: 6) S 89'56'48" W, 227.37 feet; 7) N 45'19'03" W, 179.01 feet;

8) N 89'06'31" W, 153,27 feet:

9) N 69'19'32" W, 91.26 feet; 10) S 78'51'32" W, 201.10 feet: 11) S 43'04'08" W. 114.28 feet:

12) S 66'46'54" W, 55.20 feet;

- 13) S 37'04'13" W, 79.52 feet: 14) S 20°11'13" W. 54.91 feet: 15) S 03'24'46" W, 100.21 feet:
- 17) S 87'46'28" W. 134.59 feet: 18) N 51'42'59" W. 70.13 feet:
- 16) S 62°07'11" W, 42.84 feet;

19) N 47°20'06" W, 72.74 feet:

Thence along the westerly and northwesterly lines of said Debora Young Tax Parcel the following twenty—three (23) courses:

- 1) N 00°47'53" W, 281.56 feet to the beginning of a non-tangent curve;
- 2) Along said non-tangent curve to the right an arc length of 12.43 feet, having a radius of 197.19 feet, a central angle of 03°36'45", a chord bearing of S 52°35'31" E and a chord length of 12.43 feet; 3) S 48'50'30" E, 141.03 feet;

4) S 54°24'29" E, 55.42 feet to the beginning of a non-tangent curve;

- 5) Along said non-tangent curve to the left an arc length of 33.43 feet, having a radius of 38.03 feet, a central angle of 50°21'32", a chord bearing of S 79°34'52" E and a chord length of 32.36 feet to the beginning of a non-tangent curve; 6) Along said non-tangent curve to the left an arc length of 66.12 feet, having a radius of 198.51 feet, a central angle of 19°04'58", a chord bearing of N 65°42'17" E and a chord length of 65.81 feet to the beginning of a non-tangent curve;
- 7) Along said non-tangent curve to the left an arc length of 116.76 feet, having a radius of 277.85 feet, a central angle of 24°04'36", a chord bearing of N 33°39'56" E and a chord length of 115.90 feet to the beginning of a non-tangent curve; 8) Along said non-tangent curve to the left an arc length of 20.01 feet, having a radius of 45.42 feet, a central angle of 25°14'38", a chord bearing of N 09°00'10" E and a chord length of 19.85 feet; 9) N 00°27'38" E, 91.98 feet to the beginning of a non-tangent curve;

10) Along said non-tangent curve to the right an arc length of 91.59 feet, having a radius of 192.42 feet, a central angle of 27°16'22", a chord bearing of N 14°05'48" E and a chord length of 90.73 feet to the beginning of a non-tangent curve; 11) Along said non-tangent curve to the right an arc length of 56.46 feet, having a radius of 95.00 feet, a central angle of 34°03'00", a chord bearing of N 44°45'35" E and a chord length of 55.63 feet;

12) N 51.08'49" E, 67.26 feet to the beginning of a non-tangent curve; 13) Along said non-tangent curve to the left an arc length of 73.93 feet, having a radius of 215.91 feet, a central angle of 19°37'08", a chord bearing of N 21°44'39" E and a chord length of 73.57 feet;

14) N 15'27'35" E, 54.66 feet:

15) N 08°29'05" E, 64.63 feet to the beginning of a non-tangent curve;

16) Along said non-tangent curve to the right an arc length of 53.06 feet, having a radius of 105.54 feet, a central angle of 28°48'13", a chord bearing of N 22°53'58" E and a chord length of 52.50 feet; 17) N 40'39'48" E, 102.55 feet;

18) N 36°40'09" E, 72.95 feet to the beginning of a non-tangent curve;

19) Along said non-tangent curve to the right an arc length of 144.55 feet, having a radius of 214.67 feet, a central angle of 38°34'46", a chord bearing of N 63°14'59" E and a chord length of 141.83 feet; 20) N 81'53'53" E, 100.21 feet:

21) N 67'54'04" E, 53.20 feet: 22) N 52'46'18" E, 63.95 feet;

23) N 49'50'12" E, 44.27 feet to the east line of Block 6 of said Amended Plat of Part of the Avalon Orchard Tracts and the POINT OF BEGINNING

The above-described parcel of land contains 22.87 acres, more or less.

The public streets shown on this plat are hereby dedicated to the public. The easements shown on this plat are not dedicated to the public, however the right to use said easements is hereby reserved for the uses specifically depicted on the plat, and for any other purposes designated hereon, and no permanent structures, other than for such uses and purposes, are to be erected within the lines of said easements. All of the lots within this subdivision are eligible to receive water service from the City of Kuna, and the City of Kuna has agreed in writing to serve all lots within the subdivision. Irrigation District via the City of Kuna, in compliance with Idaho Code 31-3805(1)(b). Lots within this subdivision will be entitled to irrigation water rights, and will be obligated for assessments from Boise-Kuna Irrigation District via the City of Kuna.

In witness whereof, I have hereunto set my hand:

M3 ID Rising Sun, LLC, an Arizona limited liability company By: M3 Builders, LLC, an Arizona limited liability company, its Authorized Representative Companies, LLC, Arizona limited liability company, its Sole Member

On this \_\_\_\_\_\_day of November, in the year 2021, before me, a Notary Public in and for the State of \_\_\_\_\_\_\_, personally appeared to me to be the Manager of The William I. Brownlee, known or identified to me to be the Manager of The M3 Companies, LLC, an Arizona limited liability company, that executed the within instrument and acknowledged to me that The M3 Companies, LLC,

Certificate of Surveyor

I, Robert L. Kazarinoff, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this plat of Rising Sun Subdivision No. 1, as described in the Certificate of Owners and as shown on the attached plat is correct and was surveyed in accordance with Idaho Code relating to plats and surveys.

Robert L. Kazarinoff, PLS 16642

J-U-B ENGINEERS, INC.

2760 W Excursion Lane, Suite 400, Meridian, ID 83642 p 208 376 7330 w www.jub.com

Notary public for Idaho My commission expires\_1.15.26

Acknowledgment

State of Idaho

NOTARY PUBLIC,

# Rising Sun Subdivision No. 1

#### Approval of Central District Health

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied according to the letter to be read on file with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

11/24/21 COUNTY Central District Health Date

### Approval of Ada County Highway District

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on the Z day of Discounty, 2021.

Commission President Ada County Nighway District, Trustee of Existing President Ada County Nighway District Ada County Highway District Signed by Bruce S. Warg, Dechufy President

#### Acknowledgment

State of TDAHO County of ADA

On this 3 day of <u>December</u>, in the year 2021, before me, a Notary Public in and for the State of <u>Takino</u>, personally appeared known or identified to Bruce S. Wong, known or identified to me to be the Director of Ada County Highway District, that executed the within instrument and acknowledged to me that Ada County Highway District, executed the same.

Notary public for Idaho

My commission expires July 19, 2025

BREANN SHEARER NOTARY PUBLIC STATE OF IDAHO COMMISSION #50402

#### Approval of City Engineer

I, the undersigned, City Engineer in and for the City of Kuna, Ada County, Idaho, on this day

ZIDECEMBER ZOZI , hereby approve this plat.

Vanc A. Steven, P.E.

City Engineer P.E. No. 8722

Approval of City Council

The foregoing plat was accepted and approved this 1th day of December 2021, by the City of Kuna, Idaho.



#### Certificate of County Surveyor

I, the undersigned, Professional Land Surveyor in and for Ada County, Idaho, do hereby certify that I have checked this plat and find that it complies with the State of Idaho Code relating to plats

7-2022 Ada County Surveyor PLS 5359

### Certificate of County Treasurer

I, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, per requirements of Idaho Code 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in Chis proposed subdivision have been paid in full. This certificate is valid for the next thirty

Signed by cind stewart
peputy Treasurer

### County Recorder's Certificate

ss. Instrument No. 2022 - 088435

I hereby certify that this instrument was filed at the request of JUB Engineers, Inc. at

this 1 Hu day of Jawan , www, in my office, and was recorded in Book 122 of Plats at Pages 19281 through 19294

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