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ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY SEAL FROM THIS INSTRUMENT
BEAS IT IS NOW THE ONLY COPY OF THE ORIGINAL DOCUMENT.

ADA COUNTY RECORDER Phil McGrane
BOISE IDAHO Pgs=32 NIKOLA OLSON
PIONEER TITLE COMPANY OF ADA COUNTY
2022-020859
02/28/2022 03:38 PM
\$103.00

After Recording
Return to:

The M3 Companies
7033 E. Greenway Parkway, Suite 100
Scottsdale, AZ 85254

800401/TR

FOR RECORDING INFORMATION

THIRD SUPPLEMENT TO
MASTER DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
BOULDER POINT SUBDIVISION

This Third Supplement to Master Declaration of Covenants, Conditions and Restrictions for Boulder Point Subdivision (this "Third Supplement") is made this 15th day of November 2021, by M3 ID Boulder Heights, LLC, an Arizona limited liability company ("Grantor").

RECITALS

A. Grantor is the developer and owner of certain real property located in Ada County, Idaho, known as Boulder Point Subdivision, as more particularly described in that certain Master Declaration of Covenants, Conditions and Restrictions for Boulder Point Subdivision, recorded in Ada County, Idaho, on November 19, 202, as Instrument No. 2020-158994, as supplemented by that certain First Supplement to Master Declaration of Covenants, Conditions and Restrictions for Boulder Point Subdivision, recorded in Ada County, Idaho, on November 19, 2020, as Instrument No. 2020-158995; and as further supplemented by that certain Second Supplement to Master Declaration of Covenants, Conditions and Restrictions for Boulder Point Subdivision, recorded in Ada County, Idaho, on November 19, 2020, as Instrument No. 2020-158996 (collectively, the "Master Declaration").

B. As noted in Section 2.2 of the Master Declaration, the Property is intended to be developed in phases, each of which shall be subject to the Master Declaration as amended or supplemented from time to time.

C. Grantor has caused to be recorded that certain plat identified as Boulder Heights Estates Subdivision No. 10, as filed in Book 122 of Plats at Pages 19355 through 19359, in Ada County, Idaho, on February 7, 2022, as Instrument No. 2022-013204 (the "Phase 3 Plat"), and more particularly described and depicted on Exhibit A attached hereto and made a part hereof (the "Phase 3 Property").

D. Grantor desires to supplement the Master Declaration, as permitted by Sections 1.1 and 2.2 of the Master Declaration, to confirm, and to declare that the Phase 3 Property, and each lot, parcel, or portion thereof, is and/or shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to the terms of the Master Declaration, and subject to the following terms, covenants, conditions, easements, and restrictions as hereinafter set forth.

E. Grantor also desires to amend Section 8.2 of the Master Declaration to reflect the Association's intent and practice to date of collecting a set-up fee contribution and transfer fee contribution with each conveyance of each Building Lot located in Boulder Point Subdivision.

NOW, THEREFORE, Grantor hereby declares that the Phase 3 Property and each lot, parcel, or portion thereof, is and shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied,

and improved subject to the Master Declaration, and Exhibit A to the Master Declaration is hereby amended to include the Phase 3 Property. The following terms, covenants, conditions, easements, and restrictions are applicable to the Phase 3 Property, 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, and to enhance the value, desirability, and attractiveness of the Phase 3 Property. The terms, covenants, conditions, easements, and restrictions set forth herein shall run with the land constituting the Phase 3 Property and with each estate therein, and shall be binding upon all persons having or acquiring any right, title, or interest in the Phase 3 Property, or any lot, parcel, or portion thereof.

A. **Amendment to Master Declaration.**

1. **Set-up and Transfer Fee Contributions.** The first sentence of Section 8.2 of the Master Declaration is deleted in its entirety and is hereby replaced with the following:

“Upon acquisition of record to a title to a Building Lot by the first owner thereof other than Grantor, a set-up fee contribution shall be made by the Owner to the working capital of the Association in an amount equal to Five Hundred and No/100 Dollars (\$500.00).”

The foregoing provision shall apply to every Building Lot in Boulder Point Subdivision.

B. **Annexation of Phase 3 Property.** In addition to the restrictions set forth in the Master Declaration, the Phase 3 Property shall be subject to the following:

1. **Defined Terms.** All capitalized terms not defined herein shall have the meanings set forth in the Master Declaration, as amended.

2. **Association and Voting.** The Phase 3 Property shall be part of Boulder Point Homeowners' Association, Inc. (the “**Association**”). The Phase 3 Property shall be governed in accordance with the Master Declaration, as the same may from time to time be amended, including, without limitation, the obligation for and enforcement of Assessments as further described therein.

3. **Design Review.** Any and all improvements shall be subject to review by the ACC, which review will be in accordance with the Architectural Guidelines, as the same may be amended from time to time, and all in accordance with the Master Declaration.

4. **Designation of Phase 3 Common Area.** The Common Area established in the Phase 3 Property consists of those lots so designated on the Phase 3 Plat, including: Lot 14 of Block 14. Said Common Area shall be maintained by the Association in accordance with the Master Declaration.

5. **Reservation of Roof Drain Easement.** Grantor reserves an easement across all of Lot 14 of Block 14 for the installation and maintenance of a private roof drain system.

6. **ACHD Storm Water Drainage System.** Lot 14 of Block 14 is servient to and contain the Ada County Highway District (“**ACHD**”) storm water drainage system. This Building Lot is encumbered by that certain First Amended Master Perpetual Storm Water Drainage Easement recorded on November 30, 2015 as Instrument No. 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. Said easement shall remain free of all encroachments and obstructions (including fences and trees) which may adversely affect the operation and maintenance of the storm drainage facilities.

7. **ACHD Right to Inspect and Maintain.** ACHD shall have the right at all times to inspect the storm water drainage system, and perform any required maintenance and repairs.

- a. **ACHD Approval of Amendments.** Any amendment to this Declaration, the covenants, conditions and restrictions contained herein, or the Boulder Heights Estates Subdivision No. 10 Operation and Maintenance Manual for Public and Private Storm Water Facilities (the "**O&M Manual**"), attached hereto as **Exhibit B** and made a part hereof, having any direct impact or effect on the ACHD storm water drainage system shall be subject to prior review and approval by ACHD.
 - b. **ACHD Assessment of Costs.** ACHD shall be entitled to pursue reimbursement for the reasonable costs of all required maintenance and repairs to the storm water drainage system that are a result of failure by the Association or dues paying organization to properly perform the light maintenance duties as defined in the O&M Manual.
8. **No Additional Changes.** Except as supplemented by this Third Supplement, the Master Declaration shall remain unchanged and in full force and effect.
9. **Effect of Supplement.** This Third Supplement shall be binding upon and inure to the benefit of Grantor, all Owners of a Building Lot, and their successors and assigns. If there is any conflict between the terms of this Third Supplement and the Master Declaration, this Third Supplement shall control.

[end of text – signature on following page]


IN WITNESS WHEREOF, the undersigned has caused this Third Supplement to Master Declaration of Covenants, Conditions and Restrictions for Boulder Point Subdivision, to be duly executed the day and year first above written.

GRANTOR:

M3 ID BOULDER HEIGHTS, LLC,
an Arizona limited liability company

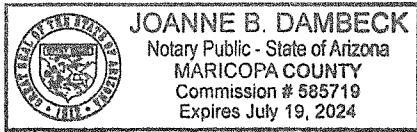
By: M3 Builders, L.L.C.,
an Arizona limited liability company
Its: Manager

By: The M3 Companies, L.L.C.,
an Arizona limited liability company
Its: Member


By: William I. Brownlee
Its: Manager

STATE OF ARIZONA)
) ss.
County of Maricopa)

This document was acknowledged before me on November 1, 2021 (date) by William I. Brownlee, as Manager of The M3 Companies, L.L.C., the Arizona limited liability company that is the Member of M3 Builders, L.L.C., the Arizona limited liability company that is the Manager of M3 ID Boulder Heights, LLC.



Joanne B. Dambeck
Notary Public for Maricopa County, Arizona
Residing at 12830 S. 45th St Phoenix, Ar
My commission expires: 7.19.24

FLAT SHOWING
BOULDER HEIGHTS ESTATES SUBDIVISION NO. 10

DK 122 BY HWSZ

NOTES

1. THIS FLAT SHOWING IS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE PLAT ACT AND THE RULES OF THE BOARD OF LAND SURVEYORS OF THE STATE OF IDAHO.
2. THE TOTAL AREA OF THE SUBDIVISION IS 10.00 ACRES, MORE OR LESS.
3. THE TOTAL AREA OF THIS FLAT IS 0.10 ACRES, MORE OR LESS.
4. THE BOUNDARIES OF THIS FLAT ARE AS SHOWN ON THE PLAT.
5. THE PLAT IS SUBJECT TO THE EASEMENTS AND ENCUMBRANCES SHOWN THEREON.
6. THE PLAT IS SUBJECT TO THE EASEMENTS AND ENCUMBRANCES SHOWN ON THE ADJACENT PLATS.
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3	1000.000	N 00° 00' 00" W	1000.000	1000.000	0.00
4	1000.000	N 00° 00' 00" W	1000.000	1000.000	0.00
5	1000.000	N 00° 00' 00" W	1000.000	1000.000	0.00
6	1000.000	N 00° 00' 00" W	1000.000	1000.000	0.00
7	1000.000	N 00° 00' 00" W	1000.000	1000.000	0.00
8	1000.000	N 00° 00' 00" W	1000.000	1000.000	0.00
9	1000.000	N 00° 00' 00" W	1000.000	1000.000	0.00
10	1000.000	N 00° 00' 00" W	1000.000	1000.000	0.00
11	1000.000	N 00° 00' 00" W	1000.000	1000.000	0.00
12	1000.000	N 00° 00' 00" W	1000.000	1000.000	0.00
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IDAHO SURVEY GROUP, LLC
 1000 S. 1000 E.
 SUITE 100
 TWIN FALLS, IDAHO 83420
 PHONE: 208-733-1234
 FAX: 208-733-1235
 WWW.IDAHOSURVEYGROUP.COM

BOULDER HEIGHTS ESTATES SUBDIVISION NO. 10

10K 1000 P20 10000

TESTIMONY OF JANA COONEY HOSKIN, SURVEYOR
 I, JANA COONEY HOSKIN, SURVEYOR, DO HEREBY CERTIFY THAT I AM THE SURVEYOR OF THE ABOVE DESCRIBED SUBDIVISION AND THAT I HAVE PERSONALLY EXAMINED THE RECORDS OF THE COUNTY ENGINEER AND THE COUNTY CLERK AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE.



Jana Cooney Hoskin
 Surveyor
 State of Idaho

TESTIMONY OF GERRIT B. DEBELL, HEALTH OFFICER
 I, GERRIT B. DEBELL, HEALTH OFFICER, DO HEREBY CERTIFY THAT I AM THE HEALTH OFFICER OF THE ABOVE DESCRIBED SUBDIVISION AND THAT I HAVE PERSONALLY EXAMINED THE RECORDS OF THE COUNTY ENGINEER AND THE COUNTY CLERK AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE.



Gerrit B. Debell
 Health Officer
 State of Idaho

TESTIMONY OF GUY D. ENGLISH, COUNTY ENGINEER
 I, GUY D. ENGLISH, COUNTY ENGINEER, DO HEREBY CERTIFY THAT I AM THE COUNTY ENGINEER OF THE ABOVE DESCRIBED SUBDIVISION AND THAT I HAVE PERSONALLY EXAMINED THE RECORDS OF THE COUNTY CLERK AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE.

Guy D. English
 County Engineer
 PE No. 11185

TESTIMONY OF CITE COONEY
 I, CITE COONEY, DO HEREBY CERTIFY THAT I AM THE COUNTY CLERK OF THE ABOVE DESCRIBED SUBDIVISION AND THAT I HAVE PERSONALLY EXAMINED THE RECORDS OF THE COUNTY ENGINEER AND THE HEALTH OFFICER AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE.



Cite Cooney
 County Clerk
 State of Idaho

CERTIFICATE OF COUNTY SURVEYOR
 I, JANA COONEY HOSKIN, SURVEYOR, DO HEREBY CERTIFY THAT I AM THE SURVEYOR OF THE ABOVE DESCRIBED SUBDIVISION AND THAT I HAVE PERSONALLY EXAMINED THE RECORDS OF THE COUNTY ENGINEER AND THE COUNTY CLERK AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE.



CERTIFICATE OF THE COUNTY ENGINEER
 I, GUY D. ENGLISH, COUNTY ENGINEER, DO HEREBY CERTIFY THAT I AM THE COUNTY ENGINEER OF THE ABOVE DESCRIBED SUBDIVISION AND THAT I HAVE PERSONALLY EXAMINED THE RECORDS OF THE COUNTY CLERK AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE.



Guy D. English
 County Engineer
 PE No. 11185

COUNTY RECORDS CLERK
 I, CITE COONEY, COUNTY CLERK, DO HEREBY CERTIFY THAT I AM THE COUNTY CLERK OF THE ABOVE DESCRIBED SUBDIVISION AND THAT I HAVE PERSONALLY EXAMINED THE RECORDS OF THE COUNTY ENGINEER AND THE HEALTH OFFICER AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE.

Cite Cooney
 County Clerk
 State of Idaho



JOB NO. 20000
 SHEET 5 OF 5

IDAHO SURVEY GROUP, LLC
 100 N. BRANDY
 SPOKANE, IDAHO 83402

Exhibit B

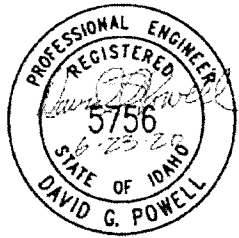
O&M Manual

**BOULDER HEIGHTS ESTATES
SUBDIVISION NO. 10**

OPERATION AND MAINTENANCE MANUAL

FOR

**PUBLIC AND PRIVATE STORM WATER
FACILITIES**



RIVERIDGE
ENGINEERING
COMPANY



RIVERIDGE ENGINEERING COMPANY
2447 S. VISTA AVE., BOISE, IDAHO 83705
PH: (208) 344-1180 FAX: (208) 344-1182

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Reduced Copies of the Final Plat	Appendix C
Boulder Heights Estates Subdivision No. 10	
Reporting Forms	Appendix D
6-Month Interval Inspection Form Corrective Action Form	

Summary of Operation & Maintenance Responsibilities for Storm Water Drainage Facilities

This manual outlines the responsibilities and duties to be performed by the Boulder Point Subdivision Homeowners Association, Inc. (Homeowner's Association / HOA) and the Ada County Highway District (ACHD) for the operation of the "light" and/or "heavy" maintenance of the private and public storm water pipes, structures and channels located within and for the Boulder Heights Estates Subdivision No 10, located in Boise, Idaho.

Maintenance responsibilities for the downstream stormwater ponds, located outside of the Boulder Heights Estates Subdivision No. 10 plat boundary, are described in the "Boulder Heights Estates No. 8 & 9 Operation and Maintenance Manual for Public and Private Storm Water".

The storm water drainage facilities are located within the ACHD's right-of-way and storm drain easements dedicated to ACHD, also within permanent roof drainage and access easements that are privately owned by the HOA. The primary purpose of these facilities is for storm water collection and conveyance.

The Homeowner's Association shall inspect both the public and private storm drainage facilities periodically and perform the "light" maintenance duties, outlined below, as needed. These inspections shall be made at least every six months and immediately following a significant rainfall event of 0.25 inches or more, or as deemed necessary by the Homeowner's Association. The designated responsible person for the HOA shall be responsible for maintaining 5 years of records that reflect the date of inspection, a summary of areas inspected and a list of all required corrections and heavy maintenance performed. An example form for this record keeping is included in Appendix D.

Private storm drain facilities include the roof drain system. The roof drain facilities are located within the private building lots or HOA owned common lots. The roof drain system consists of individual lot services, main line piping, cleanouts and manholes that collect roof runoff and convey away from the lots to the public ACHD storm water collection system. The entire private system is owned by the HOA and as owners, they are responsible for all light and heavy maintenance and all costs associated with the upkeep of the private system.

The Ada County Highway District shall be responsible for all heavy maintenance work associated with the public storm water collection system located within the public right-of-way, and dedicated ACHD easements including inlets, manholes and pipes. Heavy maintenance is defined by maintenance that requires the use of trained personnel and specialized equipment for replacement and repair of structures, vacuuming of piped systems, inlets and manholes, major repair of embankments and siltation removal that requires men and equipment to enter the basins, or the use of excavation equipment and dump trucks.

Maintenance Responsibilities of the Homeowners Association and the Ada County Highway District:

- **Landscape Maintenance:** All common area weed control, private irrigation and other landscaping maintenance within the on-site storm water facilities will be the responsibility of the Homeowners Association.
- **Trash Cleanup:** During periodic monthly inspections by the Homeowner's Association, any trash found within or in the vicinity of storm water inlets, detention facilities, and drain ditches, shall be collected and disposed of off-site in an appropriate manner by the HOA.
- **Private Drainage Facilities – Roof Drain Pipes and Structures:** The Homeowners Association owns and shall be responsible for all light and heavy maintenance associated with the private drainage facilities as previously defined. Light maintenance includes the periodic inspection of the pipe alignments and outlet pipe connections to catch basins to assure free flow of water from the pipe to the downstream ACHD conveyance system. Heavy maintenance shall include the cleaning and repairing of the pipe system that may be required, due to sediment buildup or other obstructions within the system. Heavy maintenance shall also include the slope repair and revegetation caused by damage to the roof drain system. The HOA shall visually inspect the roof drain alignments for signs of clogged piping and manholes, including visual signs of possible weeps along the downhill side of the pipe alignment and presence of erosion, which may indicate a clogged or broken roof drain pipe, or manhole. Also inspect all catch basins where roof drains connect to the ACHD facilities. These inspections are best done immediately following a significant event to verify proper discharge of runoff from the roof drain to the catch basins. The HOA shall contract with a private maintenance professional to evaluate and repair any broken pipes, clogged pipes or manholes, or areas of erosion. All costs associated with this maintenance and repair will be the responsibility of the HOA. All required maintenance of the ACHD catch basins is the responsibility of ACHD. When blockage is observed in the drop inlets, the HOA shall call ACHD and request that ACHD clear and remove any obstructions from these structures.
- **Public Drainage Facilities – Storm Drain Pipe, Manholes, Inlets and Gutters:** The Homeowners Association shall visually inspect the inlets and gutters located within the public right-of-way for signs of sediment buildup and debris. When buildup/blockage is observed, the HOA shall call ACHD and request that ACHD clear and remove any obstructions from these structures and gutters. All costs associated with the maintenance or repair of the public system will be the responsibility of the ACHD.

Public and Private Drainage Facilities Drawings and Plats

See Appendix B for the engineering drawings and final plat for more information on the drainage facilities.

Supplemental Resource Guides:

In addition to the requirements listed herein, the following supplemental documents are provided by the City of Boise to assist with the proper Best Management Practices for inspection, system clean-up, and system maintenance.

1. Stormwater Management Design Manual, Detailed Information to help you design and maintain stormwater systems, December 2019
2. Stormwater Management Resource Guide, Non-Stormwater Disposal (Pollution Prevention Controls) Best Management Practices, December 2019

These manuals include valuable information as to proper methodology for inspection, identification of problems, such as illicit spills and contamination, and notification of agencies when spills require the assistance of agencies for proper clean-up.

In case of emergency, listed below are a few phone numbers for agency contacts:

Boise Fire Department.....911
Storm Water Pollution Hotline.....(208) 395-8888
Boise City Public Works Department.....(208) 384-3901
Ada County Highway District.....(208) 387-6280
Idaho Department of Environmental Quality.....(208) 373-0550

APPENDIX A
ANNUAL OPERATING AND MAINTENANCE
COST ESTIMATE

**Boulder Heights Estates No. 10
 Estimated Annual Cost for the Homeowners Association
 Light Maintenance and Heavy Maintenance of Storm Water Facilities**

Date:

Item	January	February	March	April	May	June	July	August	September	October	November	December	Total
Trash Cleanup	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,200
Periodic Inspections*	\$150						\$150						\$300
Private Roof Drain System Heavy Maintenance Budget													\$1,200
Estimated Total Annual Budget													\$2,700

* Annual inspection will be performed once every 6 months

0418044/VP/PH/04 Stormwater O&M/Maint COST 44

APPENDIX B
REDUCED DRAINAGE PLANS

GENERAL NOTES

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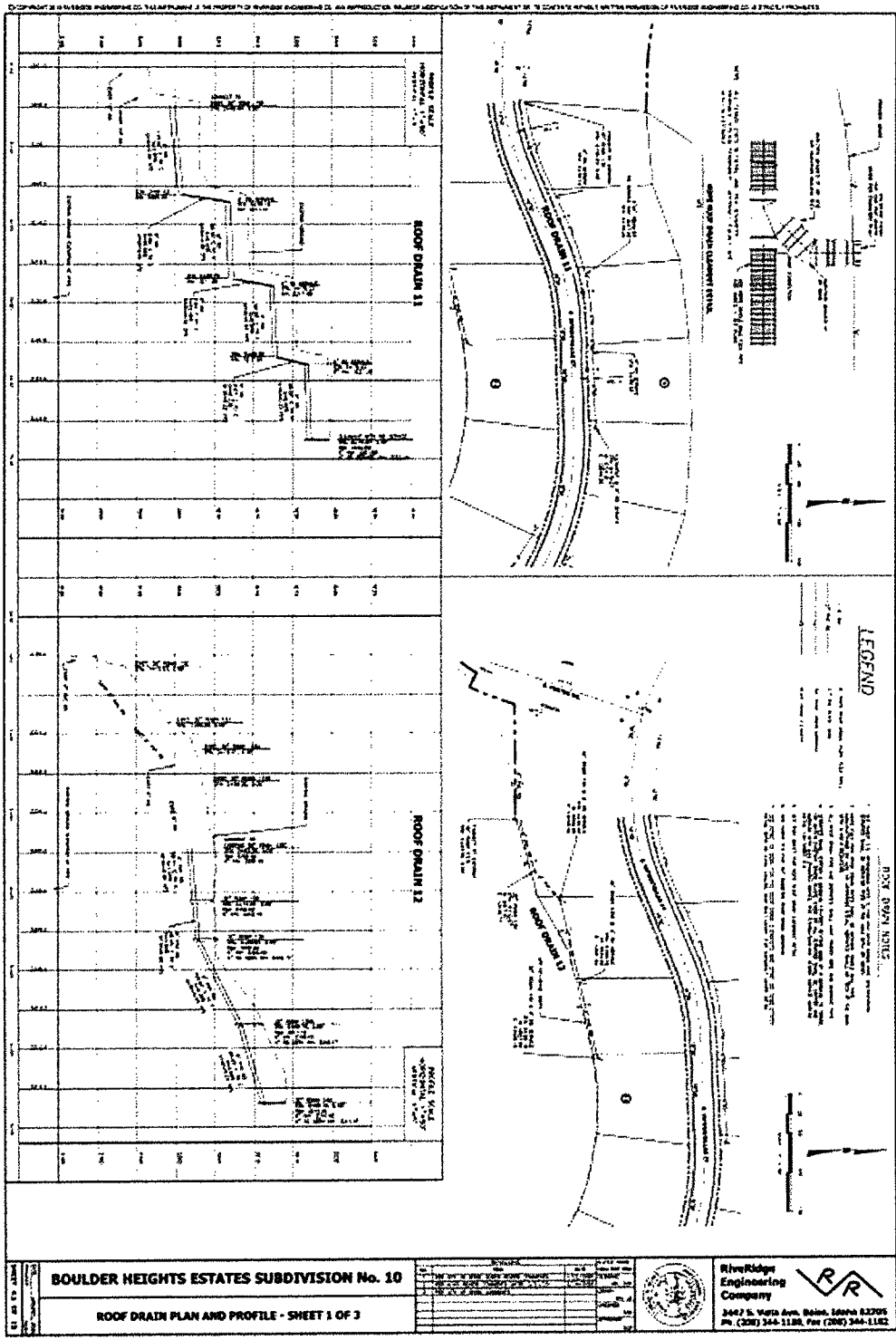
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BOLDER HEIGHTS ESTATES SUBDIVISION No. 10 NOTES SHEET 1 OF 2		Riveridge Engineering Company 2447 S. Vista Ave. Broom, Idaho 83701 Ph. (208) 344-1194 Fax (208) 344-1182
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<p>BOULDER HEIGHTS ESTATES SUBDIVISION No. 10</p> <p>ROOF DRAIN PLAN AND PROFILE - SHEET 1 OF 3</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="font-size: 8px;">NO.</th> <th style="font-size: 8px;">REVISION</th> <th style="font-size: 8px;">DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	REVISION	DATE								<p style="font-size: 8px;">Riveridge Engineering Company</p> <p style="font-size: 8px;">3442 S. 14th Ave. Suite 1200A B2705 PH: (303) 344-1189, Fax: (303) 344-1182</p>
NO.	REVISION	DATE										

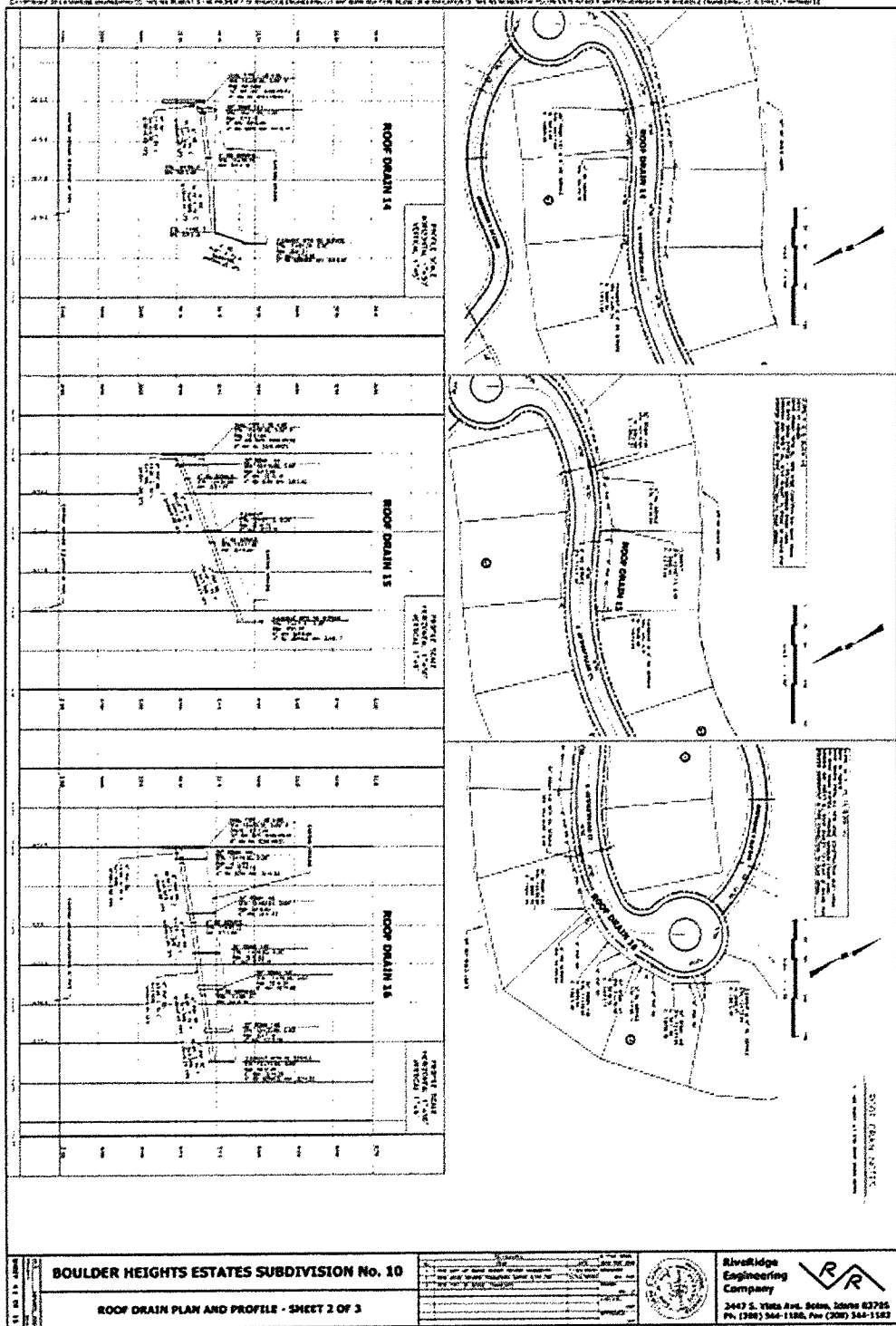
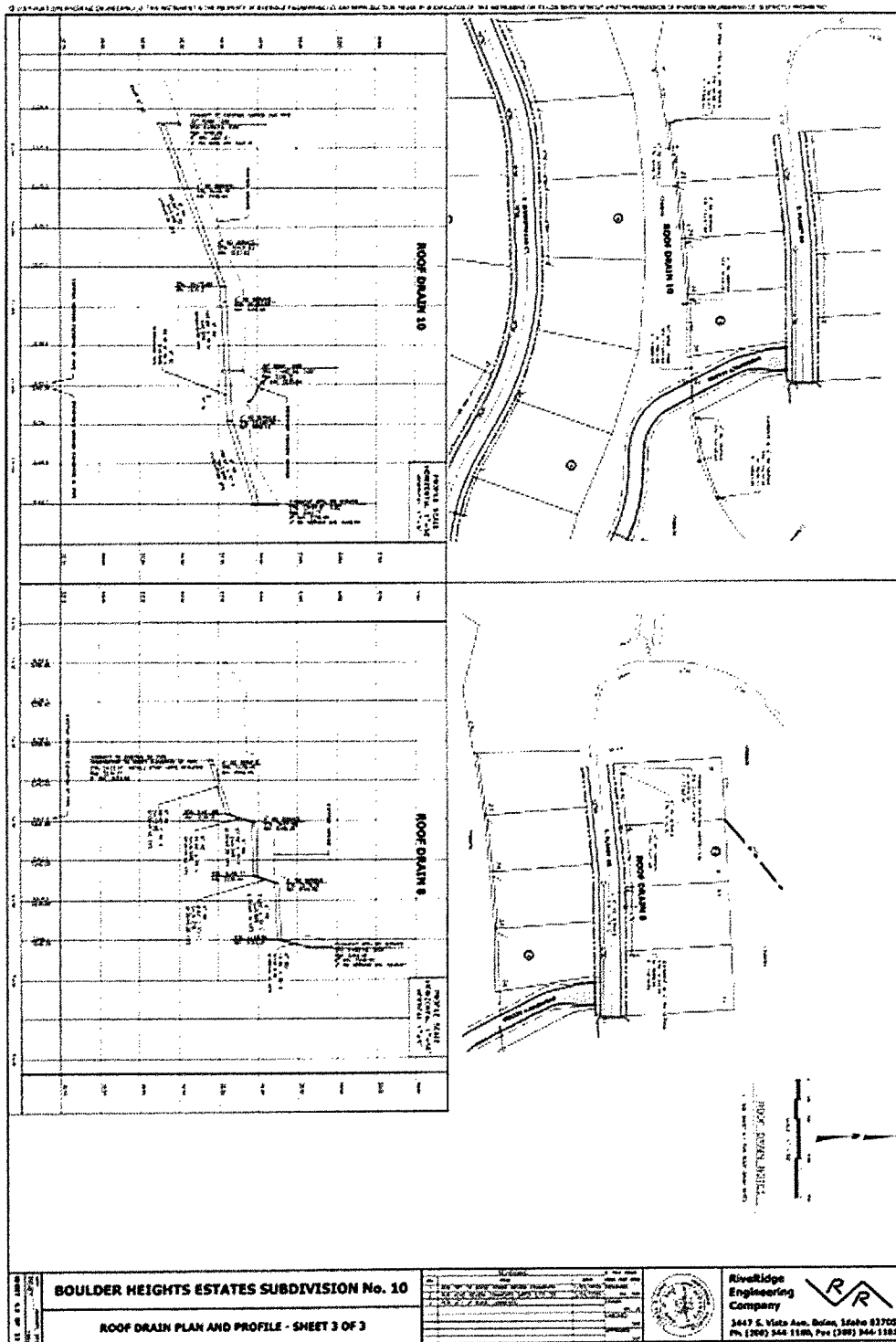


EXHIBIT B - 13
4832-5933-5396, v. 2



BOULDER HEIGHTS ESTATES SUBDIVISION No. 10

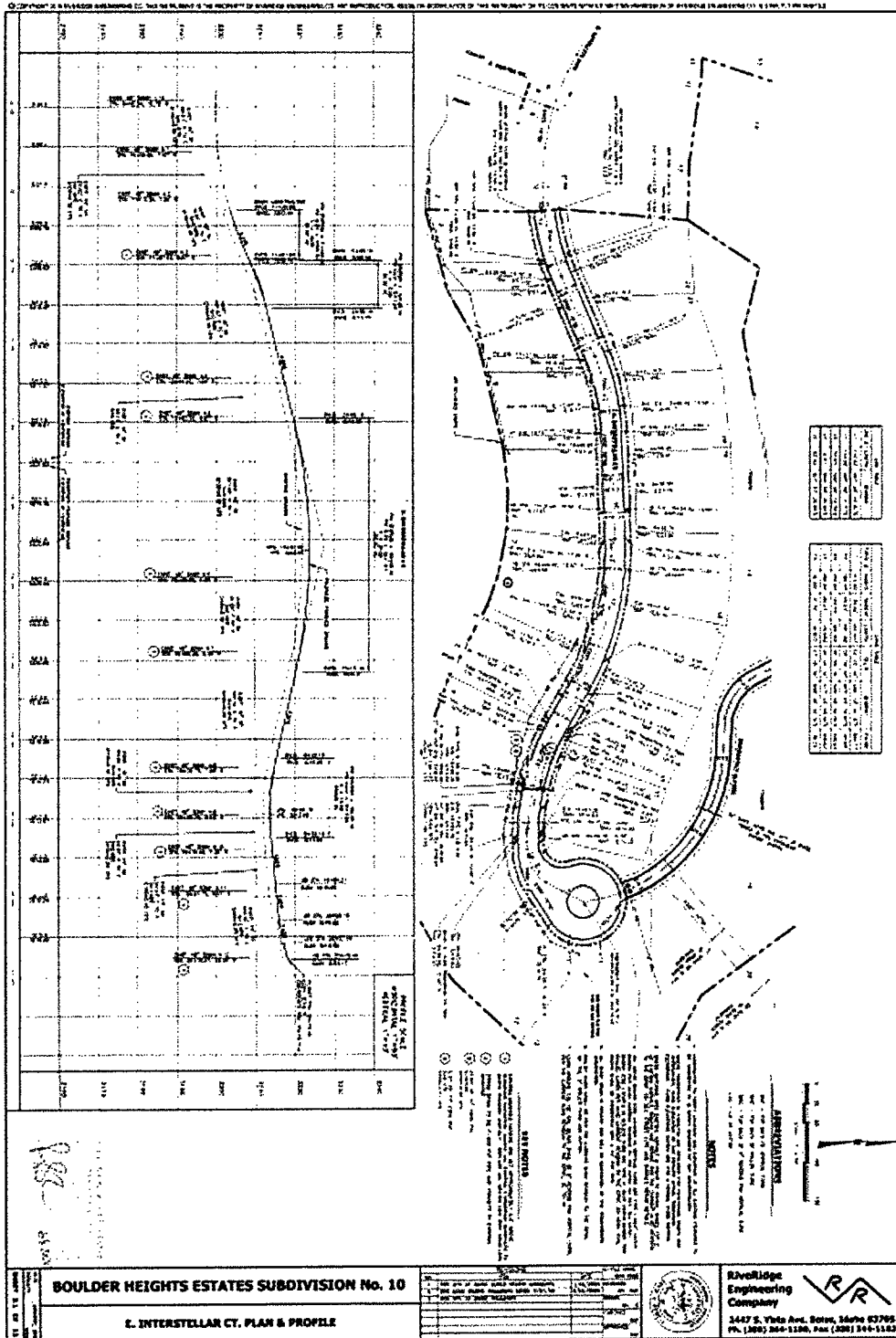
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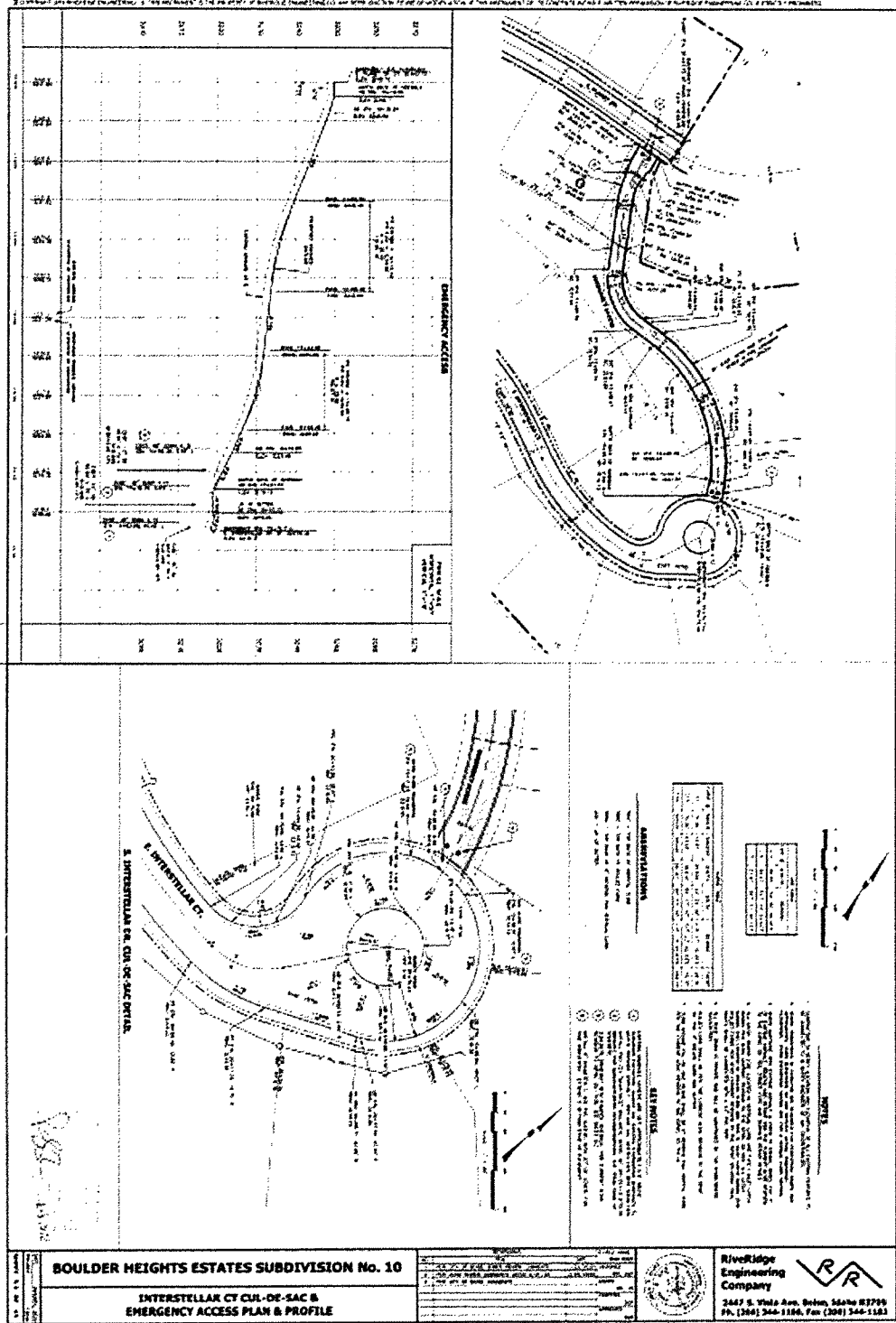
REVISIONS	
NO.	DESCRIPTION



Riveridge Engineering Company
 1641 S. Vista Ave., Orem, Idaho 83705
 Ph: (208) 344-1180, Fax: (208) 344-1182







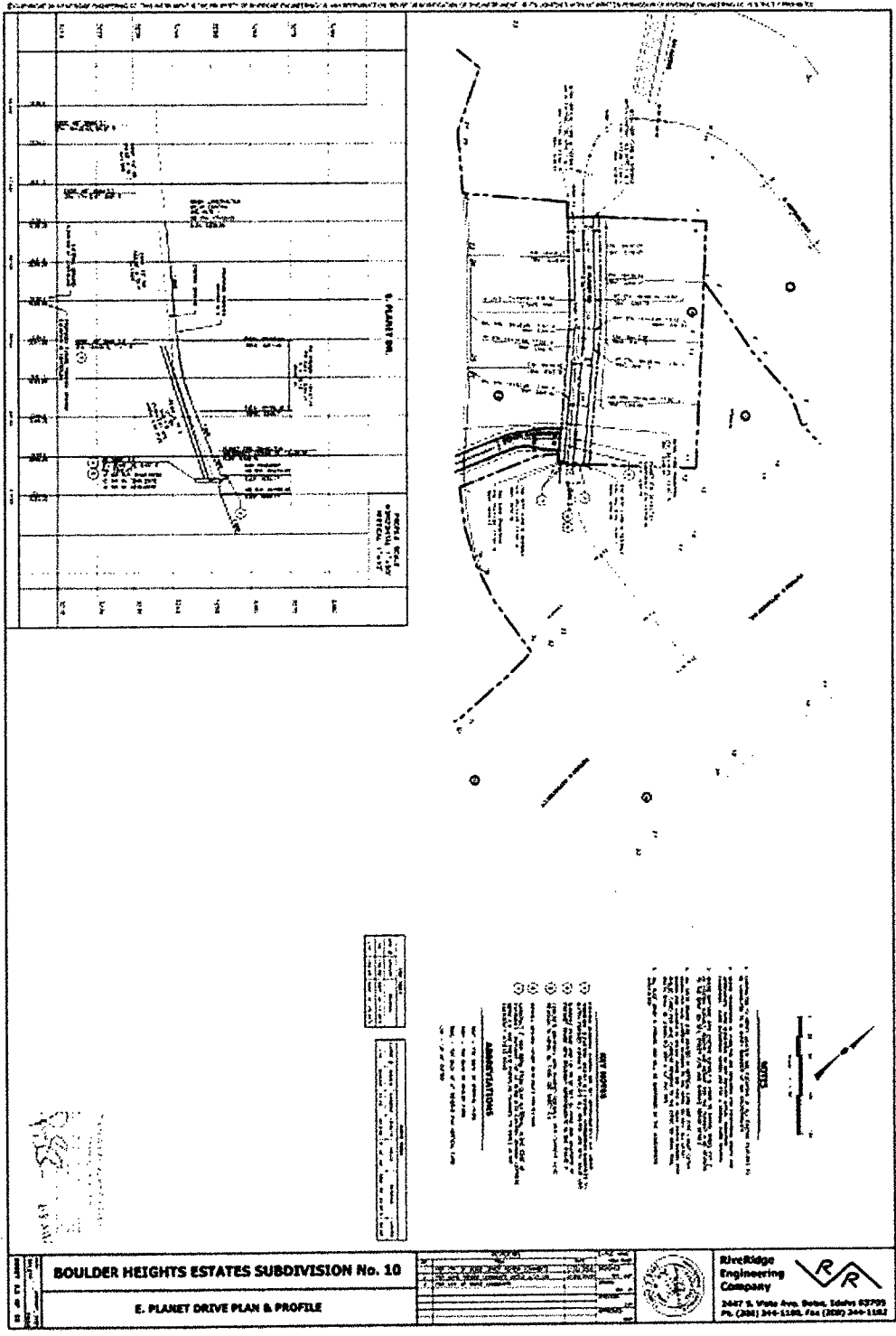


EXHIBIT B - 18
 4832-5933-5396, v. 2

APPENDIX C

FINAL PLAT

APPENDIX D

INSPECTION FORMS

**BOULDER HEIGHTS ESTATES SUBDIVISION NO 10
STORM WATER FACILITIES O & M
6-MONTH INTERVAL INSPECTION FORM**

Note: All Control Measures to be inspected at least every 6 months and following a storm event of 0.25 inches of rain or greater.

Date _____

Inspector's Name _____

0.25" of Rainfall or more? Yes No

Item	Inspection	Inspection Frequency		Observations	Required Action	Date Completed
		Rainy Weather	Clear Weather			
1	Inspect for paint discharge to drains					
2	Inspect for vehicle fluids discharge to drains					
3	Inspect for pesticides and fertilizers to drains					
4	Trash collection in inlets					
5	Inspect gutters and streets for soil build-up					
6	Inspect common areas for trash build-up					
7	Inspect home construction housekeeping					
8	Inspect roof drain manholes for blockage and sediment					
9	Inspect roof drain system for seepage & erosion					

**BOULDER HEIGHTS ESTATES SUBDIVISION NO 10
CORRECTIVE ACTION FORM**

By: _____

Date: _____

Issues Requiring Corrective Action:

Follow Up:

By: _____

Date: _____

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