



# AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WATERFRONT DISTRICT

## Amendment Changing Annexation and Deannexation Procedure

### Background

The Owners desire to amend the *Master Declaration of Covenants, Conditions and Restrictions for Waterfront District*, Recorded December 14, 2006 in the Records of Ada County as Instrument 106193996 ("Declaration"). The Declaration purports to permit annexation and deannexation of portions of the Property in Article XII. The Owners desire to clarify rules regarding annexation and deannexation going forward.

### Legal Authority

The Declaration provides the terms for its own amendment. Section 14.2.2 provides that the provisions of the Declaration may be amended by an instrument in writing signed and acknowledged by the president and secretary of the Association certifying that the amendment has been approved by the vote or written consent of Owners representing more than eighty percent (80%) of the votes in the Association. Any such amendment shall be effective when recorded with the Ada County Recorder.

### Amendment

The Declaration is hereby amended as follows, effective when this instrument is recorded with the Ada County Recorder. Article XII is deleted in its entirety and is replaced with the following new language.

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ARTICLE XII  
ANNEXATION AND DEANNEXATION

12.1 Annexation Generally. Several adjacent properties have been previously de-annexed and may desire to be considered for annexation in the future. If in the sole discretion of the Board, the need arises for such annexation, the use and development of such Annexed Tracts shall conform to zoning limitations and to the terms of this Declaration.

12.2 Process for Annexation. Property adjacent to the Property may be annexed into the Association and made subject to the Master Declaration if the following conditions are met and process is followed.

12.2.1 The owner of all of the property to be annexed must agree, in writing, to the annexation.

12.2.2 The property to be annexed must be contiguous to the Property.

12.2.3 The Board must decide, in its sole discretion, that it is in the best interest of the Association to annex the new property.

12.2.4 The Board must provide in writing the terms and conditions that must be met by the property to be annexed.

12.2.5 The Board must call a meeting of the Members relating to the annexation and any terms of the Supplemental Declaration. A majority of the Members present in person or by proxy must vote to approve annexation.

12.2.6 A Supplemental Declaration signed and acknowledged by the president and secretary of the Association certifying that these conditions have been met shall be recorded with the Ada County Recorder.

12.3 Rights and Obligations of Owners of Annexed Property. Upon the recording of a Supplemental Declaration that complies with Section 12.2, the annexed tract is subject to the terms of this Master Declaration as if it were part of the original Property and the owners of property in the annexed tract become Members of the Association as if they were owners of Property. However, the terms of the Supplemental Declaration may amend the Master Declaration as to the annexed tract only.

12.4 Process for Deannexation. Property may be de-annexed out of the Association and removed from the Master Declaration if the following conditions are met and process is followed.

12.4.1 The owners of all of the property to be de-annexed must agree, in writing, to deannexation.

12.4.2 The Board must decide, in its sole discretion, that it is in the best interest of the Association to de-annex the property and seek the consent or approval of the Members.

12.4.3 The Board must obtain the written consent or votes of eighty percent (80%) of the Owners of lots (including those to be de-annexed) in favor of deannexation.

12.4.4 A Supplemental Declaration of Deletion of Property signed and acknowledged by the president and secretary of the Association certifying that these conditions have been met shall be recorded with the Ada County Recorder.

**Verification**

We, the President and Secretary of the Association, hereby verify that this amendment has been approved by the vote or written consent of Owners representing more than eighty present (80%) of the votes in the Association

*Craig Weaver*  
Name: *Craig Weaver*  
President

**Waterfront District Owners Association, Inc.**

*Betsy Banderson*  
Name: *Betsy Banderson*  
Secretary

**Waterfront District Owners Association, Inc.**

The foregoing two individuals, who are known to me personally or provided sufficient proof of identification, appeared, verified that they were respectively the elected President and Secretary of the Waterfront District Owners Association, Inc., and that the above verification was true and accurate.

SUBSCRIBED AND SWORN to before me this 27 day of October, 2017.

*Lisa Batt*

Notary Public for Idaho  
My Commission Expires: 1/28/22

