

INSTRUMENT NO. 200109297

**NOTICE OF ANNEXATION OF
WEST VALLEY ESTATES SUBDIVISION NO. 9 TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
WEST VALLEY ESTATES SUBDIVISION NO. 7
(Commonly referred to as "Valley Heights Subdivision No. 2)**

This Declaration of Annexation is made effective the 6th day of March, 2001, by West Valley Development, LLC, (hereinafter "Grantor" or "Declarant").

ARTICLE 1

ANNEXATION

1.1. **Property Annexed:** The property hereby annexed is that real property legally described in Exhibit A which is attached hereto. This property is owned by the Declarant. Once the final plat of this property is recorded it will be known as West Valley Estates Subdivision No. 9.

1.2. **Existing Property and CC&R's to Which Property is Annexed:** This annexed property is hereby annexed into that Declaration of Covenants, Conditions and Restrictions for West Valley Estates Subdivision No. 7 which Declaration was recorded the 19th day of July, 2000 in Canyon County as Instrument No. 200025153. That Declaration is hereby incorporated herein as if set forth in full and shall be referred to herein as the "Master CC&R's." The real property originally subject to the Master CC&R's is legally described in the Master CC&R's. This property is adjacent to the annexed property described in Exhibit A.

1.3. **Authority:** This Notice of Annexation is made pursuant to Section 31 of the Master CC&R's.

1.4. **Effect:** The effect of this Notice of Annexation shall be that West Valley Estates Subdivision No. 7 and West Valley Estates Subdivision No. 9 shall be treated as one subdivision and both shall be subject to the Master CC&R's. All property and lots in West Valley Estates Subdivision No. 9 (and the future annexations of subsequent phases of West Valley Estates Subdivision, if any) shall be subject to all provisions of the Master CC&R's recorded for West Valley Estates Subdivision No. 7; Provided, however, that the provisions in Article 2 of this Declaration of Annexation (set out below) which are specific only to the land in West Valley Estates Subdivision No. 9. Other than the provisions specifically set out in Article 2 below, which are specific to the lots in West Valley Estates Subdivision No. 9, the Master CC&R's govern all lots in West Valley Estates Subdivision No. 9.

ARTICLE 2

SPECIFIC PROVISIONS APPLYING ONLY TO PROPERTY AND LOTS IN WEST VALLEY ESTATES SUBDIVISION NO. 9

2.1 **Common Areas.** In West Valley Estates Subdivision No. 9, the following lots are designated as common open space, common areas, common landscaped areas of common drainage or easement areas, including but not limited to the following lots:

Lot 86	Block 10	Landscaped area with a blanket storm drain easement.
Lot 103	Block 10	Frontage landscaped area.
Lot 45	Block 17	Frontage landscaped area.

These common area lots in West Valley Estates Subdivision No. 9 shall be deeded to, managed by, and maintained by Valley Heights Neighborhood Association, Inc., as set out in the Master CC&R's.

2.2 **Storm Drainage Easement.** Lot 86, Block 10 is a common area that has a Blanket Storm Drainage Easement. Changes may not be made in the grading of said lot without the express approval of the City of Caldwell. This lot and easement shall be owned and maintained by the Association and such maintenance shall comply with the City of Caldwell and Section 29 of the Master CC&R's.

2.3 **Pioneer Irrigation License Agreements.** All lots in this subdivision are subject to all restrictions and agreements contained in any recorded "Construction Operation and Maintenance Agreements" with Pioneer Irrigation District.

2.4 **Association Assessments.** All assessments to West Valley Estates Neighborhood Association, Inc. for lots in West Valley Estates Subdivision No. 9 shall be the same assessments and in the same amounts per lot as set out in the Master CC&R's.

2.5 **Lots with Height Restrictions.** Lots 100, 110, and 102 of Block 10 have height restrictions limiting them to one story.

WEST VALLEY DEVELOPMENT, LLC

By: E. Don Hubble

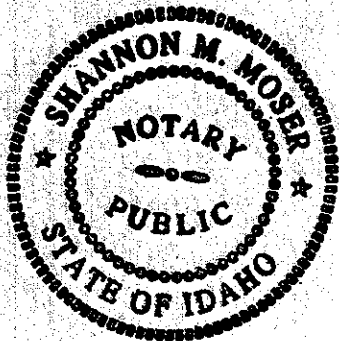
Title: Member

DECLARANT

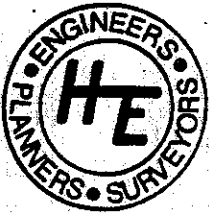
STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 13th day of March, 2001, before me,
The undersigned, a Notary Public in and for said state, personally
appeared E. Don Hubble, known or identified to me to be
the Member of WEST VALLEY DEVELOPMENT, LLC, the partnership that
executed the within and foregoing instrument, and acknowledged to me that such partnership
executed the same.

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



Shannon Moser
Notary Public for Idaho
Residing in Boise, Id.
My Commission Expires 03-25-04



HUBBLE ENGINEERING, INC.

701 S. Allen St., Suite 102 ■ Meridian, ID 83642

208/322-8992 ■ Fax 208/378-0329

Project No. 4-9831400

September 6, 2000

DESCRIPTION FOR WEST VALLEY SUBDIVISION SUBDIVISION NO. 9

A parcel of land located in the South 1/2 of the SW 1/4 of Section 3, T.3N., R.3W., B.M., Caldwell, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the 1/4 corner common to Sections 10 and said Section 3, from which the Southwest corner of said Section 3 bears South 89°01'00" West, 2637.33 feet;

thence along the South boundary line of said Section 3 South 89°01'00" West, 1420.43 feet to the Southwest corner of West Valley Estates Subdivision No. 7, as same is recorded in Book 26 of Plats at Page 10, records of Canyon County, Idaho, said point also being the **REAL POINT OF BEGINNING**;

thence continuing along said south boundary line South 89°01'00" West, 557.58 feet to the SW corner of the E 1/2 of the SW 1/4 of the SW 1/4 of said Section 3;

thence along the West boundary line of the E 1/2 of the SW 1/4 of the SW 1/4 of said Section 3 North 00°33'15" West, 1326.38 feet to a point on the southwesterly boundary line of West Valley Estates Subdivision No. 6, as same is recorded in Book 27 of Plats at Page 40 records of Canyon County, Idaho, said point also being the NW corner of the E 1/2 of the SW 1/4 of the SW 1/4 of said Section 3;

thence along said southwesterly boundary line of said West Valley Estates Subdivision No. 6 North 89°00'47" East, 6.85 feet;

thence continuing along said southwesterly boundary line South 58°56'04" East, 118.77 feet;

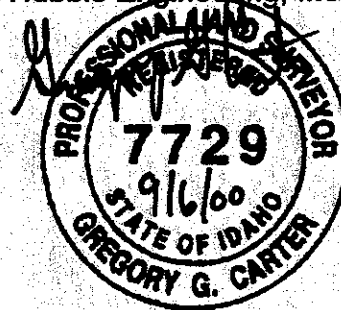
thence continuing along said southwesterly boundary line and along the southwesterly boundary line of West Valley Estates Subdivision No. 8, as same is recorded in Book 28 of Plats at Page 31, records of Canyon County, Idaho South 47°00'10" East, 790.44 feet to the beginning of a tangent curve to the right;

thence continuing along the southwesterly boundary line of said West Valley Estates No. 8 and along said curve 28.05 feet, said curve having a radius of 834.00 feet, a central angle of 01°55'38" and a long chord bearing South 46°02'21" East, 28.05 feet to the northerly most boundary point of said West Valley Estates Subdivision No. 7;

thence along the westerly boundary line of said West Valley Estates Subdivision No. 7 the following courses:

South 42°53'22" West, 152.79 feet;
thence South 47°06'38" East, 7.71 feet;
thence South 42°53'22" West, 101.00 feet;
thence South 20°15'06" East, 126.10 feet;
thence South 09°53'33" West, 104.87 feet;
thence South 00°59'00" East, 284.30 feet to the **REAL POINT OF BEGINNING**,
containing 14.51 acres, more or less.

Prepared by:
Hubble Engineering, Inc.



J:\WestValley\AGGC\cd\WestValley9

Greg C. Carter, PLS

21 MAR 14 AM 10 15
G NOEL HALES
CANYON COUNTY RECORDER
BY *[Signature]*
West Valley Development
REQUEST
TYPE MISC FEE 15.00

RECORDED

200109297