

PLAT SHOWING  
**JADE VILLAGE**  
 A SUBDIVISION

A PORTION OF THE NE 1/4, NW 1/4,  
 SECTION 19, T.3N., R.2E., B.M.,  
**BOISE, ADA COUNTY, IDAHO**  
 1980



**NOTES**

1. Lot line common to a public right-of-way line has a ten (10) foot wide permanent public utilities, drainage and irrigation easement.
2. Building set-backs in this subdivision shall conform to the applicable Zoning Regulations of Boise City.
3. This subdivision is subject to an Avigation Easement, filed as Instrument No. 7954307 in the office of the Ada County Recorder, Boise, Idaho.
4. This subdivision is subject to an Idaho Power Company blanket operation and maintenance easement, as filed for record in the office of the Ada County Recorder, Boise, Idaho in Book 12 of Miscellaneous Records at page 205.
5. All drainage facilities within this subdivision are to be constructed in substantial conformance with J-U-B Engineers, Inc., Drawing No. B790625. Any changes to the approved drainage design must be approved by the Boise City Engineer.

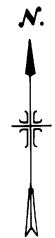
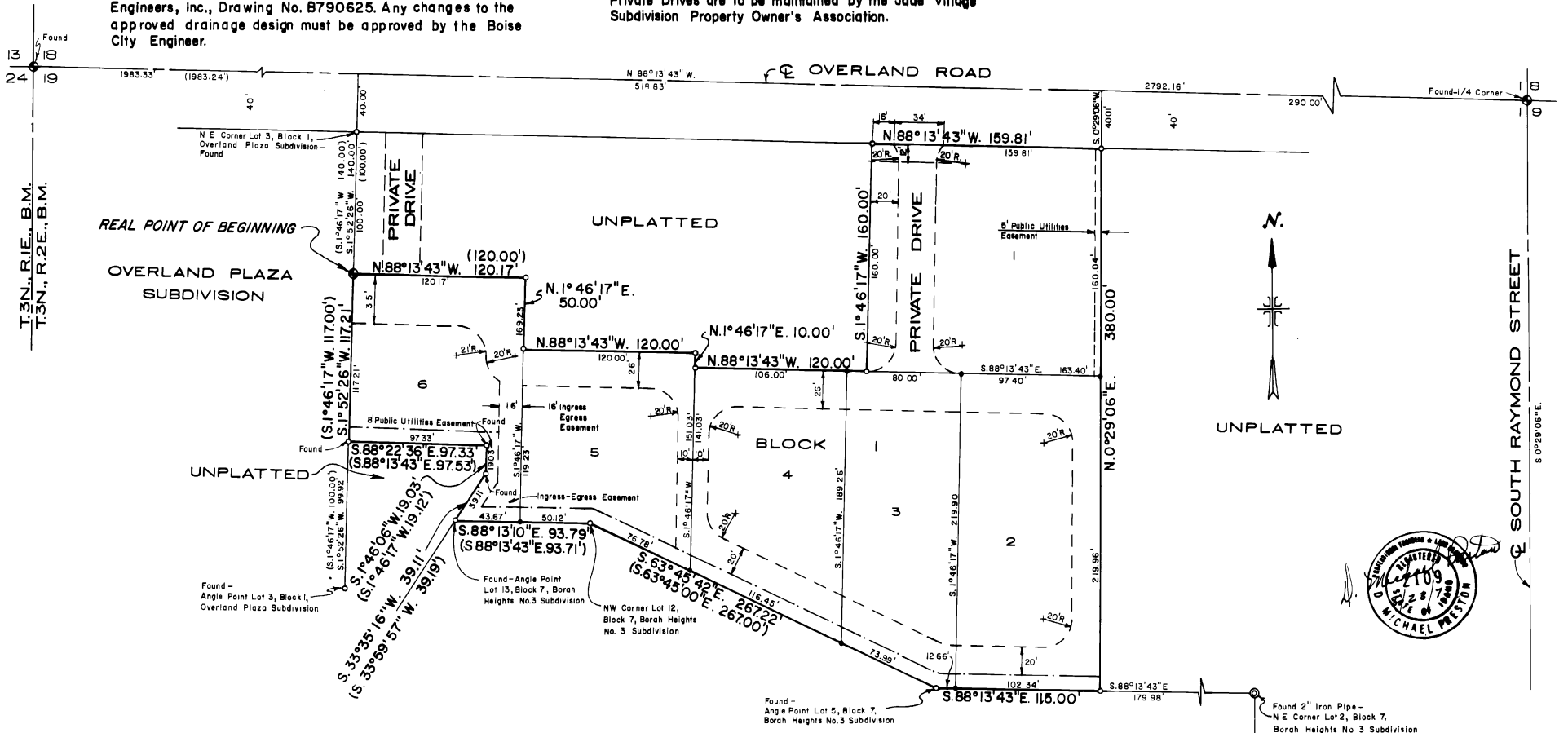
6. This subdivision is subject to compliance with Idaho Code Section 31-3805, no irrigation waters will be supplied to individual lots.
7. Private Drives have a Blanket Easement for sanitary sewer, public utilities, drainage, irrigation, public service and emergency vehicular access and an Ingress-Egress easement. Private Drives are to be maintained by the Jade Village Subdivision Property Owner's Association.

**LEGEND**

- ⊙ Brass Cap
- 5/8" x 30" Iron Pin
- 1/2" x 24" Iron Pin
- (120.00') Data of Record
- Public Utilities, Drainage, and Irrigation Easement 10' Wide from Property Line, where not Dimensioned.
- Ingress-Egress, Public Utilities, Drainage and Irrigation Easement 20' Wide from Property Line where not Dimensioned.

**BASIS OF BEARING**

Basis of Bearing for this subdivision is on the Modified State Plane Coordinate System.



BORAH HEIGHTS NO.3 SUBDIVISION

**W-P PROPERTY MANAGEMENT, INC.**  
 Developers  
 Boise, Idaho

**J-U-B ENGINEERS, INC.**  
 Engineers Planners  
 Boise, Idaho

Sanitary restrictions in force under Title 50 Chapter 13, Idaho Code.

CERTIFICATE OF OWNERS

JADE VILLAGE

CERTIFICATE OF ENGINEER

KNOW ALL MEN BY THESE PRESENTS: THAT W-P PROPERTY MANAGEMENT, INC., A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF IDAHO AND DULY QUALIFIED TO DO BUSINESS WITHIN THE STATE OF IDAHO DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE REAL PROPERTY DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS CAP MARKING THE NORTHEAST CORNER OF THE NW 1/4 OF SECTION 19, T.3N., R.2E., B.M., BOISE, ADA COUNTY, IDAHO; THENCE NORTH 88°13'43" WEST 808.83 FEET ALONG THE NORTHERLY BOUNDARY OF THE SAID NW 1/4 OF SECTION 19, WHICH IS ALSO THE CENTERLINE OF OVERLAND ROAD, TO A POINT; THENCE SOUTH 1°52'26" WEST (FORMERLY DESCRIBED AS SOUTH 1°46'17" WEST) 140.00 FEET ALONG THE EXTENDED EASTERLY BOUNDARY AND THE EASTERLY BOUNDARY OF OVERLAND PLAZA SUBDIVISION, AS FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, IN BOOK 39 OF PLATS AT PAGES 3280 AND 3281, TO A BRASS CAP, ALSO SAID POINT BEING THE REAL POINT OF BEGINNING; THENCE ALONG THE FOLLOWING COURSES AND DISTANCES TO IRON PINS: CONTINUING SOUTH 1°52'26" WEST 117.21 FEET (FORMERLY DESCRIBED AS SOUTH 1°46'17" WEST 117.00 FEET) ALONG THE SAID EASTERLY BOUNDARY OF OVERLAND PLAZA SUBDIVISION; THENCE SOUTH 88°22'36" EAST 97.33 FEET (FORMERLY DESCRIBED AS SOUTH 88°13'43" EAST 97.53 FEET); THENCE SOUTH 1°46'06" WEST 19.03 FEET (FORMERLY DESCRIBED AS SOUTH 1°46'17" WEST 19.12 FEET); THENCE SOUTH 33°35'16" WEST 39.11 FEET (FORMERLY DESCRIBED AS SOUTH 33°59'57" WEST 39.19 FEET) TO AN ANGLE POINT OF LOT 13 OF BLOCK 7 OF BORAH HEIGHTS NO. 3 SUBDIVISION, AS FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, IN BOOK 19 OF PLATS AT PAGES 1294 AND 1295; THENCE ALONG THE NORTHERLY BOUNDARY OF THE SAID BORAH HEIGHTS NO. 3 SUBDIVISION THE FOLLOWING COURSES AND DISTANCES: SOUTH 88°13'10" EAST 93.79 FEET (FORMERLY DESCRIBED AS SOUTH 88°13'43" EAST 93.71 FEET) TO THE NORTHWEST CORNER OF LOT 12 OF THE SAID BLOCK 7 OF BORAH HEIGHTS NO. 3 SUBDIVISION; THENCE SOUTH 63°45'42" EAST 267.22 FEET (FORMERLY DESCRIBED AS SOUTH 63°45'00" EAST 267.00 FEET) TO AN ANGLE POINT OF LOT 5 OF THE SAID BLOCK 7 OF BORAH HEIGHTS NO. 3 SUBDIVISION; THENCE SOUTH 88°13'43" EAST 115.00 FEET; THENCE LEAVING THE SAID NORTHERLY BOUNDARY OF BORAH HEIGHTS NO. 3 SUBDIVISION; NORTH 0°29'08" EAST 380.00 FEET ALONG A LINE WESTERLY OF AND PARALLEL TO THE CENTERLINE OF SOUTH RAYMOND STREET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF OVERLAND ROAD; THENCE NORTH 88°13'43" WEST 159.81 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF OVERLAND ROAD; THENCE SOUTH 1°46'17" WEST 160.00 FEET; THENCE NORTH 88°13'43" WEST 120.00 FEET ALONG A LINE 200.00 FEET SOUTHERLY OF AND PARALLEL TO THE SAID NORTHERLY BOUNDARY OF THE NW 1/4 OF SECTION 19; THENCE NORTH 1°46'17" EAST 10.00 FEET; THENCE NORTH 88°13'43" WEST 120.00 FEET ALONG A LINE 190.00 FEET SOUTHERLY OF AND PARALLEL TO THE SAID NORTHERLY BOUNDARY OF THE NW 1/4 OF SECTION 19; THENCE NORTH 1°46'17" EAST 50.00 FEET; THENCE NORTH 88°13'43" WEST 120.17 FEET (FORMERLY DESCRIBED AS 120.00 FEET) ALONG A LINE 140.00 FEET SOUTHERLY OF AND PARALLEL TO THE SAID NORTHERLY BOUNDARY OF THE NW 1/4 OF SECTION 19 TO THE POINT OF BEGINNING, COMPRISING 2.59 ACRES, MORE OR LESS.

THE EASEMENTS, AS SHOWN ON THIS PLAT OF JADE VILLAGE, ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES AND FOR ANY OTHER USES AS DESIGNATED HEREON AND NO PERMANENT STRUCTURES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS.

BUILDING AND OCCUPANCY RESTRICTIONS-SEE INSTRUMENT NO. \_\_\_\_\_ OF MISCELLANEOUS RECORDS, ADA COUNTY, IDAHO, FOR BUILDING AND OCCUPANCY RESTRICTIONS FILED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1980, IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO.

IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS THIS 27<sup>th</sup> DAY OF September, 1979.

W-P PROPERTY MANAGEMENT, INC.

Richard L. Pointz  
RICHARD L. POINTS, PRESIDENT

Monte C. Webb  
MONTE C. WEBB, SECRETARY



STATE OF IDAHO )  
COUNTY OF ADA )SS

ON THIS 27<sup>th</sup> DAY OF September, 1979, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED RICHARD L. POINTS, KNOWN TO ME TO BE THE PRESIDENT, AND MONTE C. WEBB, KNOWN TO ME TO BE THE SECRETARY OF W-P PROPERTY MANAGEMENT, INC., THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Lawrence R. Sill  
NOTARY PUBLIC FOR IDAHO  
RESIDING AT BOISE, IDAHO



APPROVAL OF CITY ENGINEER

I, CHARLES R. MICKELSON, CITY ENGINEER IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO, HEREBY APPROVED THIS PLAT OF JADE VILLAGE

Charles R. Mickelson  
CHARLES R. MICKELSON  
CITY ENGINEER



PLAT APPROVED  
ADA COUNTY ASSESSORS OFFICE  
APPD. BY Barry Borchard 9/2/80

I, D. MICHAEL PRESTON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER, LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT OF JADE VILLAGE, AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND THE ATTACHED PLAT WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

D. Michael Preston  
D. MICHAEL PRESTON, REGISTERED PROFESSIONAL ENGINEER NO. 2109



APPROVAL OF CITY CLERK

I, PAM MOODIE, CITY CLERK IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 14 DAY OF September, 1980, THIS PLAT OF JADE VILLAGE WAS DULY ACCEPTED AND APPROVED.



Pam Moodie  
PAM MOODIE, CITY CLERK, BOISE, IDAHO

ADA COUNTY HIGHWAY DISTRICT COMMISSIONER'S ACCEPTANCE

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONER'S ON THE 28<sup>th</sup> DAY OF August, 1979.

PLANNING & DESIGN ENGINEER

ADA COUNTY HIGHWAY DISTRICT



Robert F. Capshaw  
ROBERT F. CAPSHAW

APPROVAL OF CENTRAL DISTRICT HEALTH DEPARTMENT

SANITARY RESTRICTIONS OF THIS PLAT ARE HEREBY REMOVED ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE COUNTY RECORDER OR HIS AGENT LISTING THE CONDITIONS OF APPROVAL.

BY Nancy Goodell 9/12/79  
CENTRAL DISTRICT HEALTH DEPARTMENT



CERTIFICATE OF COUNTY ENGINEER

I, DAVID M. COLLINS, REGISTERED ENGINEER FOR ADA COUNTY, IDAHO, HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT OF JADE VILLAGE AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

David M. Collins  
DAVID M. COLLINS, REGISTERED ENGINEER



COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. 2041476

STATE OF IDAHO )  
COUNTY OF ADA )SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF Richard L. Pointz AT 56 MINUTES PAST 10 O'CLOCK A.M., THIS 27<sup>th</sup> DAY OF September, 1980, IN MY OFFICE AND WAS DULY RECORDED IN BOOK 50 OF PLATS AT PAGES 4113 AND 4114.

Burke L. Miller  
BURKE L. MILLER, DEPUTY

John Bostick  
EX-OFFICIO RECORDER

CERTIFICATE OF COUNTY TREASURER

I, MARJORIE JONASSON, COUNTY TREASURER IN AND FOR THE COUNTY OF ADA, STATE OF IDAHO, PER THE REQUIREMENTS OF I.C. 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS PROPOSED SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

Shelli Jonasson  
MARJORIE JONASSON, COUNTY TREASURER  
DATE September 2, 1980

FEE \$ 10.00

## RESTRICTIVE COVENANTS FOR JADE VILLAGE SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS, that this declaration is made this \_\_\_\_\_ day of \_\_\_\_\_, 1980, by W-P Property Management, Inc., an Idaho corporation, hereinafter referred to as "Grantor", on behalf of itself and as owner of a parcel of real property to be known as "Jade Village Subdivision", situate in Boise, Ada County, Idaho.

W I T N E S S E T H:

WHEREAS, the Grantor is the owner of the legal title to certain real property situate in Boise, Ada County, State of Idaho, to-wit:

Lots 1, 2, 3, 4, 5 and 6 of the Jade Village Subdivision, according to the official Plat thereof, on file in the office of the County Recorder of Ada County, Idaho, at Book 58 of Plats, Page 413-414, as instrument number 8041476, Records of Ada County, Idaho.

NOW, THEREFORE, the Grantor hereby declares that the property in Jade Village Subdivision shall be held, sold and conveyed subject to the reservations and covenants hereinafter set out, which reservations and covenants shall run with the land shall be binding upon all parties and persons owning lots in Jade Village Subdivision, or claiming thereunder, as more fully set forth in Article XI hereof.

If the owners of such lots, or any of them, or their heirs or assigns shall violate any of the covenants hereinafter set out, it shall be lawful for any other person owning real property situate in such development to prosecute any proceeding at law or in equity the person or persons or corporation violating any such covenants, and to obtain an injunction to prevent him or it from so doing or to recover damages for such violation, or both.

Invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

Article I  
General Provisions

1.1 W-P Property Management, Inc., hereby declares that there is to be established a general plan for the development, improvement, maintenance and protection of the real property embraced in Jade Village Subdivision, and Grantor does hereby establish the reservations and protective covenants as set forth below.

1.2 The term "Grantee", whenever used herein, shall refer to any person, corporation or association who hereafter shall assert or claim any right, title, claim or interest in and to said real property, whether as successors in title or otherwise, and whether voluntary or by operation of law.

Article II  
Building Restrictions

2.1 All buildings erected on property embraced within the aforementioned real property, and the uses to which such property is put, shall comply with all statutes, regulations, ordinances, and other promulgations of the State of Idaho and such other governing agencies as have jurisdiction over said property and its uses.

2.2 Building Construction: All buildings shall be constructed of frame, stone, brick, concrete or block construction and, if other than brick or stone, shall be finished and painted. All of which structures shall be kept in good repair and said property shall not be used in a manner such as to be offensive to any other parcel or property embraced within the aforementioned subdivision.

2.3 Building Location: All buildings shall be located in conformity with the "setback standards" then promulgated by Boise City, Idaho.

2.4 Additional restrictions pertinent to Lot No. 1 of Jade Village Subdivision: The following restrictions apply to Lot 1 of the Jade Village Subdivision unless the owner of Lot 1 also is the owner of Lots 2, 3 and 4 of the Jade Village Subdivision:

- i) No building greater than one story in height will be allowed on Lot No. 1 of the Jade Village Subdivision and no building or combination of buildings erected thereon may exceed 4,000 square feet total area.
- ii) All structures located on Lot No. 1 of the Jade Village Subdivision (including, without limitation, buildings, signs and parking facilities, etc.), and all landscaping and shrubbery shall be located on Lot No. 1 in a manner which will maximize the visibility of Lots 2, 3 and 4 of the Jade Village Subdivision when viewed from any portion of Overland Road adjacent to Lot 1 of the Jade Village Subdivision.
- iii) Lot No. 1 of the Jade Village Subdivision is further subject to a easement in the general vicinity of the northwest corner of said Lot which easement is for the limited purpose of erecting a sign for the benefit of the Grantees of each lot in the Jade Village Subdivision (the "common sign"). The location of which easement, the size of the aforementioned easement and the determination of Grantees who will be allowed a sign on the common sign will be determined by Grantor. All signage in the Jade Village Subdivision shall be consistent with regulations promulgated by appropriate Governmental agencies having jurisdiction over said subdivision.

Article III  
Use of Premises

3.1 Limitation of Activities: No trade, business or activity shall be conducted upon any Lot of the Jade Village Subdivision which produces a level of noise distracting or offensive to the ordinary reasonable person or which violate applicable Governmental standards regarding noises as may be promulgated by Governmental agencies having jurisdiction over the Jade Village Subdivision.

No trade, business or activity shall be conducted upon any Lot of the Jade Village Subdivision which shall produce offensive odors, dust, fumes or other pollutants readily detectable on or at any point on the property line, and all parties claiming an interest in the said real property shall comply with all Governmental standards regarding air quality as may be issued by Governmental authorities having jurisdiction over the Jade Village Subdivision.

No vibration other than that caused by highway vehicles will be permitted which is discernable without instruments at the property line.

All activities, save and except only exterior lighting, which produce discernable heat or glare at the property line shall be conducted entirely within an enclosed building.

3.2 Refuse disposal-material storage: No garbage or refuse of any type shall be dumped upon, or permitted to lean upon, any portion of any Lot of the Jade Village Subdivision.

All material, supplies and products which are stored or displayed on any Lot of the Jade Village Subdivision shall be visually screened from all adjacent properties and public accesses. All fences shall be constructed to six feet in height and no fence shall be permitted within thirty-five (35) feet of a public street.

3.3 Parking and loading: It shall be the responsibility of each Grantee of a Lot of the Jade Village Subdivision to provide off-street automotive parking facilities on the respective lots owned by said Grantees at not less than the minimum rate established by appropriate Governmental agencies having jurisdiction over the Jade Village Subdivision. No provisions for "on-street" automotive parking will be allowed or provided. All parking areas so constructed shall be paved with a dust free, all weather, surface and be constructed to provide drainage as required by appropriate Governmental agencies having jurisdiction over the Jade Village Subdivision.

No "on-street" loading or unloading shall be permitted. All loading and unloading of vehicles shall be from the respective lots of the Jade Village Subdivision. All truckloading, aprons and other loading areas, including parking lots, shall be paved with a dust-free, all weather, surface and shall be of a strength adequate for vehicular

traffic expected. No delivery vehicles shall be allowed to maneuver upon any public road, avenue or street for the purpose of making deliveries other than maneuvers in transit.

3.4 Parking restriction: There shall be no parking permitted within the access easement provided for the Jade Village Subdivision and no structure shall be erected or landscaping constructed in the access easement area which would interfere with the free flow of public traffic along the hereinafter described easement.

3.5 Parking barriers. No barricade or fence shall be constructed upon any of the lots of the Jade Village Subdivision which will or might prevent or destroy free parking throughout the Subdivision. No lot owner shall discourage or prevent parking on his lot because the party so parking frequents another business located within the Jade Village Subdivision.

#### Article IV Utility

4.1 Sewage disposal: All bathrooms, sinks and toilet facilities shall be located within the permanent structures as may be erected on the various lots of the Jade Village Subdivision and each and every of such facility shall be connected by underground pipe to the West Boise Sewer District Collection System, and each lot is individually subject to a connection fee payable before issuance of a building permit to the West Boise Sewer District by each respective lot Grantee.

4.2 Water: Grantor will delivery domestic water to each lot at a point to be determined by the Grantor. The respective Grantee shall bear the expense of and shall connect to the water system at this point and such Water System shall be the primary source of water for each lot within the Jade Village Subdivision, unless Grantor otherwise allows. In the event that lots owned by a common Grantee shall have only one building erected thereon, the Grantors may, at their option, provide domestic water service to only that lot upon which the building is constructed.

It is understood by all that no irrigation water will be available to any of the lots located within the Jade Village Subdivision and that the Grantors have complied with Section 31-3805 of the Idaho Code, and the same exists on the date hereof.

#### Article V Use of Premises

5.1 Signs and billboards. All signs to be placed within the Jade Village Subdivision shall be subject to the prior approval of Grantors or their designated successor. All signs must comply with regulations promulgated by applicable Governmental agencies having jurisdiction thereof.

5.2 Landscaping: All landscaping must be approved by Grantor prior to construction. All landscaping must be

irrigated with an automatic underground sprinkling system as a condition precedent to such approval. Additionally, the owners of lots of the Jade Village Subdivision agree to landscape and maintain any unimproved areas or utility easements which may exist between property lines and finished street improvement lines.

5.3 Storm water: All property within the Jade Village Subdivision must be landscaped so that all storm water and runoff is retained on site. Provided, however, in the event that Governmental agencies having jurisdiction over the Jade Village Subdivision shall consent in writing, the lots to which such consent is applicable may be landscaped so as to discharge up to, but not in excess of, twenty percent (20%) of anticipated storm water or runoff into the streets.

#### Article VI Construction

6.1 Conditions preceded to construction: Prior to initiating construction on any of the lot of the Jade Village Subdivision, the following preliminary drawings shall be submitted to Grantors, or their designated successor:

- i) Plot plan showing the location of buildings or structures on the lot together with the required set back areas and parking areas and loading docks, if any, and proposed paint color if any of the buildings.
- ii) Tentative plans and elevations of buildings or structures indicating thereon exterior building materials, exterior building facade together with plans for landscaping.
- iii) Final plans and specifications shall be submitted to the Grantor or its designed successor, for final approval. Commencement of construction shall be prohibited until final plans and specifications have been so submitted and approved.
- iv) Similar plans shall be submitted to the Grantor, or its designated successor, for approval prior to commencement of any substantial alteration of or addition to any existing building or structure. Commencement of alteration shall be prohibited until final plans and specifications have been so submitted and approved.

6.2 Prosecution of construction: Construction shall be initiated on each lot contained in the Jade Village Subdivision not later than 365 days after the date upon which such lot shall have been purchased from Grantors. Provided, however, that for the purpose of this section, any purchase by one Grantee of land comprising more than one lot within the Jade Village Subdivision shall be considered as one parcel so that the approved construction on the portion thereof shall constitute compliance with this section.

If any lot remains vacant for more than the period

described in the preceding paragraph, then Grantor has the option, exercisable upon written notice, at any time after the expiration of said period and until the good faith and substantial commencement of construction as aforesaid, to reacquire said lot of the Jade Village Subdivision from its then present owner in its entirety at a price equal to the purchase price actually paid to Grantor therefor.

#### Article VII Easements

7.1 Private Road: Grantor herewith conveys to all lot owners of the Jade Village Subdivision, said owners business and private guests and visitors, and for the use of authorized governmental and emergency vehicles, a perpetual right of ingress and egress over portions of the Jade Village Subdivision referred to as the private drive. The rights herein conveyed shall be appurtenant to and run with the land and the portions of the Jade Village Subdivision serviant to this conveyance are more fully set forth in Exhibit "A" attached hereto and made a part hereof.

This private drive shall be initially constructed and maintained by the owners of individual lots in the Jade Village Subdivision in accordance with plans on file with J-U-B Engineers, Inc., Boise, Idaho and that said covenant of maintenance shall also run with the land.

7.2 Miscellaneous Easements: Grantor also conveys to all lot owners of the Jade Village Subdivision the right to use further portions of the property embraced within the Jade Village Subdivision for construction of public utilities, drainage and irrigation purposes. The portions of the Jade Village Subdivision serviant to this easement are denominated as such and more fully described on Exhibit "A" attached hereto and made a part hereof. The rights herein created shall be appurtenant to and run with the land.

#### Article VIII Jade Village Property Owner's Association

8.1 Each owner of record of a lot or lots in the Jade Village Subdivision is required to become and shall become upon date of acquisition of interest, a member of the Jade Village Subdivision Property Owner's Association. Such association is formed for the purpose of maintaining certain drainage sumps and the paved ingress and egress easements. All lot owners of the Jade Village Subdivision shall share equally the cost incurred by the association in fulfilling said purpose. A copy of the By-Laws of which Property Owner's Association is marked Exhibit "B" attached hereto, referred to and by reference incorporated herein.

#### IX BINDING EFFECT

The foregoing covenants and restrictions shall run with the land and shall be imposed upon the real property which comprises the Jade Village Subdivision as dominant and/or serving it tenements as the case may be and shall be binding upon all parties and all persons claiming under them for a



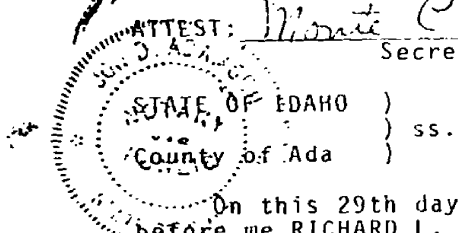
period of twenty-five (25) years from the date hereof. After which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of lots has been recorded agreeing to terminate or to change said covenants in whole or in part.

IN WITNESS WHEREOF, the undersigned have hereunto caused their names to be subscribed and their seals affixed, this 29th day of April, 1980.

W-P PROPERTY MANAGEMENT, INC.  
GRANTOR

*Richard L. Points*  
\_\_\_\_\_  
President

ATTEST: *Monte C Webb*  
\_\_\_\_\_  
Secretary



On this 29th day of April, 1980, personally appeared before me RICHARD L. POINTS, known to me to be the President of W-P Property Management, Inc., and MONTE C. WEBB, known to me to be the Secretary of W-P Property Management, Inc., an Idaho corporation, and did execute the foregoing document for and in behalf of the said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29th day of April, 1980.

*John D. ...*  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Boise, Idaho

RECORDED IN IDAHO COUNTY OF ADA BY *Richard L. Points*  
FILED FOR RECORD AT THE REQUEST OF *Richard L. Points*  
ON APR 29 1980  
BY *Shirley ...*  
41 2400

Project: 7875  
Date: April 23, 1980

521 0731

DESCRIPTION OF  
AN INGRESS-EGRESS, PUBLIC UTILITIES, DRAINAGE  
AND IRRIGATION EASEMENT  
FOR THE PROPOSED JADE VILLAGE  
A PORTION OF THE NE 1/4 NW 1/4, SECTION 19,  
T.3N., R.2E., B.M.,  
BOISE, ADA COUNTY, IDAHO

An ingress-egress, public utilities, drainage and irrigation easement lying in the NE 1/4 of the NW 1/4 of Section 19, T.3N., R.2E., B.M., Boise, Ada County, Idaho and more particularly described as follows:

Beginning at the Northeast corner of the said NE 1/4 of the NW 1/4 of Section 19;

thence North  $88^{\circ}13'43''$  West 290.00 feet along the Northerly boundary of the said NE 1/4 of the NW 1/4 of Section 19, which is also the centerline of Overland Road, to a point;

thence South  $0^{\circ}29'06''$  West 40.01 feet along a line Westerly of and parallel with the centerline of South Raymond Street to a point on the Southerly right-of-way line of the said Overland Road;

thence North  $88^{\circ}13'43''$  West 109.81 feet along the said Southerly right-of-way line of Overland Road to a point, also said point being the REAL POINT OF BEGINNING;

thence continuing North  $88^{\circ}13'43''$  West 34.00 feet along the said Southerly right-of-way line of Overland Road to a point of beginning of curve;

thence Southeasterly along a curve to the right 12.87 feet, said curve having a central angle of  $36^{\circ}51'32''$ , a radius of 20.00 feet, tangents of 6.66 feet and a long chord of 12.65 feet bearing South  $16^{\circ}39'29''$  East to a point of tangent;

thence South  $1^{\circ}46'17''$  West 128.00 feet to a point of curve;

thence Southwesterly along a curve to the right 31.42 feet, said curve having a central angle of  $90^{\circ}00'00''$ , a radius of 20.00 feet, tangents of 20.00 feet and a long chord of 28.28 feet bearing South  $46^{\circ}46'17''$  West to a point of tangent;

thence North  $88^{\circ}13'43''$  West 120.00 feet along a line Southerly of and parallel with the said Northerly boundary of the NE 1/4 of the NW 1/4 of Section 19 to a point;

thence North  $1^{\circ}46'17''$  East 10.00 feet to a point;

thence North  $88^{\circ}13'43''$  West 120.00 feet along a line Southerly of and parallel with the said Northerly boundary of the NE 1/4 of the NW 1/4 of Section 19 to a point;

Project: 7875

Date: April 23, 1980

Page: 2 - Ingress-Egress, Public Utilities, Drainage and Irrigation Easement for  
the Proposed Jade Village

521 0732

thence North  $1^{\circ}46'17''$  East 50.00 feet to a point;

thence North  $88^{\circ}13'43''$  West 120.17 feet (formerly described as 120.00 feet) along a line Southerly of and parallel with the said Northerly boundary of the NE  $1/4$  of the NW  $1/4$  of Section 19 to a point on the Easterly boundary of Overland Plaza Subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho in Book 39 of Plats at pages 3280 and 3281;

thence South  $1^{\circ}52'26''$  West (formerly described as South  $1^{\circ}46'17''$  West) 35.00 feet along the said Easterly boundary of Overland Plaza Subdivision to a point;

thence South  $88^{\circ}13'43''$  East 73.23 feet along a line Southerly of and parallel with the said Northerly boundary of the NE  $1/4$  of the NW  $1/4$  of Section 19 to a point of curve;

thence Southeasterly along a curve to the right 32.99 feet, said curve having a central angle of  $90^{\circ}00'00''$ , a radius of 21.00 feet, tangents of 21.00 feet and a long chord of 29.70 feet bearing South  $43^{\circ}13'43''$  East to a point of reverse curve;

thence continuing Southeasterly along a curve to the left 20.94 feet, said curve having a central angle of  $60^{\circ}00'00''$ , a radius of 20.00 feet, tangents of 11.55 feet and a long chord of 20.00 feet bearing South  $28^{\circ}13'43''$  East to a point of ending of curve;

thence South  $1^{\circ}46'17''$  West 70.27 feet to a point;

thence South  $33^{\circ}35'16''$  West (formerly described as South  $33^{\circ}59'57''$  West) 18.40 feet to a point;

thence South  $88^{\circ}13'10''$  East (formerly described as South  $88^{\circ}13'43''$  East) 25.70 feet along a line 10.00 feet Northerly of and parallel with the Northerly boundary of Borah Heights No. 3 Subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho in Book 16 of Plats of pages 1078 and 1079 to a point;

thence North  $1^{\circ}46'17''$  East 83.23 feet to a point;

thence South  $88^{\circ}13'43''$  East 20.00 feet along a line Southerly of and parallel with the said Northerly boundary of the NE  $1/4$  of the NW  $1/4$  of Section 19 to a point of curve;

thence Southeasterly along a curve to the right 31.42 feet, said curve having a central angle of  $90^{\circ}00'00''$ , a radius of 20.00 feet, tangents of 20.00 feet and a long chord of 28.28 feet bearing South  $43^{\circ}13'43''$  East to a point of ending of curve;

thence South  $88^{\circ}13'43''$  East 20.00 feet along a line Southerly of and parallel with the said Northerly boundary of the NE  $1/4$  of the NW  $1/4$  of Section 19 to a point;

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thence South  $1^{\circ}46'17''$  West 10.00 feet to a point of beginning of curve;

thence Northeasterly along a curve to the right 31.42 feet, said curve having a central angle of  $90^{\circ}00'00''$ , a radius of 20.00 feet, tangents of 20.00 feet and a long chord of 28.28 feet bearing North  $46^{\circ}46'17''$  East to a point of tangent;

thence South  $88^{\circ}13'43''$  East 253.99 feet along a line Southerly of and parallel with the said Northerly boundary of the NE 1/4 of the NW 1/4 of Section 19 to a point;

thence North  $0^{\circ}29'06''$  East 26.01 feet along a line Westerly of and parallel with the said centerline of South Raymond Street to a point;

thence North  $88^{\circ}13'43''$  East 97.40 feet along a line Southerly of and parallel with the said Northerly boundary of the NE 1/4 of the NW 1/4 of Section 19 to a point of curve;

thence Northwesterly along a curve to the right 31.42 feet, said curve having a central angle of  $90^{\circ}00'00''$ , a radius of 20.00 feet, tangents of 20.00 feet and a long chord of 28.28 feet bearing North  $43^{\circ}13'43''$  West to a point of tangent;

thence North  $1^{\circ}46'17''$  East 128.00 feet to a point of curve;

thence Northeasterly along a curve to the right 12.87 feet, said curve having a central angle of  $36^{\circ}51'32''$ , a radius of 20.00 feet, tangents of 6.66 feet and a long chord of 12.65 feet bearing North  $20^{\circ}12'03''$  East to the point of beginning, comprising 0.506 acre, more or less,

AND ALSO:

An ingress-egress, public utilities, drainage and irrigation easement lying in the NE 1/4 of the NW 1/4 of Section 19, T.3N., R.2E., B.M., Boise, Ada County, Idaho and more particularly described as follows:

Beginning at the Southeast corner of the said NE 1/4 of the NW 1/4 of Section 19;

thence North  $88^{\circ}13'43''$  West 290.00 feet along the Northerly boundary of the said NE 1/4 of the NW 1/4 of Section 19, which is also the centerline of Overland Road, to a point;

thence South  $0^{\circ}29'06''$  West 226.06 feet along a line Westerly of and parallel with the centerline of South Raymond Street to a point, also said point being the REAL POINT OF BEGINNING;

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thence continuing South  $0^{\circ}29'06''$  West 181.96 feet along a line Westerly of and parallel with the said centerline of South Raymond Street to a point;

thence North  $88^{\circ}13'43''$  West 112.61 feet along a line 10.00 feet Northerly of and parallel with the Northerly boundary of Borah Heights No. 3 Subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho in Book 16 of Plats at pages 1078 and 1079 to a point;

thence North  $63^{\circ}45'42''$  West (formerly described as North  $63^{\circ}45'00''$  West) 203.87 feet along a line 10.00 feet Northeasterly of and parallel with the said Northerly boundary of Borah Heights No. 3 Subdivision to a point;

thence North  $1^{\circ}46'17''$  East 89.50 feet to a point;

thence South  $88^{\circ}13'43''$  East 20.00 feet along a line Southerly of and parallel with the said Northerly boundary of the NE  $1/4$  of the NW  $1/4$  of Section 19 to a point;

thence South  $1^{\circ}46'17''$  West 63.75 feet to a point of curve;

thence Southeasterly along a curve to the left 22.88 feet, said curve having a central angle of  $65^{\circ}31'59''$ , a radius of 20.00 feet, tangents of 12.87 feet and a long chord of 21.65 feet bearing South  $30^{\circ}59'42''$  East to a point of tangent;

thence South  $63^{\circ}45'42''$  East 173.73 feet along a line 30.00 feet Northeasterly of and parallel with the said Northerly boundary of Borah Heights No. 3 Subdivision to a point;

thence South  $88^{\circ}13'43''$  East 67.37 feet along a line 30.00 feet Northerly of and parallel with the said Northerly boundary of Borah Heights No. 3 Subdivision to a point of curve;

thence Northeasterly along a curve to the left 31.86 feet, said curve having a central angle of  $91^{\circ}17'11''$ , a radius of 20.00 feet, tangents of 20.45 feet and a long chord of 28.60 feet bearing North  $46^{\circ}07'42''$  East to a point of tangent;

thence North  $0^{\circ}29'06''$  East 121.94 feet along a line Westerly of and parallel with the said centerline of South Raymond Street to a point of curve;

thence Northwesterly along a curve to the left 30.97 feet, said curve having a central angle of  $88^{\circ}42'49''$ , a radius of 20.00 feet, tangents of 19.56 feet and a long chord of 27.96 feet bearing North  $43^{\circ}52'18''$  West to a point of ending of curve;

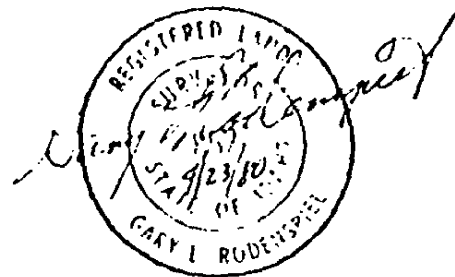
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Thence South 88°11'41" East 39.56 feet along a line Southerly of and parallel with the said Northerly boundary of the NE 1/4 of the NW 1/4 of Section 19 to the point of beginning, comprising 0.258 acre, more or less, said ingress-egress, public utilities, drainage and irrigation easements' comprising a net area of 0.764 acre, more or less.

Prepared by:

J-U-B ENGINEERS, Inc.



Gary L. Rodenspiel, L.S.

MLF/GLR:cc