

AGENDA ITEM SUMMARY

DATE: 3-11-13

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

First Amendment to Declaration of Covenants, Conditions and Restrictions of Old Cutters Subdivision

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

At the March 4, 2013, Council meeting, the City Council agreed to delete the provision in the Old Cutters CCR's which required the City of Hailey to approve of certain amendments to the Old Cutters CCR's. The attached First Amendment memorializes the decision.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	_____
___ Safety Committee	___ P & Z Commission	___ Police	_____
___ Streets	___ Public Works, Parks	___ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to approve of the First Amendment and authorize the mayor to sign Resolution No. ____ and the First Amendment

FOLLOW-UP REMARKS:

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340**

(space above line for Recorder's Use)

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF OLD CUTTERS SUBDIVISION**

This First Amendment to Declaration (the "Amendment") is made as of the date set forth below as follows:

1. The Declaration Establishing Covenants, Conditions and Restrictions for Old Cutters Subdivision was recorded November 29, 2007 as Instrument No. 553633 in the records of Blaine County, Idaho (the "Declaration").

2. The last sentence of Section 10.2.1 of the Declaration shall be deleted so that approval by the City of Hailey of any future amendments to the Declaration will no longer be required. Section 10.2.1 shall hereafter read as follows:

10.2.1. By Owners. Except as otherwise provided herein, the provisions of this Declaration may be amended by an instrument in writing signed and acknowledged by the president and secretary of the Association certifying that such amendment has been approved by the vote or written consent of at least three-fourths (3/4) of the Owners, and such an amendment shall be effective upon its recordation with the Blaine County Recorder.

3. All other provisions of the Declaration shall remain the same and in full force and effect.

4. The undersigned, as president and secretary of Old Cutters Homeowners Association, Inc., hereby certify that the amendments set forth above have been approved by the vote or written consent of at least three-fourths (3/4) of the Owners of Lots in the Subdivision, and the City of Hailey has consented to this Amendment, all as required by Section 10.2.1 of the Declaration.

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the date set forth below.

OLD CUTTERS HOMEOWNERS ASSOCIATION, INC.

Date: _____

By: _____
John Campbell, President

Date: _____

By: _____,
Secretary

STATE OF IDAHO)
)
County of Blaine) ss.

On this _____ day of March, 2013, before me, the undersigned notary public in and for said state, personally appeared John Campbell, known or identified to me to be the president of OLD CUTTERS HOMEOWNERS ASSOCIATION, INC., and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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

Notary Public for _____
Residing at: _____
Commission expires: _____

STATE OF IDAHO)
)
County of Blaine) ss.

On this _____ day of March, 2013, before me, the undersigned notary public in and for said state, personally appeared _____, known or identified to me to be the secretary of OLD CUTTERS HOMEOWNERS ASSOCIATION, INC., and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

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

Notary Public for _____
Residing at: _____
Commission expires: _____

