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:
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: ______________
CITY OF HAILEY APPROVAL

The City Council of the City of Hailey has approved by vote of its members at its meeting on
________________, 2013, the amendment to Section 10.2.1 of the Declaration as required by Section
10.2.1 of the Declaration.

CITY OF HAILEY

Dated: ________________________________

Fritz Haemmerle, Mayor

Attest:

______________________________
Mary Cone, Clerk

STATE OF IDAHO )

) ss.

County of _______ )

On this ________ day of March, 2013, before me, the undersigned notary public in and for
said state, personally appeared Fritz Haemmerle, known or identified to me to be the mayor of the
City of Hailey that executed the foregoing instrument, and acknowledged to me that said city
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: _____________