

VALLEY COUNTY, CASCADE, IDAHO
2005-06-02 09:52:17 No. of Pages: 3
Recorded for: MICHELLE BASYE
LELAND G. HEINRICH Fee: 9.00
Ex-Officio Recorder Deputy
Index to: MISCELLANEOUS RECORD

**DECLARATION OF INSTALLATION OF UTILITIES
FOR FIR GROVE ESTATES
VALLEY COUNTY, IDAHO**

This DECLARATION is made this 6th day of January, 2005 by **ROYAL FORK RESTAURANT CORPORATION**, which is the owner of certain lands located in Valley County, Idaho, which are platted as the Fir Grove Estates.

WHEREAS, Royal Fork Restaurant Corporation, did, on the 2 day of June, 2005, file of record with the Office of Recorder of Valley County, Idaho, as Instrument No. 296060 in Plat Book 10, on Page 9, the Final Plat for Fir Grove Estates.

WHEREAS, Royal Fork Restaurant Corporation is the Owner of the real property contained in the said Final Plat.

WHEREAS, the purpose of this Declaration is to describe the utilities constructed and, the schedule for completion of such utilities, and the entity with responsibility for construction of such utilities.

NOW, THEREFORE, Royal Fork Restaurant hereby states and declares as follows:

1. **Sewage Disposal:** The Fir Grove Estates sewer system is a collection system serving all lots to collect sewage and discharging to the North Lake Sewer & Water District System for treatment. Plans for the sewer system were approved by Idaho Department of Environmental Quality on 10/4/04. The sewer system is substantially complete, however, North Lake Sewer & Water District has not made final acceptance of the sewer system. Such acceptance shall be made by April 15, 2005.

2. **Potable Water:** The Fir Grove Estates water system is a central water system consisting of a supply well and distribution system. The plans for the water distribution system were approved by Idaho Department of Environmental Quality on 10/4/04. The well site was approved by Idaho Department of Environmental Quality on 11/16/04. The well construction was approved by Idaho Department of Environmental Quality on 12/17/04. The water distribution system and the supply well shall be completed by April 15, 2005.

3. **Power:** Electrical power is being supplied to Fir Grove Estates by the Idaho Power Company, which is responsible for the design and construction of the power distribution system. Electrical power shall be completed by February 15, 2005.

4. **Fire Protection:** A fire protection system has been installed and shall be tested and approved by April 15, 2005. Any hazardous brush piles on the property shall be cleaned up by April 15, 2005. The cost thereof has been prepaid to Masco.

5. **Financial Assurance:** All utilities described above shall be completed or financially assured as provided below, by no later than the date of recordation of the Fir Grove Estates Plat.

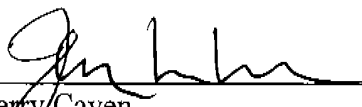
(a) Water & Sewer. The water and sewer systems for Fir Grove Estates are substantially completed. Such systems shall be completed, in compliance with the plans as approved by the Idaho Department of Environmental Quality by April 15, 2005. The cost of full completion of said utilities has been financially assured by Royal Fork Restaurant Corporation by means of a Letter of Credit equal to one hundred thirty percent of the amount specified in the Project Engineer's estimate of the cost to complete the water and sewer systems.

(b) Power. Electrical power is not fully completed. Power for Fir Grove Estates will be completed by Idaho Power by February 15, 2005. The cost of full completion of power has been prepaid to Idaho Power.

6. Responsibility for Construction: Responsibility for the costs of construction of the aforesaid utilities rests with the Royal Fork Restaurant Corporation. VALLEY COUNTY HAS NO RESPONSIBILITY FOR THE DESIGN, CONSTRUCTION, MAINTENANCE, REPAIR, REPLACEMENT, OR OPERATION OF ANY OF THE AFORESAID UTILITIES.

IN WITNESS WHEREOF, the undersigned Owner of the said Fir Grove Estates, has executed this Declaration the day and year first above noted.

ROYAL FORK RESTAURANT CORPORATION

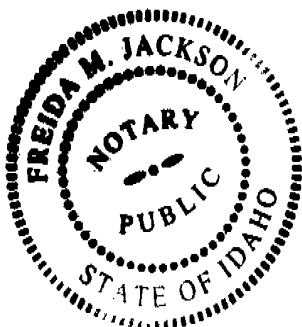
By: 
Jerry Caven

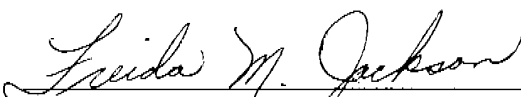
STATE OF IDAHO,

County of Valley

On this 10 day of January, 2005, before me Freida M. Jackson Notary Public in and for said State, personally appeared Jerry Caven of Royal Fork Restaurant Corporation, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for and on behalf of said corporation.

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




NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My Commission Expires: 10-25-10

ENGINEER'S ESTIMATE



PROJECT: Fir Grove Estates PROJECT NO. 104013
 OWNER: Royal Fork Restaurant Corporation DATE 7-Dec-04

ITEM NO.	ITEM	ESTIMATED COST	PAID TO DATE	REMAINING AMOUNT
1	Sewer System and Water Distribution System	\$1,139,317.30	\$939,580.67	\$ 199,736.63
2	Water Supply Building, Piping, and Well Pumps	\$150,000	\$0	\$ 150,000
3	Water Wells	\$194,000	\$0	\$ 194,000
4	Power	\$357,701.34	\$357,701.34	\$ -
5	Roads	\$238,360	\$0	\$ 238,360
6	Drainage and Grading	\$82,560	\$0	\$ 82,560
	Subtotal	\$ 2,161,939	\$ 1,297,282	\$ 864,657
	30% Cost Gaurantee			\$ 259,397
	Total			\$ 1,124,054

ESTIMATED BY Michael Anderson, P.E.
Mike Anderson