

296064

Instrument # 296064

VALLEY COUNTY, CASCADE, IDAHO

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Recorded for : MICHELLE BASYE

LELAND G. HEINRICH

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: MISCELLANEOUS RECORD

Fir Grove Estates

CAPITAL CONTRIBUTION AGREEMENT

THIS AGREEMENT is made this 27th day of December, 2004, by and between Jerry Caven, representing Royal Fork Restaurant Corp, Developer of that certain Project in Valley County, Idaho, known as Fir Grove Estates, and Valley County, a political subdivision of the State of Idaho, (hereinafter generally referred to as "Valley County").

RECITALS

Developer has submitted a subdivision application to Valley County for approval of a 121 lot residential development and drainage plan known as Fir Grove Estates.

Valley County desires certain improvements on subject property to meet public services and infrastructure reasonably attributable to the Project. Such improvements would include but not be limited to ROW donation, tree clearing, new and expanded roads, drainage ditch and culverts, and wetlands restoration.

Developer desires to provide certain engineering and construction services in lieu of per lot fees to meet Valley County requirements.

AGREEMENT

Therefore, it is agreed as follows:

1. *Drainage and wetlands improvements.* Developer agrees to engineer and construct the following drainage and wetlands improvements, subject to Valley County acceptance, through the project site in lieu of per lot fees:
 - a. Tree clearing for new drainages in the project area.
 - b. New drainage ditch and culverts engineered and constructed as shown on the Fir Grove Estates Road and Drainage Facilities plan set, dated August 10, 2004.
 - c. Wetlands restoration and permits as required by the US Army Corps of Engineers and regulatory agencies.

In addition to the above improvements, developer agrees to make all other necessary drainage and site improvements that are needed to handle site-generated run-off.

2. *Roadway improvements and ROW dedication.* Developer agrees to construct new or expand existing roads and dedicate needed ROW in accordance with Valley County's 2004 draft roadway standards. For the regional roadway system, the dedication of ROW shall be as shown on the preliminary plat and construction/reconstruction shall be to Valley County's 2004 draft roadway standards. The developer herein agrees to provide said regional roadway improvements in lieu of a per lot fee.
3. *Timing and acceptance of improvements.* Developer agrees to complete the above referenced improvements for drainage, wetlands and roadways prior to being granted occupancy permits for residential units in the development. Valley County agrees to inspect and accept the above referenced improvements in a timely manner to facilitate completion of the residential development.

If the Developer were to sell part or all of the Project prior to completing the above referenced improvements, the purchaser of such property, and the successors and assigns thereof, shall be bound by the terms of this Agreement in the same respect as Developer.

VALLEY COUNTY BOARD OF COMMISSIONERS:

By: Terry F. Gestrin Date: 12/27/04

Commissioner/Chairman Terry F. Gestrin

By: F. Philip Davis Date: 12/27/04

Commissioner F. Philip Davis

By: Thomas W. Kerr Date: 12-27-2004

Commissioner Thomas W. Kerr

ATTEST:

VALLEY COUNTY CLERK:

Leland G. Heinrich Date: 12/27/04

Jerry Caven, Developer (Representing Royal Fork Restaurant Corporation)

By: Jerry Caven Date: 12-23-04

STATE OF IDAHO

) ss.

COUNTY OF VALLEY)

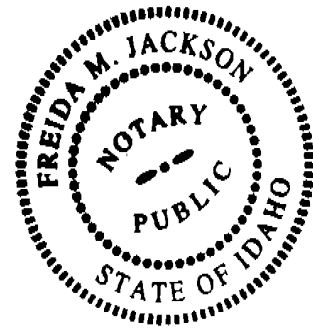
On this 23rd day of December 2004, before me, Freida Jackson, the undersigned, a Notary Public in and for said State, personally appeared Jerry & Caven and acknowledged to me that they executed the same.

In witness whereof, I have unto set my hand and affixed my official seal the day and year first above written.

Freida M. Jackson
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 10-25-10



STATE OF IDAHO)

) ss.

COUNTY OF VALLEY)

On this 27 day of December 2004, before me, Jayne Novaty, the undersigned, a Notary Public in and for said State, personally appeared Terry F. Hatzen, Philip Davis and acknowledged to me that they executed the same.
+ Thomas Kell

In witness whereof, I have unto set my hand and affixed my official seal the day and year first above written.

Jayne Novaty
Notary Public for Idaho

Residing at: Cascade, Idaho

My Commission Expires: 11-02-08

