

WHEN RECORDED RETURN TO:

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 Charlotte Mills - Gallatin County, MT MISC



**FIRST AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS,
 CONDITIONS, AND RESTRICTIONS FOR THE LAKES AT VALLEY WEST**

THIS FIRST AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE LAKES AT VALLEY WEST ("First Amendment to Declaration") is made effective the 6 day of April, 2017, by The Lakes at Valley West, Bozeman, Two, LLC, and Bozeman Investment Holdings, LLC (jointly referred to as "Declarant").

WHEREAS, the Declaration of Protective Covenants, Conditions, and Restrictions for The Lakes at Valley West ("Declaration") was recorded on October 14, 2015, as Document No. 2527605, in the Office of the Clerk and Recorder, Gallatin County, Montana, as supplemented by the Affidavit of Omission Concerning the Declaration of Protective Covenants, Conditions, and Restrictions for The Lakes at Valley West, recorded on June 20, 2016, as Document No. 2548465, in the Office of the Clerk and Recorder, Gallatin County, Montana;

WHEREAS, the Declaration, Section 16.2, authorizes the Declarant to amend, modify, add, or delete any provision of the Declaration, in whole or in part, which amendment, modification, addition, or deletion shall be effective upon the recording of the same with the Office of the Clerk and Recorder, Gallatin County, Montana and upon notice being provided of the same to all Members;

WHEREAS, the Declarant desires to amend the Declaration so that it conforms with the development of each phase of The Lakes Subdivision and in order to include those covenants and restrictions that are required by the City of Bozeman, MT for each phase of The Lakes Subdivision;

NOW THEREFORE, THE DECLARANT HEREIN AMENDS, MODIFIES, ADDS, OR DELETES THE DECLARATION AS FOLLOWS (the portion in *italics* shall be added to the Declaration and the portion with a ~~strike through~~ shall be deleted:

ARTICLE I

Definitions

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1.9. "Declarant means ~~The Lakes at Valley West, Bozeman, LLC, The Lakes at Valley West, Bozeman, Two, LLC and Bozeman Investment Holdings, LLC~~, or any successor or assign who obtains an Assignment of Declarant's Rights and Responsibilities. Both successors and assigns shall always be deemed to be included within the term "Declarant" whenever, however, and wherever such terms are used in the Declaration, Bylaws, Rules and Regulations, or Design Manual.

...

1.12 "Lot" means any plot of land shown upon any recorded *final plat for any phase of The Lakes at Valley West* ~~subdivision map~~, excluding the Common Areas.

...

1.14 "Open Space" means any property designated as open space on any recorded *final plat for any phase of The Lakes at Valley West* ~~subdivision plat~~.

...

1.16 "Parks" means any property designated as a park on any recorded *final plat for any phase of The Lakes at Valley West* ~~subdivision plat~~.

...

1.18 "Property" means and refers to all of the property ~~described in The Lakes at Valley West Phase 1 and 2 Subdivision and such additions thereto as may hereafter be annexed and brought within the jurisdiction of the Association. in The Lakes Subdivision.~~

...

1.20 "The Lakes Subdivision" or "The Lakes at Valley West" means and refers to ~~all of the property~~ *Tract 1 of Certificate of Survey No. 1005B and Tract 2A of Certificate of Survey No. 1005C, as described in the Final Plat of The Lakes at Valley West- Phase 1 and Phase 2 Subdivision, recorded on October 14, 2015, as Document No. 2527596 in the Office of the Clerk and Recorder, Gallatin County,* and such additions thereto as may hereafter be annexed and brought within the jurisdiction of the Association.

...

Article XII

Additional Covenants Required by the City

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12.11. In addition to any other covenants contained in Article XII, the following covenants are required by the City of Bozeman, MT, on order to obtain Final Plat approval for The Lakes at Valley West, Phase 3:

12.11.1 Only four (4) Lots in The Lakes at Valley West, Phase 3, are authorized to have accessory dwelling units ("ADUs"). The Lots that are permitted to have ADUs are Lots 31, 48, 49, and 50. No other Lot in The Lakes at Valley West, Phase 3, is permitted or allowed to have ADUs without the express written authorization of the City of Bozeman.

12.11.2 The City of Bozeman has authorized certain relaxations to the Bozeman Municipal Code for The Lakes at Valley West, Phase 3. These relaxations are contained in the Design Manual. These relaxations are incorporated herein by reference and, like other covenants contained in Article XII, may not be revised or terminated without the express written consent of the City of Bozeman.

12.11.3 *The Lakes at Valley West, Phase 3, falls within a known area of high groundwater. No crawl spaces or basements that require sump pumps to pump water shall be constructed in Phase 3. Sump pumps are not allowed to be connected to the sanitary sewer system. Sump pumps are also not allowed to be connected to the drainage system unless capacity is designed into the drainage system to accept the pumped water. Water from sump pumps may not be discharged onto streets, such as into the curb and gutters where they may create a safety hazard for pedestrians and vehicles.*

12.11.3 *A storm water maintenance plan specific to The Lakes at Valley West, Phase 3, is contained in the Design Manual. The Association shall be responsible for implementing and maintaining, in perpetuity, the provisions of the storm water maintenance plan.*

SIGNATURES TO FOLLOW

IN WITNESS WHEREOF, the Declarant has heretofore set its hand as of this 9th day of March, 2017.

DECLARANT: The Lakes at Valley West, Bozeman, Two, LLC

By:

James M. Kilday
James Kilday

Its:

Authorized Representative

STATE OF MONTANA)
 : ss.
County of Gallatin)

This instrument was willingly acknowledged before me on the 9th day of March, 2017, by James Kilday, the authorized representative of The Lakes at Valley West, Bozeman, Two, LLC.

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



(NOTARIAL SEAL)

Christie Lee Standiford
CHRISTIE LEE STANDIFORD (print name)

Notary Public for the State of Montana
Residing at Belgrade, Montana
My Commission expires: March 26, 2019