

Instrument # 1038920  
Bonner County, Sandpoint, Idaho  
10/01/2024 12:01:59 PM No. of Pages: 17  
Recorded for: DUDLEY I LLC/ JACOB  
Michael W. Rosedale Fee: \$58.00  
Ex-Officio Recorder Deputy  
Index to: EASEMENT

BC



AFTER RECORDING RETURN TO:  
Jacob Weimer  
Dudley I, LLC  
PO Box 55  
Priest River, Idaho 83856

Space Above Reserved for Recorder

## DECLARATION OF WATERFRONT ACCESS EASEMENT AGREEMENT

THIS DECLARATION OF WATERFRONT ACCESS EASEMENT AGREEMENT (this "**Declaration**") is made on this 30<sup>th</sup> day of September, 2024 ("**Effective Date**"), by Dudley I, LLC, an Idaho limited liability company ("**Declarant**"), whose address is PO Box 55, Priest River, Idaho 83856.

### RECITALS

A. Declarant is the owner of certain real property located in Bonner County, Idaho legally described on Exhibit C and shown in Exhibit B attached hereto and incorporated herein by this reference (collectively, "Subject Parcels").

B. Declarant desires to establish a waterfront access easement for its benefit and for the benefit of its remaining lands.

## **DECLARATION OF EASEMENT**

NOW, THEREFORE, Declarant hereby declares, for its benefit and the benefit of all subsequent owners of the Subject Parcels, that:

1. **Declaration of Easement.** Declarant hereby grants, transfers, establishes and declares a non-exclusive, perpetual easement for ingress and egress, improved or unimproved, over and across and for the benefit of the Subject Parcels. This shall not be a dedication to the public.

2. **Reservation of Easement Rights.** Declarant reserves to itself and its successors and assigns, the easement and the easement rights set forth herein for the benefit of the Subject Parcels, including the right to use said easement and to subsequently convey said easement and easement rights with the Subject Parcels.

3. **Easement Runs with the Land.** The easement described herein shall run with shall run with the land and shall be appurtenant to the Subject Parcels.

4. **Location of Easement.** The easement created by this Declaration of Easement shall be located as described on Exhibit A and shown in Exhibit B attached hereto and incorporated by this reference.

5. **Maintenance of Easement.** The owner or owners of Parcel 3 and Parcel 4 shall bear the cost of maintaining and/or improving the easement proportional to their use.

6. **Extraordinary Use of Easement.** The owner or owners of Parcel 3 and Parcel 4 shall be separately responsible to repair, and for the costs thereof, of any damage caused to the easement as a result of extraordinary use.

- a. "Extraordinary use" shall include, but not be limited to, movement of heavy vehicles or any vehicles during muddy or wet conditions that may result in rutting or other damage not consistent with normal traffic. Repairs and repair expenses from damage caused by extraordinary use shall be the sole responsibility of the party causing the damage.

7. **Use of Easement.** The owners of Parcel 3 and Parcel 4 shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by either party of the Walkway Path Area. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, and others bound to or returning from the waterfront access and having a need to use the Walkway Path Area. Any gate or gates placed on the Walkway Path Area shall have either shared keys or separate locks to guarantee each party unrestricted access. Gates shall be allowed to be left open during busy times of year or when an owner is living on site. Gates shall be allowed be closed and locked during quiet times of year or when no owners are actively living on site.

8. **Special Waterfront Area.** The "Special Waterfront Area" as legally described in Exhibit A and shown in Exhibit B shall be for use by the owners of Parcel 4 as a waterfront recreation area. Such use by the owners and guests of Parcel 4 shall not be interfered with by the owners of Parcel 3. The owners of Parcel 3 and Parcel 4 shall both be able to equally use the

Walkway Path Area for ingress and egress purposes, but the Special Waterfront Area which shall be for the use by the owners of Parcel 4 and their guests.

9. **Structures in Special Waterfront Area.** The owners of Parcel 4 shall be allowed to place and create structures within the Special Waterfront Area such as gazebos or other shade structures, sheds for waterfront recreational items, picnic tables, camp fire rings, and other general waterfront recreational items. The owners of Parcel 4 shall be allowed to place campers in the Special Waterfront Area as well. Residential structures such as mobile homes, modular homes or an actual house with a foundation are not allowed.

10. **Vehicular Travel.** Vehicles such as ATVs, UTVs, 4-wheelers, cars and pickup trucks are allowed on the waterfront access easement. Vehicular travel by larger vehicles such as pickups shall be slow and safe commensurate with the easement width. Special use by larger equipment such as a dumptruck to spread gravel, an excavator to maintain the easement, or a larger truck to haul a gazebo or pre-built shed to the Special Waterfront Area are allowed with notice to the owners of Parcel 3.

11. **Potential Parcel 3 Driveway.** The owners of Parcel 3 may elect to use part of the Walkway Path Area as a driveway for a residence or residences. This is an acceptable use of the easement area. Any required improvements to improve the pathway into a drivable residential driveway shall be at the expense of the owners of Parcel 3 in this scenario.

12. **Modification of Easement.** The owner or owners of each parcel shall exclusively be entitled to and obligated equally to maintain, repair and improve the easement area described in the easement description for ingress and egress. Any modifications to said easement shall be subject to all owners' express written consent.

13. **Agreement Runs with the Land.** This agreement runs with the land and is binding on all future owners, heirs, assigns, and successors in title.

14. **Successor and Assigns.** The common ownership by the Declarant of the dominant and servient or benefited and burdened parcels shall not void this Declaration under the doctrine of merger; and it is the intent of the Declaration to create an easement that shall bind and benefit the above described Subject Parcels upon the conveyance of any one or all of the Subject Parcels. Except as expressly provided otherwise in this Declaration, (i) the easement granted herein shall run with the land and shall be binding upon all parties having or acquiring any right, title, or interest in the Subject Parcels, or any part thereof, and (ii) the rights and obligations of the Declarant shall inure to the benefit of and be binding upon its successors and assigns. Any reference to "Declarant" or subsequent owners of the Property shall be deemed to refer to such party's successor in interest.

15. **Attorney Fees.** In the event that any party institutes any legal suit, action, or proceeding against the other party to enforce the covenants contained in this Declaration (or obtain any other remedy in respect to any breach of this Declaration), the prevailing party in the suit, action or proceeding shall be entitled to receive, in addition to all other damages to which it may be entitled, the costs incurred by such party in conducting the suit, action, or proceeding, including actual attorneys' fees and expenses and court costs.

16. **Governing Law; Venue.** This Declaration shall be governed by and construed in accordance with the laws of the state of Idaho. Venue for any dispute arising out of this Declaration shall be in Bonner County, Idaho.

17. **Entire Agreement.** The above recitals are true and correct and are incorporated herein by reference. This Declaration sets forth the entire agreement with respect to the subject matter hereof and supersedes any prior agreements or understanding.

*Signature Page follows on Page 5*




IN WITNESS WHEREOF, the Declarant has caused this Declaration to be entered into as of the Effective Date.

**"Declarant"**

Dudley I, LLC, an Idaho limited liability company

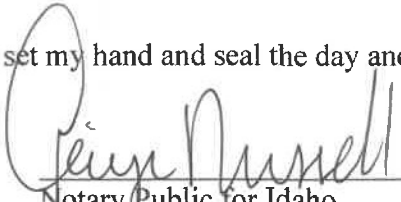
By: J.D. Lumber, an Idaho corporation  
Its: Member

By:   
Name: Jacob D. Weimer  
Its: President

STATE OF IDAHO )  
 ) ss.  
County of Bonner )

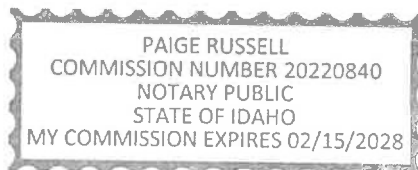
On the 1<sup>st</sup> day of October, 2024 before me, the undersigned Notary Public, personally appeared Jacob D. Weimer, known to me or proved to me on the basis of satisfactory evidence to be the President of J.D. Lumber, Inc., an Idaho corporation, the member of Dudley I, LLC, the limited liability company that executed the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

  
Notary Public for Idaho

Residing at Sandpoint

Commission Expires: 2/15/2028



**Waterfront Access Easement  
Legal Description  
Exhibit "A"**

**Walkway Path Area**

A strip of land 20 feet wide across a parcel of land located in Government Lot 9 of Section 31, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

**Commencing** at the southeast corner of Section 31, Township 57 North, Range 4 West, Boise Meridian, from which the meander corner common to Section 31, Township 57 North, Range 4 West and Section 6, Township 56 North, Range 4 bears North 89°21'25" West, a distance of 1742.50 feet;

Thence North 89°21'25" West along the south line of said Section 31, a distance of 1652.74 feet to the southeast corner of TIMBERLANE SUBDIVISION, recorded in Book 2 of Plats, at Page 136, records of Bonner County, Idaho;

Thence North 00°59'09" East along the east line of said TIMBERLANE SUBDIVISION, a distance of 533.99 feet to a point on the northerly line of the prescriptive easement for Robinson Drive;

Thence South 69°51'51" East leaving said east line of said TIMBERLANE SUBDIVISION, a distance of 26.58 feet to the **Point of Beginning**;

Thence North 34°24'13" East, a distance of 77.96 feet to the beginning of a tangent curve to the left having a chord bearing of North 00°47'41" West, a chord distance of 57.64 feet;

Thence continuing along said tangent curve to the left with a radius of 50.00 feet, through a central angle of 70°23'48", an arc distance of 61.43 feet to the beginning of a compound curve to the right having a chord bearing of North 21°01'12" West, a chord distance of 103.35 feet;

Thence continuing along said compound curve to the right with a radius of 200.00 feet, through a central angle of 29°56'47", an arc distance of 104.53 feet;

Thence North 06°02'49" West, a distance of 143.22 feet;

Thence North 00°59'09" East, a distance of 21.08 feet to a point further referred to as Point "A", and the **Point of Terminus**;

Lengthening and shortening the sidelines of said strip so as to terminate on the south line of the Special Waterfront Area, and the northerly line of the prescriptive easement for Robinson Drive;

Containing 8,165 square feet or 0.187 acres, more or less.

TOGETHER WITH a parcel of land located in Government Lot 9 of Section 31, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

**Special Waterfront Area**

**Beginning** as said Point "A";

Thence North 89°00'51" West, a distance of 10.00 feet to the east line of said TIMBERLANE

SUBDIVISION;

Thence North 00°59'09" East along the east line of said TIMBERLANE SUBDIVISION, a distance of 250.00 feet to the ordinary highwater line of Priest River, the following 4 courses;

South 85°39'24" East, 57.98 feet;

South 04°20'36" West, 45.67 feet;

South 20°19'00" East, 44.78 feet;

South 33°38'07" East, 6.20 feet;

Thence South 00°59'09" West leaving said ordinary highwater line of Priest River, a distance of 154.19 feet;

Thence North 89°00'51" West, a distance of 65.00 feet to said Point "A" and the **Point of Beginning**;

Containing 17,257 square feet or 0.397 acres, more or less.

Overall containing 25,421 square feet or 0.584 acres, more or less.

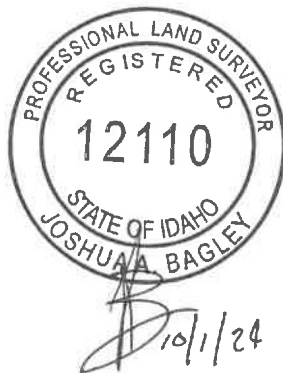
SUBJECT TO:

Existing rights-of-way and easements of record and or appearing on said above described parcel.

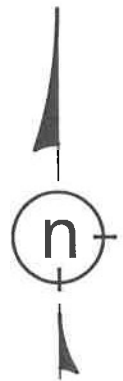
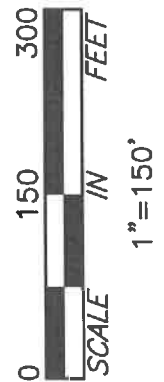
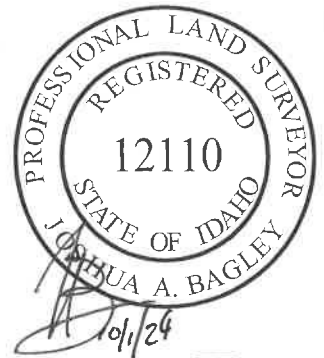
END OF DESCRIPTION

Prepared by this office:

h2 Surveying, LLC



DATE  
9/30/2024  
JOB #  
2024-114  
SHEET  
1 OF 2



DETAIL "A"  
SEE SHEET 2

POINT OF  
TERMINUS  
POINT "A"

TIMBERLANE  
SUBDIVISION

PRIEST  
RIVER

PARCEL  
3

GOVERNMENT  
LOT 11

PARCEL  
2

GOVERNMENT  
LOT 9

PARCEL  
4

SOUTHWEST  
CORNER OF  
GOVERNMENT  
LOT 11

50'  
PRESCRIPTIVE  
EASEMENT

DRIVE

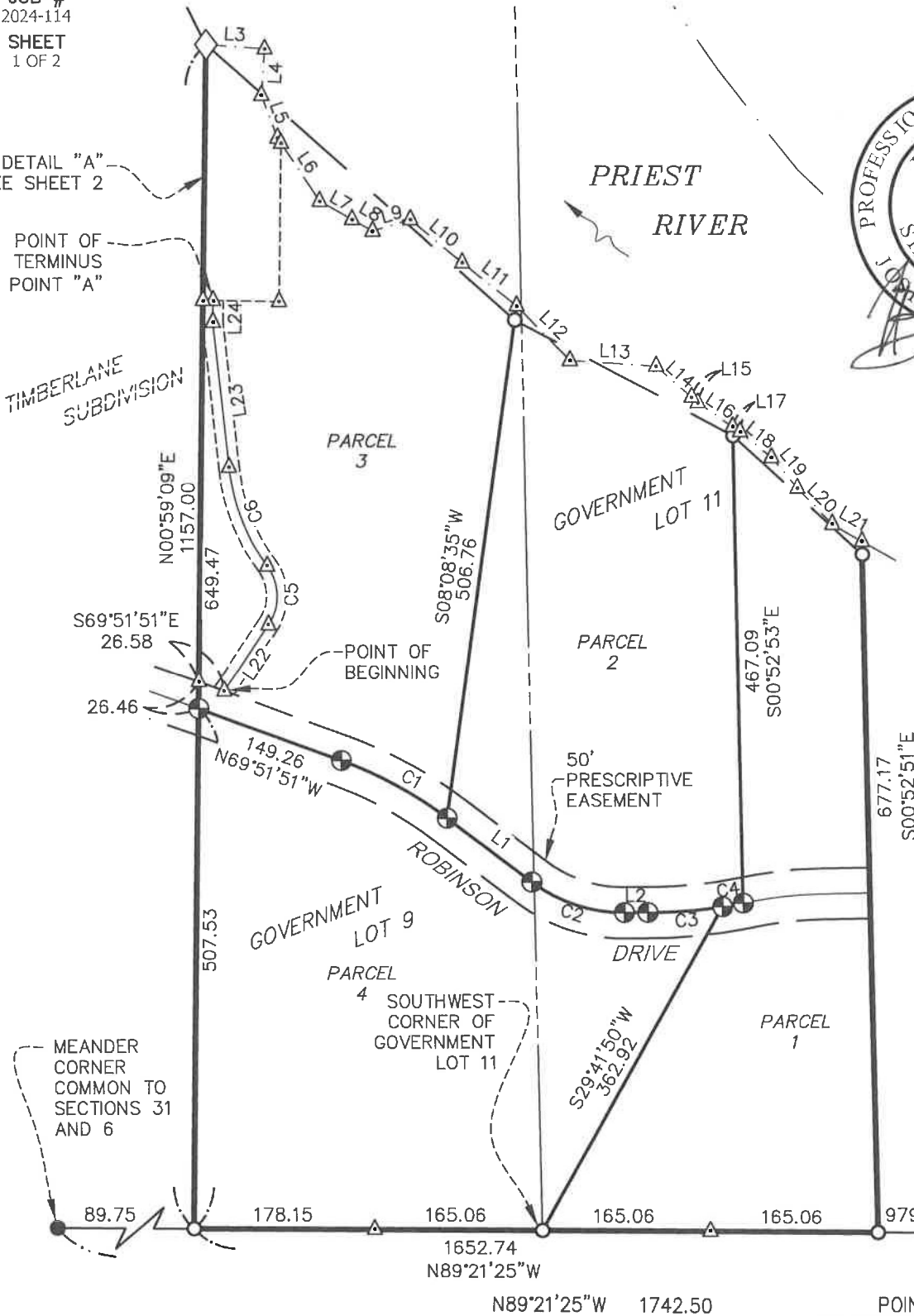
PARCEL  
1

MEANDER  
CORNER  
COMMON TO  
SECTIONS 31  
AND 6

POINT OF-  
COMMENCEMENT

# WATERFRONT ACCESS EASEMENT EXHIBIT "B"

BONNER COUNTY, IDAHO



DATE  
9/26/2024  
JOB #  
2024-114  
SHEET  
2 OF 2



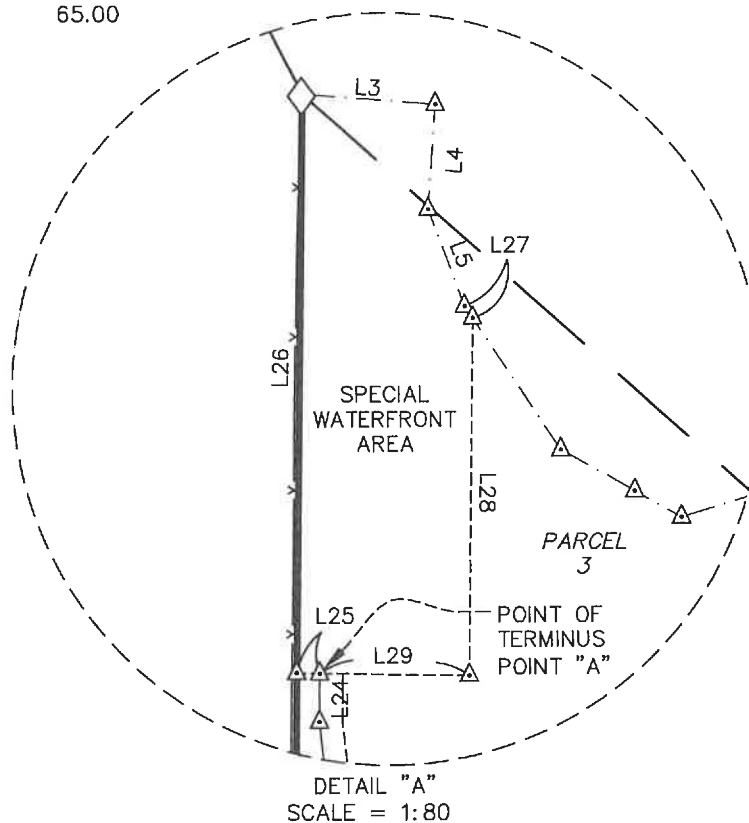
*10/1/24*

## LINE TABLE

LINE	BEARING	DISTANCE
L22	N34°24'13"E	77.96
L23	N06°02'49"W	143.22
L24	N00°59'09"E	21.08
L25	N89°00'51"W	10.00
L26	N00°59'09"E	250.00
L3	S85°39'24"E	57.98
L4	S04°20'36"W	45.67
L5	S20°19'00"E	44.78
L27	S33°38'07"E	6.20
L28	S00°59'09"W	154.19
L29	N89°00'51"W	65.00

## CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE
C5	61.43	50.00	70°23'48"	N00°47'41"W	57.64
C6	104.53	200.00	29°56'47"	N21°01'12"W	103.35



## WATERFRONT ACCESS EASEMENT EXHIBIT "B"

BONNER COUNTY, IDAHO

**Exhibit C**

**Legal Descriptions of Subject Parcels**

**Parcel 3 (burdened) and Parcel 4 (benefited)**

**Parcel 3**  
**Legal Description**

A parcel of land located in Government Lot 9 of Section 31, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at the southeast corner of Government Lot 11 of Section 31, Township 57 North, Range 4 West, Boise Meridian, from which the meander corner common to Section 31, Township 57 North, Range 4 West and Section 6, Township 56 North, Range 4 bears North 89°21'25" West, a distance of 1742.50 feet;

Thence North 89°21'25" West along the south line of said Section 31, a distance of 979.42;

Thence North 89°21'25" West continuing along said south line of said Section 31, a distance of 330.12 feet;

Thence North 29°41'50" East leaving said south line of Section 31, a distance of 362.92 feet to feet to the centerline of Robinson Drive and the beginning of a non-tangent curve to the right having a chord bearing of South 85°45'23" West, a chord distance of 73.75 feet;

Thence continuing along said centerline of Robinson Drive and said non-tangent curve to the right with a radius of 500.00 feet, through a central angle of 08°27'30", an arc distance of 73.81 feet;

Thence South 89°59'08" West continuing along said centerline of Robinson Drive, a distance of 23.04 feet to the beginning of a tangent curve to the right having a chord bearing of North 71°25'18" West, a chord distance of 95.65 feet;

Thence continuing along said centerline of Robinson Drive and said tangent curve to the right with a radius of 150.00 feet, through a central angle of 37°11'07", an arc distance of 97.35 feet;

Thence North 52°49'44" West continuing along said centerline of Robinson Drive, a distance of 104.02 feet to the Point of Beginning, and the beginning of a tangent curve to the left with a chord bearing of North 61°20'48" West, a chord distance of 118.49 feet;

Thence continuing along said centerline of Robinson Drive and said tangent curve to the left with a radius of 400.00 feet, through a central angle of 17°02'07", an arc distance of 118.93 feet;

Thence North 69°51'51" West continuing along said centerline of Robinson Drive, a distance of 149.26 feet to the southeast corner of Lot 1, TIMBERLINE SUBDIVISION, as recorded in Book 2, at Page 136, records of Bonner County, Idaho;

Thence North 00°59'09" East leaving along the east line of said Lot 1, a distance of 649.47 feet to the northeast corner of said Lot 1, and the ordinary highwater line of Priest River;

Thence along the ordinary highwater line of Priest River, the following nine courses;

South 85°39'24" East, 57.98 feet;

South 04°20'36" West, 45.67 feet;

South 20°19'00" East, 44.78 feet;

South 33°38'07" East, 74.35 feet;

South 60°44'31" East, 59.75 feet;

North 73°14'45" East, 38.98 feet;

South 50°27'24" East, 65.88 feet;

South 51°40'44" East, 68.04 feet;

Thence South 08°08'35" West leaving said ordinary highwater line of Priest River, a distance of 506.76 feet to the centerline of Robinson Drive, and the **Point of Beginning**;

Containing 158,890 square feet or 3.648 acres, more or less.

**SUBJECT TO:**

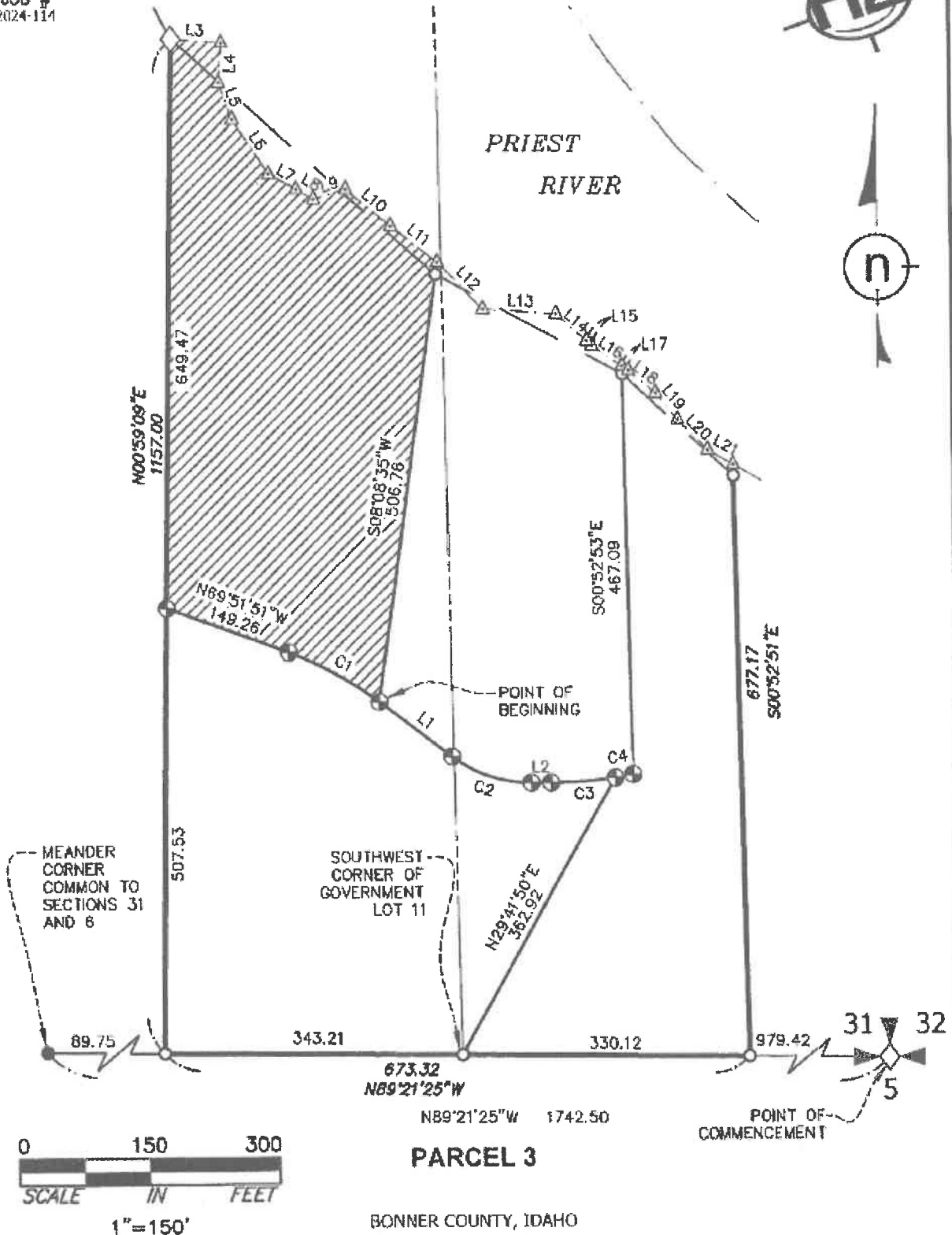
Existing rights-of-way and easements of record and or appearing on said above described parcel.

**END OF DESCRIPTION**

Prepared by this office;  
h2 Surveying, LLC



DATE  
9/25/2024  
JOB #  
2024-114



DATE  
9/25/2024  
JOB #  
2024-114



## LINE TABLE

LINE	BEARING	DISTANCE
L1	S 52°49'44" E	104.02
L2	S 89°59'08" W	23.04
L3	S 85°39'24" E	57.98
L4	S 04°20'36" W	45.67
L5	S 20°19'00" E	44.78
L6	S 33°38'07" E	74.35
L7	S 60°44'31" E	36.64
L8	S 60°44'31" E	23.11
L9	N 73°14'45" E	38.98
L10	S 50°27'24" E	65.88
L11	S 51°40'44" E	68.04
L12	S 44°04'26" E	74.82
L13	S 86°01'12" E	84.68
L14	S 48°15'33" E	46.30
L15	S 48°15'33" E	8.18
L16	S 56°04'31" E	41.41
L17	S 56°04'31" E	8.91
L18	S 50°23'53" E	40.08
L19	S 39°08'47" E	39.46
L20	S 44°59'33" E	48.86
L21	S 60°04'24" E	33.46

## CURVE TABLE

CURVE	ARC DISTANCE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE
C1	118.93	400.00	17°02'07"	N 61°20'48" W	118.49
C2	97.35	150.00	37°11'07"	N 71°25'18" W	95.65
C3	73.81	500.00	08°27'30"	S 85°45'23" W	73.75
C4	20.65	500.00	02°21'57"	N 80°20'39" E	20.64

## PARCEL 3

BONNER COUNTY, IDAHO

**Parcel 4**  
**Legal Description**

A parcel of land located in Government Lots 9 and 11 of Section 31, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at the southeast corner of Government Lot 11 of Section 31, Township 57 North, Range 4 West, Boise Meridian, from which the meander corner common to Section 31, Township 57 North, Range 4 West and Section 6, Township 56 North, Range 4 bears North 89°21'25" West, a distance of 1742.50 feet;

Thence North 89°21'25" West along the south line of said Section 31, a distance of 1309.54 feet to the **Point of Beginning**;

Thence North 89°21'25" West continuing along said south line of said Section 31, a distance of 343.21 feet;

Thence North 00°59'09" East leaving said south line of Section 31, a distance of 507.53 feet to the centerline of Robinson Drive;

Thence South 69°51'51" East along said centerline of Robinson Drive, a distance of 149.26 feet to the beginning of a tangent curve to the right having a chord bearing of South 61°20'48" East, a chord distance of 118.49 feet;

Thence continuing along said centerline of Robinson Drive and said tangent curve to the right with a radius of 400.00 feet, through a central angle of 17°02'07", an arc distance of 118.93 feet;

Thence South 52°49'44" East continuing along said centerline of Robinson Drive, a distance of 104.02 feet to the beginning of a tangent curve to the left having a chord bearing of South 71°25'18" East, a chord distance of 95.65 feet;

Thence continuing along said centerline of Robinson Drive, and said tangent curve to the left with a radius of 150.00 feet, through a central angle of 37°11'07", an arc distance of 97.35 feet;

Thence North 89°59'08" East continuing along said centerline of Robinson Drive, a distance of 23.04 feet to the beginning of a tangent curve to the left having a chord bearing of North 85°45'23" East, a chord distance of 73.75 feet;

Thence continuing along said centerline of Robinson Drive and said tangent curve to the left with a radius of 500.00 feet, through a central angle of 08°27'30", an arc distance of 73.81 feet;

Thence South 29°41'50" West leaving said centerline of Robinson Drive, a distance of 362.92 feet to the south line of said Section 31, and the **Point of Beginning**;

Containing 176,348 square feet or 4.048 acres, more or less.

**SUBJECT TO:**

Existing rights-of-way and easements of record and or appearing on said above described parcel.

**END OF DESCRIPTION**  
Prepared by this office:  
h2 Surveying, LLC



DATE  
9/25/2024  
JOB #  
2024-114



## LINE TABLE

LINE	BEARING	DISTANCE
L1	S 52°49'44" E	104.02
L2	S 89°59'08" W	23.04
L3	S 85°39'24" E	57.98
L4	S 04°20'36" W	45.67
L5	S 20°19'00" E	44.78
L6	S 33°38'07" E	74.35
L7	S 60°44'31" E	36.64
L8	S 60°44'31" E	23.11
L9	N 73°14'45" E	38.98
L10	S 50°27'24" E	65.88
L11	S 51°40'44" E	68.04
L12	S 44°04'26" E	74.82
L13	S 86°01'12" E	84.68
L14	S 48°15'33" E	46.30
L15	S 48°15'33" E	8.18
L16	S 56°04'31" E	41.41
L17	S 56°04'31" E	8.91
L18	S 50°23'53" E	40.08
L19	S 39°08'47" E	39.46
L20	S 44°59'33" E	48.86
L21	S 60°04'24" E	33.48

## CURVE TABLE

CURVE	ARC DISTANCE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE
C1	118.93	400.00	17°02'07"	S 61°20'48" E	118.49
C2	97.35	150.00	37°11'07"	S 71°25'18" E	95.65
C3	73.81	500.00	08°27'30"	N 85°45'23" E	73.75
C4	20.65	500.00	02°21'57"	N 80°20'39" E	20.64

## PARCEL 4

BONNER COUNTY, IDAHO