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Charlotte Mills - Gallatin County, MT

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After Recording Return to:  
Drysdale, McLean & Willett, PLLP  
2066 Stadium Drive, Suite 101  
Bozeman, MT 59715

**SECOND AMENDMENT AND SUPPLEMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE LEGENDS AT BRIDGER CREEK II SUBDIVISION**

The undersigned, acting on behalf of Guinness Partners, LLC, being the successor Declarant, comes now and hereby amends and supplements the Declaration of Covenants and Restrictions and Design Guidelines attached thereto, collectively recorded September 12, 2007, in the office of the Gallatin County Clerk and Recorder as Document Number 2278593 and as amended by the First Amendment to the Declaration of Covenants and Restrictions recorded June 29, 2012, in the office of the Gallatin County Clerk and Recorder as Document Number 2419455 (collectively referred to herein as the "Declaration").

The Declaration is amendable pursuant to its provisions, specifically Section 10, which provides the Declarant with the unilateral right to amend the Declaration, since the Subdivision has not been released to the Homeowner's Association. Additionally the Declaration shall be supplemented pursuant to Sections 2.4.1 and 2.4.2 of the Declaration, which provides, *inter alia*, the Declarant, its successor and assigns with the unilateral right to bring additional properties in future states of development, which are contiguous to the property described in Section 2.4 of the Declaration. Therefore, the following Amendments and Supplements shall be incorporated into said Declaration of Covenants and Restrictions and are hereby made integral provisions of said Declaration, its Exhibits, and any Addendums and /or Amendments thereto:

**Amendment I.** Section 1.11 of the Declaration shall be deleted in its entirety and replaced with the following:

**1.11 Declarant:** shall mean the successor developer, Guinness Partners, Inc., a Montana corporation of 430 Ryman, P.O. Box 9019, Missoula, Montana 59807.

**Amendment II.** Section 2.4 of the Declaration shall be supplemented to include the following:

**2.4 Ownership and Location.** In addition to the real property set forth in the Declaration as the planned subdivision known as The Legends at Bridger Creek II Subdivision Phase I located in Gallatin County and designated on the official plat on file and of record with the Clerk and Recorder of Gallatin County, recorded on September 12, 2007 as Document Number 2278586, and designated as Plat J-470, the following additional real property shall be brought within the scheme of the Declaration and be administered under the provisions of the Declaration, specifically including without limiting the homeowners' association, as if such additional property and the original property are single and unified under the same conditions and restrictions for the purpose of merging The Legends at Bridger Creek II, Phase I and The Legends at Bridger Creek II, Phase II:

A tract of land being a portion of the remainder of Tract 2 of Film 12, Page 825, less the plat of the Legends at Bridger Creek II Subdivision Phase 1, situated in Section 32, Township 1 South, Range 6 East, Principal Meridian, City of Bozeman, Gallatin County, Montana (referred herein as "Phase II").

The owners of lots within Phase II shall be members of The Legends at Bridger Creek II Homeowners Association, Inc. and shall be governed by the Declaration and the Bylaws recorded September 12, 2007 as Document Number 2278593, as amended by Document Number 2419455, and further amended herein.

**Amendment III.** Section 3.2 of the Declaration and First Amendment thereto shall be amended to update the Declarant to whom Owners shall send payment for Homeowner's Association assessments prior to transfer of ownership and control to:

Guinness Partners, Inc.  
Attn: James P. McLeod  
P.O. Box 9019  
Missoula, MT 59807

**Amendment IV.** The following language shall be added to Section 5.1.2 of the Declaration, entitled "Construction, Lot Site Preparation Maintenance, and Landscaping", pursuant to Bozeman Unified Development Code 38.21.060.C.1:

All corner lots shall have the same orientation as dwellings on lots on the interior of the block. The final plat shall indicate the orientation of all corner lots.

**Amendment V.** The following language shall be added to Section 5.1.2 of the Declaration, entitled "Construction, Lot Site Preparation Maintenance, and Landscaping", pursuant to Bozeman Unified Development Code 38.23.030.D:

Corner lots shall have sufficient width to permit appropriate building setbacks from both streets and provide acceptable visibility for traffic safety. Further, homes on corner lots shall have the same orientation as homes on lots on the interior of the block, unless otherwise approved through an overall development plan.

**Amendment VI.** The following language shall be added as Section 5.16 of the Declaration pursuant to Bozeman Unified Development Code 38.25.020.A:

**5.16 Garages.** The minimum provisions for one-stall and two-stall vehicle garages shall be as outlined by Section 38.25.020.A, B.M.C.

**Amendment VII.** The following language shall be added as Section 5.17 of the Declaration pursuant to Bozeman Unified Development Code 38.39.030.B.2:

**5.17 Sidewalk Installation.** Upon the third anniversary of the plat recordation of any phase of the subdivision, any lot owner who has not constructed said sidewalk shall, without further notice, construct within 30 days, said sidewalk for their lot(s), regardless of whether other improvements have been made upon the lot.

**Amendment VIII.** Section 5.6 of the Declaration shall be removed in its entirety, and replaced with the following:

**5.6 Lots Facing On a Greenway Corridor.** Lots fronting on a greenway corridor may have a minimum rear yard of fifteen feet (15') subject to the following: per Section 18.16.050.A.4 of the Bozeman Unified Development Ordinance, all vehicle entrances into garages shall be no closer than twenty feet (20') to the property line/public access easement line, unless otherwise explicitly authorized by the Bozeman Municipal Code. The Lots considered as fronting on a greenway corridor in the Subdivision are Lots 26 through 38A and 53 through 59A.

**Amendment IX.** The following shall be a global amendment to the Declaration, but shall specifically apply to Section 6 Common Area and Open Space: any reference to “dedicated” open space and Public Park, if the areas designated as such on the preliminary plat are to be common open space owned by the Homeowners Association or a park owned by the Homeowners Association, or a combination thereof, shall be designated as common open space owned by the Homeowners Association or as dedicated to the public, unless intended to be dedicated as public parkland within the Subdivision. The definition for “parks” shall not include reference to any lands being conveyed to the City of Bozeman or reference to “Public Park”, unless public parkland is being dedicated with this major subdivision.

**Amendment X.** The following language shall be added to Section 6.2.2 of the Declaration:

**6.2.2 Maintenance Responsibility of Common Areas.** Ownership of all common open space areas and trails, and responsibility of maintenance thereof and for city assessments levied on the common open space lands shall be that of the property owner’s association. Maintenance responsibility shall include, in addition to the common open space and trails, all vegetative ground cover, boulevard trees and irrigation systems in the public right-of-way boulevard strips along all external perimeter development streets and as adjacent to public parks or other common open space areas. All areas within the subdivision that are designated herein as common open space including trails are for the use and enjoyment by residents of the development and the general public. The property owner’s association shall be responsible for levying annual assessments to provide for the maintenance, repair, and upkeep of all common open space areas and trails. At the same time of recording the final plat for each phase of the subdivision the Declarant shall transfer ownership of all common open space areas within each phase to the property owner’s association created by the Declarant to maintain all common open space areas within Legends at Bridger Creek II, all phases.

Since Lot Owners of property within Phase II are hereby annexed by the Declarant and therefore integrated and subject to all the terms and conditions of the Declaration, Phase II Lot Owners shall contribute to the maintenance and upkeep of dedicated parks and publicly accessible open space lands as required by and as set forth in the Declaration.

**Amendment XI.** The following language shall be added to Section 6.2.2(4) of the Declaration pursuant to Bozeman Unified Development Code 38.26.050.E:

All street rights-of-way contiguous to or within the proposed development site not used for street pavement, curbs, gutters, sidewalks or driveways (i.e., street boulevards) shall be landscaped, as defined in the Bozeman Municipal Code, and shall include one (1) large canopy tree for each 50 feet of total street frontage rounded to the nearest whole number. For street trees, a City of Bozeman planting permit for street trees and obtaining utility locations before any excavation begins in the City of Bozeman right-of-way. The planting hole shall be at least twice the diameter of the root ball. The root flare of the newly planted tree is visible and above ground, and there shall be a mulch ring 3’ – 4’ in diameter around each newly planted boulevard tree.

**Amendment XII.** The following language shall be added to Section 6.5 of the Declaration pursuant to Bozeman Unified Development Code 38.23.060.B:

If a utility easement is greater than the building setback required by Chapter 38, B.M.C. said easement shall apply. All utility easements shall be noted on the Final Plat for each typical subdivision lot/block.

**Amendment XIII.** The following language shall be added as Section 8.1 of the Declaration, pursuant to Bozeman Unified Development Code 38.38.030:

**8.1 Covenant requirements.** Covenants, restrictions, and articles of incorporation for the creation of a property owners' association shall be submitted with the final plat application for review and approval by the Planning Office and shall contain, but not be limited to the following items: 1) the orientation and setbacks for corner lots, 2) all additional setbacks required when lots are adjacent to pathway corridors and minor arterial roads, 3) provisions for fences, 4) provisions for snow removal, maintenance and upkeep of all common areas, public and private parks, trails, storm water runoff facilities, 5) guidelines that outline architectural and landscape requirements for each individual lot and/or phase of the subdivision, including placement of boulevard trees at a regular spacing for each residential lot, 6) provisions that outline the renewal of an annual contract with a certified landscape nursery person for the upkeep and maintenance of all parklands, common open space, trails, etc., 7) landscape details for detention ponds, outlet structures, boulevard trees, parkland, irrigation, etc., 8) mitigation of ground water with established floor elevations and "no basement restriction", 9) architectural guidelines for residential character, porches, fenestration treatment, placement of garages, boulevard trees, 10) noxious weed control, 11) parking within residential structures, and 12) assessment of existing and future Special Improvement Districts.

The remaining provisions, not referenced herein, of the Declaration, including any Exhibits and/or any previous Amendments, shall not be effected by the above-stated Amendment, and thus, any said remaining provisions, not amended herein, of the Declaration, any Exhibits and any previous Amendments thereto shall continue in full force and effect.

IN WITNESS WHEREOF, the undersigned, being the Declarant of The Legends at Bridger Creek II Subdivision, has hereunto certified this    /    day of   Jan.  , 2014.

DECLARANT:

Guinness Partners, Inc., a Montana corporation

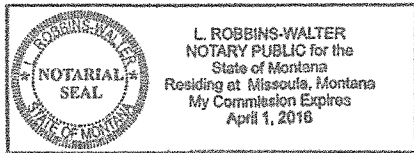
By: 

James P. McLeod, its President and Authorized Agent

STATE OF MONTANA            )  
  :SS.  
County of Missoula            )

On the 31<sup>st</sup> day of December, 2014<sup>3</sup>, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared James P. McLeod, personally known to me or provided on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity.

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



L. Robbins-Walter  
L. Robbins-Walter  
Notary Public for the State of Montana  
Residing at: Missoula, MT  
My Commission expires: 04-01-2018

**AMENDMENT TO DESIGN GUIDELINES FOR  
LEGENDS AT BRIDGER CREEK II SUBDIVISION**

**Amendment I.** Section 2.1 of the Design Guidelines shall be amended to delete the third bullet point in its entirety and replace it with the following:

**Section 2.1 Site Planning Introduction.**

- Celebrate Bridger Creek and integrate the creek into the community. Boylan Road is approximately aligned along the creek and opens up access to the creek and the area's trails.

**Amendment II.** The Appendix of the Design Guidelines shall be amended to substitute the identity of "Declarant" to: Guinness Partners, Inc.

The remaining provisions, not referenced herein, of the Design Guidelines, shall not be effected by the above-stated Amendment, and thus, any said remaining provisions, not amended herein, of the Design Guidelines for The Legends at Bridger Creek II Subdivision shall continue in full force and effect.