



OFFICE OF COUNTY RECORDER  
Olmsted County, Minnesota

I hereby certify that this document was filed in this office on 1/27/2006 at 2:00:00 PM and was duly recorded as document number **A-1090400**  
DANIEL J. HALL - County Recorder, by \_\_\_\_\_ Deputy.

Well Certificate:  Received  Not Required  
Abstr. - yes  no   
Fees:

Total \$46.00

**SUPPLEMENTARY DECLARATION  
OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR  
BOULDER CREEK SECOND**

THIS DECLARATION, made as of the 27<sup>th</sup> day of January, 2006, by Boulder Creek, LLC, a Minnesota limited liability company, (hereinafter "Declarant").

**RECITALS**

Declarant is the fee owner of real property located in Olmsted County, Minnesota, as depicted on the plat of Boulder Creek Second, which comprises twelve (12) residential lots and four (4) outlots within Boulder Creek Second (hereinafter "Lots"):

Lots 1 through 11, Block 1 and Lot 1, Block 2, Boulder Creek Second, Olmsted County, Minnesota

Whereas, the Declarant has executed that certain Declaration of Covenants, Conditions and Restrictions for Boulder Creek, as amended, recorded with the Olmsted County Recorder on March 17, 2004, as Document number 1014516 (hereinafter the "Original Declaration"); and

Whereas, the Declarant has executed that certain Supplemental Declaration - Architectural Guidelines for Boulder Creek, recorded with the Olmsted County Recorder on March 17, 2004, as Document number 1014519 (hereinafter the "Original Supplemental Declaration - Architectural Guidelines").

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1-27-06  
Boulder Creek Develop.  
264 River Bluff Ln NW  
Roch. MN, 55901  
WV

Whereas, Declarant reserved the right to add additional land to the terms and conditions of said Original Declaration and said Original Supplemental Declaration – Architectural Guidelines.

NOW THEREFOR, the Declarant hereby declares that the above defined Lots shall be subject to and shall benefit from all of the covenants, conditions and restrictions contained in the in said Original Declaration and said Original Supplemental Declaration – Architectural Guidelines. The Declarant, its successors and assigns, shall continue to retain the right to bring within said Declarations additional platted and common property located in Olmsted County, Minnesota.

Provided further, the above-described Lots shall be subject to the following complementary declarations:

- A. Common Water Supply System and Water Easement. Effective on even date herewith, the Declarant shall execute that certain Declaration of Common Water Supply System and Water Easement for Boulder Creek Second (hereinafter the “Water Declaration”) which shall be recorded with the Property Records Office, Olmsted County, Minnesota. All Lots in Boulder Creek Second shall be subject to the Water Declaration and, as such, each Lot shall be provided a common water well, pump, and watermain distribution system to supply its water. The Water Declaration shall provide, among other things, for the sharing in the cost of repair, maintenance, operation and improvement and replacement, if necessary, (collectively hereinafter the “Costs”) of the water system, and the Association shall assess a monthly fee for the Costs as set forth in the Water Declaration.
- B. Community Wastewater Treatment System. Effective on even date herewith, the Declarant shall execute that certain Declaration of Community Wastewater Treatment System for Boulder Creek Second (the “Community Wastewater Declaration”) which shall be recorded with the Property Records Office, Olmsted County, Minnesota. Upon completion of the construction of the Community Wastewater Treatment System, Declarant intends that the Association shall be the Owner of the Community Wastewater Treatment System. The Wastewater Declaration shall provide, among other things, for the sharing in the costs of the operations of the Wastewater Treatment System and the Association shall assess a monthly fee for the costs as set forth in the Wastewater Declaration.
- C. Open Space. Outlot C shall be conveyed to the Association for the use as open space for use by all residents of Boulder Creek and Boulder Creek Second. The open space may contain, among other things, water detention structures, pedestrian trail, wooded area, picnic facilities, and other similar items. All members of the Association shall share in the cost and expense for the repair, operation, and maintenance of the open space. Declarant shall have the right to add additional land, whose owners shall be permitted to use the open space, provided the owners of said additional land are also members of the Association.