

Anchorage Recording District

**AMENDMENT TO THE
DECLARATION FOR POWDER RIDGE**

A PLANNED COMMUNITY

• An Association Amendment Removing Tract 3A (Plat No. 2007-23) from the Governance of the Declaration, accepting new Common Elements of Powder Ridge, Declaring Certain Provisions of the Declaration Null and Void, and Amending and Replacing Exhibit 3 to the Declaration •

AFTER RECORDATION, RETURN TO:

The Powder Ridge Planned
Community Owners Association
c/o PMSI
PO Box 92130
Anchorage, Alaska 99509

**AMENDMENT TO THE DECLARATION
FOR POWDER RIDGE
A PLANNED COMMUNITY**

THE POWDER RIDGE PLANNED COMMUNITY HOMEOWNERS ASSOCIATION, an Alaska nonprofit corporation, whose mailing address is *PO Box 92130, Anchorage, Alaska 99509* ("**Powder Ridge Association**"), pursuant to the **DECLARATION FOR POWDER RIDGE**, a Planned Community, recorded on March 20, 2003 as Serial No. 2003-025632-0; as amended by the Phase 3 Amendment recorded November 3, 2003 as Serial No. 2003-115578-0; as amended by the Corrective Amendment recorded June 10, 2004 as Serial No. 2004-042385-0; as amended by the Phase 4 Amendment recorded January 28, 2005 as Serial No. 2005-005857-0; as amended by the Withdrawal Amendment recorded January 18, 2006 as Serial No. 2006-003673-0; as amended by the Phase 5 Amendment recorded September 15, 2006 as Serial No. 2006-062724-0; as amended by the Phase 6 Amendment recorded April 4, 2007 as Serial No. 2007-020081-0; as amended by the Phase 7 & Phase 4B Amendment recorded October 2, 2012 as Serial No. 2012-056841-0; as amended by the instrument recorded January 22, 2020 as Serial No. 2020-002799-0, in the Anchorage Recording District, Third Judicial District, State of Alaska (collectively "**Powder Ridge Declaration**"), in accordance with Section 34.08.250 of the Alaska Uniform Common Interest Ownership Act ("**Act**") and **Article XIII** of the Declaration, hereby amends the Declaration as set forth herein.

RECITALS

- A. The Powder Ridge Association is the association of unit owners for *Powder Ridge*, a planned community created under the Act pursuant to the Powder Ridge Declaration.
- B. The property within Powder Ridge was also within the boundaries of The Powder Reserve, a Master Planned Community created by the Declaration for Powder Reserve, recorded on March 20, 2003, as Serial No. 2003-025631-0, and all amendments thereto (the "Powder Reserve Declaration"). Eklutna, Inc. ("**Eklutna**") is the Declarant of both The Powder Reserve and Powder Ridge.
- C. Eklutna, as the Declarant of The Powder Reserve, reserved certain Development Rights in the Powder Reserve Declaration, including the right by amendment to create Common Elements and create additional Unit Owner Associations as part of The Powder Reserve on the following property:
 - Tract 3A, POWDER RIDGE SUBDIVISION PHASE 6, according to the official plat thereof, Plat No. 2007-23, records of the Anchorage Recording District, Third Judicial District, State of Alaska ("**Tract 3A**").
 - Tracts 2A, 2B, 2C and 2D, POWDER RIDGE SUBDIVISION PHASE 7, according to the official plat thereof, Plat No. 2012-59, records of the Anchorage Recording District, Third Judicial District, State of Alaska (the "**Utility Tracts**").
- D. Eklutna, as the Declarant of Powder Ridge, also reserved certain Development Rights in the Powder Ridge Declaration, including the right by amendment to add Lots and Common Elements to Powder Ridge from the property within **Tract 3A** and the **Utility Tracts**.
- E. Eklutna has never created any Common Elements or additional Unit Owner Associations as part of The Powder Reserve on **Tract 3A** or the **Utility Tracts**, nor has Eklutna ever added Lots or Common Elements to Powder Ridge from within **Tract 3A** or the **Utility Tracts**.

- F. On September 9, 2021, Eklutna withdrew *Tract 3A* and the *Utility Tracts* from the governance of the Powder Reserve Declaration by recordation of Amendment No. 12 on September 9, 2021 as Serial No. 2021-049527-0, records of the Anchorage Recording District, Third Judicial District, State of Alaska. On November 5, 2021, The Powder Reserve Declaration was terminated pursuant to the *Termination of The Powder Reserve* recorded on November 5, 2021 as Serial No. 2021-060285-0, records of the Anchorage Recording District, Third Judicial District, State of Alaska.
- G. Prior to the termination of the Powder Reserve Declaration: (1) The Powder Reserve Master Association conveyed certain Common Elements of The Powder Reserve to the Powder Ridge Association, pursuant to the Quitclaim Deed recorded on October 14, 2021, as Serial No. 2021-056114-0; and (2) Eklutna conveyed the *Utility Tracts* to the Powder Ridge Association, pursuant to the Quitclaim Deed recorded on October 14, 2021, as Serial No. 2021-056113-0, records of the Anchorage Recording District, Third Judicial District, State of Alaska
- H. The Association hereby desires to amend the Powder Ridge Declaration to remove Tract 3A from the governance of the Powder Ridge Declaration, to accept the property conveyed to the Powder Ridge Association as Common Elements of Powder Ridge, to nullify and void the provisions of the Powder Ridge Declaration that reference the Powder Reserve, and to update Exhibit 3 to the Powder Ridge Declaration to reflect the new Common Elements within Powder Ridge.

AMENDMENT

NOW, THEREFORE, the Powder Ridge Declaration is hereby amended as follows:

1. *Tract 3A* is hereby withdrawn and removed from the governance of the Powder Ridge Declaration.
2. The following property, which is currently owned by the Powder Ridge Association, is hereby declared to be Common Elements of Powder Ridge:
 - Tract 1B, POWDER RESERVE PHASE 3, according to the official plat thereof, Plat No. 2004-18, records of the Anchorage Recording District, Third Judicial District, State of Alaska.
 - Tract 1C, POWDER RESERVE PHASE 3, according to the official plat thereof, Plat No. 2004-18, records of the Anchorage Recording District, Third Judicial District, State of Alaska.
 - Tract 2, POWDER RIDGE SUBDIVISION, according to the official plat thereof, Plat No. 98-80, records of the Anchorage Recording District, Third Judicial District, State of Alaska.
 - Tracts 2A, 2B, 2C and 2D, POWDER RIDGE SUBDIVISION PHASE 7, according to the official plat thereof, Plat No. 2012-59, records of the Anchorage Recording District, Third Judicial District, State of Alaska.
3. Amended Exhibit 3, attached hereto, **replaces in its entirety** the current Exhibit 3 to the Powder Ridge Declaration.
4. The development of Powder Ridge is now complete and no more Lots or Common Elements will be added to Powder Ridge.

AMENDMENT TO POWDER RIDGE DECLARATION

5. The provisions contained within the Declaration referencing the Powder Reserve, the Powder Reserve Master Association, the Powder Reserve Declaration, or Powder Ridge being part of a Master Association, are hereby declared null and void.

6. Except as provided herein, all other terms and conditions of the Powder Ridge Declaration remain the same.

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed on this ____ day of _____, 2021.

THE POWDER RIDGE PLANNED COMMUNITY HOMEOWNERS ASSOCIATION

By: _____
Its: President

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO ACKNOWLEDGE that on this _____ day of _____, 2021, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared _____, to me known and known to me to be the **PRESIDENT of THE POWDER RIDGE PLANNED COMMUNITY HOMEOWNERS ASSOCIATION**, and known to me to be the person who signed the foregoing instrument, on behalf of said corporation and s/he acknowledged to me that s/he signed and sealed the same as a free act and deed of the said corporation for the uses and purposes therein expressed pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal on the day and year in this certificate first above written.

Notary Public in and for Alaska
My Commission Expires: _____

ATTEST:

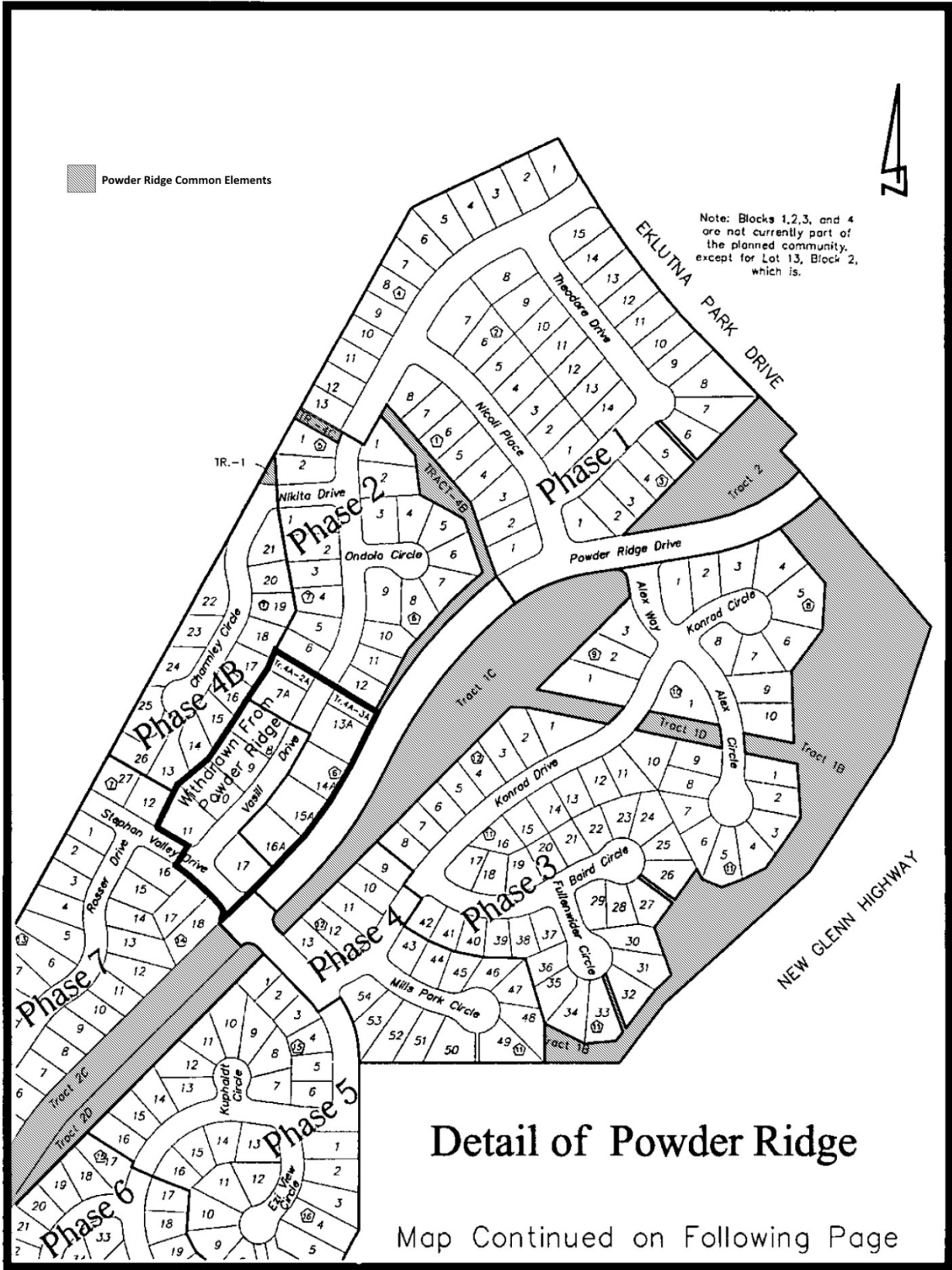
_____ (PRINTED NAME), *as Secretary of The Powder Ridge Planned Community Homeowners Association, does hereby certify that the foregoing amendment has been approved by the vote or agreement of Owners of Lots to which at least sixty-seven percent (67%) of the votes in the Association are allocated, and in accordance with the provisions of the Declaration.*

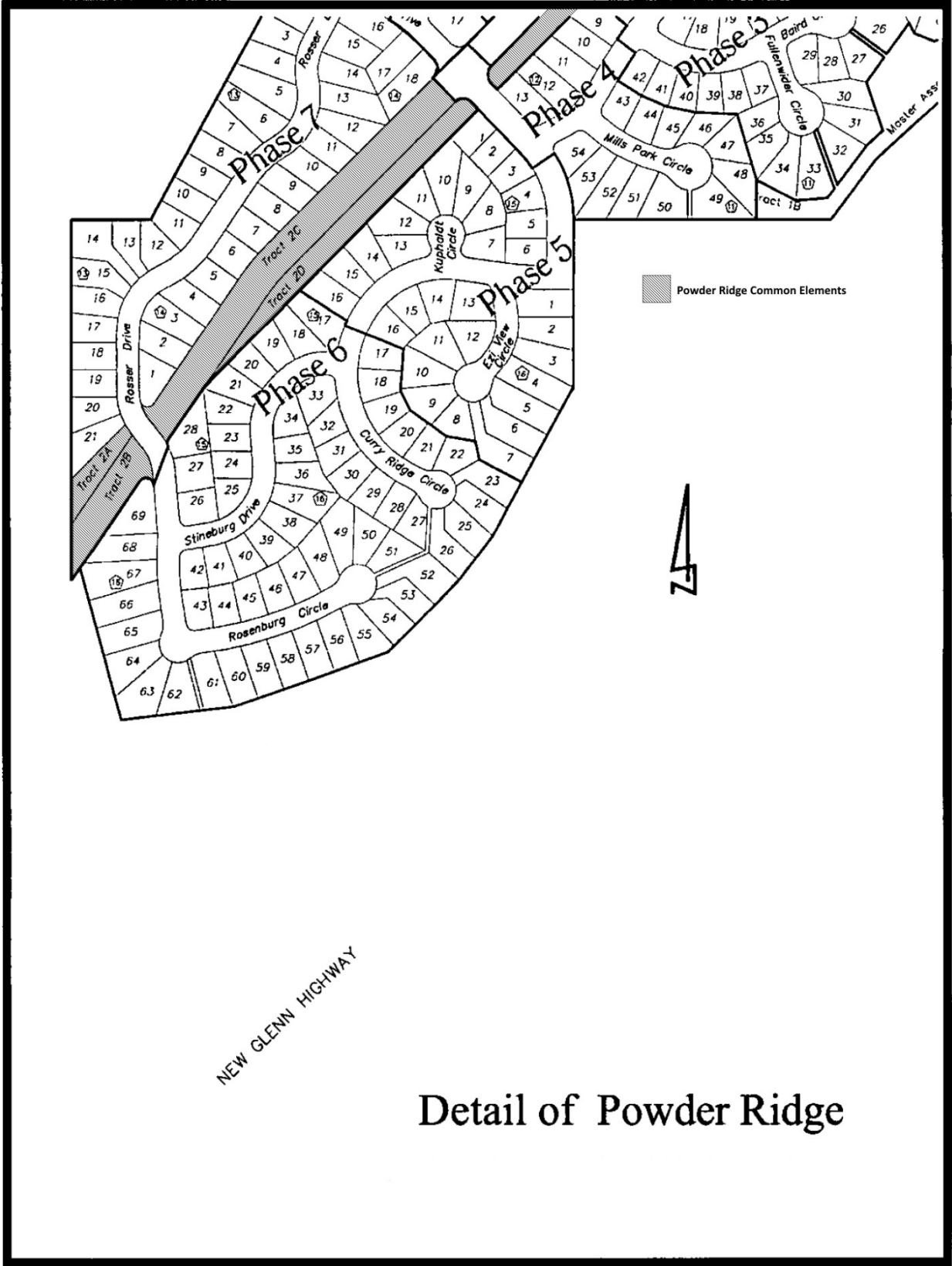
Signature of Secretary: _____

DECLARATION FOR POWDER RIDGE

AMENDED EXHIBIT 3

[APPEARS ON THE FOLLOWING PAGES]





Detail of Powder Ridge