

Recording Requested By and  
When Recorded Return to:

451238  
LEO Krulitz  
1050 Camino Real  
Santa Fe, NM 87501  
505-995-1149

RECEIVED

APR 22 2009

DEQ-Coeur d'Alene  
Regional Office

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

RECEIVED

APR 22 2009

DEPT OF ENVIRONMENTAL QUALITY

TERMINATION OF DECLARATION OF RESTRICTIONS DATED MARCH 24, 2000

On March 24, 2000, a Declaration of Restrictions (Declaration) was executed by John M. Krulitz and Myrtle H. Krulitz and the Idaho Department of Environment Quality ("Department") and recorded as the instrument number 393117. The Declaration set forth restrictions on use of a portion of real property designed to protect natural resources and maintain air quality. Based upon evidence submitted to the Department, the Department hereby issues this TERMINATION OF DECLARATION OF RESTRICTIONS DATED MARCH 24, 2000, as follows:


1. WHEREAS, the Declaration concerned certain real property located at 120 River Street, in the city of Mullan, County of Shoshone, State of Idaho. The Declaration imposed restrictions on use of a portion of the real property legal described in Exhibit A, attached hereto (the "Property").
2. WHEREAS, the Declaration provided that termination may be made upon demonstration to the Department that certain conditions as enumerated in the Termination clause of the Declaration have been met.
3. WHEREAS, on November 7, 2008, owners of the Property submitted to the Department a risk assessment demonstrating that the restricted portion of the Property does not contain petroleum hydrocarbons in the soils or groundwater and therefore does not pose a risk to air quality pursuant to the Department's standards as described in the Termination clause of the Declaration.
4. WHEREAS, the owners of the Property have adequately demonstrated to the Department that conditions in the Termination clause of the Declaration have been met, and therefore the restrictions imposed on the Property pursuant to the Declaration are no longer required.
5. **THEREFORE by the execution and the recording of this instrument, the Declaration of Restrictions dated March 24, 2000 for real property located at 120 River Street, Mullan, Idaho, and recorded as instrument number 393117, is hereby TERMINATED.**
6. RECORDING. The owners of the Property shall record this instrument in the county recorder's office where the Property is located and return a copy of the recorded

instrument to the Department within ten (10) days of the recording of this instrument.

7. **EFFECTIVE DATE.** The effective date of this instrument shall be the date the fully executed instrument is recorded at the county recorder's office.

## Signature and Acknowledgments

Idaho Department of Environmental Quality

Signature:   
 Printed Name: Toni Hardesty  
 Title: Director, Idaho Department of Environmental Quality  
 Date: \_\_\_\_\_

State of Idaho )

) SS.

County of Ada )

On this 2 day of April, in the year 2009, before me, a Notary Public in and for said County and State, personally appeared Toni Hardesty, known or identified to me to be the Director of the Idaho Department of Environmental Quality that executed this instrument, and acknowledged to me that the Idaho Department of Environmental Quality executed the same.

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



Notary Public for Idaho: Rosie M. Alarzo  
Residing at: Nampa, ID  
Commission Expires: 1/30/2015

## EXHIBIT A

### Legal Description of Restricted Area of the Property:

The Restricted Portion area begins 125 feet at 209 degrees from the northwest property corner, the starting point. From that point, which is directly to the southwest of the garage, the boundary is 100 feet at 136 degrees to the edge of the South Fork Coeur d'Alene River, thence 89 feet at a bearing of 303 degrees to the fence line, thence 55 feet at a bearing of 029 degrees along the fence line to place of beginning, the starting point of the affected area. The total area is calculated to be approximately 4020 sq. ft.

451238  
**Instrument # 451238**

WALLACE, SHOSHONE COUNTY, IDAHO  
4-20-2009 03:14:00 No. of Pages: 3

Recorded for : LEO KRULITZ

PEGGY DELANGE-WHITE

Ex-Officio Recorder Deputy

Index to: TERMINATION OF DEC OF RESTRICTIONS

Fee: 9.00

2009 APR 20 PM 3 14

**LEO KRULITZ  
1050 CAMINO REAL  
SANTA FE, NM 87501**