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BOOK 179 PAGE 379

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SKAGAN CO. WASH
BY Russ Gaynor

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Please Print or Type Information.

Document Title(s) or transactions contained therein:

1. MODIFICATION OF ROAD MAINTENANCE AGREEMENT
- 2.
- 3.
- 4.

GRANTOR(S) (Last name, first, then first name and initials)

1. GAYNOR, RUSSELL D.
- 2.
- 3.
- 4.

☐ Additional Names on page ____ of document.

GRANTEE(S) (Last name, first, then first name and initials)

1. KAMAKA CREEK ESTATES
2. PUBLIC
- 3.
- 4.

☐ Additional Names on page ____ of document.

LEGAL DESCRIPTION (Abbreviated: I.E., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)

SECTION 25 T3N R7E

☐ Complete legal on page ____ of document.

REFERENCE NUMBER(S) Of Documents assigned or released:

Book 171 Pages 357+358 AF 129904
12/30/97

☐ Additional numbers on page ____ of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

3-7-25-4-0800, 0801, 0802, 0803

☐ Property Tax Parcel ID is not yet assigned.

☐ Additional parcel #'s on page ____ of document.

The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.

**Modification of Road Maintenance Agreement
recorded in Book 171, Pages 357 & 358
for Kanaka Creek Estates, Short Plat Lots 1-4**

The following clauses shall be added and/or modified for Kanaka Creek Estates, Lots 1-4, as follows:

1. Clause A - TYPE AND FREQUENCY OF MAINTENANCE.

Modified to remove the word 'unanimously'. The new formula for deciding when road maintenance is necessary is in Clause B - Method of Assessing Costs in paragraph b (Acceptance).

2. Clause B - METHODS OF ASSESSING COSTS. Costs for the modified road maintenance described in Kanaka Creek Estates Road Maintenance Agreement shall be amended to as follows:

Miles Road and Fern Meadow Road shall be segmented into two sections.

Section 1 - All of Miles Road and the north 250 feet of Fern Meadow Road to and including the intersection of the newly created Quail Run Road.

Section 2 - The balance of Fern Meadow Road.

All four parcels in Kanaka Creek Estates shall be equally responsible for all costs of Section 1.
Parcels 3 & 4 of Kanaka Creek Estates shall be responsible for all costs of Section 2.

a. **MAINTENANCE and REPAIR ASSESSMENT.** During the month of May of each year, any landowner of any parcel in any short plat licensed to use said roads, may initiate a road and repair report by submitting to each parcel owner through regular mail addressed to the address on file at the County Treasurer Office for said owner, a proposal for the repair and maintenance of all or any portion of Miles and Fern Meadow Roads. Said proposal must include a cost estimate based on the following formula:

a. Location of proposed maintenance or repair.

b. Work to be performed.

c. Total estimated cost per section of road.

d. Proposed parcels to be assessed and amount of assessment.

e. Extraordinary assessment. An assessment to any person whose use of said roads has caused damages beyond ordinary wear and tear, such as log hauling.

b. **ACCEPTANCE.** Said notice shall allow the recipient ten (10) days to respond with a 'yes' or 'no' vote for the proposed work. The response be addressed to the return address appearing on the notice of the originator.

If the owners of lots or parcels that would be assessed an amount when combined equals or exceeds 60% of the estimated cost vote 'yes', then the project may be let, provided it shall not exceed the estimated cost by more than 10% and all costs shall be shared as outlined above.

If the total 'yes' vote is comprised of property owners who would be assessed a combined amount under 60% of the total, then such repair of maintenance shall not be authorized and may only be done by those wishing to pay for the same without contribution or reimbursement from those voting 'no'.

3. The following clauses shall be added to the Kanaka Creek Estates Road Maintenance Agreement:

Clause J - ADDITIONAL DIVISIONS. Each parcel that redivides shall cause all purchasers of any newly created lots to take said lot subject to this road maintenance agreement, and such new owner must agree to assume a proportionate share of the road maintenance repair cost computed in a like manner. Any future short plats shall be responsible for their proportionate share of the existing Fern Meadow and Quail Run Roads. Said costs shall be assessed to any and all parcels upon final recording of short plat with Skamania County.

Clause K - Russ Gaynor, as pre-short plat owner, shall retain full rights for ingress, egress, and utilities for himself, assigns, heirs and future owners of lots on unsubdivided lands owned by Gaynor and or assigns. Any and all future users shall pay their proportionate share of road maintenance costs.

DATED this 16TH day of July, 1998.

Russell D. Gaynor
RUSSELL D. GAYNOR, Landowner