

After Recording Return to:
Victor W. VanKoten
Annala, Carey, Baker, Thompson, VanKoten
& Cleaveland, P.C.
305 Cascade St./P.O. Box 325
Hood River, Oregon 97031

SKAMANIA COUNTY
REAL ESTATE EXCISE TAX

NA
SEP 1 2016

PAID *See Excise 32073 dtd 9-1-16*
Cg deputy
SKAMANIA COUNTY TREASURER

Parcel 1 Abbreviated Legal: Ptn. Sec. 22, T3N, R10E W.M. Parcel #03-10-2200-0015/00
Parcel 2 Abbreviated Legal: Ptn. Sec. 22, T3N, R10E W.M. Parcel #03-10-200-0801/00
Owner/Declarant: Cam Thomas

**DECLARATION ESTABLISHING RESTRICTIVE COVENANT, ACCESS
AND VIEW EASEMENTS**

THIS DECLARATION made and entered into this 31 day of August, 2016 by Cam Thomas ("Declarant").

Recitals:

- A. Declarant is the owner of the parcel of real property located in Skamania County, Washington (hereinafter "Parcel 1") described on Exhibit "A" attached hereto.
- B. Declarant is also the owner of the parcel of real property adjoining the Westerly and Southerly boundaries of Parcel 1 (hereinafter "Parcel 2") described on Exhibit "B" attached hereto.
- C. Parcels 1 and 2 are depicted on the map attached hereto as Exhibit "C". The black line extending from the Easterly portion of Parcel 2 parallel to the North line of Parcel 1 depicts an existing dirt road (the "Road").
- D. A wooded area covers the Westerly portion of Parcel 1 and an open field is located in the central portion thereof. These areas are depicted on the "Record of Survey" attached hereto as Exhibit "D".
- E. A seasonal pond of natural water runoff is located in the Southwest portion of Parcel 1 (the "Pond"), which is drained by a culvert running under the driveway on Parcel 2 (the "Culvert"). The Pond and the Culvert are depicted on Exhibit "D".

DECLARATION

NOW, THEREFORE, Declarant hereby declares as follows with respect to Parcel 1 and

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Parcel 2

1. Road License on Parcel 1. A license is hereby created on the Dirt Road on Parcel One (1) for the benefit of the current owners of Parcel Two (2), Owners: Cam Thomas and his spouse. This License to allow vehicular access to and from Parcel Two (2) to Sooter Road, as well as to the equipment shop and shed on Parcel One (1) so long as Cam Thomas or his spouse has the right to use said equipment shop and shed. Upon termination of equipment shop and shed use, the road license will be limited to occasional and or emergency use only.

The owner of Parcel Two (2) will maintain the Dirt Road and keep it clear of fallen debris. No substantial improvements will be made to the Dirt road without express written permission of the owner of Parcel 1.

The License is irrevocable until such time that, A) Cam Thomas and his spouse are no longer living; Or, B) when Cam Thomas and or his spouse no longer reside on any portion or part of Parcel Two (2). If either A or B occur the License will terminate completely without further action required by the parties.

2. View Easement. A Scenic View Easement in favor of Parcel 1 is hereby created on the portion of Parcel 2 depicted as shaded area on Exhibit "D" as "Proposed View Easement." The exact location, width and height of the View Easement are more particularly described on Exhibit "E" attached hereto. The owner of Parcel 1 will have the right to trim trees and other vegetation within the view area "A" down to, but not lower than, the height specifically described on Exhibit "E"; SUBJECT TO the requirement that the trimming be done by a licensed arborist and with the supervision of the owner of Parcel 2. Additional view area labeled "B" in Exhibit "D" can only be trimmed, as above, with written permission and supervision of owner of Parcel 2. Any trimming in area labeled "B" is at the sole discretion of Parcel 2 owner.

3. Restrictive Covenant. Declarant hereby creates a Restrictive Covenant on Parcel 1, for the benefit of Parcel 2, not to restrict, dam, divert or utilize the seasonal water flow of the Pond so as to anyway interfere with its flow through the Culvert.

4. General Terms. All covenants, conditions, restrictions and agreements in this Declaration shall operate as covenants running with the land, except as noted in paragraph (1) above, pertaining to road license, and shall apply to, be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. This Declaration contains the entire agreement between the owners of Parcel 1 and Parcel 2 relative to the subject matter hereof. In the event of any dispute hereunder, including any arbitration, litigation or other proceedings, the arbitrator or court must designate one party as the substantially prevailing party, and such prevailing party shall be reimbursed by the non-prevailing party for all costs and

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expenses, including without limitation actual attorney fees. The respective owners of Parcels 1 and 2 shall each have the right to enforce, by proceeding at law or in equity, all terms, conditions, restrictions and covenants imposed by this Declaration, including actions for damages and/or injunctive relief. Any failure to enforce any term of this Declaration shall in no event be deemed to be a waiver of the right to do so thereafter or in any other circumstances, nor of the right to enforce any other obligation in this Declaration.

DATED as of AUG. 31, 2016

DECLARANT:

Cam Thomas

Cam Thomas

STATE OF ~~OREGON~~ Washington) ss.

County of Skamania)



This instrument was acknowledged before me on the 31st day of August, 2016, by the above named **CAM THOMAS**.

Tami Blake

Notary Public for Washington

My Commission Expires: 08-09-2020

EXHIBIT "E"

Bautch Parcel View Easement

Area A View Easement Legal Description:

Commencing at the Southwest Corner of that tract of land as described in Deed recorded January 30th, 2004, Auditor's File Number 2004151874, Records of Skamania County, said Commencing point being a 5/8 inch diameter rebar with an elevation of 483.75 feet; thence S89°04'42"E 131.03' along the south line of said Tract to the True Point of Beginning; thence S23°05'03"W 125.05'; thence S89°38'10"E 25.54'; thence N14°24'33"E 118.84' to said south line; thence N89°04'42"W 6.09' along said south line to the True point of beginning.

Area B View Easement Legal Description:

Commencing at the Southwest Corner of that tract of land as described in Deed recorded January 30th, 2004, Auditor's File Number 2004151874, Records of Skamania County, said Commencing point being a 5/8 inch diameter rebar with an elevation of 483.75 feet; thence S89°04'42"E 131.03' along the south line of said Tract to the True Point of Beginning; thence S23°05'03"W 125.05'; thence N89°38'10"W 3.19'; thence N20°27'41"E 122.92' to said south line; thence S89°04'42"E 9.26' along said south line to the True Point of Beginning.

Bench Mark-5/8" Diameter rebar at SW corner of property, Elevation=483.75'
Elevation of Tree(Maximum Build Height), Elevation =498.83

ORDER NO. S16-0323KM

EXHIBIT "A"

A tract of land in the South half of the Northeast Quarter of Section 22, Township 3 North, Range 10 East, of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at a point South $89^{\circ} 33'$ West 974.81 feet from the quarter corner on the East line of said Section 22; thence South $89^{\circ} 33'$ West 56.32 feet; thence North $00^{\circ} 29'$ East 271 feet; thence South $89^{\circ} 33'$ West 130.00 feet to the initial point of the tract hereby described; thence South $89^{\circ} 33'$ West 480.54 feet to West line of the East half of the East half of the Southwest Quarter of the Northeast Quarter of said Section 22; thence South $00^{\circ} 29'$ West 71 feet; thence South $56^{\circ} 43'$ East 324.58 feet; thence North $89^{\circ} 33'$ East 208.99 feet to a point South $00^{\circ} 29'$ West from the initial point; thence North $00^{\circ} 29'$ East 252.00 feet to the initial point.

EXHIBIT "B"
Picnic Parcel

A tract of land situated within a portion of Section 22, Township 3 North, Range 10 East, W.M., in the County of Skamania, State of Washington, and described as follows:

The N $\frac{1}{2}$ Government Lot 3 and the West 600 feet of the N $\frac{1}{2}$ Government Lot 4; PLUS, the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; the W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; EXCEPTING THEREFROM a portion described as follows: Beginning at the Northeast corner of said W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence S 89°38' W, 250 feet; thence S 39°40' E, 387.61 feet to the East line of said subdivision; thence N 00°29' E, 300 feet to the point of beginning; PLUS, a narrow tract of land located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 22 described as follows: Beginning at a point on the South line of said subdivision which lies S 89°33' W, 782.3 feet from the East quarter corner of said Section 22; thence N 00°27' W, 132.2 feet; thence N 85°38' W, 28.6 feet; thence S 50°08' W, 182.56 feet; thence S 89°33' W, 417.90 feet; thence N 56°43' W, 324.58 feet to a point on the West line of the E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 22; thence S 00°29' W, 200 feet to the Southwest corner of said subdivision; thence N 89°33' E along the South line of said S $\frac{1}{2}$ NE $\frac{1}{4}$, 859.36 feet to the point of beginning, together with all water rights appurtenant thereto;

SUBJECT TO the interest of E.R. Sooter in a joint water system and water pipeline as disclosed by an instrument recorded August 18, 1971 at Page 204 of Book 63 of Deeds, AF#73785, records of said County;

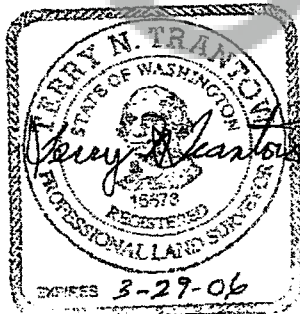
ALSO EXCEPTING THEREFROM a parcel described as follows: Commencing at the southwest corner of said N $\frac{1}{2}$ of Government Lot 3, thence Easterly and parallel with the south line of said NE $\frac{1}{4}$ Section 22, S 89°09'34" E (same line as given above as N 89°33' E), 394.80 feet; thence N 01°19'19" E, 84.04 feet to the line of open space and the point of beginning; thence N 01°19'19" E, 352.61 feet; thence S 89°40'20" E, 820.75 feet (hereafter called Point A); thence continuing along the same line, S 89°40'20" E, 332.68 feet; thence S 0°50'26" W, 198.51 feet to the line of open space; thence along said line the following courses: S 82°01'11" W, 71.62 feet; S 75°38'01" W, 425.24 feet; S 89°02'11" W, 220.60 feet; N 89°13'16" W, 183.42 feet; thence S 89°05'22" W, 273.87 feet to the point of beginning;

SUBJECT TO use by others over Thomas Road (Private); ALSO SUBJECT to an easement for a driveway;

ALSO EXCEPT the right of way acquired by the State of Washington for State Road 14.

Contains 50.90 acres by calculation

The purpose of this deed is to affect a boundary line adjustment between adjoining parcels of land owner by the Grantor and Grantee; it is not intended to create a separate parcel, and is therefore exempt from the requirements of RCW 58.17 and the Skamania County Short Plat Ordinance. The property described in this deed cannot be segregated and sold without conforming to the State of Washington and Skamania County Subdivision laws.



7 December 2005
Terry N. Trantow, PLS

Gary H. Martin, Skamania County Assessor
Date 1/26/06 Parcel # 310-22-520
PTN of 801 + 802

Doc # 2006150379
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EXHIBIT "C"

