

FILED FOR RECORD AT THE
REQUEST OF/RETURN TO:
CITY OF STEVENSON
Attn. Leana Kinley, City Administrator
P.O. Box 371
Stevenson, WA. 98648

Skamania County, WA
Total: \$108.50
CCR
Pgs=6
Request of: BRIAN AND ASHLEIGH MCKENZIE
2019-001886
10/03/2019 09:20 AM
00001277201900018860060068

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Grantor (s) Brian McKenzie and Ashleigh McKenzie, husband and wife
Grantee (s) City of Stevenson, a Washington Municipal Corporation
Mailing Address: PO Box 130, North Bonneville, WA 98639
Additional Grantor(s) on page(s)
Additional Grantee(s) on page(s)
Abbreviated Legal: Lots 5, Block 6 Johnson's Addition
Additional Legal in Exhibit "A"
Assessor's Tax Parcel No: 03-07-36-3-4-6300-00

THIS DECLARATION made and entered into this 30th day of September,
2019.

WHEREAS, Brian McKenzie and Ashleigh McKenzie (cumulatively "McKenzie"), their successors and assigns ("Grantor"), are the owners of two (2) parcels of adjacent the land described, including the subject property (the "Property") as described in Exhibit "A", situated in the City of Stevenson, Skamania County, Washington; and

WHEREAS, McKenzie have proposed a boundary line adjustment (City File # BLA2019-04) to increase the size of the Property and allow a greater number of dwelling units on the land; and

WHEREAS, prior to the boundary line adjustment, no part of Lot 5 was served by an adjacent sidewalk; and

WHEREAS, as a result of the boundary line adjustment, any increase in the number of dwelling units beyond one (1) constructed on the Property would be adversely impacted by the absence of a sidewalk adjacent to the Property; and

WHEREAS, instead of requiring McKenzie to provide a sidewalk in advance of the boundary line adjustment, City is willing to allow McKenzie to complete the boundary line adjustment, provided McKenzie agrees to provide the sidewalk prior to obtaining a construction final occupancy permit for any use other than a detached single-family residential dwelling, and to record this Covenant memorializing that agreement.

NOW THEREFORE, the undersigned hereby declares that the subject property described above, including any improvements constructed or to be constructed thereon, is to be subject to the provisions of this declaration and to be held, sold, transferred, conveyed, used, occupied, and mortgaged or otherwise encumbered subject to the following covenants, conditions and restrictions set forth below which shall be binding upon all persons having right, title and interest in all or any portion of the subject lots now, or hereafter, their respective heirs, legal representatives, successors-in-title, and assigns and shall inure to the benefit of each and every owner of all or any portion of the subject lots.

1. Limitations on Use of Property. McKenzie covenants that until a sidewalk is constructed along the Jefferson Avenue frontage of the Property to standards acceptable by the City of Stevenson Public Works Department, the Grantor will not receive a construction final occupancy certificate for any dwelling hereinafter constructed on the subject property.
2. Binding; Amendment. The aforesaid covenants and restrictions shall run with the lot described herein, and shall be binding upon all parties and persons following the date of the recording of the same with the Skamania County Auditor. This Declaration may be amended only in writing signed by both parties.
3. Release. The City of Stevenson agrees to file a Release of this Declaration of Covenants, Conditions and Restrictions upon construction of a sidewalk to standards acceptable to the Stevenson Public Works Director along the Jefferson Avenue frontage of the Property.
4. Venue. This Agreement shall be construed in accordance with the laws of the State of Washington.
6. Attorneys Fees. If any dispute shall arise with regard to the terms contained in these CC&Rs the prevailing party shall be entitled to their reasonable attorneys' fees, including any fees on appeal.

[Signatures appear on next page]

Dated this 30 day of September, 2019.

GRANTOR

By: [Signature]
Brian McKenzie

By: [Signature]
Ashleigh McKenzie

GRANTEE

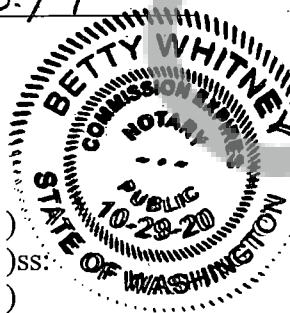
CITY OF STEVENSON

[Signature]
By Ben Shumaker
Its Boundary Line Adjustment Administrator

State of Washington)
County of Skamania)ss:

I certify that I know or have satisfactory evidence that Brian McKenzie and Ashleigh McKenzie are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: Sept 30, 19



[Signature]
NOTARY PUBLIC
State of Washington
My appointment expires: 10-29-20

State of Washington)
County of Skamania)

I certify that I know or have satisfactory evidence that Ben Shumaker is the person who appeared before me, and said person acknowledged that he signed this instrument as

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS

Boundary Line Adjustment Administrator of the City of Stevenson, on oath stated that he was authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: Oct. 2, 2019



Mary E. Corey
NOTARY PUBLIC
State of Washington
My appointment expires: 9-19-2022

EXHIBIT "A"

ADJUSTED PARCEL I: 03-07-36-3-4-6300-00

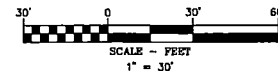
All of Lot 5, and the West 40.00 feet of the North 7.54 feet of Lot 6, Block 6 of JOHNSON'S ADDITION TO THE TOWN OF STEVENSON, according to the recorded Plat thereof, recorded in Book 'A' of Plats, Page 25, in the County of Skamania, State of Washington.

TOGETHER with a portion of McKinley Street vacated by ordinance of the Town of Stevenson, being 25 feet wide lying west of the above described West property lines, which was taken by operation of law.

EXHIBIT

McKENZIE - BOUNDARY LINE ADJUSTMENT

RE-PLAT OF LOT 5, AND A PORTION OF LOT 6, BLOCK 6, JOHNSON'S ADDITION,
LOCATED IN THE SW 1/4, SE 1/4, SECTION 36, T. 3N., R. 7E., W.M.
CITY OF STEVENSON, COUNTY OF SKAMANIA, STATE OF WASHINGTON.



BASIS OF BEARINGS

WASHINGTON STATE PLANE COORDINATES SYSTEM
SOUTH ZONE, GRID NORTH, GROUND DISTANCE,
ESTABLISHED BY G.P.S. OBSERVATION BETWEEN
POINTS 265 & 261



LEGEND

- SET 5/8" X 30" REBAR WITH 1 1/4" YELLOW PLASTIC CAP (KA ORS9002 WA 42690)
- FOUND MONUMENT AS NOTED IN DESCRIPTIONS
- COMPUTED ANGLE POINT, NOT MONUMENTED
- (100.00') DEED DISTANCE
- A.F.N. AUDITOR'S FILE NUMBER
- R1 RECORD DATA PER RECORD OF SURVEY NO.
- C COMPUTED DATA

MONUMENT INFORMATION

- (257) FOUND 5/8" IRON ROD WITH RED PLASTIC CAP, LOCATED AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF JEFFERSON AVENUE AND THE EAST RIGHT-OF-WAY OF LASHER STREET, HELD.
- (260) FOUND SKAMANIA COUNTY 3" ALUMINUM CAP, IN MONUMENT CASE, HELD FOR THE SOUTHEAST CORNER OF BLOCK 6, JOHNSON'S ADDITION.
- (261) FOUND SKAMANIA COUNTY 3" ALUMINUM CAP, IN MONUMENT CASE, HELD FOR THE SOUTHEAST CORNER OF BLOCK 6, JOHNSON'S ADDITION.
- (262) FOUND 5/8" IRON ROD WITH RED PLASTIC CAP, HELD FOR THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF JEFFERSON AVE. AND THE EAST RIGHT-OF-WAY OF LASHER ST.
- (264) FOUND PK NAIL, HELD FOR THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF VANCOUVER AVE. AND THE EAST RIGHT-OF-WAY OF LASHER ST.
- (265) FOUND 2" IRON PIPE, IN MONUMENT CASE.
- (266) FOUND COUNTY BRASS IN MONUMENT BOX, 1/4 CORNER BETWEEN SECTION 36, T. 3N., R. 7E. W.M. AND SECTION 1, T. 2N., R. 7E., W.M. HELD FOR BASIS OF BEARING.

REFERENCED DEEDS

STATUTORY WARRANTY DEED, A.F.N. 2018002156

REFERENCED SURVEYS

- R1. JOHNSON'S ADDITION TO STEVENSON, BOOK A, OF PLATS PAGE 25
- R2. SURVEY PERFORMED BY CURTIS A. SKAAR, RECORDED IN BOOK 1, PAGE 14
- R3. SURVEY, PERFORMED BY TRANTOW SURVEYING, INC., FOR DOUG MCKENZIE, RECORDED IN BOOK 3, PAGE 453 A.F.N. 148304

AREA NOTE:

PARCEL	ORIGINAL AREA	NEW AREA
PARCEL 630000 LOT 5	3,750 S.F.	7,982 S.F.
PARCEL 710100 LOT 6	10,232 S.F.	6,000 S.F.

COVENANTS

THE LOTS WITHIN THIS PLAT ARE SUBJECT TO A SEPARATE DOCUMENT TITLED "COVENANTS" SAID DOCUMENT IS RECORDED ON A SEPARATE DOCUMENT BEING RECORDED IN AUDITORS FILE NO. SKAMANIA COUNTY RECORDS, SAID DOCUMENT SHALL BE CONSIDERED AS A PART OF THIS PLAT. IT IS THE RESPONSIBILITY OF ALL PARTIES TO BE AWARE OF AND TO CONFORM TO SAID DOCUMENT.

OWNER

BRIAN & ASHLEIGH MCKENZIE

SURVEY PERFORMED FOR:
BRIAN MCKENZIE
DATE OF SURVEY: JULY, 2019
PROJECT: 19-06-28 DRAFT: 00
FILE: 190628.DWG LAYOUT TAB: SKAMANIA SP

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF
UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUESCENCE.



Klein & Associates, Inc.

ENGINEERING & SURVEYING & PLANNING
1411 13th Street-Hood River, OR 97031
TEL: 541-366-3322 *FAX: 541-366-2515



SHEET 2 OF 2
WILLAMETTE MERIDIAN
SKAMANIA COUNTY, WASHINGTON

1/4	SEC	T.	R.
36	3N.	7E.	