

Skamania County, WA
Total: \$206.50 Pgs=4
AGLS
Request of: MILLER NASH GRAHAM & DUNN LLP
eRecorded by: Simplifile

2022-000696

04/05/2022 01:12 PM

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

LeAnne Bremer
Miller Nash LLP
Post Office Box 694
Vancouver, Washington 98666

MEMORANDUM OF UNDERSTANDING

Grantor: City of Stevenson, Washington, a Washington municipal corporation
Grantee: Attwater, LLC, an Illinois limited liability company
Abbreviated Legal: LOT 2 OF THE FELIZ S/P #2008-170088
Assessor's Tax Parcel No.: 03-75-36-3-0-0500-00
Other Reference No.: AFN 2016001639; 2016001640; 2019000083

MEMORANDUM OF UNDERSTANDING


(Termination Of Preliminary Plat Approval and Development Agreement Applicable to Phase 4 Chinidere Mountain Estates)

1. The City of Stevenson, Washington (City), Aspen Development, LLC (Aspen) and Chinidere, LLC (Chinidere) entered into a Development Agreement recorded on August 16, 2016, under Skamania County Auditor's File Nos. 2016001639 and 2016001640, and a First Amendment to Development Agreement, recorded on January 22, 2019, under Skamania County Auditor's File No. 2019000083 (collectively, Agreement).
2. Attwater, LLC (Attwater) is a successor to Chinidere, LLC, and is the current owner of the property legally described as Lot 2 of the Feliz Short Plat, as recorded with the Skamania County Auditor under AFN 2008170088 (Attwater Parcel).

3. The Agreement applies to a development known as Chinidere Mountain Estates, described in Exhibits A, B, C, and D of the Agreement (Subdivision Approval).
4. The property subject to the Subdivision Approval consists of Phase 1 and Phases 2/3 owned and controlled by Aspen, and consisted of Phase 4 owned and controlled by Chinidere (now known as the Attwater Parcel).
5. In the Agreement, preliminary plat approval for Phase 4 (Attwater Parcel) was extended to September 21, 2024 if certain milestones were met before then, including the requirement for submission of phase-specific engineering documents for construction approval by September 21, 2021. This submission did not occur.
6. The Agreement provides that a developer's failure to meet the timelines in the Agreement shall result in the expiration of preliminary plat approval for that phase. The Agreement states that it shall terminate upon mutual agreement of the parties in writing, which will be recorded.
7. The Agreement further provides that no action or inaction with respect to Phase 4 of the Subdivision Approval as required by the Agreement shall relate in any manner to, or affect, Phases 1 through 3, and vice versa. Accordingly, because this Memorandum of Understanding only applies to Phase 4 (Attwater Parcel), only the City and Attwater are required to execute it.
8. In order to comply with the Agreement and clear title to the Attwater parcel, the City and Attwater desire to execute and record this Memorandum of Understanding to confirm that the Subdivision Approval applicable to Phase 4 of Chinidere Mountain Estates has expired, and that the Agreement is null and void and no longer in effect as it applies to the Attwater Parcel. Attwater no longer has any rights or obligations with respect to the City under the Subdivision Approval for Chinidere Mountain Estates or the Agreement.

Signatures on following pages

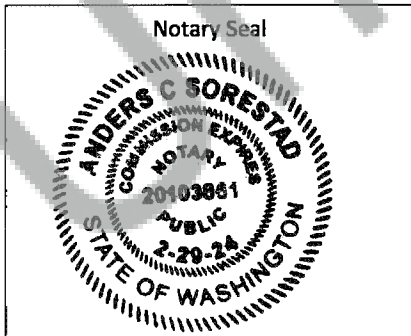
City of Stevenson, Washington


By: Scott Anderson
Title: Mayor
Date: 4/1/22

State of Washington)
) ss.
County of Skamania)

I certify that I know or have satisfactory evidence that Scott Anderson is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it as the Mayor of City of Stevenson, Washington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 4/1/, 2022.



Anders Sorestad
Notary Public for Washington

Anders Sorestad
Name of Notary

My appointment expires: 2/29/24

Attwater, LLC

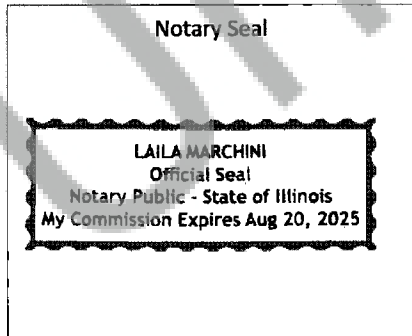
[Signature]
By: Todd Parrish
Title: owner
Date: 3-18-2022

[Signature]
ALISON MILLER
OWNER 3.18.2022

State of Illinois)
) ss.
County of Cook)

I certify that I know or have satisfactory evidence that Todd Parrish, Alison Miller are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it as the owners of Attwater, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: March 18, 2022.



[Signature]
Notary Public for Cook County, IL
Laila Marchini
Name of Notary
My appointment expires: Aug 20, 2025