

BWRMA

Bywater Way Road Maintenance Association

Road CC&R #1 - File number 31866 Dated November 1988

318666

COVENANTS AND PRIVATE ROAD EASEMENT AND MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS that I/we, the undersigned applicant/owner of the land herein described do hereby declare, grant, and establish the private road easement which lies within this division and which is graphically represented on the map which is a part of this subdivision;

SUBJECT TO THE FOLLOWING COVENANTS AND CONDITIONS:

1. That the purpose of said easement is for ingress, egress and for utilities, and for the construction, use and maintenance thereof.
2. When a majority of the lot owners decide that maintenance is needed on the easement roads, the expense shall be borne in equal shares by the owners of all lots adjoining said easements or their heirs, assigns or successors, unless and until such roads are improved to county standards and are dedicated to and accepted by Jefferson County.
3. That this private road will be subject to a utilities easement in favor of the grantor or his successors and of any electric, telephone, television cable, gas, water or sewer company, public or private, or their permittees or assigns to install, construct, operate, maintain, alter, and repair their respective utilities, together with the right of ingress and egress for said purposes.
4. That this private road described by this declaration, whether it remains private or becomes a dedicated County road, there is the additional right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots where water might take a natural course upon reasonable grading pursuant to improvement for dedication of the road shown herein.
5. This easement shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the land described herein or any part thereof.
6. That these covenants are for the mutual benefit of the grantor and his heirs, successors and assigns, and are for the further purpose of compliance with the resolutions and regulations of Jefferson County and that the County and such persons are specifically given the right to enforce the restrictions and reservations by injunction or other lawful procedure and to recover any damage resulting from such violation.
7. No mobile homes shall be permitted on herein described property, stick built homes only.
8. No abandoned cars or junk shall be allowed on herein described property.

RECORDED IN VOL. 269 PAGE 398 461
OF OFFICIAL RECORDS
REQUEST OF
JEFFERSON TITLE COMPANY
1988 DEC 12 PM 3:26

D. W. Folquest
POPE RESOURCES,
A Delaware Limited P

STATE OF WASHINGTON
COUNTY OF King

On this 16th day of November, 1988
before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared
G.H. Folquest
and
to me known to be the POPE Resources President and Secretary, respectively, of POPE Resources the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument and that the seal of said corporation is the corporate seal of said corporation.
Witness my hand and official seal hereon affixed the day and year first above written.

GIVEN under my hand and official seal this
day of _____, 1988
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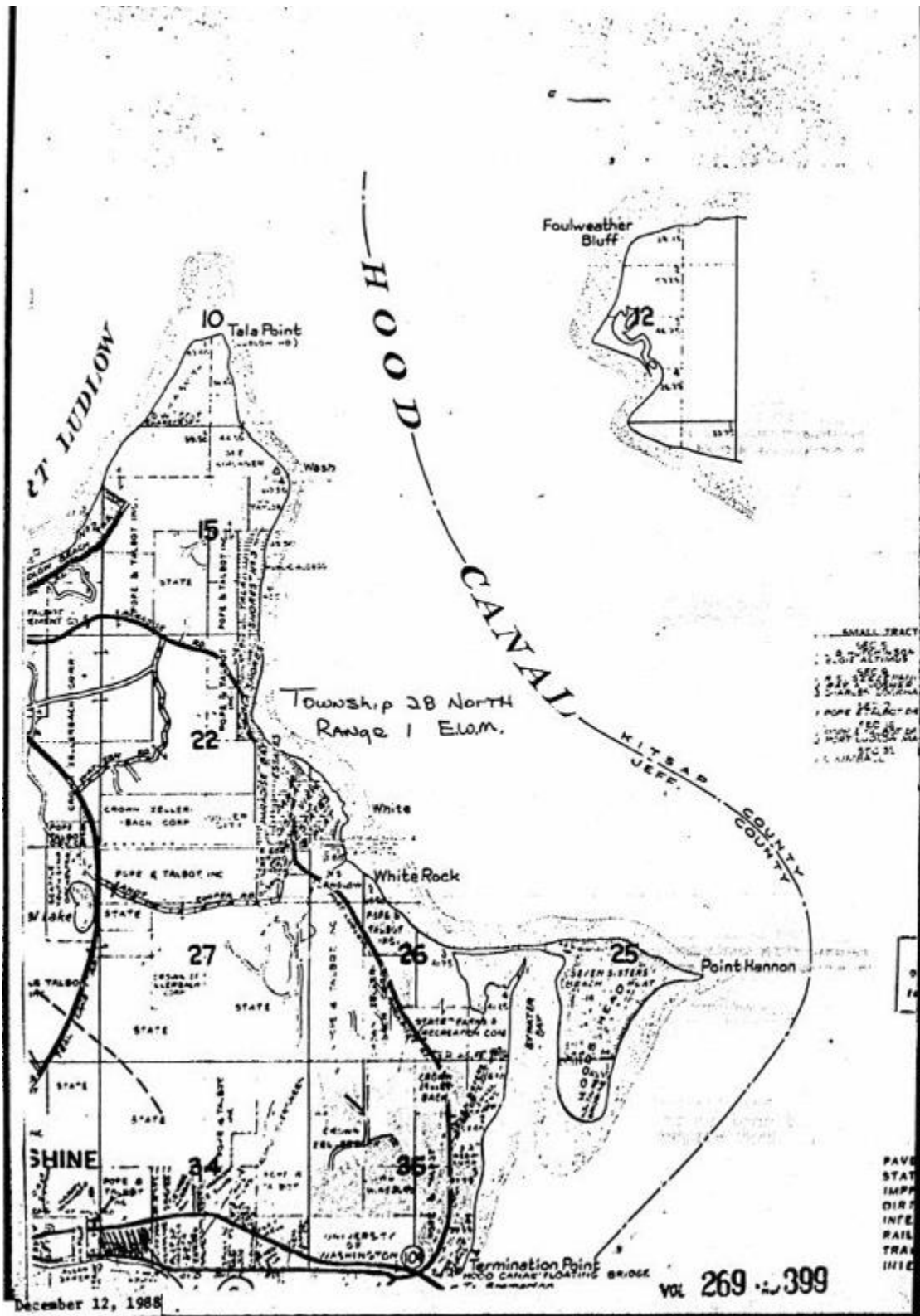
Notary Public in and for the State of Washington,
December 12, 1988

Notary Public in and for the State of Washington,
residing at 1055 67-91

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LEGAL DESCRIPTION

That portion of Sections 26 and 35 in Township 28 North, Range 1 East of the Willamette Meridian in Jefferson County, Washington, and more particularly described as follows:

Commencing at the Northwest Corner of said Section 26; thence South 00°03'58" West along the west line of the Northwest Quarter of said Section 26 a distance of 1328.14 feet, to a D.N.R. monument at the Northwest Corner of the Southwest Quarter of the Northwest Quarter of said Section 26 and the Point of Beginning; thence South 00°05'35" West along the west line of the Northwest Quarter of said Section 26 a distance of 1328.23 feet, to a D.N.R. monument at the West Quarter Corner of said Section 26; thence South 01°16'05" West 2675.39 feet, to a D.N.R. monument at the Southwest Corner of said Section 26; thence South 01°28'55" West 2611.92 feet, to a D.N.R. monument at the West Quarter Corner of said Section 35; thence South 01°30'04" West along the west line of the Southwest Quarter of said Section 35 a distance of 1306.12 feet to a D.N.R. monument at the Southwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 35; thence South 89°05'23" East 2633.19 feet to the Northeast Corner of the South Half of the Southwest Quarter of said Section 35; thence South 01°16'31" West along the east line of the South Half of the Southwest Quarter of said Section 35 a distance of 1048.94 feet to the northeasterly margin of State Highway 104; thence southeasterly along said margin on a curve concave southwesterly having a radius of 1827.10 feet which bears South 12°34'12" West, for an arc distance of 612.57 feet and a central angle of 19°12'34", to the south line of the Southeast Quarter of said Section 35; thence North 83°56'06" East along the south line of the Southeast Quarter of said Section 35 a distance of 178.50 feet; thence North 25°35'00" East 85.66 feet; thence North 37°57'00" East 92.67 feet; thence North 35°55'00" East 264.54 feet; thence North 40°50'30" East 383.52" to the Government Meander Line; thence along the Government Meander Line North 14°04'01" East 706.23 feet; thence North 05°38'38" East 853.05 feet, to the north line of the Southeast Quarter of said Section 35; thence North 89°49'31" West along the north line of the Southeast Quarter of said Section 35 a distance 780.93 feet to the easterly margin of Paradise Road; thence North 01°01'24" East along said easterly margin 688.65 feet, to the intersection of the easterly margin of Paradise Road with the northwesterly margin of Seven Sisters Road; thence northeasterly along said northwesterly margin being a curve concave southeasterly having a radius of 602.96 feet which bears South 63°37'16" East, for an arc distance of 90.86 feet and a central angle of 8°38'03"; thence North 35°00'47" East along said northwesterly margin

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516.25 feet, to the south line of a parcel of land conveyed to Ray O. Wood recorded April 15, 1950 and under Auditor's File No. 121771; thence along said south line North 89°28'07" feet, to the west line of the Northeast Quarter of said Section 35; thence North 01°16'31" East 95.50 feet, to the Southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 35; thence South 89°28'07" East along the south line of the Northwest Quarter of the Northeast Quarter of said Section 35 a distance of 1299.42 feet to the northwesterly margin of Seven Sisters Road and being 10.01 feet westerly of the Southeast Corner of the Northwest Quarter of the Northeast Quarter of said Section 35; thence North 35°00'47" East along said northwesterly margin 18.02 feet, to the east line of the Northwest Quarter of the Northeast Quarter of said Section 35; thence North 01°15'31" East along the east line of the Northwest Quarter of the Northeast Quarter of said Section 35 a distance of 1270.90 feet, to the Northeast Corner of the Northwest Quarter of the Northeast Quarter of said Section 35; thence North 89°06'43" West 1309.35 feet to the North Quarter Corner of said Section 35; thence North 89°18'08" West 654.67 feet, to the Southwest Corner of the East Half of the Southeast Quarter of the Southwest Corner of said Section 26; thence North 01°16'05" 1342.59 feet, to the Northwest Corner of the East Half of the Southeast Quarter of the Southwest Quarter of said Section 26; thence South 89°26'42" East 654.69 feet, to the Northeast Corner of the Southeast Quarter of the Southwest Quarter of said Section 26; thence North 01°16'05" East parallel with the west line of the Southwest Quarter of said Section 26 a distance of 1344.22 feet, to the center of said Section 26; thence North 00°04'46" East parallel with the west line of the Northwest Quarter of said Section 26 a distance of 572.60 feet, to the Government Meander Line; thence North 57°07'16" West along the Government Meander Line 889.72 feet; thence North 26°41'17" West 470.37 feet; thence North 50°37'37" West 451.86 feet, to the east line of the Northwest Quarter of the Northwest Quarter of said Section 26; thence South 00°04'46" West 420.59 feet, to the Southeast Corner of the Northwest Quarter of the Northwest Quarter of said Section 26; thence North 89°46'26" West 1309.06 feet, to the Point of Beginning;

EXCEPT Paradise Road.

Also, except that part lying west of Paradise Road in Section 26 Township 28 North, Range 1 EMM.

vs 269 - 401

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