

4607275 MULTI

RecFee - \$128.00 Pages: 5 - CHRIS BAUMANN
Clark County, WA 10/1/09 3:00 PM

5

After recording, return to:



MICHAEL SIMON
Landerholm, Memovich,
Lansverk & Whitesides, P.S.
P.O. Box 1086
Vancouver, WA 98666-1086

Tax Lot 127155-005 Space Above for Recording Information Only

Section 8, T1, R3E

(SE 1/4 of sect. 8 T1R3E of W.M.)

AGREEMENT AND COVENANT RUNNING WITH THE LAND

A Covenant to Clark County, Washington, a political subdivision of the State of Washington ("County"), by Dale E. Anderson and Leta L. Anderson (collectively "Anderson"), as owner of certain real property in Clark County, and legally described in Exhibit A, which Anderson seeks approval of necessary permits to establish a single-family residence ("Property") to provide for one single family residence; whereby Anderson and County mutually covenant that when the Property described in Exhibit A is granted the necessary permits to establish a single-family residence, the Property will be used as a residence only by Anderson or by their family. These limited uses will not require a shoreline conditional use permit.

Anderson covenants and agrees with County on behalf of themselves and all of their heirs, assigns and successors in interest into whose ownership the Property might pass, as follows: it being specifically agreed to that this is a covenant which touches, concerns, enhances, benefits and runs with the real property of Anderson.

1. **Title.** Anderson is the sole and exclusive owner of the real property situated in Clark County, Washington, legally described in Exhibit A attached hereto.

2. **Conditions.** The Property shall be subject to the following condition:

a. The single-family residence to be located on the Property shall be used by Anderson or their family members and may not be occupied or leased to any non-family members unless a shoreline conditional use permit is first obtained.

b. If the Clark County Shoreline Management Master Program is revised to not require such permits, this Covenant shall be null and void.

3. **Remedies.** This Covenant may be enforced by the County or Anderson in any or all of the following ways:

AGREEMENT AND COVENANT RUNNING WITH THE LAND - 1
ANDD02-000001 - 264836

LAW OFFICES OF
LANDERHOLM, MEMOVICH,
LANSVERK & WHITESIDES, P.S.
405 Broadway Street, Suite 1000
P.O. Box 1086
Vancouver, WA 98666-1086
(360) 696-3312
(360) 696-2122 (Facsimile)

a. By bringing a suit in any court of competent jurisdiction to prevent such occupancy or lease.

b. For an injunction to cause specific performance of this Agreement, or other appropriate relief as may be deemed desirable by the party enforcing this Agreement.

4. **Binding.** This Covenant shall remain in full force and effect until amended, modified or terminated by the action of the County in proceedings appropriate for that purpose. Nothing in this Covenant shall be construed as limiting in any way the authority of County, or its governmental successors, from approving amendments or modifications to this Covenant at the request of Anderson, their heirs, assigns or successors in interest. It is expressly provided that this Covenant may be amended, modified or terminated solely by the approval of the County, or its governmental successors, at the request of Anderson, their heirs, assigns or successors, and under no circumstances shall any approval by any other person or entity be required in order for Anderson to amend, modify or terminate this Covenant in whole or in part.

5. **Filing.** This Agreement shall be filed with the Clark County Auditor so as to appear as a covenant within the chain of title for the Property.

6. **Severability.** If any provision of this Agreement, or the application of the provision to any person or circumstances, is declared invalid, then the rest of the Agreement, or the application of the provision to other persons or circumstances, shall not be affected.

7. **Successors.** This Agreement and all of its provisions, and each of them shall be binding upon Anderson, and any and all of their heirs, assigns and successors in interest into whose respective ownership the Property may pass, and any obligation made herein by Anderson shall be enforceable against all of their heirs, assigns and successors of interest into whose ownership real property may pass, and all of them.

DATED this 30 day of September, 2009.

9/30/09
Date

9/30/09
Date

10-1-09
Date

Dale E. Anderson
Dale E. Anderson

Leta L. Anderson
Leta L. Anderson

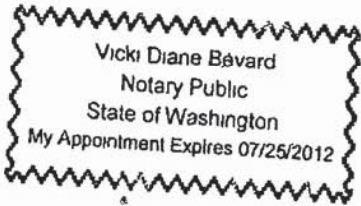
APPROVED AS TO FORM ONLY:

[Signature]
By:
Its: Deputy Prosecuting Attorney

STATE OF WASHINGTON)
) ss.
County of Clark)

I certify that I know or have satisfactory evidence that Dale E. Anderson signed this instrument, on oath stated it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 9-30, 2009.



Vicki Diane Bevard
NOTARY PUBLIC for the State of Washington,
Residing in the County of Clark
My Commission Expires: 7-25-2012

STATE OF WASHINGTON)
) ss.
County of Clark)

I certify that I know or have satisfactory evidence that Leta L. Anderson signed this instrument, on oath stated it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 9-30, 2009.



Vicki Diane Bevard
NOTARY PUBLIC for the State of Washington,
Residing in the County of Clark
My Commission Expires: 7-25-2012

STATE OF WASHINGTON)
) ss.
County of Clark)

I certify that I know or have satisfactory evidence that W/A signed this instrument, on oath stated that he was authorized to execute this instrument and acknowledged it as the Deputy Prosecuting Attorney of Clark County, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 10-1, 2009.

W/A
NOTARY PUBLIC for the State of Washington,
Residing in the County of Clark
My Commission Expires: _____

Exhibit A

Lot 2 of the Plat recorded in Book 3 of Short
Plats at page 253, Records of Clark County,
Washington and located in the southeast quarter
of Section 8, Township 1 North, Range 3 East of
the Willamette Meridian.

BK 3 Pg 253 (of 2)

SHORT PLAT

PORTION SE 1/4 OF SE 1/4 SECTION 8, T. 1 N., R. 3 E., WM
CLARK COUNTY, WASHINGTON
ASSESSOR'S PARCEL NO. OF ORIGINAL TRACT, TAX LOT 19
SERIAL NO. 12155-000 SHORT PLAT FILE 92-011-013

SOUTHWEST WASHINGTON HEALTH DISTRICT
THIS PLAT IS APPROVED IN GENERAL ONLY. ALL LAND-USES
MUST COMPLY WITH THE RULES AND REGULATIONS IN
EFFECT AT THE TIME OF IMPLEMENTATION AND/OR
PERMIT APPLICATION

AN APPROVED MUNICIPAL PUBLIC WATER SYSTEM IS REQUIRED
X AN APPROVED COMMUNITY PUBLIC WATER SYSTEM IS REQUIRED
LOTS IN THIS PLAT MAY BE SERVED BY INDIVIDUAL ON-SITE SEWAGE
TREATMENT SYSTEMS, SUBJECT TO HEALTH DISTRICT APPROVAL

AN APPROVED PUBLIC SEWER SYSTEM IS REQUIRED
X LOTS IN THIS PLAT MAY BE SERVED BY INDIVIDUAL ON-SITE SEWAGE
TREATMENT SYSTEMS, SUBJECT TO HEALTH DISTRICT APPROVAL
HEALTH DISTRICT OFFICER: Michael J. Venator DATE: 4 Aug 98

PUBLIC SERVICES APPROVED:
Ben Salmon DATE: 10/11/98
Michael J. Venator DATE: 10/15/98
COUNTY PLANNING DIRECTOR

ASSESSOR
THIS PLAT MEETS THE REQUIREMENTS OF RCW 58.17.170
LAWS OF WASHINGTON TO BE KNOWN AS SHORT PLAT
IN THE COUNTY OF CLARK, STATE OF WASHINGTON
Ben Salmon D.A.S. DATE: 10-30-98

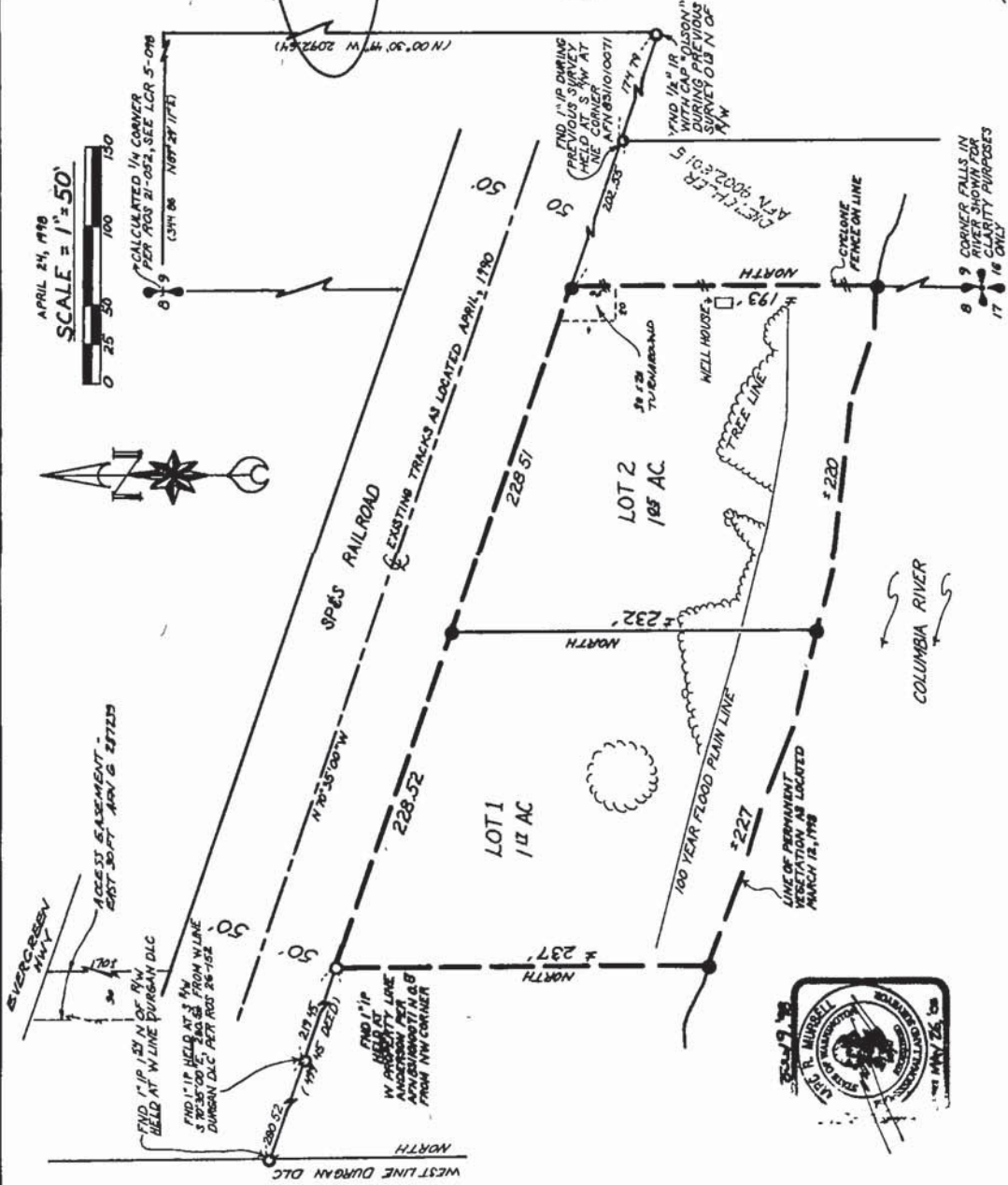
AUDITOR
FILED FOR RECORD THIS 30th DAY OF October, 1998
IN BOOK 3 OF SHORT PLATS AT PAGE 253 AT THE
REQUEST OF DALE ANDERSON
AUDITOR'S RECEIVING NO. 3022897
Susan Washburn for Elizabeth Luce DATE: 10/30/98
DEPUTY COUNTY AUDITOR

SURVEYOR'S CERTIFICATE
THIS MAP IS A TRUE AND CORRECT REPRESENTATION OF
LANDS ACTUALLY SURVEYED BY ME OR UNDER MY
DIRECTION IN CONFORMANCE WITH THE PROVISIONS
OF RCW 58.17 LAWS OF WASHINGTON
MARC MURSELL DATE: 10/29/98
REGISTRATION NO. 30491

BICKFORD-MURSELL SURVEYING
1310 MAIN STREET
VANCOUVER, WASHINGTON 98660
TELEPHONE (360) 693-1361
(509) 224-1407

SHEET 1 of 2
JOB NO.
2096

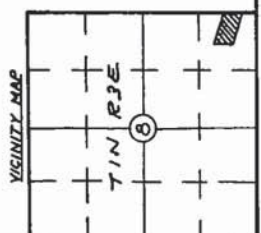
BK 3 Pg 253 (of 2)



LEGEND
O FOUND EXISTING MONUMENT
● SET 1/2 X 2 1/2" IRON ROD WITH
+ CALCULATED POINT (NOT SET)
(*) RECORD DATA PER ACS 26-152
TRaverse DATA
CLOSURE = 1 11,120
ACS 26-152

EQUIPMENT USED
LIETTE SET 36 AND
SOKKIA SET 58
RAIN BANDON TRANSIT
CANTONED BOOTS SETBACK
BASED ON DEEDS & TRAPEZ
SURVEYS & CALCULATED
S/D LOTS PERCE PROBLM
MONUMENTS TO SHOWN

LEGAL DESCRIPTION
APN 000220328 LOW TO ANDERSON
APN 000220318 ANDERSON TO DIETCHLER
APN 031010001 LOW TO ANDERSON



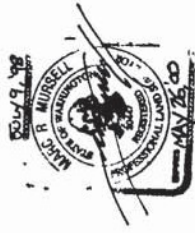
BK 3 19 253
P. 2 of 2

SHORT PLAT

PORTION SE 1/4 OF SE 1/4 SECTION 8, T 14N, R 3E, WM
CLARK COUNTY, WASHINGTON
ASSESSOR'S PARCEL NO. OF ORIGINAL TRACT, TAX LOT 19
SERIAL NO. 127155-000 SHORT PLAT FILE #2-911 B13

NOTES:

- 4. DOWNSPOUTS SHALL BE DIRECTED AWAY FROM THE BUILDINGS ONTO DRAINAGE BASINS.
- 5. ANY BUILDINGS SHALL BE SET BACK AT LEAST 25 FEET FROM ANY SPRING LOCATED ON THE PROPERTY OF THE SITE SHALL BE RETAINED.
- 6. ADDITIONAL LOTS BEING SPLIT SHALL BE REQUIRED AT THE TIME OF BUILDING PERMIT APPLICATION IF ANY FILL OVER 50 CUBIC YARDS IS PROPOSED.
- 7. ANY GROUND WATER WITHDRAWS IN EXCESS OF 5000 GALLONS PER DAY SHALL BE MONITORED BY AN ONE INCH 1/2" DIAMETER WATER METER OR NON-COMMERCIAL GARDEN METER. REQUIRE A WATER RIGHT PERMIT FROM THE STATE DEPARTMENT OF ECOLOGY.
- 8. ALL WATER WELLS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF WAC 173-201-010. ALL WELLS MUST BE SUBMITTED TO THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF A WELL.
- 9. ALL WATER WELLS THAT MAY BE DRILLED MUST BE A MINIMUM OF 100 FEET FROM ANY OTHER EXISTING WELLS. WELLS SHALL NOT BE LOCATED WITHIN FLOOD PLAINS OR FLOOD FILL AREAS. EVIDENCE OF AN ADEQUATE WATER SUPPLY SHALL BE REQUIRED BEFORE A BUILDING PERMIT CAN BE ISSUED FOR ANY BUILDING REQUIRING POTABLE WATER.
- 10. WATER DISCHARGE OF SEDIMENT-LOADED RUNOFF OR OTHER POLLUTANTS TO WATERS OF THE STATE MAY BE IN VIOLATION OF CHAPTER 90-48-WATER POLLUTION CONTROL AND CHAPTER 173-201 WAC-WATER QUALITY STANDARDS FOR SURFACE WATERS OF THE STATE OF WASHINGTON, AND MAY BE SUBJECT TO ENFORCEMENT ACTION.
- 11. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL BE REMOVED UPON COMPLETION OF CONSTRUCTION. EROSION CONTROL MEASURES SHALL BE EQUIVALENT TO THAT OF PROTECTION AGAINST EROSION EQUIVALENT TO CHAPTER 173-201 WAC OF CLARK COUNTY CODE. THE PERMITS SHALL BE OBTAINED FROM THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.
- 12. PERMITS FOR CONSTRUCTION SHALL BE OBTAINED FROM THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.
- 13. PERMITS FOR CONSTRUCTION SHALL BE OBTAINED FROM THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.
- 14. PERMITS FOR CONSTRUCTION SHALL BE OBTAINED FROM THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.
- 15. PERMITS FOR CONSTRUCTION SHALL BE OBTAINED FROM THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.
- 16. PERMITS FOR CONSTRUCTION SHALL BE OBTAINED FROM THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.
- 17. PERMITS FOR CONSTRUCTION SHALL BE OBTAINED FROM THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.
- 18. PERMITS FOR CONSTRUCTION SHALL BE OBTAINED FROM THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.
- 19. PERMITS FOR CONSTRUCTION SHALL BE OBTAINED FROM THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.
- 20. PERMITS FOR CONSTRUCTION SHALL BE OBTAINED FROM THE STATE DEPARTMENT OF ECOLOGY WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.



BICKFORD-MURSELL SURVEYING
1310 MAIN STREET
VANCOUVER, WASHINGTON 98660
TELEPHONE (360) 693-1501
(509) 224-1407

BK 3 19 253
P. 2 of 2