



3908251

Page: 8 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

0.00

FILED FOR RECORD AT THE REQUEST OF,
AND WHEN RECORDED RETURN TO:

Mark A. Erikson
Erikson & Hirokawa, PLLC
1111 Main Street, Suite 402
Vancouver, Washington 98660-2958

CONSERVATION COVENANT RUNNING WITH THE LAND (WETLANDS)

Declarant:	Whipple Creek Properties, L.L.C.
Beneficiary:	The Owners of Lots within Whipple Creek Place
Legal Description:	TL's 2, 31, 32, & 52, NW $\frac{1}{4}$, Sec 22, T3N, R1E, W.M. (portions)
Assessor's Tax Parcels:	185540.005, 185422.000 & 185423.000, & 185443.000 (portions)
Related Documents:	N/A

A COVENANT to Clark County, State of Washington, hereinafter "County," by the owner Whipple Creek Properties, L.L.C. of certain real property described in Exhibit "A," on behalf of itself, its successors and assigns into whose ownership said property may pass, agree that this covenant shall run with the land. It is the purpose of this covenant that certain wetland and streams and their associated buffer areas as shown in Exhibit "B" will be maintained in a protected state as follows:

CLAR0253.D01.wpd

**WHIPPLE CREEK PROPERTIES, L.L.C./CLARK COUNTY
CONSERVATION COVENANT RUNNING WITH THE LAND (WETLANDS) - 1**

1. A physical demarcation along the upland boundary of the buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing or other prominent physical marking approved by the Director of Planning for the County. Any change to the type of demarcation shall similarly be approved by the Director of Planning.
2. Consistent with the purpose of this covenant, the following activities shall not occur within wetlands, streams and their associated buffers unless otherwise approved by the Director of Planning for the County.
 - a. the removal, excavation, grading, dredging, dumping, discharging, or filling of soil, sand, gravel, mineral, organic matter, or any material in excess of fifty (50) cubic yards or impacting more than one (1) acres of wetland or buffer, except where undertaken for maintenance (but not construction) of drainage ditches or for emergency utility repair.
 - b. the construction of a structure, provided, that this shall not apply to the reconstruction of damaged or destroyed structures or the expansion of a residential structure or accessory residential structure on a lawfully established pre-existing lot;
 - c. the construction of stormwater management facilities;
 - d. the destruction or alteration of wetlands vegetation through clearing, harvesting; intentional burning, or planting of vegetation that would alter the character of the wetland or buffer. Provided, however that the foregoing shall



3908251

Page: 10 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

0.00

not apply to the following activities undertaken in a manner which minimizes impacts:

- i. the pruning or removal of dead, dying or diseased trees and shrubs;
 - ii. the harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation, or the planting of native vegetation which is indigenous to the area;
 - iii. the removal or eradication of noxious weeds so designated in Title 7 of Clark County Code or other exotic nuisance plants including non-native blackberries;
 - iv. site investigative work necessary for land use application submittals such as surveys, soil logs and percolation tests;
 - v. the construction of trails which shall be pervious or elevated when located within wetlands;
 - vi. emergency fire control or utility repair; or
 - vii. activities of the mosquito control district.
3. Nothing in this covenant shall be construed to provide for public use of or entry into the wetland or buffer areas shown on Exhibit "B." However, representatives and agents of Clark County are hereby authorized to make reasonable entry upon such land for purposes related to administering this covenant: provided that owners or their heirs, successors or assigns are given at least 24-hours advance notice of any such entry.



3908251

Page: 11 of 63
11/16/2004 03:11P

COMMUNITY DEVELOPMENT

PLAT

0.00

Clark County, WA

4. The provisions of this covenant are enforceable in law or equity by Clark County and its successors.
5. This covenant and all of its provisions, and each of them, shall be binding upon, and enforceable against, the owner, its successors and assigns into whose ownership the above-described real property may pass, and any obligations made herein by owners.

IN WITNESS WHEREOF, of parties hereto have caused this agreement to be executed the day and year indicated below.

Dated this _____ day of _____ 200~~2~~³.

CLARK COUNTY, WASHINGTON

OWNER:

Whipple Creek Properties, L.L.C.

By:

Michael V. Butts,
Development Services Manager
Community Development

By:

Randal S. Clarno, Managing Member

APPROVED AS TO FORM ONLY:

ARTHUR CURTIS
Prosecuting Attorney

By:

Richard S. Lowry
Deputy Prosecuting Attorney

CLAR0253.D01.wpd

WHIPPLE CREEK PROPERTIES, L.L.C./CLARK COUNTY
CONSERVATION COVENANT RUNNING WITH THE LAND (WETLANDSD) - 4



3908251

Page: 12 of 63

11/16/2004 03:11P

COMMUNITY DEVELOPMENT

PLAT

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Clark County, WA

STATE OF WASHINGTON)

) ss.

County of Clark)

On this 19 day of August, 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Randy S. Clarno, known to me to be the Managing Member of Whipple Creek Properties, L.L.C., that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument by the Operating Agreement of said limited liability company.

Date: 8/19/03

By:

Shannen McLeod

Notary Public in and for the State of Washington
residing at Vancouver



3908251

Page: 13 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

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EXHIBITS

Exhibit A perimeter description of Whipple Creek Place

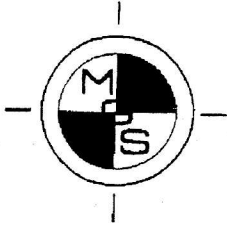
Exhibit B perimeter description of Wetland/Habitat Buffer

**3908251**Page: 14 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

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**MINISTER-GLAESER
SURVEYING INC.****(360) 694-3313**
FAX (360) 694-8410
2200 E. EVERGREEN
VANCOUVER, WA 98661

September 15, 2003

EXHIBIT "A"

That parcel of land located in a portion of the Northwest quarter and in a portion of the Northeast quarter of Section 22, Township 3 North, Range 1 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the Southwest corner of said Northwest quarter;

Thence South 89°03'08" East, along the South line of said Northwest quarter for a distance of 657.23 feet to the Southwest corner of the East half of the Southwest quarter of said Northwest quarter and being the TRUE POINT OF BEGINNING;

Thence North 01°42'14" East, along the West line of said East half for distance of 1316.54 feet to the North line of the South half of said Northwest quarter;

Thence South 89°04'05" East, along the North line of said South half for distance of 1972.71 feet to the Northeast corner thereof;

Thence South 88°54'25" East, along the North line of the South half of said Northeast quarter for distance of 660.04 feet to the Northeast corner of that certain parcel of land conveyed to Edelene C. Stout by Quit Claim Deed recorded under Auditor's File No. G131249 records of Clark County, Washington;

Thence South 01°44'50" West, along the East line of said Stout parcel for a distance of 330.00 feet to the North line of that certain parcel of land conveyed to Clark County, by deed recorded under Book 238 of deeds at Page 423 deed records of Clark County, Washington;

Thence North 88°54'25" West, along the North line of said Clark County parcel for a distance of 15.00 feet to the Northwest corner thereof;



3908251

Page: 15 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

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Thence South $01^{\circ}44'50''$ West, along the West line of said Clark County parcel for a distance of 985.42 feet to the South line of said Northeast quarter;

Thence North $89^{\circ}03'22''$ West, along the South line of said Northeast quarter for a distance of 645.06 feet to the Southwest corner thereof;

Thence North $89^{\circ}03'08''$ West, along the South line of said Northwest quarter for a distance of 1971.70 feet to the TRUE POINT OF BEGINNING.

Except any public interest in public roads.

Together with and subject to easements, reservations, covenants and restrictions apparent or of record.



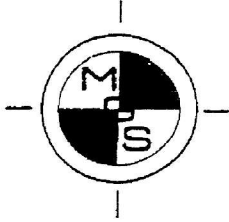
9.15.03

**3908251**Page: 16 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

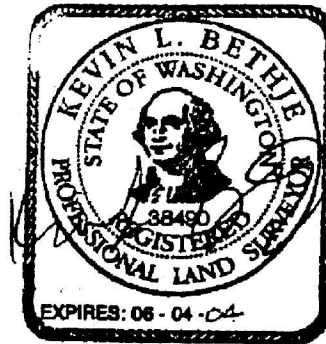
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**MINISTER-GLAESER
SURVEYING INC.****(360) 694-3313**
FAX (360) 694-8410
2200 E. EVERGREEN
VANCOUVER, WA 98661

April 30, 2003

EXHIBIT "B"



11-03

WETLANDS, HABITAT AND BUFFERS:

That parcel of land located in a portion of the Northwest quarter and a portion of the Northeast quarter of Section 22, Township 3 North, Range 1 East, Willamette Meridian, described as follows:

Beginning at the Southwest corner of said Northwest quarter;

Thence South $89^{\circ}03'08''$ East, along the South line of said Northwest quarter for a distance of 657.23 feet to the Southwest corner of "Whipple Creek Place Phase A", according to the plat thereof recorded under Book 311 of Plats at Page 006 records of Clark County, Washington;

Thence North $01^{\circ}42'14''$ East, along the West line of said "Whipple Creek Place Phase A" for a distance of 820.05 feet to the Northwest corner thereof and being the TRUE POINT OF BEGINNING;

Thence along the perimeter of said "Whipple Creek Place Phase A" the following courses:

Thence South $89^{\circ}03'45''$ East, for a distance of 124.56 feet;

Thence North $82^{\circ}51'57''$ East, for a distance of 99.07 feet;

Thence South $75^{\circ}12'56''$ East, for a distance of 77.61 feet;

Thence South $77^{\circ}27'37''$ East, for a distance of 108.83 feet;

**3908251**

Page: 17 of 63

11/16/2004 03:11P

Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

0.00

Thence South $45^{\circ}38'27''$ East, for a distance of 53.43 feet;
Thence South $36^{\circ}41'23''$ East, for a distance of 70.60 feet;
Thence South $48^{\circ}06'11''$ East, for a distance of 130.04 feet;
Thence South $74^{\circ}48'43''$ East, for a distance of 21.60 feet;
Thence South $52^{\circ}02'20''$ East, for a distance of 46.13 feet;
Thence South $22^{\circ}28'12''$ East, for a distance of 48.23 feet;
Thence South $46^{\circ}46'55''$ East, for a distance of 33.18 feet;
Thence South $76^{\circ}43'46''$ East, for a distance of 85.02 feet;
Thence South $80^{\circ}44'11''$ East, for a distance of 107.30 feet;
Thence North $75^{\circ}27'53''$ East, for a distance of 34.81 feet;
Thence North $20^{\circ}13'37''$ East, for a distance of 47.28 feet;
Thence South $79^{\circ}33'16''$ East, for a distance of 35.54 feet;
Thence along the arc of a 223.00 foot radius non-tangent curve
to the right, the long chord of which bears North $01^{\circ}51'19''$
West, for a chord distance of 4.29 feet through a central angle
of $01^{\circ}06'11''$, for an arc distance of 4.29 feet;
Thence North $66^{\circ}48'50''$ West, for a distance of 328.65 feet;
Thence North $44^{\circ}30'04''$ West, for a distance of 307.70 feet;
Thence North $00^{\circ}00'00''$ East, for a distance of 92.00 feet;
Thence South $88^{\circ}00'00''$ East, for a distance of 209.92 feet;
Thence South $01^{\circ}43'06''$ West, for a distance of 115.00 feet;
Thence South $88^{\circ}16'54''$ East, for a distance of 15.00 feet;
Thence South $01^{\circ}43'06''$ West, for a distance of 130.00 feet;
Thence South $60^{\circ}00'00''$ East, for a distance of 49.42 feet;



3908251

Page: 19 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

0.00

Together with and subject to easements, reservations, covenants and restrictions apparent or of record.

**3908251**

Page: 18 of 63

11/18/2004 03:11P

Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

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Thence, leaving said perimeter, North $00^{\circ}11'42''$ West, for a distance of 293.81 feet;

Thence South $88^{\circ}15'06''$ East, for a distance of 609.39 feet;

Thence South $01^{\circ}44'50''$ West, for a distance of 26.41 feet;

Thence South $63^{\circ}37'51''$ East, for a distance of 75.09 feet;

Thence South $89^{\circ}03'45''$ East, for a distance of 38.54 feet;

Thence North $64^{\circ}07'53''$ East, for a distance of 60.23 feet;

Thence North $00^{\circ}56'15''$ East, for a distance of 45.58 feet;

Thence North $44^{\circ}16'44''$ East, for a distance of 28.88 feet;

Thence South $89^{\circ}03'45''$ East, for a distance of 169.20 feet;

Thence South $30^{\circ}26'30''$ East, for a distance of 21.08 feet;

Thence South $00^{\circ}56'15''$ West, for a distance of 22.00 feet;

Thence South $89^{\circ}03'45''$ East, for a distance of 44.62 feet;

Thence North $22^{\circ}41'27''$ East, for a distance of 22.61 feet;

Thence North $00^{\circ}56'15''$ East, for a distance of 19.00 feet;

Thence South $89^{\circ}03'45''$ East, for a distance of 919.62 feet;

Thence North $01^{\circ}44'50''$ East, for a distance of 300.88 feet to the North line of the Southwest quarter of said Northeast quarter;

Thence North $88^{\circ}54'25''$ West, along the North line of said Southwest quarter for a distance of 660.04 feet to the Northwest corner thereof;

Thence North $89^{\circ}04'05''$ West, along the North line of the South half of said Northwest quarter for a distance of 1972.71 feet to the Northerly extension of the West line of said "Whipple Creek Place Phase A";

Thence South $01^{\circ}42'14''$ West, along said Northerly extension for a distance of 496.49 feet to the TRUE POINT OF BEGINNING.

Containing 22.80 acres.

FILED FOR RECORD AT THE REQUEST OF,
AND WHEN RECORDED RETURN TO:

Erikson & Hirokawa, PLLC
Attorneys at Law
1111 Main Street, Suite 402
Vancouver, WA 98660-2958

STATUTORY WARRANTY DEED

Grantor: Whipple Creek Properties, LLC
Grantee: Master Association of Whipple Creek Properties
Legal Description: TL's 31, 132, 140, & 192, S 22, T3N, R1E, W.M. (portion)
Assessor's Tax Parcel: 185422-000, 185532-000, 185540-005, & 185592-000
Related Documents: 3505343, pp. 45 - 66, as amended

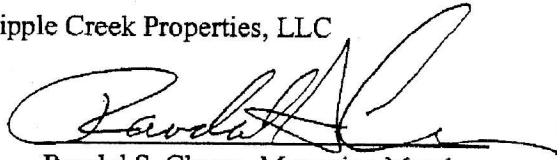
The grantor, Whipple Creek Properties, LLC, for and in consideration of planned development and subdivision approval, and subject to conditions of approval included therein, hereby conveys and warrants unto the Master Association of Whipple Creek Properties, formed under that certain *Master Declaration of Whipple Creek Properties* filed for record at Clark County Auditor's File No. 3505343, pp. 45-66, as amended, the following described real estate, commonly known as Whipple Creek Place Habitat Area, situated in the County of Clark, State of Washington:

As described in Exhibit A, annexed hereto.

DATED this 20th day of September, 2004.

Whipple Creek Properties, LLC

By:


Randal S. Clarno, Managing Member

CLAR0253.D05.wpd

WCP HABITAT AREA
STATUTORY WARRANTY DEED - 1

ERIKSON & HIROKAWA, PLLC
ATTORNEYS AT LAW
Fourth Floor, Main Place
1111 Main Street, Suite 402
Vancouver, WA 98660-2958
(360) 696-1012



3908251

Page: 21 of 63

11/15/2004 03:11P

COMMUNITY DEVELOPMENT

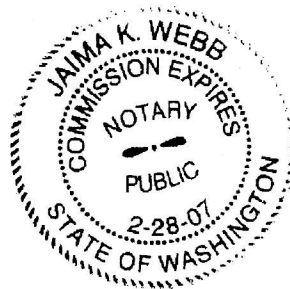
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Clark County, WA

STATE OF ~~IDAHO~~ WA)
) ss.
County of ~~Ada~~ CLARK)

On this 20th day of Sept, 2004, before me, the undersigned, a Notary Public in and for the State of ~~Idaho~~ WA, duly commissioned and sworn, personally appeared Randal S. Clarno, known to me to be the Managing Member of Whipple Creek Properties, LLC, that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument by the Operating Agreement of said limited liability company.

Date: 9-20-04 By:Jaima K. Webb

Notary Public in and for the State of ~~Idaho~~ WA
residing at Camas
My appointment expires: 2-28-07

Approved for us:

Charles D. Ford

CLAR0253.D05.wpd

WCP HABITAT AREA

STATUTORY WARRANTY DEED - 2

ERIKSON & HIROKAWA, PLLC
ATTORNEYS AT LAW
Fourth Floor, Main Place
1111 Main Street, Suite 402
Vancouver, WA 98660-2958
(360) 696-1012



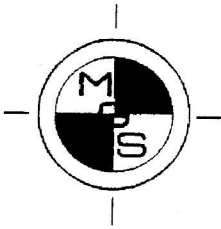
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Page: 22 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

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**MINISTER-GLAESER
SURVEYING INC.**

(360) 694-3313
FAX (360) 694-8410
2200 E. EVERGREEN
VANCOUVER, WA 98661

EXHIBIT - A

Page 1 Of 4

September 15, 2004

EXHIBIT "A"



7-15-04

WETLANDS, HABITAT AND BUFFERS:

That parcel of land located in a portion of the Northwest quarter and a portion of the Northeast quarter of Section 22, Township 3 North, Range 1 East, Willamette Meridian, described as follows:

Beginning at the Southwest corner of said Northwest quarter;

Thence South $89^{\circ}03'08''$ East, along the South line of said Northwest quarter for a distance of 657.23 feet to the Southwest corner of "Whipple Creek Place Phase A", according to the plat thereof recorded under Book 311 of Plats at Page 006 records of Clark County, Washington;

Thence North $01^{\circ}42'14''$ East, along the West line of said "Whipple Creek Place Phase A" for a distance of 820.05 feet to the Northwest corner thereof and being the TRUE POINT OF BEGINNING;

Thence along the perimeter of said "Whipple Creek Place Phase A" the following courses:

Thence South $89^{\circ}03'45''$ East, for a distance of 124.56 feet;

Thence North $82^{\circ}51'57''$ East, for a distance of 99.07 feet;

Thence South $75^{\circ}12'56''$ East, for a distance of 77.61 feet;

**3908251**Page: 23 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

0.00

Thence South 77°27'37" East, for a distance of 108.83 feet;

Thence South 45°38'27" East, for a distance of 53.43 feet;

Thence South 36°41'23" East, for a distance of 70.60 feet;

Thence South 48°06'11" East, for a distance of 130.04 feet;

Thence South 74°48'43" East, for a distance of 21.60 feet;

Thence South 52°02'20" East, for a distance of 46.13 feet;

Thence South 22°28'12" East, for a distance of 48.23 feet;

Thence South 46°46'55" East, for a distance of 33.18 feet;

Thence South 76°43'46" East, for a distance of 85.02 feet;

Thence South 80°44'11" East, for a distance of 107.30 feet;

Thence North 75°27'53" East, for a distance of 34.81 feet;

Thence North 20°13'37" East, for a distance of 47.28 feet;

Thence South 79°33'16" East, for a distance of 35.54 feet;

Thence along the arc of a 223.00 foot radius non-tangent curve to the right, the long chord of which bears North 01°51'19" West, for a chord distance of 4.29 feet through a central angle of 01°06'11", for an arc distance of 4.29 feet;

Thence North 66°48'50" West, for a distance of 328.65 feet;

Thence North 44°30'04" West, for a distance of 307.70 feet;

Thence North 00°00'00" East, for a distance of 92.00 feet;

Thence, leaving said perimeter, South 88°00'00" East, for a distance of 259.49 feet;

Thence North 00°11'42" West, for a distance of 25.49 feet;

Thence South 88°15'06" East, for a distance of 609.39 feet;

Thence South 01°44'50" West, for a distance of 26.41 feet;

EXHIBIT - APage 2 of 4

**3908251**Page: 24 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

0.00

Thence South 63°37'51" East, for a distance of 75.09 feet;
Thence South 89°03'45" East, for a distance of 38.54 feet;
Thence North 64°07'53" East, for a distance of 60.23 feet;
Thence North 00°56'15" East, for a distance of 45.58 feet;
Thence North 44°16'44" East, for a distance of 28.88 feet;
Thence South 89°03'45" East, for a distance of 169.20 feet;
Thence South 30°26'30" East, for a distance of 21.08 feet;
Thence South 00°56'15" West, for a distance of 22.00 feet;
Thence South 89°03'45" East, for a distance of 44.62 feet;
Thence North 22°41'27" East, for a distance of 22.61 feet;
Thence North 00°56'15" East, for a distance of 19.00 feet;
Thence South 89°03'45" East, for a distance of 919.62 feet;
Thence North 01°44'50" East, for a distance of 300.88 feet to
the North line of the Southwest quarter of said Northeast
quarter;
Thence North 88°54'25" West, along the North line of said
Southwest quarter for a distance of 660.04 feet to the
Northwest corner thereof;
Thence North 89°04'05" West, along the North line of the
South half of said Northwest quarter for a distance of 1972.71
feet to the Northerly extension of the West line of said
"Whipple Creek Place Phase A";
Thence South 01°42'14" West, along said Northerly extension
for a distance of 496.49 feet to the TRUE POINT OF
BEGINNING.

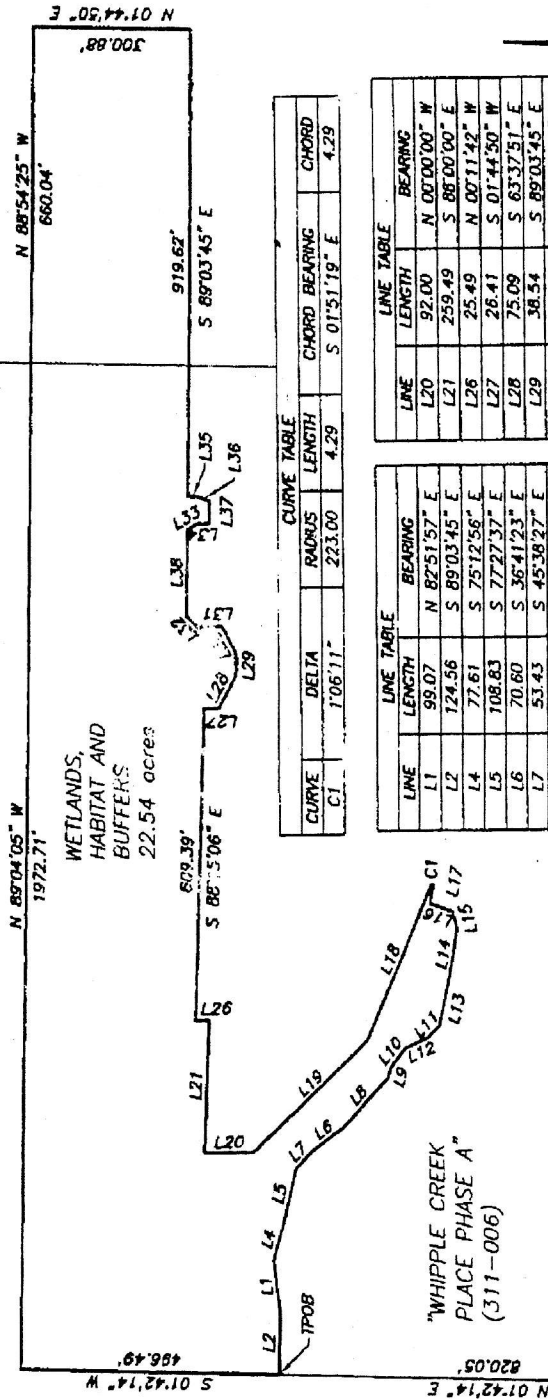
Containing 22.54 acres.

Together with and subject to easements, reservations, covenants and restrictions apparent
or of record.

EXHIBIT - APage 3 of 4

EXHIBIT "B"

JOB NO: 02-330 DATE: 9-14-04



CURVE	DELTA	RADIUS	LENGTH	CHORD	BEARING	CHORD
C1	106.11"	223.00	4.29	S 01°51'19" E	4.29	4.29

LINE	LENGTH	BEARING
L1	99.07	N 82°51'57" E
L2	724.56	S 89°03'45" E
L3	77.61	S 75°12'56" E
L4	108.83	S 77°27'37" E
L5	70.60	S 36°41'23" E
L6	53.43	S 45°38'27" E
L7	130.04	S 48°06'11" E
L8	21.60	S 74°48'43" E
L9	46.13	S 52°02'20" E
L10	33.18	S 46°46'55" E
L11	48.23	S 22°28'12" E
L12	85.02	S 76°43'46" E
L13	107.30	S 80°44'11" E
L14	34.81	N 75°27'53" E
L15	47.28	N 20°13'37" E
L16	35.54	S 79°33'18" E
L17	328.65	N 66°48'50" W
L18	307.70	N 44°30'04" W

LINE	LENGTH	BEARING
L20	92.00	N 00°00'00" W
L21	259.49	S 88°00'00" E
L22	25.49	N 00°11'42" W
L23	26.41	S 01°44'30" W
L24	75.09	S 83°37'51" E
L25	38.54	S 89°03'45" E
L26	60.23	N 84°07'53" E
L27	45.58	N 00°56'15" E
L28	28.88	N 44°16'44" E
L29	21.08	S 30°26'30" E
L30	22.00	S 00°56'15" W
L31	19.00	N 00°56'15" E
L32	22.61	N 22°41'27" E
L33	44.62	S 89°03'45" E
L34	169.20	S 89°03'45" E

21.22

S 89°03'08" E

3908251

Page: 25 of 63
11/16/2004 03:11P
Clark County, WA

COMMUNITY DEVELOPMENT

PLAT

0.00

NOT TO SCALE

EXHIBIT - A

Page 4 of 4