

513
25.00
56.00
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AFTER RECORDING, RETURN TO:

Arbor Roses LLC
C/O West Hills Development
15500 SW Jay St.
Beaverton, OR 97006

9/24/05

Washington County, Oregon 2005-117184
09/24/05 09:40:42 AM
D-R/B... Cnt=2 Stn=6 J GREGORY
\$25.00 \$5.00 \$6.00 \$11.00 - Total = \$47.00



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I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk



AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, AND ANNEXATION TO ARBOR ROSES (To Annex Phase 5)

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF ARBOR ROSES AND ANNEXATION (to annex ARBOR ROSES No. 5) ("Amendment") is made as of this 14th day of SEPTEMBER, 2005, by ARBOR ROSES, LLC, an Oregon limited liability company ("Declarant").

Recitals

- A. Declarant is the Declarant under the Declaration of Covenants, Conditions and Restrictions for Arbor Roses recorded in the Records of Washington County, Oregon, as Document No. 2004-009331 (the "**Declaration**"). Declarant also caused that certain "Amendment to Declaration of Covenants, Conditions, Restrictions, and Annexation to Arbor Roses" (to annex Phase 2) recorded as Document No. 2004-081094, that certain "Amendment to Declaration of Covenants, Conditions, Restrictions, and Annexation to Arbor Roses" (to annex Phase 3) recorded as Document No. 2004-146239, and that certain "Declaration of Annexation to Arbor Roses" (to annex Phase 4) recorded as Document No. 2005049960, all in the Records of Washington County, Oregon.
- B. Declarant has recorded the "Plat of Arbor Roses" as Document No. 2004-009327, the "Plat of Arbor Roses No. 2" as Document No. 2004-081093, the "Plat of Arbor Roses No. 3" as Document No. 2004-146238, and the "Plat of Arbor Roses No. 4" as Document No. 2005049959, all in the Records of Washington County, Oregon.
- C. Pursuant to Section 11.6 and 11.9 of the "Declaration", Declarant wishes to amend above referenced Declaration for the purpose of annexation of the Arbor Roses Phase 5 Lots, and subject all Lots in Arbor Roses to the Amended Declaration provisions contained herein, and, pursuant to Section 2.2 of Declaration, annex Arbor Roses No.5 to Arbor Roses, and subject the same and all previous Lots in Arbor Roses to the Declaration, the previous Amendments, Annexations and the provisions contained in herein.

NOW, THEREFORE, Declarant hereby declares as follows:

1. AMENDMENTS TO DECLARATION.

(a) Article 1, Section 1.8, lines 6, 7 are **amended** and shall now read as follows: "...The Tracts so designated as Common Areas include, but are not limited to Tracts C, G, H, M, T, Y, BB, CC, FF, GG, II, NN, QQ, RR, XX, ZZ, BBB, DDD, EEE, FFF, GGG and HHH (private streets), and Tracts A, B, D, E, F, I, J, K, L, N, O, P, Q, R, S, U, V, W, X, Z, AA, DD, EE, HH, JJ, KK, LL, MM, OO, PP, SS, TT, UU, VV, WW, YY, AAA, and CCC (open space)." The remainder of this section remains unchanged as contained in the original Declaration and all Amendments.

(b) Article 3, Section 3.5 (k), is **amended** and shall now read in its entirety as follows:

“(k) Private Street Maintenance. Tracts C, G, H, M, T, Y, BB, CC, FF, GG, II, NN, QQ, RR, XX, YY, ZZ, BBB, DDD, EEE, FFF, GGG, and HHH are subject to access easements and private storm drainage maintenance over their entirety, per Plat. Said Tracts shall be maintained by the Owners of Lots 35 through 58, Lots 76 through 79, Lots 85 through 94, Lots 95 through 102, Lots 103 through 108, Lots 109 through 112, Lots 113 through 121, Lots 172 through 177, Lots 214 through 232, Lots 235 through 248, Lots 254 through 302, Lots 366 through 381, Lots 389 through 408, Lots 409 through 422, Lots 423 through 436, Lots 437 through 448, Lots 449 through 456, Lots 457 through 463, and Lots 464 through 470. Said maintenance will be in accordance with a recorded Maintenance Agreement for each of these Lots. The costs of such maintenance and/or reserves shall be the sole responsibility of the Owners of said Lots. The Arbor Roses Homeowners Association will collect and administer said funds on behalf of the Owners of said Lots, and the funds collected for these purposes will be used exclusively for street maintenance in the named Tracts, including any future annexations of private street tracts under similar Maintenance Agreements on additional Lots. However, the Association will have no financial obligation for said Tracts, other than that stated herein. Tracts C, G, H, M, T, V, Y, BB, CC, HH, XX, ZZ, BBB, DDD, EEE, FFF, GGG and HHH are subject to an emergency vehicle access easement, in their entirety.

(i) Tracts V & FFF, and Tracts BB & EEE shall be shared and jointly maintained by all Owners of Lots in Phases 2 and 5 abutting either of said Tracts. Said maintenance shall be in accordance with a recorded Maintenance Agreement for each of these Lots. The costs of such maintenance and/or reserves shall be the sole responsibility of the Owners of said Lots. The Arbor Roses Homeowners Association will collect and administer said funds on behalf of the Owners of said Lots, and the funds collected for these purposes will

be used exclusively for street maintenance in the named Tracts, including any future annexations of private street tracts under similar Maintenance Agreements on additional Lots. However, the Association will have no financial obligation for said Tracts, other than that stated herein.

- (ii) Tracts XX, FF & CC, Tracts RR & ZZ, and Tract QQ shall be shared and jointly maintained by all Owners of Lots in Phases 3 and 5 abutting either of said Tracts. Said maintenance shall be in accordance with a recorded Maintenance Agreement for each of these Lots. The costs of such maintenance and/or reserves shall be the sole responsibility of the Owners of said Lots. The Arbor Roses Homeowners Association will collect and administer said funds on behalf of the Owners of said Lots, and the funds collected for these purposes will be used exclusively for street maintenance in the named Tracts, including any future annexations of private street tracts under similar Maintenance Agreements on additional Lots. However, the Association will have no financial obligation for said Tracts, other than that stated herein.

- (c) Article 3, Section 3.5 (l) shall read as amended previously, and shall also include (i) a six (6) foot public utility easement which shall exist along the frontage of all Lots and Tracts in Phase No. 5 abutting public streets, and (ii) a three (3) foot wide public utility easement which shall exist along the frontage of all Lots and Tracts abutting Tracts FF, QQ and RR, in Arbor Roses No. 3, and XX, YY, ZZ, BBB, DDD, EEE, FFF, GGG and HHH, and (iii) a public utility easement over Tracts XX, YY, BBB, CCC, DDD, EEE, FFF, GGG and HHH in their entirety.

- (d) Article 3, Section 3.5 (m), the first three sentences, shall read as in the original Declaration and as amended in previous annexation Declarations, and apply as per the Plat notes of all Arbor Roses Plats, and shall now include Tracts XX, YY, ZZ and AAA through HHH, and subject them to a public pedestrian and bicycle access easement over their entirety.

- (e) Article 3, Section 3.5 (m), the fourth sentence, shall read as in the original Declaration and as amended in previous annexation Declarations, and shall also include sub-section (i), as **added** in the Declaration of Annexation of Arbor Roses No. 4, and sub-section (i) shall be **amended** and **added** to sub-section (i), as per the Arbor Roses No. 5 Plat notes, as follows:
 - “(i) Lots 366-369, 437-448, and 449- 456 are subject to a 3.5-foot wide private maintenance easement along each of the common side Lot lines with the adjacent Lots, for the benefit of the adjacent Lots. This easement shall be kept clear of structures or any other object

from the ground upward, which could physically preclude access to the easement and the adjacent buildings.”

(f) Article 3, Section 3.5 (m), **add** the following sub-sections:

“(ii) Lots 457 through 470 and Lots 370 through 436 are subject to a reciprocal easement and building maintenance agreement as recorded by a document in the Washington County Deed Records, as per the notes on the Plat for Arbor Roses No. 5.

(iii) The frontage of the following Lots and Tracts are subject to a 2.00 foot wide private access and maintenance easement for the benefit of the said Lots:

Lots 366 through 381, abutting Tract FF, Arbor Roses No. 3
Lots 382 through 388, abutting Tract QQ, Arbor Roses No. 3
Lots 389 through 408, abutting Tract ZZ
Lots 409 through 422, abutting Tract BBB
Lots 423 through 436, abutting Tract DDD
Lots 457 through 463, abutting Tract GGG
Lots 464 through 470, abutting Tract HHH”

(g) Article 4, Section 4.5, **add** sub-section (d) as follows: “Tracts YY, AAA and CCC shall be maintained by the Association, its successors or assigns.”

2. **PROPERTY ANNEXED.** Declarant hereby declares that all of the property described below (the “**Additional Property**”) shall be annexed to Arbor Roses and the Declaration and any previous Amendments to the Declaration, and that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the Declaration and any previously recorded Amendments:

All real property within that certain plat entitled “Arbor Roses No. 5” filed in the Plat Records of Washington County, Oregon.

3. **LAND CLASSIFICATIONS.** All of the land within the Additional Property annexed hereby is included in one or another of the following classifications:

(a) Building Lots, which shall consist of Lots 366 through 470 as shown on the Plat of the Additional Property.

(b) Common Area Tracts, which shall be Tracts XX, YY, ZZ, AAA, BBB, CCC, DDD, EEE, FFF, GGG, and HHH, as shown on the Plat of the Additional Property.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Annexation as of the day first written above

ARBOR ROSES, LLC
an Oregon limited liability company

By [Signature]

Its MEMBER

STATE OF OREGON)
)ss.
County of Washington)

The foregoing instrument was acknowledged before me this 13TH day of SEPTEMBER 2005, by WAIBLE, KENNETH MEMBER of ARBOR ROSES, LLC, an Oregon limited liability company.

[Signature: Terry P. Kinney]
Notary Public for Oregon
My commission expires: 3-7-2007

