

Washington County, Oregon
10/03/2002 04:08:16 PM 2002-116342
D-R/B Cnt=2 \$tn=5 J GREGORY
\$30.00 \$5.00 \$6.00 \$11.00 - Total=\$52.00



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



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

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6
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300
After Recording Return To:
West Hills Development Co.
15500 SW Jay Street
Beaverton, Oregon 97006

ADDENDUM TO ORENCO GARDENS P.U.D.

**DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS AND RESTRICTIONS
ESTABLISHMENT OF A HOMEOWNER'S ASSOCIATION,
DECLARATION OF INITIAL FEES**

and

Creation of Orenco Gardens Phase 2, Plat 5

LEGAL DESCRIPTION OF PROPERTY

Orenco Gardens Phase 2, Plat 5 is the fifth plat in Orenco Gardens, a residential Planned Unit Development (P.U.D.) located in Washington County, Oregon. Phase 1, Plat 1 is a plat recorded in Washington County Deed Records as Documents No. 2001109979. Phase 1, Plat 2 is a plat recorded in Washington County Deed Records as Document No. 2002001134 Orenco Gardens Phase 1, Plat 3 is a plat recorded in Washington County Deed Records as Document No. 2002055027. Phase 2, Plat 4 is a plat recorded in Washington County Deed Records as Documents No. 2002116139 Orenco Gardens Phase 1, Plat 1; Phase 1, Plat 2; Orenco Gardens Phase 1, Plat 3; Orenco Gardens Phase 2, Plat 4 and now Orenco Gardens Phase 2 Plat 5 are phases of a planned multi-phase development. Orenco Gardens will consist of three or more phases. It is located as a Replat of a Portion of lots 1-7, "Bohart's Subdivision" and a portion of the NE 1/4, NW1/4, SW1/4 and SE 1/4 of Section 34, T. 1N., R. 2W., W.M. City of Hillsboro, Washington County, Oregon and is governed by the terms of the conditions of approval contained in the City of Hillsboro Planning Department files numbered DDP 6-00, SUB 16-00 and CDP 3-00.

Orenco Gardens is a multi-phase development consisting of single family and common wall multifamily residential structures. Initial plans call for three phases containing 7 plats. Each plat will contain a specific style or styles of residence with Covenants, Conditions and Restrictions (CCR's) and Homeowners Association Provisions (Provisions) unique to the applicable style residence. Those unique CCR's and Provisions will be in addition to P.U.D. wide CCR's and Provisions to be found in Washington County Deed Records No. 20001109983.



WEST HILLS DEVELOPMENT COMPANY, is owner of the herein described real property and is designated the **Declarant**.

It is Declarant's sole discretion whether to amend the Orenco Gardens CCR's and Homeowner's Association provisions to apply to subsequent phases of development. The Declarant has reserved the right to amend this and previous documents governing Orenco Gardens' development to reflect incorporation of additional land and additional and/or different declarations as governmental, physical and market requirements dictate. Any additional land incorporated will be developed in a manner that is compatible with the existing. Owners in any additional phases will purchase their property subject to the then existing Homeowners Association benefits and obligations including voting rights and a pro-rata share of the Homeowners Association fees. Phases 1, 2, and 3 are planned to contain a total of 544 lots. The maximum number of lots, if any, which may be part of future phases has yet to be determined

NOW THEREFORE: by this document Declarant amends the "Declaration" for Orenco Gardens P.U.D as follows:

The terms of the CC&R'S and Provisions, as herein amended shall inure to the benefit of each owner of property in Orenco Gardens P.U.D and shall be binding on all parties having any right, title or interest in property contained within Orenco Gardens P.U.D. their heirs, successors and assigns. These amended CC&R'S and Homeowner's Association Provisions shall run with and attach to the subject property and bind all the real property within the Orenco Gardens P.U.D.

All terms contained in the original "Declaration" recorded in Washington County Deed Records No. 20001109983 and subsequent amendments or addendum thereto recorded prior to recordation of this document, which are not altered by the terms of this document, shall remain in effect and govern the lots and Tracts described in this addendum. If there is a conflict between the terms of this document, the original "Declaration" and subsequent amendments or addendum thereto, recorded prior to recordation of this document, the conflict shall be resolved by looking first to the terms of this document which shall be controlling. If confusion still exists the resolution shall be based upon the intent of Declarant herein to have the obligations contained in the original "Declaration" apply to all lots in all phases of the Orenco Gardens P.U.D. unless specifically altered.

A). THE FOLLOWING NEW DECLARATIONS SHALL BE ADDED:

1. GENERAL

a). The "Declaration" shall now also apply to lots 314 through 466 inclusive and Tracts "MM", "NN", "OO", "PP", "QQ", "RR", "SS", "TT", "UU", "VV", and "WW". Said lots and Tracts shall become part of the Orenco Gardens Homeowner's Association with all rights and obligations which accompany membership in said Association.



- b). Tracts "NN" through "WW" shall be owned by the Orenco Gardens Homeowner's Association and maintained in accordance with the recorded CCR's.
- c). Tracts "NN" through "WW" are subject to a public pedestrian and bicycle access easement over their entirety and shall be maintained in accordance with the recorded CCR's.
- d). Tracts "OO", "PP", "QQ", "RR", "SS", "UU", "VV", and "WW" are subject to public utility, easements over their entirety to the City of Hillsboro.
- e). An eight (8) foot wide public utility easement shall exist along the frontage of all lots abutting Tracts "OO", "PP", "SS", and "UU".
- f). Tracts "OO", "PP", "SS", and "UU" are subject to storm water drainage and sanitary sewer easements over their entirety to the City of Hillsboro.
- g). Tracts "QQ", "RR", "VV" and "WW" are subject to a private storm drainage maintenance and access easements over their entirety for the benefit of the Homeowners' Association.
- h). Tract "TT" is for open space.
- i). There shall be no direct motor vehicle access onto NE 60th Street or NE Dogwood Street to or from any lot or Tract in Orenco Gardens unless otherwise approved by the Governing Authority having jurisdiction of said road.
- j). The City of Hillsboro has caused to be recorded in the Orenco Gardens chain of title a document dated February 13, 2002 entitled "Reciprocal Easement and Building Maintenance Agreement". If there is a conflict between the terms of that document, the original "Declaration" and subsequent amendments or addendum thereto the terms of the "Reciprocal Easement and Building Maintenance Agreement" shall control.
- k). A landscaping, irrigation system and limited access easement in favor of the Association shall exist across the side, front or rear yard of all lots. The easement area may contain landscaping and irrigation equipment. The Association is allowed access thereon to amenities owned and/or maintained by the Association. The Association shall notice the affected property owner/resident forty eight (48) hours in advance of its intent to conduct work in easement areas enclosed by owner installed fencing.
- l). Declarant will install a sound abating wall adjacent to the Westside light rail alignment. The wall will be installed as part of the infrastructure improvements for construction phases adjacent to the light rail alignment. In addition to the noise which may result from light rail traffic, even after construction of the sound abating wall, lot owners are advised that on some occasions owners may encounter rail crossing warning noise, air traffic noise resulting from use of the Hillsboro airport and noise from nearby industrial operations.



- m). Easements on the plat labeled "Wall Maintenance Easement" on lots 378 through 391, and lots 465 and 466 inclusive, are for the benefit of the Orenco Gardens Homeowners' Association.
- n). Tract "MM" shall be owned by the City of Hillsboro and is subject to a maintenance easement for the benefit of the Homeowners' Association.
- o). Tract "NN" is for recreational open space.
- p). Tract "OO" is a private access strip which shall be owned by the Homeowner's Association and maintained by the owners of lots 314 through 321 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2002116343 Washington County Deed Records.
- q). Tract "PP" is a private access strip which shall be owned by the Homeowner's Association and maintained by the owners of lots 438 through 441 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2002116344 Washington County Deed Records.
- r). Tract "QQ" is a private access strip which shall be owned by the Homeowner's Association and maintained by the owners of lots 442 through 449 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2002116345 Washington County Deed Records.
- s). Tract "RR" is a private access strip which shall be owned by the Homeowner's Association and maintained by the owners of lots 450 through 457 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2002116346 Washington County Deed Records.
- t). Tract "SS" is a private access strip which shall be owned by the Homeowner's Association and maintained by the owners of lots 458 through 461 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2002116347 Washington County Deed Records.
- u). Tract "UU" is a private access strip which shall be owned by the Homeowner's Association and maintained by the owners of lots 462 through 466 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2002116348 Washington County Deed Records.
- v). Tract "VV" is a private access strip which shall be owned by the Homeowner's Association and maintained by the owners of lots 428 through 437 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2002116349 Washington County Deed Records.



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w). Tract "WW" is a private access strip which shall be owned by the Homeowner's Association and maintained by the owners of lots 418 through 427 inclusive, in accordance with the Maintenance Agreement recorded as Document No. 2002116350 Washington County Deed Records.

2). SPECIAL MAINTENANCE, UTILITIES, SERVICES and HOMEOWNERS' ASSOCIATION DECLARATIONS RELATING TO LOTS 314 THROUGH 466, INCLUSIVE:

THE INITIAL ANNUAL BASE HOMEOWNER'S ASSOCIATION FEE FOR ALL LOTS WITHIN ORENCO GARDENS THE WILL BE \$274 PER LOT. ADDITIONAL FEES RELATED TO AND DEPENDENT UPON IN WHICH PLAT A SPECIFIC PROPERTY IS LOCATED WILL BE ESTABLISHED AND THAT FEE IS DESCRIBED ELSEWHERE IN THIS DOCUMENT AS AMENDED. THE FIRST ANNUAL FEE, BOTH GENERAL AND SPECIFIC, IS PAYABLE TO THE DECLARANT ON BEHALF OF THE ORENCO GARDENS HOMEOWNERS ASSOCIATION AT TIME OF CLOSING. BEGINNING WITH THE SECOND ANNUAL FEE, FEES SHALL BE PAID QUARTERLY TO DECLARANT ON BEHALF OF THE ORENCO GARDENS HOMEOWNER'S ASSOCIATION UNTIL THE ADMINISTRATION OF THE HOMEOWNERS ASSOCIATION IS TRANSFERRED TO THE INDIVIDUAL MEMBERS AS HEREIN SET FORTH.

THE SPECIAL ANNUAL HOMEOWNER'S ASSOCIATION FEE FOR "TRADITIONAL COTTAGE" LOTS 314 THROUGH 331, 392 THROUGH 417, 438 THROUGH 441 AND 458 THROUGH 446, INCLUSIVE, SHALL BE \$420.00.

THE SPECIAL ANNUAL HOMEOWNER'S ASSOCIATION FEE FOR "COURTYARD COTTAGE" LOTS 418 THROUGH 437 AND 442 THROUGH 457, INCLUSIVE, SHALL BE \$584.00.

THE SPECIAL ANNUAL HOMEOWNER'S ASSOCIATION FEE FOR "CLASSIC" LOTS 332 THROUGH 337 AND 352 THROUGH 391, INCLUSIVE, SHALL BE \$468.00

B). MISCELLANEOUS CHANGES TO ORIGINAL DECLARATION BY SECTION

1. DECLARATIONS

a). **Item B). shall be replaced with the following:**

Phase 2 is planned to contain 270 lots. Phase 2, Plat 4 is planned to consist of 39 lots upon which will be constructed "Classic" and "Cottage-Alley" detached single family residences. Plat 5 is planned to consist of 153 lots upon which will be constructed "Cottage", "Cottage-Alley" and "Classics"

