

AFTER RECORDING RETURN TO:

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Skagit County Auditor

TITLE OF DOCUMENT:

THIRD AMENDMENT TO DECLARATION OF
COVENANTS FOR WOODSIDE PUD ADDING
PHASE 4

AF# OF AFFECTED DOCUMENT:

201607270026

GRANTOR:

WOODSIDE 8 & 9, L.L.C.

GRANTEE:

THE GENERAL PUBLIC

ABBREV. LEGAL DESCRIPTION:

WOODSIDE PUD, DIVISIONS 8 & 9, AF#

FULL LEGAL:

Pg. 3

2019 11040122

**THIRD AMENDMENT TO DECLARATION OF COVENANTS
FOR WOODSIDE PUD**

PURPOSE: TO EXERCISE DEVELOPMENT RIGHT TO ADD NEW PHASES OF DEVELOPMENT
TO COMMUNITY, TO CONFIRM BINDING EFFECT OF COVENANTS ON PHASE 4 PROPERTY
AND TO DESCRIBE CERTAIN NEW COMMON FEATURES

THIS AMENDMENT is made this 24th day of October, 2019,
by WOODSIDE 8 & 9, L.L.C., a Washington limited liability company ("Phase 4 Declarant").

WITNESSETH THAT:

A. WHEREAS, pursuant to the provisions of the Planned Unit Development Ordinance of the City of Mount Vernon, the City of Mount Vernon approved a Final PUD Plan for Woodside PUD, which was recorded with the Auditor of Skagit County, Washington, at Auditor's File No. 201607270024.

B. WHEREAS, a Plat Map for Woodside PUD was recorded among the land records of Skagit County by the Declarant at Auditor's File No. 201607270025, to create the first phase of the Woodside PUD Community in Mount Vernon, Skagit County, Washington. The Declarant caused a Declaration of Covenants affecting all Lots in the Community to be recorded at Auditor's File No. 201607270026, records of Skagit County, Washington, to accompany the Plat Map. Subsequently, the Declarant caused a Plat Map for Woodside PUD Divisions 3, 4 & 5 PL-

17-124, to be recorded at Auditor's File No. 201712210048, records of Skagit County, Washington, along with a First Amendment to Declaration of Covenants, which was contemporaneously recorded at Auditor's File No. 201712210049. Thereafter, the Declarant caused a Plat Map for Woodside PUD Divisions 6 & 7 PL-18-170, to be recorded at Auditor's File No. 201901280092, records of Skagit County, Washington, along with a Second Amendment to Declaration of Covenants, which was contemporaneously recorded at Auditor's File No. 201901280093.

C. WHEREAS, pursuant to Sections 3.3.2, 3.3.7, 16.6 and 17.4 of the Declaration of Covenants, the Declarant or its Affiliates may unilaterally amend the Community's Governing Documents from time to time to exercise Development Rights;

D. WHEREAS, in Section 3.3.1 of the Declaration of Covenants, the Declarant reserved Development Rights to develop the Community in multiple "Phases", consisting of new platted Divisions of the PUD, by which additional Lots, Common Areas, and/or Limited Common Areas could be added to the Community;

E. WHEREAS, the Phase 4 Declarant is an Affiliate of the original Declarant and, pursuant to Section 16.6.3 of the Declaration of Covenants, is able to exercise Development Rights reserved in the Declaration of Covenants. The Phase 4 Declarant has created additional improvements, Lots, Common Areas and Limited Common Areas as more particularly described below, all for the purpose of creating an additional Phase of Development known as Woodside PUD, Divisions 8 & 9 (referred to herein as "Phase 4"), consisting of 19 additional Lots along with additional common amenities, as described in Section 3.3.1(f) – (g) of the Declaration of Covenants.

NOW, THEREFORE, pursuant to and in compliance with Section 3.3.2 of the Declaration of Covenants, the Phase 4 Declarant hereby executes this Future Phase Amendment and hereby amends the following Sections of the Declaration of Covenants, as follows:

* * * * *

1.2.2 Reference to Platting Documents for Divisions 8 and 9.

The Phase 4 Declarant has recorded with the Auditor of Skagit County, Washington a certain Plat, showing the location and dimensions of the land included within Divisions 8 and 9 of the Community, the location and dimensions of the new Lots, Common Areas and Limited Common Areas within Divisions 8 and 9, together with other necessary information. This Plat Map is recorded at Auditor's File No. 201911040121, records of Skagit County, Washington. This new Plat Map, along with the initial map and any similar maps recorded to bring future phases of this Community into existence, are hereinafter referred to as the "Platting Documents".

1.2.3 Legal Description of Land Burdened by Covenants.

In addition to the real property burdened by the original Declaration of Covenants, the Declaration of Covenants, as amended hereby, thus benefits and burdens the additional real property described as follows:

Lots 149-158, and Common Tracts 801 and 802, Division 8; and
Lots 159-167, and Common Tracts 901, 902, 903, 904, 905, 906
and 907, Division 9, and Native Growth Protection Area Tracts
998-C and 998-D, Plat of Woodside PUD, as per the Map thereof
recorded at Auditor's File No. 200911040121, records of
Skagit County, Washington.

* * * * *

1.2.5 Identification of the Community. [Modified]

The Community includes a total of 161 single-family Lots designed for occupancy by persons of retirement age, as provided in Section 9.1.2 hereof, consisting of the following:

Lots 1-6, 27-36, 78-124 and Lot 134, Divisions 1 and 2;

Lots 125-131, Division 3;

Lots 20-26, 132 & 135, Division 4;

Lots 7-19, 136 - 148, Division 5;

Lots 40-51 and 62-77, Division 6;

Lots 52-58, Division 7;

Lots 149-158, Division 8; and

Lots 159-167, Division 9.

The Community also includes the following Tracts:

Tracts A, B, C, D, E, F, G, H, I, J, K, L; Common Tracts 996 and 997;
and Native Growth Protection Area Tracts 998 and 999, Divisions 1 and 2;

Common Tract 402, Division 4;

Common Tracts 501, 502 and 503, Division 5;

Common Tracts 602, 604 and 605; Native Growth Protection Area Tract 998-A, Division 6;

Common Tract 701; Native Growth Protection Area Tract 998-B, Division 7; and

Common Tracts 901, 902, 903, 904, 905, 906 and 907; Native Growth Protection Area Tracts 998-C and 998-D, Division 9

The Community is further defined in Section 2.10 hereof.

* * * * *

1.3.1 Covenants Apply to Divisions 8 and 9 - Membership in Association.

The Declaration of Covenants recorded at Auditor's File No. 201607270026, and as amended at Auditor's File No. 201712210049 and 201901280093, are declared to be and is hereby made perpetually binding on all the land included in the Plat of Divisions 8 and 9 described in Section 1.2.2 hereof, to the same extent that said Declaration of Covenants applies to the real property included in all earlier Phases of this Community. All Lot Owners in Phase 4 shall be members of Woodside PUD Community Association, having the same rights and responsibilities associated with such membership as apply to all other Lot Owners in the Community, including without limitation the rights to vote in said Association and the obligation to pay Common Expense Assessments to said Association. Except as otherwise provided herein, the Association shall be responsible for all Upkeep of the Common Areas and Limited Common Areas situated in Divisions 8 and 9.

* * * * *

5.1 Common Areas and Common Facilities. [Modified]

The Common Areas and Common Facilities of the Community, which may also be referred to as "General Common Areas" for Divisions 1 & 2 of the PUD (generally depicted on Exhibit "E" of the Declaration); for Divisions 3, 4 and 5 of the PUD (generally depicted on Exhibit "E-1" of the First Amendment); for Divisions 6 and 7 of the PUD (generally depicted on Exhibit "E-2" of the Second Amendment); and for Divisions 8 and 9 of the PUD (generally depicted on Exhibit "E-3" attached hereto), consist of the following:

5.1.1. The Community's identification signage facilities and associated entry landscaping located off of East Division Street at its East entrance.

5.1.2. Open Space Tracts A, B, C, D, E, F, G, H, I, J, L, 402, 501, 502, 503, 602, 604, 605, 701, 801, 802, 901, 902, 905 and 906, that are designed to perform various functions.

5.1.3. Tract 996 that is designed to serve as a landscaped area for the East side of the Detention Pond.

5.1.4. Native Growth Protection Area Tracts 901, 998, 998-A, 998-B, 998-C, 998-D and 999, and any trails or other facilities that may be constructed therein.

5.1.5. The fence and landscaping that abut the residential Lots abutting Tracts F, G, L, 602, 604, 801, 802, 901, 902, 903 and 906; the screening fence on the opposite side of the split rail fence along Tracts G and L, comprising forested buffers for landscape screening; the screening fence along the westerly boundaries of Lots 58-59 & 63-77; the screening fence along the southerly boundaries of Lots 53-58; the screening fence along the southerly boundaries of Lots 149 and 150; and the screening fence along the easterly boundary of Lot 150 and 165; and the screening fence along the easterly boundary of Divisions 8 and 9, excepting therefrom Tract 903; and the screening fence along the northerly boundary of Division 9.

5.1.6. The split rail fence abutting Tracts 907, 998, 998-A, 998-B, 998-C and 998-D as well as the split rail fence and landscaping that abut the residential Lots abutting Tracts 402 and 503, all comprising forested buffers for landscape screening.

5.1.7. Street trees within the Community.

5.1.8. Clubhouse, parking area, gazebos, bocce court, horseshoe court, concrete sidewalks and trails, along with any benches, tables, planters, furniture or recreational equipment constructed thereon within Tract E.

5.1.9. Picnic shelter, picnic benches, interpretive sign, nesting boxes, mail kiosk, concrete sidewalks, trails, along with any benches, tables or planters constructed thereon within Tracts 604 and 802.

5.1.10. The trellis and trails, along with any benches constructed thereon within Tract 602; table, bench and walkway in Tract 701; trail in Tract 605 and Tract 902; trellis, bench and concrete pathway in Tract 906; benches and concrete paths within Tracts 903 and 905.

5.1.11. Tract 903 is designed to serve as a forested buffer for landscape screening.

5.1.12. Tract 907 is designed to serve as a utility access tract.

5.1.13. Any and all other Tracts or areas depicted on the Platting Documents that have not been dedicated to public use, including areas of Lots burdened by easements depicted on the Platting Documents for drainage, support or other purposes.

5.1.14. The Phase 4 Declarant has reserved the right to create additional Common Areas and facilities in a future Phase, including trails that may be constructed within Native

Growth Protection Areas, along with any benches, tables, furniture or recreational equipment that may be constructed therein.

5.2 Limited Common Areas. [Modified]

The Limited Common Areas of the Community consist of private lanes and alleys, for which maintenance standards are established in Section 6.2.1 hereof, private drainage easements and private utility easements, for which maintenance standards are established in Section 6.2.3 hereof, and private tiered rock walls, for which maintenance standards are established in Section 6.2.7 hereof. Costs of Upkeep related thereto constitute Specially Allocated Assessments to the Lots served thereby, under the provisions of Section 10.8 hereof. Presently the following Tracts and areas are Limited Common Areas:

5.2.1. Tract 997, in which a private lane known as Woodside Lane is constructed. Tract 997 serves the following Lots in the Community: Lots 31 through 36, inclusive.

5.2.2. [Deleted]

5.2.3. [Deleted]

5.2.4. [Deleted]

5.2.5. [Modified] Private tiered rock wall along the westerly seventeen (17') feet of Lots 59 and 63-77, Division 6, and Lot 58, Division 7. This private tiered rock wall easement serves Lots 58-59 and 63-77, inclusive.

5.2.6. Tract 904, in which a private lane known as Chief Lane is constructed. Tract 904 serves the following Lots in the Community: Lots 163, 164, 165 and 166, Division 9, inclusive.

6.2 Responsibility for Operations and Upkeep. [Modified]

6.2.5 Upkeep of Other Common Facilities. [Modified]

The Community Association will provide necessary Upkeep for street trees, landscaping and fencing on and abutting Tracts 501 and 502 of Phase 2. It will provide necessary Upkeep for the landscaping and fencing abutting Tracts F, G and L of Phase 1; Tracts 402 and 503 of Phase 2; Tracts 602, 604, 605 and 701 of Phase 3; Tracts 801, 802, 901, 902, 903, 906

and 907 of Phase 4; the fencing on the westerly borders of Lots 58, 59, 63-77, Phase 3; the fencing on the southerly borders of Lots 53-58, Phase 3; the fencing on the southerly borders of Lots 149 and 150 of Phase 4; the fencing on the easterly borders of Lots 150 and 165 of Phase 4; the fencing along the easterly border of Divisions 8 and 9, excepting therefrom Tract 903; and the fencing along the northerly border of Division 9, including Lot 165 of Phase 4. The Community Association will provide necessary Upkeep for the utility access improvements within Tract 907. The Community Association will further provide necessary Upkeep to the Forested Buffer Areas on any Lot, the Clubhouse and its parking areas, the gazebos, bocce court, horseshoe court, the picnic shelter, picnic tables, mail kiosk, trellis and any recreation facilities and/or other improvements constructed within Tracts E, 602, 604, 605, 701, 801, 802, 902, 903, 905 and 906 and any other recreation facilities and/or improvements constructed within the Common Areas. The Forested Buffer Areas in Tracts F, G, L, 402, 503 and 903 are subject to maintenance responsibilities as set forth in Exhibit "D-1" to the First Amendment to Declaration of Covenants of Woodside PUD, filed under Skagit County Auditor's File No. 201712210049.

Exhibits.

Attached hereto is the Third Amendment to Exhibit "E-3" to the Declaration.

EXCEPT as modified by this Amendment, all of the terms and provisions of the Governing Documents are hereby expressly ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed as of the date first written above.

Declarant:
WOODSIDE 8 & 9, L.L.C.

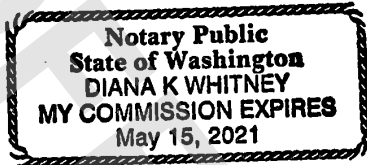
By: 
Brian Gentry, its Manager

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Brian Gentry is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was

authorized to execute the instrument and that he acknowledged it as the Manager of the Declarant, WOODSIDE 8 & 9, L.L.C., to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: OCTOBER 24th, 2019.



Diana K. Whitney
NOTARY PUBLIC in and for the State of Washington.
My commission expires: MAY 15th, 2021

