



AFTER RECORDING RETURN TO:

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easement

**THIRD AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, EASEMENTS FOR WEST VILLAGE, PHASE 2 AND ANNEXATION OF
ADDITIONAL REAL PROPERTY**

GRANTORS: BADGER DEVELOPERS, LLC, a Washington limited liability company

GRANTEE: The Public; West Village Phase 2

LEGAL DESCRIPTION: Phase 2, as recorded under Auditor's Plat of West Village, File No. 2018-002179. Records of Benton County, Washington.

Phase 3, as recorded under Auditor's File No. 2019-026381, records of Benton County, Washington.

ABBREVIATED LEGAL: Phase 2: Lots 1-8, Lots 52-57, Lots 83-142

Portions of the NW1/4, the NE1/4, the SE1/4 and the SW1/4 of Section 32, Township 09 North, Range 28 East of the W.M. City of Richland, Benton County, Washington.

Phase 3: Lots 1-68

Portions of the NW1/4, the NE1/4, the SE1/4 and the SW1/4 of Section 32, Township 09 North, Range 28 East of the W.M. City of Richland, Benton County, Washington.

Phase 4: Lots 1-67

Portions of the NW1/4, the NE1/4, the SE1/4 and the SW1/4 of Section 32, Township 09 North, Range 28 East of the W.M. City of Richland, Benton County, Washington.

Reference Documents: Auditor's File No. 2018-005349

THIS THIRD AMENDMENT to the Declaration of Covenants, Conditions, Restrictions and Easements of West Village, Phase 2 ("Amendment") is made this 12 day of November, 2019 by BADGER DEVELOPERS, LLC a Washington limited liability company, (hereinafter referred to as "Declarant") for WEST VILLAGE PHASE 2

RECITALS:

WHEREAS, on February 26, 2018, the Declaration of Covenants, Conditions, Restrictions and Easements of West Village Phase 1 was executed by Badger Developers, LLC, as the Declarant, which Declaration was recorded under Benton County Auditor's File No. 2018-005349; and

WHEREAS, pursuant to Section 13.1 of the Declaration, the Declarant has the option to amend the Declaration on behalf of all Lot Owners, as follows:

13.1 Amendments by Declarant or Association. Declarant acting alone may amend this Declaration at any time during the Development Period on Declarant's sole signature, subject to the approval of the Master Board, which approval shall not be unreasonably withheld. All Owners agree to be bound by such amendment or amendments as made by the Declarant pursuant to this provision, and hereby grant to Declarant a full and complete power of attorney to take any and all actions necessary to effectuate and record such amendments. This Declaration may also be amended at any time by the Association if Owners having sixty-seven percent (67%) or more of the total outstanding votes in the Association vote for such amendment subject to the approval of the Master Board, which approval shall not be unreasonably withheld, provided that during the Development Period, no such amendment shall be valid without also obtaining prior written consent of the Declarant.

and;

WHEREAS, pursuant to Section 1.13 of the Declaration, the Development Period is defined as:

1.13 "Development Period" shall mean the period of time from the date of recording of the first plat in West Village Phase 1 until all of the Real Property has been platted and title to 100% of the Lots have been transferred to retail purchasers or any shorter period, as determined by the Declarant at Declarant's sole discretion. For purposes of this definition "retail purchasers" means a person who purchases a Lot for purposes of residing in or renting the Housing Unit or Units thereon and shall not include any person who purchases one or more Lots for the purpose of constructing Housing Units thereon for resale. A Builder is not a retail purchaser.

and;

WHEREAS, the Development Period is currently ongoing;

and;

WHEREAS, pursuant to Section 1.29 of the Declaration, the "Real Property" and "West Village Phase 2" is defined as:

1.29 "Real Property" and "West Village Phase 2" shall both mean the real property described in Exhibit A, and any additions thereto as may hereafter be

subjected to the terms of this Declaration and all improvements and structures now or hereafter placed thereon.

WHEREAS, on September 5, 2019, the plat for Phase 3 was recorded with the Benton County Auditor under Auditor's File No. 2019-026381 with the intention that Phase 3 be annexed directly into Phase 2 as provided by the Second Amendment to the Declaration of Covenants, Conditions, Restrictions, Easements for West Village, Phase 2 and Annexation of Real Property, recorded under Benton County Auditor's File No. 2019-026673. The legal description for the annexed property was inadvertently omitted from Benton County Auditor's File No. 2019-026673 and is corrected here along with the additional annexation of Phase 4;

NOW WHEREFORE, the Declaration is hereby amended as follows:

Section 1.15 is hereby deleted in its entirety and is replaced by "'Housing Unit' shall mean a single family dwelling, or duplex as permitted on only Phase 3 Lots 5, 12, 41, 46 and 56; Phase 4 Lots , 17 and 24."

Section 7.12 shall be deleted in its entirety and is replaced by the following:

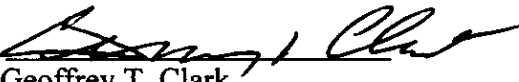
7.12. Fees. The ACC may charge a fee for review of any matter submitted to it. Any fee schedule adopted by the ACC must be approved by the Board. The initial application fee for submission of plans and specifications is \$277.00 which must be paid at the time the application is submitted. The first submission's application fee may be collected by the ACC at the closing of the lot. Subsequent application fees shall be paid upon the submission of a new application.

Section 8.11.1 is hereby amended to include the following sentence: "White vinyl fences may be approved at the sole discretion of the ACC."

Pursuant to Section 1.29 and Section 13.1, Declarant further annexes and add the following property legally described in **Exhibit A** to the Real Property subject to the Declaration:

IN WITNESS WHEREOF the undersigned has executed this Second Amendment to the Declaration of Covenants, Conditions, Restrictions, and Easements for West Village Phase 2 on: 11-12-19, 2019

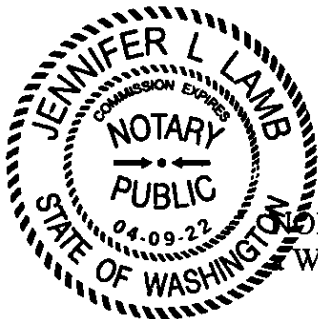
BADGER DEVELOPERS, LLC,
a Washington limited liability company

By: 
Geoffrey T. Clark
Managing Member Declarant

STATE OF WASHINGTON)
)
County of hinton) SS.

I certify that I know or have satisfactory evidence that Geoffrey T. Clark 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 acknowledged it as the managing member of Badger Developers, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 11-12-19



[Signature]
NOTARY PUBLIC
Print Name Jane Lamb

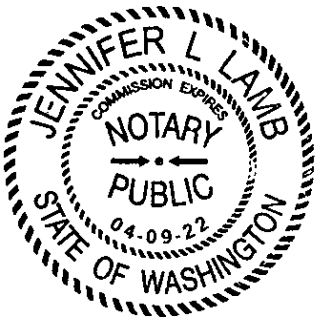
My appointment expires: 4.9.2022

NOR AM INVESTMENT, LLC,
Washington limited liability company
By [Signature]
Geoffrey T. Clark
Managing Member

STATE OF WASHINGTON)
)
County of) SS.

I certify that I know or have satisfactory evidence that ^{Geoffrey T Clark} 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 acknowledged it as the managing member of Nor Am Investment, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 11-12-19



[Signature]
NOTARY PUBLIC
Print Name Jane Lamb

My appointment expires: 4.9.2022

**EXHIBIT A
LEGAL DESCRIPTION
WEST VILLAGE PHASE 3**

THAT PORTION OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 32 TOWNSHIP 9 NORTH, RANGE 28 EAST WILLAMETTE MERIDIAN, SITUATE IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE SOUTH 89°06'09" WEST 3310.35 FEET ALONG THE SOUTH LINE OF SAID SECTION 32;

THENCE NORTH 0°53'51" WEST 1529.81 FEET TO A POINT ON THE SOUTH LINE OF LOT 56 OF THE PLAT OF WEST VILLAGE PHASE 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 576, RECORDS OF BENTON COUNTY AND THE TRUE POINT OF BEGINNING;

THENCE THE FOLLOWING 17 COURSES ALONG THE NORTH BOUNDARY OF THAT PARCEL DESCRIBED IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2018-013075, RECORDS OF BENTON COUNTY, WASHINGTON:

THENCE NORTH 87°24'32" EAST 114.03 FEET;
THENCE NORTH 86°35'33" EAST 56.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 422.00 FEET, THENCE NORTHERLY 39.98 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°25'44" (THE LONG CHORD OF SAID CURVE BEARS NORTH 00°41'14" WEST 39.97 FEET);
THENCE SOUTH 87°58'22" EAST 128.34 FEET;
THENCE NORTH 00°09'18" EAST 7.55 FEET;
THENCE NORTH 12°02'14" EAST 87.31 FEET;
THENCE NORTH 28°58'43" EAST 85.92 FEET;
THENCE NORTH 43°58'55" EAST 84.69 FEET;
THENCE NORTH 60°03'45" EAST 85.26 FEET;
THENCE NORTH 67°00'55" EAST 393.99 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2547.00 FEET, THENCE SOUTHEASTERLY 12.83 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°17'19" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 22°55'10" EAST 12.83 FEET);
THENCE NORTH 66°56'10" EAST 160.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2387.00 FEET, THENCE LEAVING THE NORTH LINE OF SAID PARCEL SOUTHEASTERLY 240.60 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°46'31" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 25°57'05" EAST 240.50 FEET);
THENCE SOUTH 61°09'40" WEST 160.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2547.00 FEET, THENCE NORTHWESTERLY 1.37 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°01'51" (THE LONG CHORD OF SAID CURVE BEARS NORTH 28°49'25" WEST 1.37 FEET);
THENCE SOUTH 61°11'31" WEST 104.39 FEET;

THENCE SOUTH 22°59'05" EAST 50.58 FEET;
THENCE SOUTH 32°20'20" EAST 226.74 FEET;
THENCE SOUTH 52°14'18" WEST 681.96 FEET;
THENCE SOUTH 83°05'03" WEST 90.47 FEET;
THENCE SOUTH 06°54'57" EAST 120.00 FEET;
THENCE SOUTH 83°05'03" WEST 9.48 FEET;
THENCE SOUTH 06°54'57" EAST 171.69 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL;
THENCE THE FOLLOWING SIX COURSES ALONG THE SOUTH AND WEST LINES OF SAID PARCEL:

THENCE SOUTH 85°55'33" WEST 194.61 FEET;
THENCE SOUTH 89°11'52" WEST 56.00 FEET;
THENCE NORTH 00°48'08" WEST 72.83 FEET;
TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00
FEET; THENCE NORTHWESTERLY 41.94 FEET ALONG THE ARC OF SAID CURVE THROUGH A
CENTRAL ANGLE OF 96°06'50";

THENCE SOUTH 83°05'03" WEST 54.65 FEET;
THENCE NORTH 06°54'57" WEST 166.00 FEET;
THENCE NORTH 06°36'41" WEST 542.40 FEET;
TO THE TRUE POINT OF BEGINNING.

CONTAINS 16.51 ACRES, MORE OR LESS.

**EXHIBIT A
LEGAL DESCRIPTION
WEST VILLAGE PHASE 4**

THAT PORTION SECTION 32 TOWNSHIP 9 NORTH, RANGE 28 EAST WILLAMETTE MERIDIAN, SITUATE IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE SOUTH 89°06'09" WEST 2906.78 FEET ALONG THE SOUTH LINE OF SAID SECTION 32; THENCE NORTH 0°53'51" WEST 743.71 FEET TO THE SOUTHEAST CORNER OF LOT 43, PLAT OF WEST VILLAGE PHASE 3, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 654, RECORDS OF BENTON COUNTY AND THE TRUE POINT OF BEGINNING;

THENCE THE FOLLOWING ELEVEN COURSES ALONG THE SOUTHEASTERLY AND NORTHEASTERLY BOUNDARY OF SAID PLAT: THENCE NORTH 06°54'57" WEST 171.69 FEET; THENCE NORTH 83°05'03" EAST 9.48 FEET; THENCE NORTH 06°54'57" WEST 120.00 FEET; THENCE NORTH 83°05'03" EAST 90.47 FEET; THENCE NORTH 52°14'18" EAST 681.96 FEET; THENCE NORTH 32°20'20" WEST 226.74 FEET; THENCE NORTH 22°59'05" WEST 50.58 FEET; THENCE NORTH 61°11'31" EAST 104.39 FEET; THENCE SOUTH 28°49'25" EAST 1.37 FEET; THENCE NORTH 61°09'40" EAST 160.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2387.00 FEET; THENCE NORTHWESTERLY 240.60 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°46'31" (THE LONG CHORD OF SAID CURVE BEARS NORTH 25°57'05" WEST 240.50 FEET) THENCE LEAVING SAID PLAT BOUNDARY AND PROCEEDING ALONG THE BOUNDARY OF THAT PARCEL CONVEYED BY QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2018-013596, RECORDS OF BENTON COUNTY FOR THE FOLLOWING TWENTY-THREE COURSES: THENCE NORTH 66°56'11" EAST 62.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 2325.00 FEET; THENCE SOUTHEASTERLY 1121.41 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 27°38'07" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 36°52'52" EAST 1110.57 FEET) THENCE SOUTH 39°18'00" WEST 62.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY 41.26 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 94°33'33" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 82°01'18" WEST 36.73 FEET) TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 272.00 FEET;; THENCE SOUTHERLY 168.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°32'39"; THENCE SOUTH 00°48'08" EAST 62.54 FEET; THENCE SOUTH 89°11'52" WEST 56.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD OF SAID CURVE BEARS NORTH 45°48'08" WEST 35.36 FEET) THENCE SOUTH 89°11'52" WEST 173.00 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00"; THENCE SOUTH 00°48'08" EAST 10.00 FEET; THENCE SOUTH 89°11'52" WEST 166.00 FEET; THENCE SOUTH 00°48'08" EAST 275.00 FEET; THENCE SOUTH 89°11'52" WEST 74.74 FEET; THENCE SOUTH 58°11'21" WEST 75.14 FEET; THENCE

NORTH 37°45'42" WEST 371.47 FEET; THENCE NORTH 19°19'36" WEST 63.25 FEET; THENCE SOUTH 52°14'18" WEST 186.00 FEET; THENCE NORTH 37°45'42" WEST 8.90 FEET; THENCE SOUTH 52°14'18" WEST 110.00 FEET; THENCE SOUTH 26°09'44" WEST 28.89 FEET; THENCE NORTH 66°30'50" WEST 53.95 FEET; THENCE SOUTH 85°55'33" WEST 60.07 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 17.98 ACRES, MORE OR LESS.