

93-38291

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CITY VIEW 316 - 2690

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for City View dated May 9, 1989 were recorded in Volume 183, Page 2688, Official Records of Deschutes County, Oregon, and

WHEREAS, the real property described in Exhibit "A" to said Declaration was submitted to said Covenants, Conditions and Restrictions, and

WHEREAS, City Heights, Inc., is the successor in interest to the Declarant under the terms of the Declaration of Covenants, Conditions and Restrictions, and

WHEREAS, City Heights, Inc., is the owner of Lots 1 thru 34, City View, Phase II, which comprise more than 51 percent of all of the lots subject to said Covenants, Conditions and Restrictions, and

WHEREAS, City Heights, Inc., as the owner of more than 51 percent of said lots has, by execution of this document, consented to the Amendment of said Declaration of Covenants, Conditions and Restrictions,

NOW, THEREFORE, the Declaration of Covenants, Conditions and Restrictions for City View is hereby amended as follows:

1. Section 3.1 is amended to read as follows:

"3.1 Approval Required. No improvement, as defined in Section 1.8 above, shall be erected, placed, altered, maintained, or permitted to remain on any land subject to this Declaration until final plans and specifications have been submitted to and approved in writing by Declarant. All approvals shall be in conformance with the building site established on each lot by the Declarant for City View, Phase I. Building sites for City View Phase II will be within the setbacks established in the Architectural Rules and Guidelines."

2. Section 4.13 is amended to read as follows:

"4.13 View. The height of vegetation and trees on a lot shall not materially restrict the view of other lot owners. The Declarant shall be the sole judge of the suitability of such heights. If the Declarant determines there is such restriction in the view of the other lot owners, written notice shall be delivered to

- 1 - SECOND AMENDMENT TO DECLARATION (RSL:OLSO14)

FIRST AMERICAN TITLE CO.
OF DESCHUTES COUNTY
P. O. BOX 323
BEND, OREGON 97703

Holmes Hurley Bryant Lowlin Lynch
ATTORNEYS AT LAW
40 N.W. Greenwood P.O. Box 1151 Bend, Oregon 97709-1151 (503) 322-4331 Fax (503) 389-3386

the offending lot owner. If after 30 days the improvement, vegetation or trees are not removed or reduced in height as directed by the Declarant, the Declarant shall enter the offending lot, complete the removal or reduction, charging the owner of the lot the reasonable costs for the work done. This section is not to be read as justification to create views not present when the lot was originally purchased. Each lot owner does acknowledge that every lot owner has the right to build a home not exceeding 30 feet in height and that their views may be affected in the future."

3. Section 4.14 is amended to read as follows:

"4.14 Parking. A minimum of two enclosed garage parking places and two exterior open guest parking spaces must be provided for each lot in City View, Phase I, and lots 1 thru 10 in Phase II, and a minimum of two enclosed places must be provided for each Lots 11 thru 34 in City View, Phase II, and each parking place must meet the standards set by the Declarant. No extended parking on any street shall be allowed by any house trailer, travel trailer, boat trailer, camper or incapacitated motor vehicle. Camping trailers, trucks, motorhomes, campers, boats, cars under repair and boat trailers may not be parked or placed on any lot for any extended period over three days outside of an enclosed garage."

4. Section 4.16 is hereby amended to read as follows:

"4.16 Square Footage Minimum. Any single-family residence to be located on Lots 11 thru 34, City View, Phase II, shall be a minimum of 1,250 square feet in size, not including any garage. All other single-family residences to be located on any other lots shall be a minimum of 1,700 square feet in size with a minimum of 1,200 square feet being on the first floor, not including any garage."

5. Add a new Section 4.18 Consolidation of Lots as follows:

"4.18 Consolidation of Lots. An owner of a lot in West Hills 4th Addition may consolidate a portion of any contiguous lot within City View Phase II with their adjoining lot, provided that the remaining portion within City View Phase II shall comply with the minimum lot sizes under the applicable City of Bend Zoning and Subdivision Ordinances, and provided that the owner shall receive approval of a lot consolidation from the City of Bend. The remaining portion of the City View Phase II lot shall be subject to the Declaration of

- 2 - SECOND AMENDMENT TO DECLARATION (RSL:OLSO14)

Holmes Hurley Bryant Lawler ■ Lynch
ATTORNEYS AT LAW

40 N.W. Greenwood P.O. Box 1151 Bend, Oregon 97709-1151 (503) 382-4331 Fax (503) 389-3386

Covenants, Conditions and Restrictions for City View, and the portion of the City View lot that was added to the West Hills 4th Addition shall still be encumbered by the Declaration of Covenants, Conditions and Restrictions for City View, with the exception that the owner of such consolidated lot shall not become a member of the City View Tennis Club, Inc., and shall not be subject to the payment of assessments for City View Tennis Club, Inc.

In the event that both lots are consolidated into one, the entire consolidated area may be used for the construction of only one residence.

Areas which have been consolidated may at no time in the future be partitioned.

IN WITNESS WHEREOF, the Successor in Interest to the Declarant has executed this Amendment to Declaration of Covenants, Conditions and Restrictions this 26th day of Oct, 1993.

CITY HEIGHTS, INC.

By [Signature]

STATE OF OREGON, County of Deschutes, ss:
The foregoing instrument was acknowledged before me this 26th day of Oct, 1993, by James R. Olson as President of CITY HEIGHTS, INC., on behalf of said corporation.

SHARON KUNKEL
NOTARY PUBLIC - OREGON
My Commission Expires 2-28-94

[Signature]
Notary Public for Oregon
My Commission Expires 2-28-94

- 3 - SECOND AMENDMENT TO DI

Holmes Harde

40 N.W. Greenwood P.O. Box 1151 Bend, O

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY:

03 OCT 26 PM 2:01

MARY SUE PENHOLLOW
COUNTY CLERK

[Signature]
BY: [Signature] DEPUTY
NO. 33-38291 FE 16
DESCHUTES COUNTY OFFICIAL RECORDS