

**VOL: 2000 PAGE: 39636**  
**RECORDED DOCUMENT**

STATE OF OREGON  
COUNTY OF DESCHUTES



\*2000-39636 \* Vol-Page

Printed: 09/29/2000 15:43:10

**DO NOT REMOVE THIS CERTIFICATE**

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME: Sep. 29, 2000; 3:40 p.m.

RECEIPT NO: 26666

DOCUMENT TYPE: Planned Community  
Subdivision Declaration

FEE PAID: \$36.00

NUMBER OF PAGES: 2

A handwritten signature in cursive script that reads "Mary Sue Penhollow".

MARY SUE PENHOLLOW  
DESCHUTES COUNTY CLERK

36

2000-39636-1

**DECLARATION OF CONDITIONS AND RESTRICTIONS  
FOR LOT ONE (1) CREEKSIDE SUBDIVISION**

Recorded by AmeriTitle as an accommodation only. No liability is accepted for the condition of title or for the validity, sufficiency, or effect of this document.

**THIS DECLARATION OF CONDITIONS AND RESTRICTIONS** for Lot One (1), Creekside Subdivision, is made this 27<sup>th</sup> day of September, 2000, by **CREEKSIDE DEVELOPMENT PROPERTIES, LLC ("Declarant")**.

Declarant is the owner of Lots 1 through 22, Creekside Subdivision, located in the north one-half of the northeast one-quarter of Section Nine (9), Township Fifteen (15)S, Range Ten (10)E, Willamette Meridian, Deschutes County, City of Sisters, Oregon. This Declaration only burdens Lot One (1) of Creekside Subdivision.

City of Sisters' Findings and Decision for Subdivision Approval for Creekside dated July 7, 1999, includes condition No. 15, to-wit:

"In the event that no other suitable secondary access to Timbercreek Subdivision is possible, Creekside Subdivision shall provide bridge and road right-of-way".

City of Sisters has recognized long term traffic flow from the Timbercreek area is a concern and some method acceptable to the City should be planned to handle future traffic. In order of preference, the City has determined the following possible options to solve this traffic concern:

- A. Obtain the access to the highway just east of the ballfield as originally proposed by Timbercreek;
- B. Improve a route north and west to disburse traffic into the city grid system with signage to encourage use of alternative highway accesses including Cedar, Larch, Spruce and other streets to the west;
- C. Widen East Cascade Street and improve traffic flow through intersections to the highway; and
- D. Construct a bridge over Squaw Creek.

At this time, neither Declarant nor the City can determine whether a bridge and road right-of-way will be needed across Lot one (1) in Creekside Subdivision. To plan for this possibility, this Declaration is intended to preserve Lot One (1) until secondary access to the Timbercreek Subdivision is approved by the City of Sisters.

*OR ITS SUCCESSORS*

**Declaration of Conditions and Restrictions for Lot One (1), Creekside Subdivision**

*R.*  
*9-28-00*

*FB*  
*1*

*Cheryl*

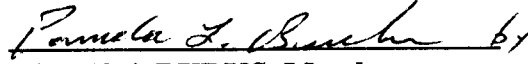
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AmeriTitle  
15 OREGON AVENUE, BEND

Declarant, therefore, agrees that no structures shall be constructed on Lot One (1) until suitable secondary access to Timbercreek Subdivision is achieved pursuant to written approval of Condition #15 of Creekside Subdivision decision dated July 7, 1999. If no suitable secondary access to Timbercreek Subdivision can be obtained except through construction of a bridge over Squaw Creek, then Declarant shall provide the City of Sisters with a bridge and road right-of-way across Lot One (1).

Upon approval of Timbercreek Subdivision Final Plat or upon written approval by City of Sisters that suitable secondary access to Timbercreek Subdivision has been obtained, Declarant has the right to remove these conditions and restrictions from Lot One (1) and this Declaration will have no further force or effect.

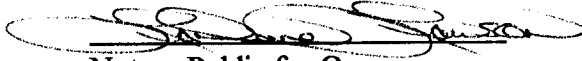
**CREEKSIDE DEVELOPMENT PROPERTIES LLC**

  
\_\_\_\_\_  
**ROB ORTON, Member**

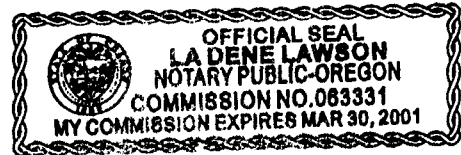
  
\_\_\_\_\_  
**PAMELA BURKS, Member**  
*Floyd E. Burks as her*  
*ATTORNEY IN FACT*

STATE OF OREGON            )  
  ) ss.  
County of Deschutes        )

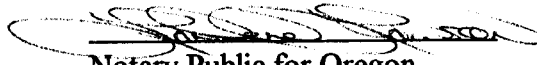
SUBSCRIBED AND SWORN to before me this 27<sup>TH</sup> day of September, 2000, by Rob Orton.

  
Notary Public for Oregon  
My Commission Expires: 3-30-01

STATE OF OREGON            )  
  ) ss.  
County of Deschutes        )



SUBSCRIBED AND SWORN to before me this 27<sup>TH</sup> day of September, 2000, by Floyd Burks (Recorded Power of Attorney for Pamela Burks).

  
Notary Public for Oregon  
My Commission Expires: 3-30-01

