

KIWANDA SHORES MAINTENANCE ASSOCIATION  
BOARD OF DIRECTORS

RESOLUTION CLARIFYING STATUS OF “UN-PLATTED LOTS”

RECITALS:

A. Kiwanda Shores Planned Unit Development (“Kiwanda Shores”) is a planned unit development in Tillamook County, Oregon, that has been established in numerous phases and described in various declarations (including amended declarations and supplemental declarations) and plats that have been recorded in the deed and plat records of Tillamook County, Oregon;

B. Generally, the declarations and plats for each phase or addition to Kiwanda Shores have been coordinated and consistent with each other, so that almost all lots in Kiwanda Shores are legally described by reference to a particular plat, for example, “Lot \_\_, Block \_\_, \_\_\_\_ Addition to Kiwanda Shores”, making it clear that the lots are included in Kiwanda Shores and are subject to the recorded declarations;

C. There are six lots that are within the areas described in recorded declarations as being included in Kiwanda Shores, but which are not included in any of the plats for Kiwanda Shores, so that those lots (“un-platted lots”) are not legally described as set forth in Recital B. above:

D. This has resulted in uncertainty as to the legal status of the six lots, although the Kiwanda Shores Maintenance Association (“the association”) and the owners of the lots have historically treated them as being included within Kiwanda Shores;

E. The board of directors of the association wishes to create a document clarifying the status of the six lots in order to prevent uncertainty on the part of future boards;

F. Two of the six un-platted lots are identified for convenience (without their metes and bounds legal descriptions) as Tax Lots 101 and 1100 on Tillamook County Assessor's Map 4S 11 24DA, a copy of which map is attached hereto, marked "Exhibit A." Those lots were added to the Sixth Addition to Kiwanda Shores by the document entitled "Amendment to Declaration of Conditions and Restrictions Affecting Sixth Addition to Kiwanda Shore, recorded on or about April 8, 1990 in Book 327, Page 406, Tillamook County Records, which described the additional property being added to said Sixth Addition as follows:

"That portion of Government Lot 3 in Section 24, Township 4 South, Range 11 West of the Willamette Meridian that is bounded on the South by the North line of Lot 17, Block 12, Sixth Addition to Kiwanda Shores; bounded on the North and East by Sea Swallow Drive and on the West by the East lines of Lots 10, 11 and 12, Block 11, Fifth Addition to Kiwanda Shores.  
EXCEPTING THEREFROM that parcel of land conveyed to Harry B. House, et ux, by deed recorded January 4, 1977 in Book 248, page 491, Tillamook County Records."

G. The other four of the six un-platted lots are identified for convenience as Tax Lots 7901, 7902, 7903, and 7904 on Tillamook County Assessor's Map 4S 11 24 DD, a copy of which map is attached hereto, marked "Exhibit B." . The property now comprising those lots was included in the document entitled "Supplemental Declaration Submitting the Seventh Addition to Kiwanda Shores Planned Unit Development" that was recorded on or about February 15, 1991 in Book 333, Page 379, Tillamook County Records, and which included said property as "Parcel II" of "Exhibit A", described as follows:

"A tract of Land located in the Southwest quarter of Section 24, Township 4 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, and more particularly described as follows: Commencing at the Initial Point of KIWANDA SHORES FIRST ADDITION and running thence South 7° 57' 46" East 349.52 feet to the Southeast corner of Lot 5, Block 3, KIWANDA SHORES FIRST ADDITION, and the TRUE POINT OF BEGINNING of the tract to be described; thence South 11° 15' 25" East 120.20 feet; thence South 11° 15' 25" East 6.37 feet; thence South 4° 27' 44" East 113.85 feet; thence South 82° 02' 14" West 100.00 feet to the East right-of-way boundary of Ocean Drive; thence Northwesterly along the East right-of-way boundary of Ocean Drive to the Southwest corner of Lot 5, Block 3, KIWANDA SHORES FIRST ADDITION; thence North 82° 02' 14" East 100.00 feet to the TRUE POINT OF BEGINNING."

H. Tax Lots 7904, 7903, and 7901 (referred to in Recital G. above) were subsequently created as Parcels 1, 2, and 3 of Partition Plat 1991-18 recorded on May 8, 1991, in Plat Cabinet B323-1, Partition Plat Records of Tillamook County, Oregon.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF DIRECTORS OF KIWANDA SHORES MAINTENANCE ASSOCIATION, AS FOLLOWS:

1. The recitals above are hereby adopted as findings of the Board of Directors; and
2. The six un-platted lots identified as Tax Lots 101 and 1100 on Tillamook County Assessor's Map 4S 11 24DA and Tax Lots 7901, 7902, 7903, and 7904 on Tillamook County Assessor's Map 4S 11 24 DD, and which are depicted on Exhibits A and B attached hereto, are, and shall continue to be, recognized as lots validly included within Kiwanda Shores, and subject to the same benefits and burdens as all other lots within Kiwanda Shores.

THIS RESOLUTION is duly adopted by the Board of Directors this 14 day of Mar, 2012.

Debbie Halley  
President

Ronald S. Hunt  
Secretary