

1543573

VOL 951 PAGE 755

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS: That NORTON CLAPP, hereinafter called the Declarant, does hereby declare as follows:

WHEREAS, Declarant is the owner of real property situated in Pierce County, Washington, hereinafter referred to as "said property"; particularly described as follows:

Lots 1 to 7, inclusive, less right-of-way, Block 7; Lots 1 to 11, inclusive, less right-of-way, Block 8; Lots 5 to 7 and Lots 8 to 12, inclusive, less right-of-way, Block 9; Lots 1 to 12, inclusive, Block 23; All located in FLETT.

Lots 1 to 15, inclusive, plus vacated road, Block 17; Lots 1 to 17, less the Sly 20 ft. thereof and plus vacated roads and Lots 18 to 25 inclusive and the Wly 5 ft. of Lot 26, less Gravelly Lake Drive, Block 19; Lots 1 and 2, plus vacated roads, Lots 12 and 13 and Lots 16 to 18, inclusive, Block 20; Lots 1 to 29, inclusive, plus vacated roads and less Gravelly Lake Drive, Block 21; Lots 1 to 25, inclusive, plus vacated road, Block 22; Lots 1 to 19, inclusive, plus vacated road, Block 23; Lots 1 to 6, inclusive, plus vacated road and Lots 9 to 14, inclusive, Block 24; Lots 3 to 9, inclusive, plus vacated road, Block 25; Lots 1 to 7, inclusive, less Bridgeport Way, Block 26; Lots 1 to 13, inclusive, Less Bridgeport Way, Block 27; Lots 1 to 18, inclusive, less Bridgeport Way, Block 28; Lots 1 to 20, inclusive, less Bridgeport Way, Block 29; Lots 1 to 13, inclusive, Block 30.

All located in LAKEWOOD SUBDIVISION NUMBER ONE.

Lots 1 to 4, inclusive, Block 18; Lots 7 to 10, inclusive and Lot 12, Block 19; Lots 9 and 10, Block 20; Lots 1 to 7, inclusive, Block 21; Lots 1 to 8, inclusive and Lots 11 and 12, Block 27; Lots 6 to 13, inclusive, and Lots 14 to 16, less the Ely 25 ft. thereof, Block 28; Lots 1 and 2 and Lots 12 to 22, inclusive, Block 29; Lots 1 to 9, inclusive, Block 30; Lots 1 to 3, inclusive, Block 34.

All located in CLINTON.

Lots 1 to 7, inclusive and Lots 16 to 30, inclusive, Block 1; Lots 5 to 8, inclusive and Lots 25 to 28, inclusive, all less right-of-way and Lots 31 and 32, Block 2; Lots 5 to 12, inclusive, Lots 14 to 27, inclusive and Lots 28 to 30, inclusive, less right-of-way, Block 3; Lots 5 to 7, inclusive, less right-of-way, and Lots 20 to 30, inclusive, Block 4; Lots 1 to 28, inclusive, Block 5; Lots 5 to 8, inclusive, Lots 18 to 21, inclusive and Lot 23, Block 6; Lots 5 to 8, inclusive, Lots 17 to 30, inclusive and Lot 31, if any, Block 7; Lots 5 to 18, inclusive, Block 8; Lots 1 to 30, inclusive, Block 9; Lots 1 to 15, inclusive and Lots 17 to 30, inclusive, Block 10; Lots 2 to 16, inclusive and Lots 18 to 31, inclusive, Block 11; Lot 1 and Lots 16 to 22, inclusive, Block 12; Lots 1 to 6, inclusive and Lots 9 to 15, inclusive, Block 13; Lots 1 to 8, inclusive, Block 14; Lots 1 to 8, inclusive, Block 15.

All located in SEELEY'S LAKE PARK.

Section 35, Township 20 N, Range 2 E. WM. Dia. 3/31. Beginning at the intersection of the Nly line of Motor Ave. and East line of Lakewood Subdivision No. 1; thence North along subdivision line 18 ft. to Southeasterly line of Gravelly Lake Drive; thence N39 deg 11' E along said line 177 ft; thence S 50 deg 49' E, 112.38 ft. to Nwly line of Motor Ave; thence along said line S 67 deg 01' W, 216 ft. , more or less to place of beginning.

Section 35, Township 20 N, Range 2 E. WM. Commencing at the Southwest corner of the Southeast  $\frac{1}{4}$ ; thence N 89 deg 49' W, 5.0 ft. and N 0 deg 11' 45" E, 5.0 ft. to true point of beginning; thence S 0 deg 11' 45" W, 120.70 ft.; thence N 50 deg 52' 04" E, to Southeasterly line of Gravelly Lake Drive; thence Northeasterly along said Southeasterly line of Gravelly Lake Drive 146.49 ft.; thence S 0 deg 11' 45" W, 62.62 ft. to true P.O.B.

Section 35, Township 20 N, Range 2 E. WM. Beginning at the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; thence North 71.64 ft.; thence Northeasterly along the Southerly line of Gravelly Lake Drive 480.39 ft.; thence S 26 deg 37' E 322.50 ft.; thence West 573.64 ft. to p.o.b.

Section 35, Township 20 N, Range 2 E. WM. Commencing at the Southwest corner of the North  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ ; thence East 932.16 ft. to true point of beginning; thence N 26 deg 37' W, 234.14 ft.; thence N 62 deg 59' E, 240 ft.; thence S 26 deg 37' E, 273.64 ft. to Northerly line of Puget Sound Power & Light Co. right-of-way; thence S 66 deg. 30' W, 185.25 ft.; thence West 61.60 ft. to true point of beginning.

Section 35, Township 20 N., Range 2 E. WM. Commencing at the Southwest corner of the North  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ ; thence East 993.76 ft. to the Westerly line of the Puget Sound Power & Light Co. right-of-way; thence N 66 deg 30' E, 265.40 ft. to true point of beginning; thence N 26 deg 37' W, 278.57 ft.; thence N 62 deg 59' E, 560 ft.; thence south 26 deg 37' E, 313.08 ft. to Northerly line of said right-of-way; thence S 66 deg 30' W, 561.05 ft. to true point of beginning.

Section 35, Township 20 N, Range 2 E. WM. Beginning at the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; thence S 0 deg 11' 45" W, 425 ft. to the Northwesterly line of the Puget Sound Power & Light Co. right-of-way; thence S 67 deg 01' W along said right-of-way a distance of 235.19 ft.; thence N 50 deg 52' 04" W, 63.0 ft.; thence N 39 deg 07' 56" E, 412.92 ft.; thence N 0 deg 11' 45" E, 157.0 ft.; thence S 89 deg 49' E, 5.0 ft to point of beginning.

Section 2, Township 19 N, Range 2 E. WM Beginning 30 ft. South and 30 ft. West of Lot 3; thence West 136.07 ft.; thence South 281.49 ft.; thence East 140 ft. to point 30 ft. West of East line of Lot 3; thence North 281.52 feet to point of beginning. Less Bridgeport Way.

Section 2, Township 19 N, Range 2 E. WM. Beginning on the Westerly line of Gravelly Lake Drive at its intersection with a line parallel with and 30 ft. South of the North line of the NW  $\frac{1}{4}$  of Section 2, Township 19 N, Range 2 E. WM; thence on said parallel line, West 460.14 ft. to the Easterly line of Pacific Traction Company right-of-way; thence on said line of right-of-way, Southerly 93.53 ft. to a line parallel with said North line of section and 123.49 Southerly therefrom; thence parallel with said North line, East 442.82 ft. to the West line of Gravelly Lake Drive; thence Northerly 95.62 ft. to point of beginning.

Section 35, Township 20 N., Range 2 E. WM. Beginning at the Southeast corner of the Southwest  $\frac{1}{4}$ ; thence S 89 deg 55' 45" W, 30.0 ft. to true point of beginning; thence S 89 deg 55' 45" W, 47.54 ft.; thence N 49 deg 33' 45" W, 316.34 ft.; thence N 40 deg 26' 15" E, 175 ft.; N 0 deg 11' 45" E, 389.24 ft. to the Southeasterly line of the Puget Sound Power & Light Co. right-of-way; thence N 66 deg 57' 15" E, along said right-of-way, 190.61 ft.; thence S 0 deg 11' 45" W, 802.28 ft. to p.o.b.

Section 35, Township 20 N, Range 2 E. WM. Beginning at the intersection of the East line of Lakewood Subdivision No. 1 with the South line of Section 35, Township 20 N, Range 2 E. WM; thence N 0 deg 01' 45" W, 392.70 ft.; thence S 49 deg 33' 45" E, 604.47 ft.; thence S 89 deg 55' 45" W, 459.82 ft. to point of beginning.

Section 23, Township 20 N., Range 2 E. WM. Beginning 30 ft. West and 804.01 ft. North of the Southeast corner of the Northeast  $\frac{1}{4}$ ; thence West 135 ft.; thence North 264 ft.; thence East 135 ft.; thence South 264 ft. to point of beginning.

Section 22, Township 20 N., Range 2 E. WM. That part of the following lying Westerly and Southerly of Bridgeport Way: Commencing at the Northwest corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; thence East along the North line of said subdivision 860 ft. to point of beginning; S 0 deg 14' W, 1030.80 ft. to Northerly line of Steilacoom-Meadow Park Co. Road; thence S 73 deg 37' E, 400 ft.; thence on a curve to the left, radius 686.3 ft, central angle 27 deg 0' a distance of 75 ft, more or less to the East line of said subdivision; thence N 0 deg 14' E, 1170 ft, more or less, to the Northeast corner of said subdivision; thence West 461.65 ft to point of beginning; excluding roads.

Section 22, Township 20 N., Range 2 E. WM. Beginning at the intersection of the Southwesterly line of Bridgeport Way with the West line of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; thence South along said subdivision line 285 ft., more or less, to Northerly line of County Road; thence Easterly along said Northerly line of County Road, 355 ft., more or less, to its intersection with the Southwesterly line of Bridgeport Way; thence Northwesterly along said Southwesterly line to point of beginning. Less roads.

Section 34, Township 20 N., Range 2 E. WM. Beginning on the prolongation of the South line of Block 11, Plat of the Town of Custer, at a point 60.0 ft. West of the Southwest corner of said block; thence running West on said line 100 ft.; thence North, parallel to West line of said Block, 120.0 ft.; thence East 100 ft.; thence South 120.0 ft. to point of beginning.

Section 34, Township 20 N., Range 2 E. WM. Beginning at a point 12 ft, North and 30 ft. West of the intersection of the centerline of Cherry Street and centerline of Water Street in Plat of the Town of Custer; thence West at right angles 259.50 ft.; thence South at right angles 60 ft.; thence West at right angles 58 ft.; thence South at right angles 67 ft.; thence West at right angles to the Government meander line of Steilacoom Lake; thence Northerly along said meander line to the Southerly line of Oak Street; thence Easterly along the South line of Oak Street to a point 85 ft. West of the West line of Water Street; thence South 264 ft.; thence East 85 ft. to West line of Water Street; thence South 19 ft. to point of beginning.

Section 34, Township 20 N., Range 2 E. WM. Beginning at a point 12.0 ft. North and 30.0 ft. West of stone monument designated as the intersection of the center lines of Cherry and Water Streets in the recorded plat of the Town of Custer; thence at right angles West to the West line of Water Street a distance of 259.50 ft. to a property corner; thence South at right angles 90 deg. for a distance of 60.0 ft. to a property corner; thence West at right angles 90 deg. for a distance of 58.00 ft.; thence South at right angles 67.00 ft.; thence West at right angles to the Government Meander line; thence along the Government Meander line Southeasterly to its intersection with the South line projected of vacated Flora Street; thence East along the projected South line of vacated Flora Street to an intersection with the west line of County Road; thence in a Northeasterly direction along the West line of County Road at an angle of 115 deg. 18' to the South line of Flora Street a distance of 40.63 ft. to an intersection with the West line of Water Street; thence North along the West line of Water Street a distance of 330.27 ft. to point of beginning.

WHEREAS, Declarant desires to subject said property to the conditions and restrictions for the benefit of said property and its present and subsequent owners as hereinafter specified,

NOW, THEREFORE, Declarant hereby declares that the above property is and shall be held and conveyed upon and subject to the conditions, covenants, restrictions and reservations hereinafter set forth:

#### ARTICLE I.

No animals or fowls shall be raised, kept or permitted upon said property or any part thereof, excepting only domestic dogs or cats, and excepting caged pet birds, provided that said dogs, cats and pet birds are not kept, bred or raised for commercial purposes or in such numbers as to create a nuisance to the owners of adjoining property.

#### ARTICLE II.

Said property shall not, nor shall any part thereof, be used for the purpose of exploring for, taking from, or producing therefrom, gas, oil or other hydrocarbon substances.

#### ARTICLE III.

No persons except persons who shall be of the Caucasian race shall be allowed to purchase, nor allowed to use or occupy said property or any part thereof, except in the capacity of domestic servants, chauffeurs or employees of the occupants thereof.

#### ARTICLE IV.

(A) In construing this Declaration or any part thereof, stipulations which are necessary to make this Declaration or any of its terms or provisions reasonable are implied.

(B) The determination by any court that any of the provisions of this Declaration are unlawful or void shall not affect the validity of any of the other provisions thereof.

(C) All of the conditions, restrictions and covenants set forth in this declaration are imposed upon said property for the direct benefit thereof, and of the owners thereof, or those having a contract interest in the purchase of any portions thereof, or as mortgagees of any portion thereof, as a part of the general plan of development heretofore or hereafter adopted for the improvement thereof; and such conditions, restrictions and covenants shall run with the land and continue and be in force and effect until January 1, 1975, and shall, as then in force, be automatically continued without further notice from that time for a further period of ten years, and thereafter for successive periods of ten years each without limitation, unless at least one year prior to January 1, 1975 or at least one year prior to the expiration of any successive ten year period thereafter a written agreement executed by the then record owners or contract purchasers

in possession of 75 per cent or more in area of said property then subject to this declaration, exclusive of streets, parks, and open spaces, be placed on record in the office of the County Auditor of Pierce County, Washington, changing, modifying or extinguishing any of said conditions, restrictions or charges as to all or any part of the property then subject thereto, in the manner and to the extent provided, in which event the unextinguished, unchanged and unmodified conditions, restrictions and covenants, and the conditions, restrictions and covenants as therein changed or modified, shall continue in force for successive periods of ten years each, unless and until further changed, modified or extinguished in the manner hereinabove provided; PROVIDED FURTHER, that Declarant reserves to himself, his successors and assigns, the right and power, so long as the ownership of the affected property shall be in the Declarant, to change, modify or extinguish any of said conditions, restrictions or covenants as to all or any part of the property subject thereto.

#### ARTICLE V.

In any legal or equitable proceeding by Declarant or the owner or owners of any portion of said property, or their or each of their legal representatives, heirs, successors and assigns for the enforcement of or to restrain a violation of this Declaration or of any provision thereof, the losing party shall pay to the prevailing party such attorney's fees as to the court may seem reasonable in such suit or action, and shall by decree provide. However, nothing contained in this Declaration or in any form of deed or contract which may be used by Declarant, his successors or assigns, in selling said property or any part thereof shall be deemed to vest or reserve in Declarant any right of reversion or re-entry for breach or violation of any one or more of the provisions hereof. Nothing herein contained shall prevent the Declarant from executing and filing for record a further Declaration of Restrictions governing, but not limited to, the area of building tracts, the location of buildings thereon, set back lines, cost, character and number of buildings on a single tract, use for other than residential purposes, or such other restrictions as may be deemed necessary or which may be required by, or which shall meet the approval of the Planning Commission of Pierce County or of the officials of said County, in connection with the platting thereof, or of any mortgagee or any agency insuring the payment of any mortgage on any one or more of the several tracts or lots into which said property may be platted.

IN WITNESS WHEREOF, the Declarant has executed this  
instrument this 13th day of February, 1950.

NORTON CLAPP

By A.H. Link  
His Attorney in Fact

STATE OF WASHINGTON )  
COUNTY OF PIERCE ) ss:

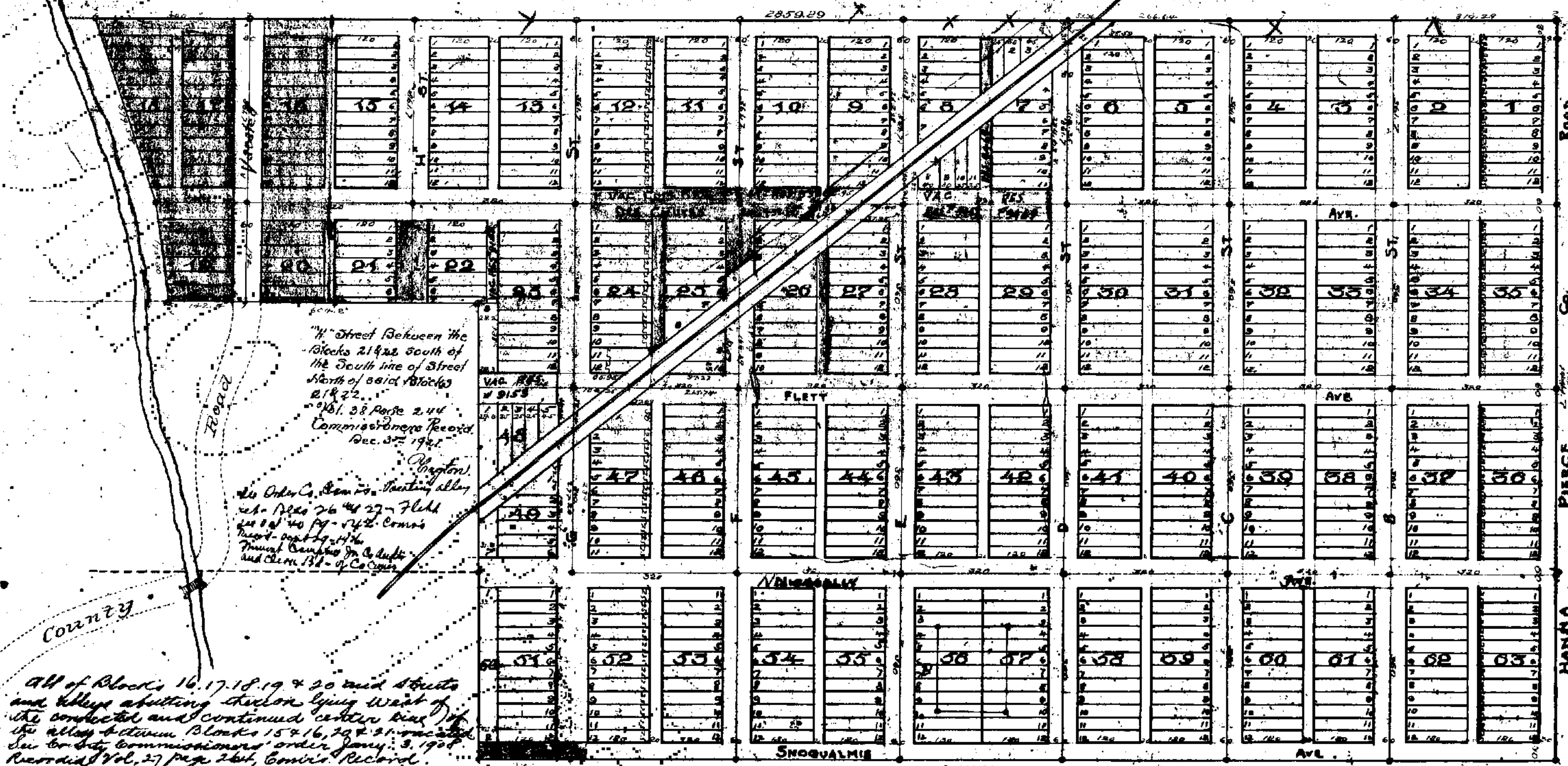
I, the undersigned a Notary Public in and for the State  
of Washington, do hereby certify that on this 14<sup>th</sup> day of February,  
1950, personally appeared before me A.H. LINK, attorney in fact for  
NORTON CLAPP, to me known to be the individual described in and who  
executed the within instrument, and acknowledged that he signed and  
sealed the same as his free and voluntary act and deed, for the uses  
and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year first above written.

Edna F. McJinnis  
Notary Public in and for the State  
of Washington, residing at Tacoma.



Filed for record Feb. 14 1950 3 28 P.M.  
Request of Kaherband Develop. Co.  
JACK W. SONNTAG, Co. Auditor



For reference only, not for re-sale.

Tract comprises all of the following described back land viz:  
Beginning at the Northwest corner of the John Bradley Donation Claim, run Section 20 Township 20 N. Range 2 East W. 1.  
run thence West along the North boundary of said Donation Claim 2809.20', thence South 18.36' East 474.08', thence South 0.04' East  
10530' to the North boundary of John Little's Claim, thence East 602.2' to the Northeast corner of said reserve, thence South 588', thence  
East 2107.01' to the east boundary of said Donation Claim, thence North 1441.7' to the place of beginning. See and  
except the reserve bounded by red lines shown in blocks 54 and 55 also Right of Way of the Tacoma and Lake  
City Railroad

The sizes of blocks and lots, the widths of all highways, the lengths of boundaries, the distance along street centers and the magnitudes of angles are measured in the plot by red figures & representing feet and decimals thereof.

Numbers and names are shown below.

Measurements are shown by small black circles. The top of the map is North.

The Initial Point is the North East corner

Now: It is known that we Charles Flett and the California Fruit Growers of the above described tract of land have caused the same to be surveyed and plotted as shown hereon and being the same under the title of FLETT and we do hereby donate and dedicate to public use forever all the highways so far as shown hereon and upon the said tract.

Witness our hands this 22<sup>nd</sup> day of May A.D. 1870.

Witnesses { B. F. Bringolf  
J. A. Hintermaier

Charles Cather ☐  
 W. C. Cather ☐

State of Washington } ss.  
County of Pierce }

County of Pierce I, On this 22<sup>nd</sup> day of May A.D. 1890 personally appeared before me, a duly qualified Notary Public in and for the State of Washington, Charles Cathin and E. J. Cathin, his wife, to me known to be the individuals who signed the above instrument of dedication and acknowledged the same to be their free act and deed.

In Witness whereof I have hereunto set my hand and affixed my official seal the day and year first above written in this certificate

J. C. Wintermute  
Notary Public in and for State of Washington

The above list is a correct delineation of *Platt* as surveyed by me.

Edw. H. Sumner  
Surveyor

Filed at the request of J. J. Wintermute this 23<sup>rd</sup> Day of May A.D. 1890 at 38 min. past 10 o'clock A.M.

Edward Heggins

Auditor's Office to

By W. H. Hollis Dy

## BOUNDARY LINE REVISION

IN FILE AF# 8509190287

BOUNDARY LINE REVISION - A  
S. L. REVISION AND

D.L. REVISION - NF# 91020

ORDINANCE # 224162

VACATING ALLEYS - AF# 8804130232

130/45