

**White Water Estates  
Board of Directors**

**14 September 2008**

**NOTICE**

**Requirements for the Maintenance and Upkeep of Community Trails**

- 1. REFERENCE:** This notice is established under the authority of the following documents:
  - a. Pierce County Title 18 Development Regulations – General Provisions.
  - b. Pierce County Short Plat with Private Road and Utilities Easement for Whitewater Estates, recorded on April 14, 1989 under recording number 8812300401.
  - c. The Plat of Whitewater Estates Div. II, recorded Mar 12, 1993 under recording number 9312030124.
  - d. White Water Estates Declaration of Protective Covenants, Conditions and Restrictions (CCR)
  - e. White Water Estates Board of Directors Notice, Fine Process and Schedule for White Water Estates, dated 9 April 2008.
  
- 2. PURPOSE:** This document provides White Water Estates Board of Director (BOD) interpretation and guidance for the use and maintenance of community Equestrian / Pedestrian Trails. White Water Estates has numerous Equestrian / Pedestrian Trail Easements identified on the Plat Maps (reference 1.b. and 1.c. above). These trails have all been marked and are in use by the community. The community CCR (reference 1.d. above) does not address these community trails, but does discuss “green belts or natural buffer areas or green trail”. The Equestrian / Pedestrian Trails that pass through private property are not Green Belts or Natural Buffer Areas. Therefore, there is no specific guidance in our CCR pertaining to the Equestrian / Pedestrian Trail easements. The Equestrian / Pedestrian Trail Easements, as the name implies, gives legal right to use the land described in the easement for that purpose. It also restricts the owner’s use of the land (reference 1.a. above, specifically 18.25.030 – Easement).
  
- 3. EQUESTRIAN / PEDESTRIAN TRAIL DESCRIPTION AND RESTRICTIONS:** Equestrian / Pedestrian Trails are clearly marked on the community Plat Maps (reference 1.b. and 1.c. above). They are 10 feet wide. If the trail easement is between two lots, the easement takes 5 feet from each lot. There is one exception for lots with trail easements on each side of the property line dividing White Water Estates (WWE) I and II, where there are parallel easements making that portion of the trail 20 feet wide (10 foot easements on each side of the WWE I and II division). This impacts WWE I lots 50, 49, 48, and 47, along with WWE II lots 1, 6, 7, 9, and 10 who each have 10 foot easements. For all other lots, if the easement goes solely through one lot, all 10 feet of the easement come from the lot it passes through. Since the easement is strictly for equestrian and pedestrian use, no motorized vehicular traffic, other than equipment used to maintain the trails, are allowed on these trails. Also, since the easement is for a trail, lot owners are restricted from planting or placing obstacles on the trail that would impede the trail’s intended use. Trails that go through lot owner property are owned and maintained by the lot owner. Our CCR (reference 1.d. above, specifically Article III, Section 11) require lots to be maintained in clean fashion. Owners are required to remove noxious weeds, including scotchbroom, thistle, and nettles. This includes the trail easements, which are not Green Belt or Natural Buffer Areas. Lot owners are therefore expected to maintain Equestrian / Pedestrian Trails in the same manner as the rest of their property. This means that lot owners are responsible for regularly mowing their trail easements. Furthermore, owners should cut and remove low-hanging limbs from their trail easements, so that horseback riders can

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easily negotiate the trails. Equestrian / Pedestrian trails that go through community property and wet lands will be maintained by the Community Arena and Trail Maintenance Committee.

- 4. BOD ACTION FOR NON-COMPLIANCE WITH NOTICE:** Lot owners who fail to maintain the Equestrian / Pedestrian Trails on their property will receive a CCR violation (specifically, CCR Article III, Section 11) notice requiring the lot owner to take corrective action. Failure to comply may lead to imposition of a fine as specified in reference 1.e. above.

This notice will remain in effect until retracted or modified by the BOD, or until the current CCR have be revised and properly ratified by the community.

Sincerely,

Buryl E. Dooley  
BOD President