

From: [Oliver Orjiako](#)
To: [Jeffrey Delapena](#)
Subject: FW: Poorly written Covenant to the Heritage Farm does not protect the Farm
Date: Tuesday, September 3, 2024 8:25:30 AM

Hello Jeff:

Please, for the record. Thanks.

From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
Sent: Friday, August 30, 2024 8:44 PM
To: Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>; Brent Davis <Brent.Davis@clark.wa.gov>
Subject: Poorly written Covenant to the Heritage Farm does not protect the Farm

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Clark County Council
August 30, 2024
P.O. Box 5000
Vancouver, Washington 98666

FOR THE PUBLIC RECORD

RE: Poorly written Covenant to the Heritage Farm does not protect the Farm

Dear Councilors,

Clark County Citizens United, Inc. is voicing concerns over the Covenant language that was adopted by the Council for the Heritage Farm. It has no teeth, and opens the land to anyone and everyone. CCCU has copied and pasted the document, and highlighted text which we believe must be removed from the Covenant, to make the Farm a public entity that will serve the public for years to come.

Surely the Councilors noticed the open language of the text, before they adopted it. It states, "**and any future owners of said parcel...**" The one and only "owners" of the land is supposed to be Clark County, Washington. There should not be "future owners", even considered or mentioned in the text.

It also states, "**and/or its assigns and successors in interest into whose**

ownership said property may pass,". The one and only owner of the property is Clark County and the land should not be passing to any assigns and successors, that the ownership would pass. That text needs to be removed.

This Covenant does not accomplish the preservation of the land for permanent future public use, and needs to be corrected, if in fact the goal of preserving the Farm was for the public and the reason for the Covenant, it needs to read as such. But as it is written, it doesn't.

Sincerely,

Carol Levanen, Exec. Secretary
Clark County Citizens United, Inc.
P.O.Box 2188
Battle Ground, Washington 98604

CONSERVATION COVENANT RUNNING WITH THE LAND Grantor (owner): Clark County
Grantee: Clark County and any future owners of said parcel
Legal Description: _____ Assessor's
Property Tax Parcel/Account Number(s): _____

A COVENANT to Clark County **and any future owners of said parcel**, made by the owner, Clark County, Washington, of certain real property identified in Exhibit "A" on behalf of itself **and/or its assigns and successors in interest into whose ownership said property may pass**, agrees that this covenant shall run with the land. It is the purpose of this covenant that certain areas shown in Exhibit "B" will be maintained in a protected state as follows: 1. It is the purpose of this covenant to require that the areas as shown on the aforementioned plot plan will be maintained for the education, demonstration, preservation, and interpretation of the site's natural features and farming history. 2. The adopted master plan for the 78th Street Heritage Farm will serve as the land use document for the use and development of the parcel. Future adopted master plans will replace the current master plan. 3. Additionally, the site will be managed consistent with the National Register of Historic Places (Clark County Poor Farm). 4. The provisions of this covenant are enforceable in law or equity by Clark County and its successors.

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604
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