

DECLARATION OF COVENANT

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In consideration of the approval by Spokane County of ARROWHEAD SOUTH P.U.D. (Spokane County File No. P1710) (hereinafter referred to as the "plat"), the undersigned covenants and agrees that:

1. The subdivider/sponsor will construct the drainage facilities in conformance with the approved plans on file in the County Engineer's Office.
2. The ARROWHEAD SOUTH HOMEOWNERS' ASSOCIATION or its successors in interest shall maintain the drainage facilities in conformance with the approved plans and maintenance procedures on file in the County Engineer's Office.
3. The Owners of any lot created by the Plat or alteration thereof shall be responsible for maintenance of associated drainage facilities, in conformance with approved plans on file with the County Engineer's Office.
4. Maintenance, financing of the drainage facilities shall be in a manner determined by the ARROWHEAD SOUTH HOMEOWNERS ASSOCIATION or their successors in interest.
5. Should the ARROWHEAD SOUTH HOMEOWNERS ASSOCIATION be terminated for any reason, the successors in interest shall be the individual lot owners, or their successors in interest, who are members of the ARROWHEAD SOUTH HOMEOWNERS ASSOCIATION at the time of said termination.
6. In the event such drainage facilities are improved to Spokane County standards for public streets, and the County is willing to accept the dedication of such road and drainage facilities, each lot owner shall execute any conveyance documents necessary to accomplish such dedication.
7. Owners of lots within the Plat may sue and recover damages and attorneys' fees from any owner of any lot within the Plat which is also served who refuses to participate in the drainage facilities construction, financing, and maintenance.
8. **WARNING:** Spokane County has no responsibility to build, improve, or maintain or otherwise service the drainage facilities contained within or providing service to the property described in the Plat. By accepting this Plat or subsequently by allowing a building permit to be issued for property in the Plat, Spokane County assumes no obligation for said private road and the owners hereby acknowledge that the County has no obligation of any kind of nature whatsoever to establish, examine, survey, construct, alter, repair, improve, maintain, or provide drainage from the drainage facilities serving this Plat.
9. Spokane County is hereby granted the right of ingress and egress to all private roads, and/or drainage easements, for the purpose of inspection and emergency maintenance of drainage swales, and any other drainage facilities, if not properly maintained by the ARROWHEAD SOUTH HOMEOWNERS ASSOCIATION, or their successors in interest. Spokane County does not accept the responsibility to inspect and maintain the drainage easements or drainage swales, nor does the County accept any liability for failure by the ARROWHEAD SOUTH HOMEOWNERS ASSOCIATION, or their successors in interest to properly maintain such areas.
10. The lot owners within the Plat shall be held responsible for keeping open and maintaining the surface path of natural or man-made drainage flow over and across their respective properties.

11. The lot owner or his representative shall inform each succeeding purchaser of all drainage easements on the property and of his responsibility for maintaining surface drainage paths and swales within said easements.
12. The ARROWHEAD SOUTH HOMEOWNERS ASSOCIATION shall maintain all water quality treatment swales ("208 swales") and drainage ditches situated within this Plat, and any portion of a 208 swale situated in the public right-of-way adjacent to this Plat, with a permanent ground cover as specified on the current approved plans on file with the County Engineer's Office. The ARROWHEAD SOUTH HOMEOWNERS ASSOCIATION, or their successors in interest, may install approved shrubbery and/or trees which do not obstruct the flow and percolation of storm drainage water in the 208 swales and drainage ditches, as indicated by the current approved plans on file with the County Engineer's Office.
13. Spokane County does not accept the responsibility of maintaining the drainage course on private lots within drainage easements or floodplain areas, nor the responsibility for any damage, whatsoever, including but not limited to inverse condemnation to any properties due to deficient construction and/or maintenance of drainage courses in drainage easements on private property.
14. Whenever the ARROWHEAD SOUTH HOMEOWNERS ASSOCIATION, or their successors in interest, fail to maintain the drainage facilities in conformance with the approved drainage plan and maintenance procedures, a notice of such failure may be given to the ARROWHEAD SOUTH HOMEOWNERS ASSOCIATION, or their successors in interest, by the County. If not corrected within the period indicated on said notice, the County has the right to correct the maintenance failure, or to have it corrected, at the expense of the ARROWHEAD SOUTH HOMEOWNERS ASSOCIATION, or their successors in interest.]
15. Any building that is constructed on a lot in this plat shall be set at such an elevation so as to provide positive drainage away from any drainage entry point to the building (including but not limited to a window well, a window unprotected by a window well, or a doorway). Said positive drainage shall consist of a minimum slope of 3% away from the building for a distance of at least 10 feet from the building. The lots shall be graded so that either a) all runoff is routed away from the building, and conveyed over the lot to a natural drainage swale or approved drainage facility, or b) drainage intercepted on the lot is disposed of on the lot in an approved drainage facility. The approved drainage facility shall be constructed in accordance with the approved plans on file at the County Engineer's Office. Any revisions to the approved drainage plans must be approved by the County Engineer's Office prior to construction of said revisions.
16. The Plat is located within a drainage basin which has been identified by Spokane County as having stormwater runoff problems. Since this Plat is affected by, or is a contributor to stormwater flows, the property owners, or their successors in interest, agree to participate in the planning and implementation of a future basin-wide stormwater management system and/or assessment district. The property owners, or their successors in interest, agree to pay such rates and charges as may be fixed through public hearings, for service or benefit obtained by the planning, design, construction, maintenance, or operation of stormwater control facilities.
17. This covenant and agreement shall run with the land and shall be binding upon the owner, their heirs, successors or assigns, including the obligation to participate in the maintenance of the private road and drainage facilities as provided herein.

STUDY AND REPORT OF THE
INTEROFFICE

REQUIREMENTS
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W. E. Eng

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attn. Halsey