5225736

31/21

FINAL PLAT
DAYSTAR ESTATES SECOND ADDITION

A PORTION OF THE SE 1/4 OF SECTION 13,
TOWNSHIP 24 NORTH, RANGE 42 EAST, W.M.
SPOKANE COUNTY, WASHINGTON

SHEET 1 OF 2

Plat # 3732

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Daystar Estates, LLC, a Washington Limited Liability Company, has caused to be platted into Lots and Tracts the land shown hereon to be known as DAYSTAR ESTATES SECOND ADDITION, described as follows:

The West half of the Southeast Quarter of Section 13, Township 24 North, Range 42 East, Willamette Meridian;

EXCEPT the West 330 feet of the South 660 feet thereof;

AND EXCEPT the South 30 feet thereof for county road;

situate in the County of Spokane, State of Washington.

Building setbacks shall be determined at the time building permits are requested.
The setbacks may be varied from if proper zoning approvals are obtained.

Utility easements shown on the herein described plat are hereby dedicated for the use of serving utility companies for the construction, reconstruction, maintenance, protection, inspection and operation of their respective facilities, together with the right to prohibit changes in grade that will reduce the existing coverage over installed underground facilities and the right to trim and/or remove trees, bushes, landscaping and to prohibit structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same.

Bridle Trails and Access Easements as shown hereon are dedicated to the Daystar Estates Homeowners Association.

Drainage Tracts "C" and "D" as shown hereon are hereby dedicated to the Daystar Estates Homeowners Association.

That in consideration of Mutual Benefits now or to be hereafter derived, do for themselves, their heirs, grantees, assigns and successor(s) in interest hereby request and authorize Spokane County to include the above described property in a Road Improvement District (RID) and to support the formation of a Road Improvement District for improvement of the road(s) described below by requesting and authorizing Spokane County to place their name(s) on a petition for the formation of a Road Improvement District pursuant to RCW 36.88.050, or by requesting and authorizing Spokane County to cast their ballot in favor of a RID being formed under the resolution method pursuant to RCW 36.88.030, and/or by not filing a protest against the formation of a RID being formed under the alternative resolution method provided for in RCW 36.88.065 and Chapter 35.43 RCW.

If a RID is proposed for improvement of the road(s) described below, said owner(s) and successor(s) further agree: (1) that the improvements or construction contemplated within the proposed RID are feasible and (2) that the benefits to be derived from the formation of the RID by the property included therein, together with the amount of any County participation, exceeds the cost and expense of formation of the RID, and (3) that the property within the proposed RID is sufficiently developed; provided, they, their heirs, grantees, assigns and successor(s) shall retain the right, as authorized under RCW 36.88.090, to object to any assessment(s) on the property as a result of the improvements called for in conjunction with the formation of a RID by either the petition or resolution method under Chapter 36.88 RCW and to appeal to the Superior Court the decision of the Board of County Commissioners confirming the final assessment roll; provided further, it is recognized that actual assessments may vary from assessment estimate so long as they do not exceed a figure equal to the increased true and fair value improvement(s) add(s) to the property.

It is further acknowledged and agreed that at such time as a RID is created or any County Road Improvement project is authorized by Spokane County, the improvements required shall be at the sole expense of the owner(s) of property within the RID or served by the improvements without any monetary participation by Spokane County.

The RID waiver contained in this agreement shall expire after ten (10) years from the date of execution below. This provision is applicable to Taylor Road.

The owners of lots within this subdivision shall access through private roads as shown hereon. The ingress, egress and utility easements shown on Record of Survey recorded in Book 81 of Surveys, Pages 83–85, shall become null and void.

The private road as shown is an easement which provides a means of ingress and egress for those lots within the Plat having frontage thereon, and is subject to the separate Declaration of Covenant recorded May 23, 2005 under Auditor's Document No. 5219650 which by reference is made a part hereof.

WARNING: Spokane County has no responsibility to build, improve, maintain or otherwise service the private roads contained within or providing service to the property described in this plat. By accepting this plat or subsequently by allowing a building permit to be issued for property on a private road, Spokane County assumes no obligation for said private road and the owners hereby acknowledge that the County has no obligation of any kind or nature whatsoever to establish, examine, survey, construct, alter, repair, improve, maintain, provide drainage or snow removal on a private road. This requirement is and 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 as provided herein.

Subject to specific application approval and issuance of permits by the Health Officer, the use of individual on–site sewage disposal systems may be authorized. Alternative sewage systems may be required.

The sponsor will assume responsibility for the provision of domestic–use water.

Drainage easements and natural drainage channel easements, as platted and shown hereon, which are for the purpose of conveying and storing stormwater runoff, and for installing, operating and maintaining drainage ponds and drainage facilities which dispose of and treat stormwater runoff, are hereby granted to Daystar Estates Homeowners' Association and Spokane County. All tracts are hereby dedicated to Daystar Estates Homeowners' Association for the purpose of conveying and storing stormwater runoff, and for installing, operating, and maintaining drainage ponds and drainage facilities, which dispose of and treat stormwater runoff. Drainage easements are granted to Spokane County over all tracts for inspection and emergency maintenance of stormwater facilities.

Spokane County and its authorized agents are hereby granted the right to ingress and egress to, over and from all drainage easements and tracts for the purposes of inspection and emergency maintenance of the drainage swales, ponds, ditches, culverts, and other drainage facilities, if not properly maintained by the property owner(s) or the Daystar Estates Homeowners' Association. Spokane County does not accept the responsibility to inspect or maintain drainage facilities located outside of public rights–of–way, except in cases where Spokane County specifically assumes that responsibility in writing. Neither does Spokane County accept any liability for any failure by the property owner(s) or the Daystar Estates Homeowners' Association to properly maintain such areas.

The property owner(s) within this 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. If the property owner(s) fail to maintain the surface path of natural or man–made drainage flow, or drainage facilities on private properties, a notice of such failure may be given to the property owner(s). If not corrected within the period indicated on said notice, Spokane County has the right to correct the maintenance failure, or have it corrected, at the expense of the property owner(s).

Spokane County does not accept the responsibility of maintaining drainage courses on private lots 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.

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. All drainage facilities for this plat, including any '208' swales, shall be constructed in accordance with the approved plans on file at the Spokane County Engineer's Office. Any proposed changes to the approved road and drainage plans must be approved by the Spokane County Engineer's Office prior to construction of said changes.

There may exist properties located uphill and adjacent to this subdivision that periodically discharge stormwater runoff onto individual lots within this plat. Stormwater runoff from nearby uphill properties should be expected, and during snow melt periods or wet seasons the lots may be subjected to higher amounts of stormwater runoff than what is normally observed or anticipated. Because stormwater runoff from adjacent properties have discharged onto this plat prior to development, stormwater runoff will likely continue to do so after development.

Basement construction is prohibited within this plat without further design and/or construction recommendations from a Professional Civil Engineer licensed in the State of Washington. Issuance of a building permit will be based upon meeting the criteria outlined in the subsequent report.

The property owner(s) within this plat shall maintain all natural drainage channels, and drainage facilities situated on their respective properties. No structures, including fences, shall be constructed directly over or within a natural drainage channel or drainage facility without the expressed written consent of the Spokane County Engineer. Spokane County does not accept the responsibility to inspect and/or maintain the drainage easements, nor does Spokane County accept any liability for any failure by the lot owner(s) to properly maintain such areas.

The Daystar Estates Homeowners' Association, or it's successors in interest, shall maintain all drainage facilities located in tracts in conformance with the approved plans and the Operations and Maintenance Manual as prepared by the design engineer, Hahn Engineering Inc., both of which are on file at the Spokane County Engineer's Office. Maintenance of drainage facilities includes, but is not limited to, keeping open and cleaning storm pipes, ditches, drainage ponds, swales, etc., and replacement of drainage facilities as needed. The Daystar Homeowners' Association shall be responsible for payment of all claims and other liabilities, which may become due for said maintenance responsibilities.

If the Daystar Estates Homeowners' Association, or their successors in interest, fails to maintain the drainage facilities in conformance with the accepted drainage plans and the Operations and Maintenance Manual as prepared by the design engineer on file at the Spokane County Engineer's Office, a notice of such failure may be given to the Daystar Estates Homeowners' Association, or their successors in interest, by the County Engineer. If not corrected within the period indicated on said notice, Spokane County has the right to correct the maintenance failure, or have it corrected, at the expense of the Daystar Estates Homeowners' Association, or their successors in interest.

Should the Daystar Estates Homeowners' Association be terminated for any reason, the successors in interest shall be the individual lot owners(s), or their successors in interest, who are members of the Daystar Estates Homeowners' Association at the time of said termination. The successors in interest shall share equally in the responsibility and cost of maintaining said drainage facilities.
The tracts and common areas cannot be sold or transferred and shall be considered subservient estates for tax purposes to the other lots created herein. The status of the areas designated as subservient estates for tax purposes cannot be change without filing a replat.

The developer, property owners, and homeowners' association waive any and all claims for damages against any governmental authority arising from the construction, ownership or maintenance of public facilities. This waiver includes claims of any nature, including but not limited to person and real property damages as well as any inverse condemnation claims.

This covenant and agreement shall run with the land in perpetuity, and shall be binding upon the owner(s), their heirs, successors and assigns, including the obligation to participate in the maintenance of the drainage facilities provided herein.

The owners of lots within this subdivision shall be members of the DAYSTAR ESTATES HOMEOWNERS ASSOCIATION, a homeowners association created by document recorded April 3, 2001 by the Secretary of State of the State of Washington under U.B.I. Number 602111297, and subject to the Articles of Incorporation and Bylaws thereof.

The herein described property is subject to terms and conditions of the following instruments:

Easement, including the terms, covenants and provisions thereof, recorded April 13, 2001 under Recording No. 4575854.

Easement, including the terms, covenants and provisions thereof, recorded November 29, 1949 under Recording No. 919430A.

Covenants, Conditions, Restrictions and Easement in Declaration of Restrictions recorded October 14, 2004 under Recording No.'s 5135159 and 5135160.

Title Notice, including the terms, covenants and provisions thereof recorded October 27, 2004 under Recording No. 5139222.

IN WITNESS WHEREOF, the aforesaid parties have affixed their signatures.

DAYSTAR ESTATES, LLC

Michael E. Schmitz

ACKNOWLEDGMENT

State of Washington)
ss.
County of Spokane)

On this 27TH day of May, 2005, before me personally appeared

Michael E. Schmitz, to me known to be the OWNER/MANAGER of the limited liability company that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the seal of said limited liability company.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

Michele L. McInnis
Notary Public in and for the
State of Washington,
residing at Spokane Valley, WA
My commission expires 7/01/08

MICHELE L. MCINNIS — MY COMMISSION EXPIRES JULY 1, 2008 — NOTARY PUBLIC — STATE OF WASHINGTON

SPOKANE COUNTY AUDITOR

Filed for record by DAYSTAR ESTATES LLC this 3RD day of June, 2005, at 54 minutes past 11 o'clock AM; and recorded in Book 31 of Plats at Pages 21-22, Records of Spokane County, Washington.

William D Anderson - Deputy
Spokane County Auditor

SPOKANE COUNTY DEPARTMENT OF BUILDING & PLANNING

Examined and approved this 3RD day of June, 2005.

Spokane County Department of Building & Planning

SPOKANE COUNTY DIVISION OF ENGINEERING AND ROADS

Examined and approved this 1st day of June, 2005.

Spokane County Engineer

SPOKANE COUNTY DIVISION OF UTILITIES

Examined and approved this 2ND day of June, 2005.

Spokane County Division of Utilities

SPOKANE REGIONAL HEALTH DISTRICT

Examined and approved this 3RD day of June, 2005.

for Spokane Regional Health Officer

SPOKANE COUNTY TREASURER

I, Treasurer of Spokane County, Washington, do hereby certify that all taxes which have been levied and become chargeable against the land shown within this map and described in the dedication of this date have been fully paid, satisfied and discharged.
Dated this 3RD day of June, 2005.

Linda M Walaston
Spokane County Treasurer

SPOKANE COUNTY ASSESSOR

Examined and approved this 3rd day of June, 2005.

Ralph Baker by M.K. Abel
Spokane County Assessor

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me, or under my direction, in conformance with the requirements of the Spokane County Subdivision Ordinance.

5/27/05

Bruce R. Larsen, P.L.S.
Certificate No. 26390

BRUCE R. LARSEN — STATE OF WASHINGTON — 26390 — REGISTERED PROFESSIONAL LAND SURVEYOR — EXPIRES: 3-27-06

LandTek, LLC
PROFESSIONAL LAND SURVEYORS
619 N. MADELIA STREET
SPOKANE, WASHINGTON 99202
PHONE (509)926–2821

PW(LL)-1873-00

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FINAL PLAT
DAYSTAR ESTATES SECOND ADDITION

A PORTION OF THE SE 1/4 OF SECTION 13,
TOWNSHIP 24 NORTH, RANGE 42 EAST, W.M.
SPOKANE COUNTY, WASHINGTON

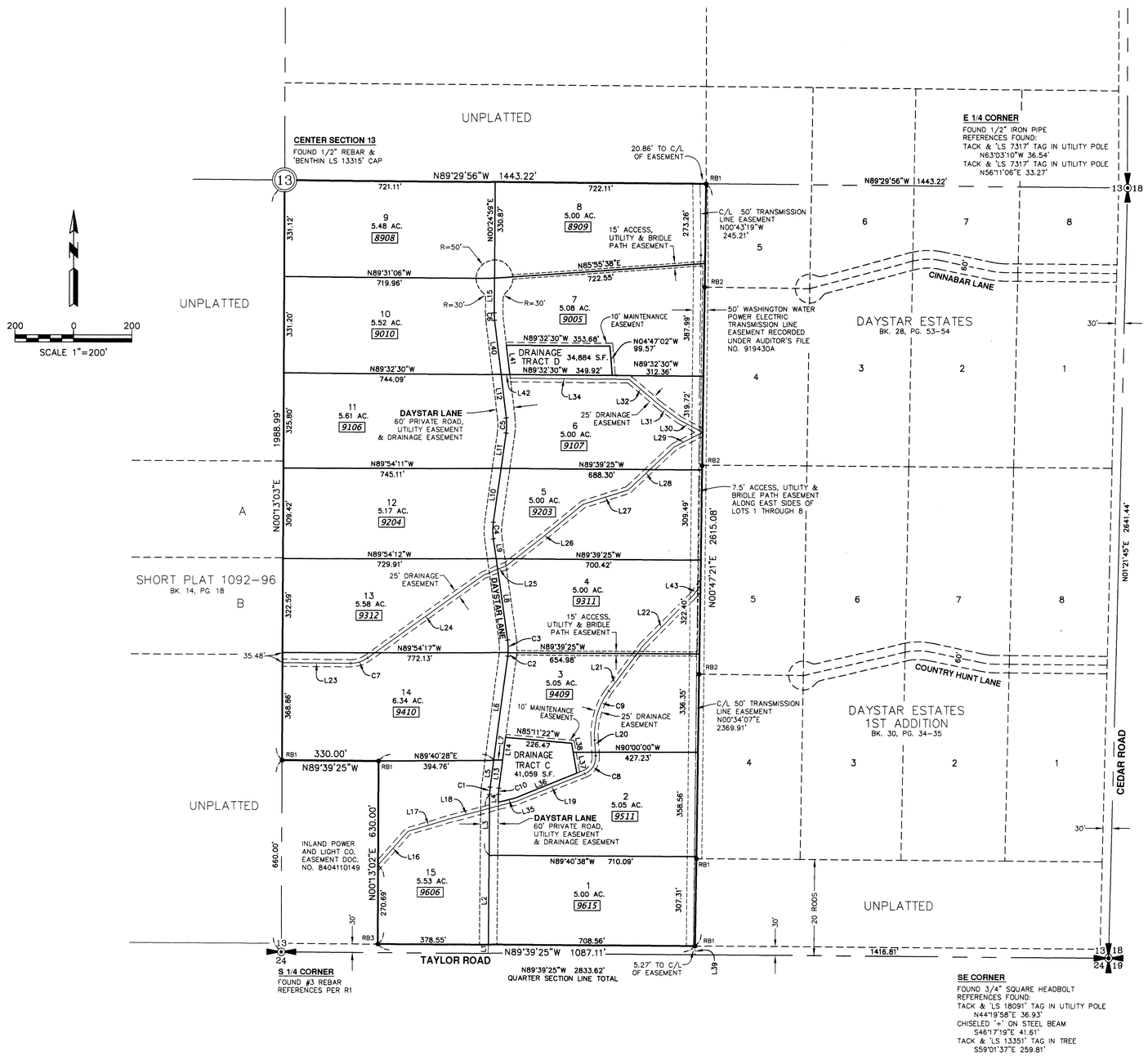
SHEET 2 OF 2

#3732

SPOKANE COUNTY AUDITOR

Filed for record by DAYSTAR ESTATES LLC this 3rd day of June 2005, at 54 minutes past 11 o'clock AM; and recorded in Book 31 of Plats at Pages 21-22 Records of Spokane County, Washington.

William Vanderson Deputy
Spokane County Auditor



LEGEND

RB1 ●	FOUND 1/2" REBAR & 'BENTHIN LS 13315' CAP
RB2 ●	FOUND 1/2" REBAR & 'MEM 35157' CAP
RB3 ●	FOUND 1/2" REBAR & UNREADABLE CAP
[ ]	DEVIATION FROM CALCULATED POSITION
C/L	CENTERLINE
XXXX	LOT ADDRESS

PLAT MONUMENTATION

ALL LOT CORNERS AND PLAT BOUNDARY CORNERS ARE MARKED WITH A 1/2" REBAR WITH PLASTIC CAP STAMPED 'LS 26390', UNLESS SHOWN OTHERWISE.

RECORD DOCUMENTS

R1 FINAL PLAT OF DAYSTAR ESTATES FILED IN BOOK 28 OF PLATS, PAGES 53-54.

R2 RECORD OF SURVEY FILED IN BOOK 81 OF SURVEYS, PAGES 83-85.

R3 RECORD OF SURVEY FILED IN BOOK 34 OF SURVEYS, PAGE 53.

R4 RECORD OF SURVEY FILED IN BOOK 33 OF SURVEYS, PAGE 37.

BASIS OF BEARINGS

N01°21'45"E ALONG THE EAST LINE OF THE SE 1/4 OF SECTION 13, T24N, R42E, W.M. PER FINAL PLAT OF DAYSTAR ESTATES RECORDED IN BOOK 28 OF PLATS, PAGES 53-54, RECORDS OF SPOKANE COUNTY.

EQUIPMENT & PROCEDURES

THIS SURVEY WAS PERFORMED WITH A TOPCON HIPER-LITE GLOBAL POSITIONING SYSTEM USING REAL TIME KINEMATIC SURVEY PROCEDURES.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N00°30'11"E	30.00
L2	N00°30'11"E	307.06
L3	N00°30'11"E	210.91
L4	N00°30'11"E	27.70
L5	N07°37'23"E	92.61
L6	N07°37'23"E	358.46
L7	N89°40'28"E	30.29
L8	N08°02'19"W	282.93
L9	N08°02'19"W	70.85
L10	N08°09'43"E	184.74
L11	N08°09'43"E	123.05
L12	N06°55'56"W	147.85
L13	N07°37'23"E	96.82
L14	N07°37'23"E	77.47
L15	N00°30'11"E	120.33
L16	N41°08'14"E	155.78
L17	N73°07'14"E	145.72
L18	N75°20'30"E	239.98
L19	N67°39'12"E	253.02
L20	N04°08'05"W	53.92
L21	N36°39'18"E	191.37
L22	N44°51'48"E	247.08
L23	S89°35'49"E	232.28
L24	N54°23'25"E	468.39
L25	N68°12'25"E	84.17
L26	N51°00'24"E	337.13
L27	N72°28'39"E	160.64
L28	N46°55'56"E	217.10
L29	N63°01'52"E	109.38
L30	N61°38'35"W	89.87
L31	N54°04'42"W	80.26
L32	N50°09'33"W	141.32
L34	N89°32'30"W	405.53
L35	N75°20'30"E	60.26
L36	N67°39'12"E	227.74
L37	N10°21'34"W	70.93
L38	N10°21'34"W	31.42
L39	N00°47'21"E	30.00
L40	N06°55'56"W	186.24
L41	N06°55'56"W	99.99
L42	N89°32'30"W	30.25
L43	N36°17'19"E	41.33

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	7°07'12"	200.00	24.85
C2	3°27'30"	200.00	12.07
C3	12°12'12"	200.00	42.60
C4	16°12'02"	200.00	56.55
C5	15°05'39"	200.00	52.69
C6	7°26'07"	200.00	25.95
C7	36°00'45"	100.00	62.85
C8	71°45'17"	60.00	75.14
C9	40°45'23"	250.00	177.83
C10	7°07'12"	170.00	21.13

5/27/05

BRUCE R. LARSEN
STATE OF WASHINGTON
26390
REGISTERED
PROFESSIONAL LAND SURVEYOR
EXPIRES: 3-27-06

LandTek, LLC
PROFESSIONAL LAND SURVEYORS
619 N. MADELIA STREET
SPOKANE, WASHINGTON 99202
PHONE (509)926-2821

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