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01/31/2007 02:30P
Spokane Co, WA

AFTER RECORDING RETURN TO:
Spokane County Public Works
Development Engineering Services, 2nd Floor
1026 W. Broadway Ave
Spokane, WA 99260-0170

Document Title: Drainage Declaration of Covenant
Grantor: SV 261, LLC, a Washington limited liability company
Grantee: Spokane County
Abbreviated Legal Description: Portion of Government Lots 2, 3, 5 & 6, Sec. 3, T. 24 N., R. 44 E., and SW ¼ of the SE ¼ of Sec. 34, T. 25 N., R. 44 E., W.M., Spokane County, WA; Plat of ElkRidge Heights (Not Yet Recorded)
Assessor's Tax Parcel Numbers: 44035.9150, 45344.9128, 45344.9129, 45344.9130, 45344.9131, 45344.9132, 45344.9133, 45344.9134, 45344.9135, 45344.9136, 45344.9137, 45344.9138, 45344.9139, 45344.9140, 45344.9141, 45344.9142, and 44032.9154
County Reference No. P-1955

SPOKANE COUNTY ENGINEER'S OFFICE
Spokane County, Washington

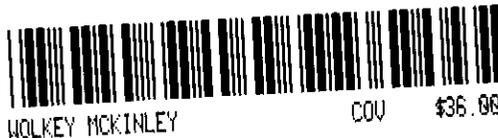
DRAINAGE DECLARATION OF COVENANTS

In consideration of the approval by Spokane County of the Plat of *ElkRidge Heights*, as legally described on Exhibit "A" attached hereto (Spokane County Project No. *P-1955*, hereinafter referred to as the "plat"), the undersigned covenants and agrees that:

Spokane County and its authorized agents are hereby granted the right to ingress and egress to, over and from all public and private drainage easements and Tracts for the purposes of inspection and emergency maintenance of drainage swales, ponds, ditches, culverts and other drainage facilities, if not properly maintained by the property owner or the ElkRidge Heights Homeowners' Association. Spokane County does not accept the responsibility to inspect or maintain any drainage facilities and/or structures 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) to properly maintain such areas.

Drainage Declaration of Covenant - 1

Excise Tax Exempt
Date: Jan 31 2007
Spokane County Treas.
[Signature]



The property owners 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 owners 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. 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.

Spokane County does not accept the responsibility of maintaining the drainage course on private lots or floodplain areas within 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 meet the minimum requirements as set forth in the current building code. 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 accepted plans on file at the Spokane County Engineer's Office. Any proposed changes to the accepted road and drainage plans must be accepted by the Spokane County Engineer's Office prior to construction of said changes.

There may exist properties located uphill and adjacent to this subdivision which 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 has discharged onto this plat prior to development, stormwater runoff will likely continue to do so after development.

If groundwater or mottled soil is encountered during basement excavation, it is Spokane County's recommendation that protective measures that meet the requirements of the current building code, with respect to dampproofing and waterproofing, be implemented as a part of the basement foundation construction.

No basements are allowed on any lot within this plat without a geotechnical report specifically for that lot stating the recommendations for basement construction.

The property owners within this plat shall maintain all natural drainage channels, drainage ditches, and water quality swales ('208' swales) situated on their respective properties, and any portion of a '208' swale situated in a public right-of-way adjacent to their respective properties, with a permanent ground cover as specified in the currently accepted plans on file at Spokane County's Engineer's Office. No structures, including fences, shall be constructed directly over or within a '208' swale without the expressed written consent of the Spokane County Engineer. Property owner(s) maintenance responsibilities shall include, but is not limited to mowing, irrigating, and keeping the area free of debris.



The ElkRidge Heights Homeowners' Association or its successors in interest shall maintain all drainage facilities, located in common areas, easements, and tracts in conformance with the accepted plans and the Operations and Maintenance Manual as prepared by Inland Northwest Consultants, Inc., both of which are on file at the Spokane County's Engineer's Office. Maintenance of drainage facilities includes, but is not limited to, keeping open and cleaning stormwater pipes, structures, ditches, drainage ponds, swales; replacement of drainage facilities as needed; and maintaining live native-type dryland grasses or lawn turf in the pond facilities located in common areas or tracts, with optional shrubbery and/or trees, which do not obstruct the flow and percolation of storm drainage water in the drainage swale as indicated by the accepted plans. The ElkRidge Heights Homeowners' Association is also responsible for removing and disposing of the soils and grass sod located in drainage facilities situated within easements on private lots at such time Spokane County deems necessary, and replacing the soil and grass sod. The ElkRidge Heights Homeowners' Association shall be responsible for payment of all claims and other liabilities which may become due for said maintenance responsibilities.

If the ElkRidge Heights Homeowners' Association, or its successors in interest, fail to maintain the drainage facilities in conformance with the accepted drainage plans and the Operations and Maintenance Manual, on file at the Spokane County Engineer's Office, a notice of such failure may be given to the ElkRidge Heights Homeowners' Association, or its 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 ElkRidge Heights Homeowners' Association, or its successors in interest.

Should the ElkRidge Heights 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 ElkRidge Heights 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 changed 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, their heirs, successors and assigns, including the obligation to participate in the maintenance of the drainage facilities as provided herein.



Exhibit "A"
Legal Description of ElkRidge Heights

Real property located in Spokane County, Washington, legally described as follows:

Portions of Government Lots 2, 3, 5 and 6 in Section 3, Township 24 North, Range 44 East of the Willamette Meridian and the Southwest Quarter of the Southeast Quarter of Section 34, Township 25 North, Range 44 East of the Willamette Meridian, Spokane County, Washington, being more particularly described as follows:

Beginning at the South Quarter corner of said Section 34, monumented by stone with scribed "X" from which the center quarter corner, monumented by 1/2" rebar bears North 00°08'55" East a distance of 2649.19 feet, said South Quarter corner also being the True Point of Beginning for this description; thence along the West line of the Southeast Quarter, North 00°08'55" East a distance of 1324.59 feet to a 1/2" rebar, PLS 18091 marking the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 34; thence along the North line of the Southwest Quarter of the Southeast Quarter, South 89°51'36" East a distance of 1276.36 feet to a 1/2" rebar, PLS 18091 on the West Right-of-Way of State Highway 27; thence South along said West Right-of-Way, South 00°08'04" East a distance of 1068.03 feet to an angle point in said Right-of-Way monumented by a 5/8" rebar, PLS 41953; thence continuing along said Right-of-Way, South 89°51'56" West a distance of 25.00 feet to an angle point in said Right-of-Way monumented by a 1/2" rebar, PLS 18091; thence continuing along said Right-of-Way, South 00°08'04" East a distance of 600.00 feet to an angle point in said Right-of-Way monumented by a 5/8" rebar, PLS 41953; thence continuing along said Right-of-Way, North 89°51'56" East a distance of 25.00 feet to an angle point in said Right-of-Way monumented by a 5/8" rebar, PLS 41953; thence continuing along said Right-of-Way, South 00°08'04" East a distance of 596.76 feet to a 5/8" rebar, PLS 41953 at the intersection of said Right-of-Way and the South line of the North 939.49 feet of Government Lots 2 and 6; thence leaving said Right-of-Way along said South line, North 89°49'47" West a distance of 944.23 feet to a 5/8" rebar, PLS 37544, on the East line of the West Half of said Section 3; thence along said East line, South 00°01'41" East a distance of 22.20 feet to the Northeast corner of the South Half of Government Lot 5, monumented by a 5/8" rebar, PLS 41953; thence continuing along said East line, South 00°01'41" East a distance of 332.86 feet to the Southeast corner of the North Half of the South Half of Government Lot 5, monumented by a 1/2" rebar; thence along the South line of the North Half of the South Half of Government Lot 5, South 89°54'40" West a distance of 1495.05 feet to a 5/8" rebar, PLS 41953 at the Southwest corner of the East 171.03 feet of Parcel "A" of that Record of Survey recorded June 22, 1998, in Book 81 of Surveys at Page 86, under Auditor's File No. 4234877; thence leaving said South line along a line 171.03 feet West of and parallel to the West line of the East Half of the North Half of the South Half of Government Lot 5, North 00°04'33" East a distance of 332.41 feet to a 5/8" rebar, PLS 41953 on the South line of the North Half of Government Lot 5; thence along said South line, South 89°53'37" West a distance of 1.38 feet to a 1/2" rebar, PLS 706, said point being 1151.01 feet Easterly of the West line of said Section 3; thence along a line parallel to said West Section line, North 00°10'47" East a distance of 377.41 feet to a 5/8" rebar, PLS 41953; thence North 89°56'51" East a distance of 834.88 feet to a 5/8" rebar, PLS 41953; thence North 00°03'09" West a distance of 586.81 feet to a point on the North Section line of said Section 3 monumented by a 5/8" rebar, PLS 41953; thence along said North Section line of Section 3, North 89°54'32" East a distance of 319.41 feet to the True Point of Beginning.

Situate in the County of Spokane, State of Washington