



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: *Five Mile Corporation*

Grantee: *Spokane County; Falcon Ridge Spokane Homeowners Association*

Abbreviated Legal Description: *Section 23, Township 26 N, Range 42 EWM, NW ¼, Falcon Ridge 1st Addition*

Assessor's Tax Parcel Numbers: 26232.9174, 26232.9175, 26232.9185, 26232.9186, 26232.9187

County Reference No. P1807B

SPOKANE COUNTY ENGINEER'S OFFICE
Spokane County, Washington

DRAINAGE DECLARATION OF COVENANTS

In consideration of the approval by Spokane County of the Plat of Falcon Ridge 1st Addition (Spokane County Project No. P1807B, hereinafter referred to as the "plat"), undersigned covenants and agrees that:

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 Falcon Ridge Spokane 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 the drainage course 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 5% 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.

Stormwater runoff from this plat (Falcon Ridge 1st Addition P1807B) is conveyed through a storm pipe system to a disposal and treatment facility located within the first phase of Falcon Ridge (P1807) and within the offsite easement recorded under auditors document number 4955676. These drainage facilities and this plat are included in a Special Stormwater Management Service Area (SSMSA) by Resolution

2003-0772 of the Board of County Commissioners of Spokane County, Washington. Within this SSMSA Spokane County will provide perpetual maintenance of certain stormwater facilities and appurtenances. The owner(s), or their successors in interest agree and shall be responsible to pay such rates and charges to the County as fixed through public hearings for service or benefit obtained by the maintenance, operation and replacement of such stormwater facilities and appurtenances.

Spokane County, through the SSMSA, is responsible for maintaining the stormwater facilities located within Tract A of the first phase of Falcon Ridge (P1807) as labeled in the final plat documents and the offsite drainage easements as shown in the SSMSA. Maintenance shall include cleaning the outlet structures, pipes, removing and disposing of the soil and grass sod at such time Spokane County deems necessary, and replacing the soil and grass sod. Spokane County shall not be responsible for maintaining the lawn turf within said tracts and easements, which includes but is not limited to mowing, irrigating, and keeping the area free of debris, as these duties are the responsibility of the Falcon Ridge Spokane Homeowner's Association.

Spokane County does not accept the responsibility of maintaining the drainage course located between Tract A of the first phase of Falcon Ridge (P1807) and the offsite drainage facilities as describe in the SSMSA, nor the responsibility for any damage whatsoever, including, but not limited to, erosion, sediment accumulation, and inverse condemnation to any properties due to deficient construction and/or maintenance of drainage courses in drainage easements on private property.

Spokane County will begin maintaining the drainage facilities as described in SSMSA upon project certification, road establishment, and the successful termination of the two year warranty period of the first phase of Falcon Ridge (P1807). The Falcon Ridge Spokane Homeowner's Association, property owners, or their successors in interest are responsible for the operation and maintenance of the drainage facilities as established in the SSMSA until the certification package for this project is accepted by Spokane County as complete, the roads have been established, and the two year warranty period for this project has successfully passed.

The Falcon Ridge Spokane Homeowners Association or its successors in interest shall maintain the drainage facilities located in Tract A of the first phase of Falcon Ridge (P1807) and the drainage facilities located within the offsite drainage easements as specified in the SSMSA during the time period specified above, in conformance with the approved plans 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 facilities, etc., replacement of drainage facilities as needed, and maintaining live native-type dryland grasses or lawn turf in the swales located in common areas or tracts. Optional shrubbery and/or trees, may be planted upon written approval from Spokane County, which do not obstruct the flow and percolation of storm drainage water in the ponds or causes damage to the underlying liner, as indicated by the approved plans. The Falcon Ridge Spokane Homeowners Association shall be responsible for payment of all claims and other liabilities, which may become due for said maintenance responsibilities.

The lots within this plat are subject to the recommendations regarding basements found in the geotechnical study dated July 1, 2003, prepared by Budinger and Associates, Inc., recorded under Auditors Document Number 4959192, and amended under document number 5280022, which by reference becomes a part hereof.

The property owner(s) within this plat shall maintain all natural drainage channels, drainage ditches, and all water quality swales ('208' swales) situated on their respective properties, and any portion of a '208' swale or drainage conveyance ditch situated in a public right-of-way adjacent to their respective properties, with a permanent ground cover such as live native-type dryland grasses or lawn turf as specified in the currently accepted plans on file at Spokane County Engineer's Office. No structures, including fences, shall be constructed directly over or within a water quality swale, natural drainage channel or drainage ditch 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 Falcon Ridge Spokane Homeowners Association is responsible to keep open and clean related stormwater pipes and/or structures; replacement of drainage facilities as needed; removing and disposing of the soil 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. 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) or the Falcon Ridge Spokane Homeowners Association to properly maintain such areas. Spokane County is only responsible for maintaining the stormwater structures located within the public right of way as shown in the final plat documents and the drainage facilities as specified in the SSMSA. The property owner(s) and/or Falcon Ridge Spokane Homeowners Association shall be responsible for payment of all claims and other liabilities, which may become due for said maintenance responsibilities.

If the Falcon Ridge Spokane Homeowners Association, or their successors in interest, fails to maintain the

drainage facilities in conformance with the accepted drainage plans on file at the Spokane County Engineer's Office, a notice of such failure may be given to the Falcon Ridge Spokane 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 Falcon Ridge Spokane Homeowners Association, or their successors in interest.

Should the Falcon Ridge Spokane Homeowners Association be terminated for any reason, the successors in interest shall be the individual lot owner(s), or their successors in interest, who are members of the Falcon Ridge Spokane 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 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.

IN WITNESS WHEREOF, the aforesaid owners have hereunto set their hand this 20 day of October, 2005

FIVE MILE CORPORATION
A Washington Corporation



By: Robert J. Frisch
Its: President

State of Washington)
)ss
County of Spokane)

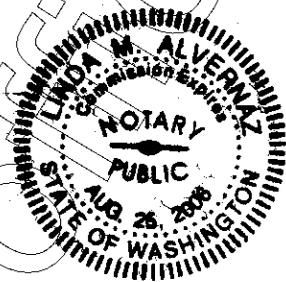
I certify that I know or have satisfactory evidence that Robert J. Frisch is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of Five Mile Corporation to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated 10/20/05

Linda M. Alverez

Notary Public in and
for the State of Washington.

My Appointment Expires: 8/25/06



Unrecorded Document