



AFTER RECORDING RETURN TO:
Spokane County Engineer's
1026 W. Broadway
Spokane, WA 99260-0170

**PUD
DECLARATION OF COVENANT**

Document Title:

Reference Numbers: PE-1787-95

Legal Description: Located in S 1/2, SEC. 25, T.25N., R.43E., W.M.

Parcel Numbers: 35253.9011, 35253.9012, 35253.9014, 35253.9016 and 35253.9094.

Grantor and Grantee: Spokane Television, Inc., a Washington Corporation

SPOKANE COUNTY and BROADMOOR ESTATES SPOKANE HOMEOWNERS ASSOCIATION

In consideration of the approval by Spokane County of **MORGAN MURPHY ESTATES** (hereinafter referred to as the "Plat"), the undersigned covenants and agrees that:

1. The subdivider/sponsor will construct the private roads and associated drainage facilities in conformance with the approved plans on file in the County Engineer's Office.
2. A lot is served by the private road when: (a) the only road frontage for the lot in the Plat is on the private road; or (b) a lot having frontage on more than one road (public or private) constructs an approach to the private road.
3. The BROADMOOR ESTATES SPOKANE HOMEOWNERS ASSOCIATION or its successors in interest shall maintain the private roads and associated drainage facilities in conformance with the approved plans on file in the County Engineer's Office.
4. The owner(s) of any lot created by the Plat or alteration thereof and served by a private road shall be responsible for maintenance of said private road, including associated drainage facilities, in conformance with approved plans on file with the County Engineer's Office.
5. Maintenance financing of the private roads and associated drainage facilities shall be in a manner determined by THE BROADMOOR ESTATES SPOKANE HOMEOWNERS ASSOCIATION or their successors in interest.
6. Should THE BROADMOOR ESTATES SPOKANE HOMEOWNERS ASSOCIATION be terminated for any reason, the successors in interest shall be the individual lot owners of lots within the Plat. These obligations shall run with the land. The successors in interest shall share equally in the responsibility and cost of maintaining said drainage facilities.
7. In the event such private road including associated drainage facilities is 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 documents necessary to accomplish such dedication.
8. Owners of lots within the Plat who are served by such road, 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 road and drainage facilities construction, financing, and maintenance.
9. **WARNING:** Spokane County has no responsibility to build, improve, or maintain or otherwise service the private roads and associated drainage facilities 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 or its associated drainage facilities.



10. Spokane County and its authorized agents are hereby granted the right of ingress and egress to over and from public drainage easements, all private roads and/or drainage easement, for the purpose of inspection and emergency maintenance of drainage swales, ponds, ditches, culverts and any other drainage facilities, if not property maintained by property owner or the BROADMOOR ESTATES SPOKANE HOMEOWNERS ASSOCIATION, or their successors in interest. Spokane County does not accept the responsibility to inspect or maintain the drainage easements or drainage swales, outside of public rights of way, except where Spokane County specifically assumes that responsibility in writing. Neither does Spokane County accept any liability for failure by property owners or the BROADMOOR ESTATES SPOKANE HOMEOWNERS ASSOCIATION, or their successors in interest to properly maintain such areas.
11. 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 owner 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.
12. 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.
13. The property owners within this plat shall maintain all water quality swales ("208" swales) and drainage ditches situated on their respective properties, and any portion of an '208' swale situated in a public right of way adjacent to their respective properties, with a permanent ground cover as specified in the currently approved and 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. Spokane County does not accept the responsibility to inspect and/or maintain the drainage easements or drainage swales, nor does Spokane County accept any liability for any failure by the lot owners(s) to properly maintain such areas.
14. The BROADMOOR ESTATES SPOKANE HOMEOWNERS ASSOCIATION, or its successors in interest, shall maintain the drainage facilities, located in common areas and Parcel D of CE-434-95 in conformance with the approved plans on file at the Spokane County's Engineer's Office. Maintenance of drainage facilities includes, but is not limited to, keeping open and cleaning storm pipes, ditches, drainage ponds, swales, etc., replacement of drainage facilities as needed, and maintaining live native-type dryland grasses or lawn turf in the '208' swales 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 approved plans. The BROADMOOR ESTATES SPOKANE HOMEOWNERS ASSOCIATION shall be responsible for payment of all claims and other liabilities which may become due for said maintenance responsibilities.
15. 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.
16. Whenever THE BROADMOOR ESTATES SPOKANE HOMEOWNERS ASSOCIATION or their successors in interest fail to maintain the drainage facilities in conformance with the accepted drainage plan on file at the Spokane County Engineer's Office, a notice of such failure may be given to THE BROADMOOR ESTATES SPOKANE 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 to have it corrected at the expense of the BROADMOOR ESTATES SPOKANE HOMEOWNERS ASSOCIATION, or its successors in interest.
17. 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 swales or approved drainage facility, or b) drainage intercepted on the lots 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.

