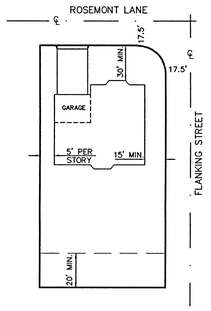
5133172 30/36

FINAL P.U.D. PLAT OF MORNINGSIDE PHASE V

Located in the Northwest 1/4 of
Section 30, T.25N., R.45E., W.M.,
Spokane County, Washington

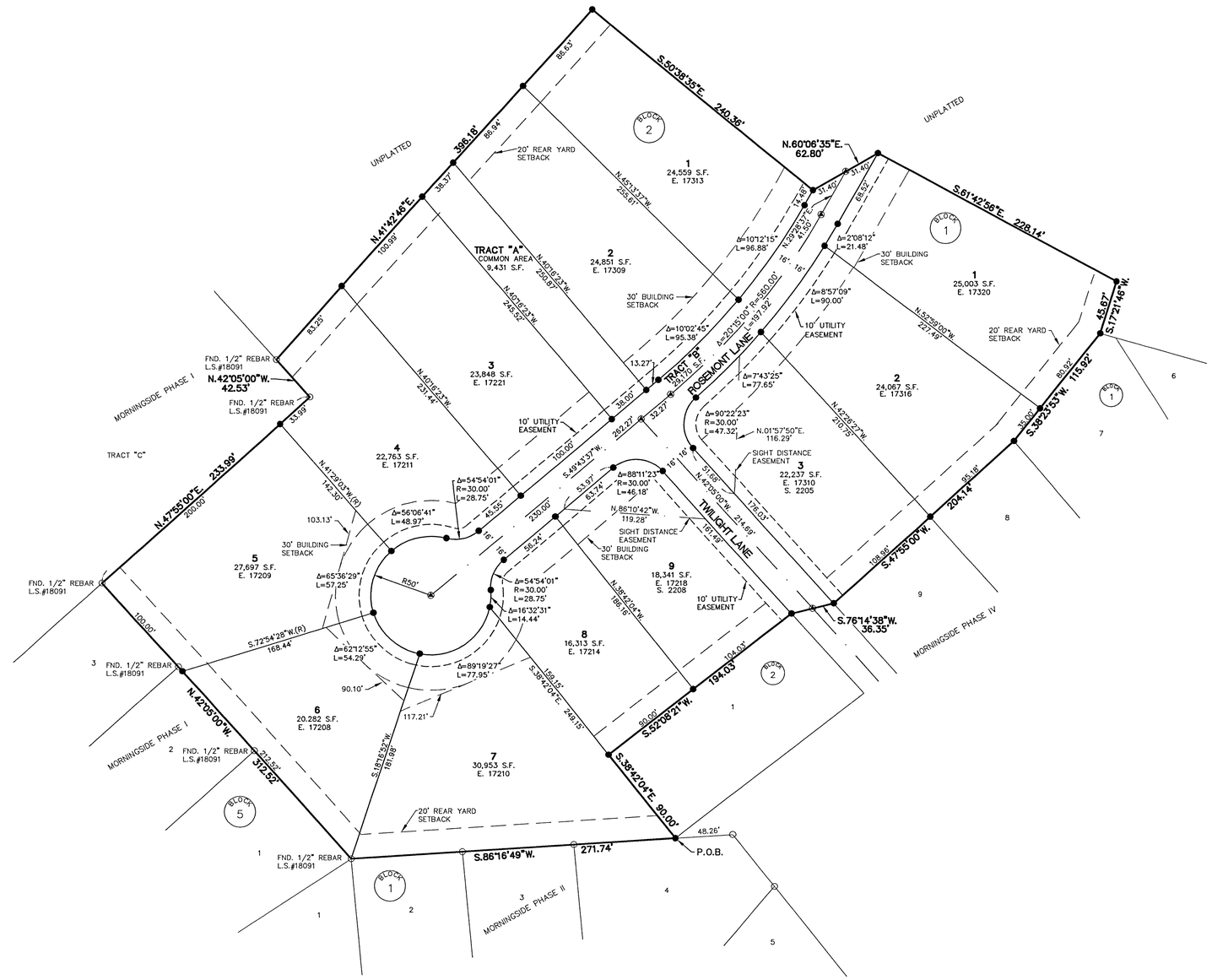
AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS 11th DAY OF Oct. 2004.
AT 9:39 A.M. IN BOOK 30 OF PLATS
COUNTY AUDITOR
DEPUTY
Plat# 3692

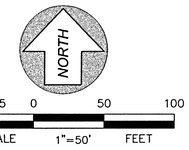
MORNINGSIDE PHASE V
BUILDING SETBACKS



NOTE:

THIS PLAN REPRESENTS TYPICAL SINGLE-FAMILY RESIDENCES WITHIN THE P.U.D. ACTUAL RESIDENCES WILL DIFFER, AS THE DESIGNS WILL BE AT THE BUILDERS' DISCRETION.





REFERENCES:

REF1 MORNINGSIDE PHASE I AS RECORDED IN BOOK 22 OF PLATS, PAGES 88-89
REF2 MORNINGSIDE PHASE II AS RECORDED IN BOOK 27 OF PLATS, PAGES 99-100
REF3 MORNINGSIDE PHASE III AS RECORDED IN BOOK 28 OF PLATS, PAGES 1-2

LEGEND

- ● SET 5/8" REBAR W/ YPC. LS# 37544
- ○ FOUND 5/8" REBAR W/Y.P.C. L.S. #37544 OR AS NOTED.
- ⊛ MONUMENT TO BE SET ON CENTERLINE WHEN ROADS ARE PAVED WITHIN THIS PLAT

BASIS OF BEARING:

THE BEARING OF S.86°16'49"W. ON THE NORTH LINE OF THE FINAL PLAT OF MORNINGSIDE PHASE II, AS RECORDED IN BOOK 27 OF PLATS, PAGES 99-100.

ACCURACY STATEMENT (WAC 332-130-100)

THIS SURVEY WAS PERFORMED USING A SOKKIA SET 4 II B TOTAL STATION, A LEITZ LEVEL, AND A 100 FOOT CHAIN. HORIZONTAL DISTANCES ARE BASED ON THE NATIONAL GEODETIC SURVEY CALIBRATION BASELINE AT CHEWELAH, WA. FIELD TRAVERSE METHODS USED WERE AS PER WAC 332-130-090 PART C.

Surveyor's Certificate

I, Richard C. Souza, certify that I am a Professional Land Surveyor licensed in the State of Washington; that this plat represents a survey made by me or under my supervision; that it is a true and correct representation of the land actually surveyed; that all monuments shown hereon actually exist as shown; and that this plat conforms in all respects to the provisions of law.

37544
Certificate No.

Richard C. Souza 8/5/04
Richard C. Souza
Licensed Professional Land Surveyor

RICHARD C. SOUZA STATE OF WASHINGTON 37544 REGISTERED PROFESSIONAL LAND SURVEYOR EXPIRES 03-26-06

REVISIONS		Taylor Engineering, Inc.	SCALE:	SHEET
		Civil Design and Land Planning W. 106 Mission Ave. Spokane, Washington 99201 (509) 328-3371 FAX (509) 328-8224	1"=50'	1 OF 2
DWN: JDH	DATE: 8-2-04	FINAL P.U.D. PLAT OF MORNINGSIDE PHASE V		
CK'D: RCS	DATE: 8-2-04		CADD FILE: 03020P1A-5TH	

Plat 1724-E

30/36

5133172 30/37

FINAL P.U.D. PLAT OF MORNINGSIDE PHASE V

Located in the Northwest 1/4 of
Section 30, T.25 N., R.45 E., W.M.
Spokane County, Washington

AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS 11th DAY OF Oct. 2004.
AT 9:39 A.M. IN BOOK 30 OF plats
COUNTY AUDITOR
DEPUTY
plat # 3692

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that DAHM DEVELOPMENT, INC., a Washington Corporation, S & B INVESTMENTS, L.L.C., a Washington Limited Liability Company, RICHARD B. JARVIS AND RUTH L. JARVIS, husband and wife, d/b/a JAY INVESTMENT COMPANY, RICHARD B. JARVIS AND RUTH L. JARVIS, as individuals, have caused to be platted into Lots, Blocks, and Tracts the land shown hereon, to be known as MORNINGSIDE PHASE V, being a parcel of land in the Northwest 1/4 of Section 30, T.25 N., R.45 E., W.M., and in Spokane County, State of Washington, described as follows:

Commencing at the Northeast corner of the final P.U.D. Plat of Morningside Phase II as recorded in Book 27 of Plats, pages 99 and 100, Spokane County, Washington; thence S.86°16'49"W., along the North line of said Plat, 48.26 feet to the Point of Beginning of this description; thence continue S.86°16'49"W., along said North line, 271.74 feet, to the Northeast corner of Lot 1, Block 5, of the final P.U.D. Plat of Morningside, Phase I, as recorded in Book 22 of Plats, page 89, Spokane County, Washington; thence N.42°05'00"W., along the boundary of said Plat, 312.52 feet; thence N.47°55'00"E., along the boundary of said Plat, 233.99 feet; thence N.42°05'00"W., 42.53 feet; thence N.41°42'46"E., 396.18 feet; thence S.50°38'35"E., 240.36 feet; thence N.60°06'35"E., 62.80 feet; thence S.61°42'56"E., 228.14 feet; thence S.17°21'46"W., 45.67 feet; thence S.38°23'53"W., 115.92 feet; thence S.47°55'00"W., 204.14 feet; thence S.76°14'38"W., 36.35 feet; thence S.52°08'21"W., 194.03 feet; thence S.38°42'04"E., 90.00 feet, to the Point Beginning.

Area = 7.34 Acres

Side yard, rear yard and front yard setbacks shall be determined at the time building permits are requested unless those setbacks are specifically drafted on this final plat.

The public water system, pursuant the WATER PLAN approved by County and State Health authorities, the local fire protection district, County Division of Building and Code Enforcement, and water purveyor, shall be installed within this subdivision, and the subdivider/sponsor shall provide for individual domestic water service as well as fire protection to each lot prior to sale of each lot and prior to issuance of a building permit for each lot.

Use of private wells and water systems is prohibited.

A public sewer system will be made available for the plat and individual service will be provided to each lot prior to sale. Use of individual on-site sewage systems shall not be authorized.

The owner(s) or successor(s) in interest agree to authorize the County to place their name(s) on a petition for the formation of a ULID by petition method pursuant to RCW 36.94, which petition includes the owner(s)' property; and further not to object by the signing of a protest petition against the formation of a ULID by resolution method pursuant to RCW Chapter 36.94 which includes the owner(s)' property. PROVIDED, this condition shall not prohibit the owner(s) or successor(s) from objecting to any assessment(s) on the property as a result of improvements called for in conjunction with the formation of a ULID by either petition or resolution under RCW Chapter 36.94.

The owners of all lots within this subdivision shall be members of the MORNINGSIDE PHASE IV HOMEOWNER'S ASSOCIATION and subject to the Articles of Incorporation and Bylaws thereof. SUBJECT to the DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR MORNINGSIDE PHASE IV, as recorded under Auditor's Document No. 5085663, which by reference is made part hereof.

The private roads and/or common areas shown on this plat are hereby dedicated to the MORNINGSIDE PHASE IV Homeowners Association created by document recorded February 27, 2004 under State UBI number 602-371-140.

The private roads and/or 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 with out filling a replat.

The private roads, as shown hereon, are easements which provide a means of ingress and egress for those lots within the Plat having frontage thereon.

The County of Spokane is hereby granted the right of ingress and egress to all private roads, common areas and/or drainage easements.

The private roads and drainage easements are subject to the separate DECLARATION OF COVENANT as recorded June 16, 2004 under Auditor's Document No. 5085663, which by reference is made a part hereof.

Utility easements are hereby granted to the serving utility companies adjoining the private roadways labeled as Tract A and Tract B. Said easements are for the construction, maintenance and operation of utilities, together with the right to inspect said utilities and to trim and/or remove brush and trees which may interfere with the construction, maintenance and operation of same. Together with the right to access said utility easements through any "Future Right of Way Acquisition Area" shown herein. Provided, however, that any right of access or easements granted through any "Future Right of Way Acquisition Area" shall terminate upon said Acquisition Area becoming public right of way.

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 on property on a private road, Spokane County assumes no obligation for said private roads 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 the private roads. This requirement is and shall run with the land and shall be binding upon the owner, their heirs, successor or assigns, including the obligation to participate in the maintenance of the private roads as provided herein.

Sight distance easements over Lot 3, Block 1 and Lot 9, Block 2 (the two corners at the "T" intersection of Rosemont Lane and Twilight Lane) as platted and shown hereon, are hereby granted to the Morningside Phase IV Homeowners' Association and its authorized agents for the sole purpose of allowing a clear view sight distance triangle over and across the easements. The owners of said lots agree not to obstruct or in any manner allow any obstacle to block this clear view triangle between a height of three (3) feet and a height of seven (7) feet above the road pavement elevation adjacent to said lots. Spokane County and its authorized agents are hereby granted the right of ingress and egress to, over and from said easements for the purpose of inspection and emergency maintenance of the sight distance area. If the property owner and/or the Morningside Phase IV Homeowners' Association fails to maintain the sight distance area in reasonable conformance with the accepted plans on file in the office of the Spokane County Engineer, a notice will be given to the property owner. If not corrected after ten (10) days, Spokane County has the right to restore the sight distance area to that of the accepted plans on file, or have it restored by others. All costs involved will be charged to the property owner.

Drainage 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 Spokane County and the Morningside Phase IV Homeowners Association. All tracts are hereby dedicated to the Morningside Phase IV Homeowners Association for the purpose of conveying and storing stormwater runoff, and for installing, operating and maintaining drainage ponds and drainage facilities that dispose of and treat stormwater runoff. The stormwater system for Morningside Phase V plat (P1724E), while directly connected to and disposes into the Morningside Phase IV stormwater pipe system and drainage pond, shall for all purposes be a part of the Morningside Phase IV subdivision.

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 Morningside Phase IV 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) 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.

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 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 natural drainage channel or drainage ditch 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. Spokane County is responsible for maintaining the stormwater facilities located within the public ROW as shown in the final plat documents. Maintenance shall include cleaning the structures, pipes, etc., removing and disposing of the soil and grass sod at such a time that 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, which includes but is not limited to mowing, irrigating, and keeping the area free of debris.

The Morningside Phase IV Homeowners Association or its successors in interest shall maintain all drainage facilities, located in the private tracts in conformance with the accepted 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 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 Morningside Phase IV Homeowners Association is also responsible for removing and disposing of the soil and grass sod located in drainage facilities situated within common areas, tracts, or private lots at such time Spokane County deems necessary, and replacing the soil and grass sod. The Morningside Phase IV Homeowners Association shall be responsible for payment of all claims and other liabilities, which may become due for said maintenance responsibilities.

If the Morningside Phase IV Homeowners Association, or their successors in interest, fails 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 Morningside Phase IV 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 Morningside Phase IV Homeowners Association, or their successors in interest.

Should the Morningside Phase IV 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 Morningside Phase IV 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 lots within this plat are subject to the recommendations regarding basements found in the geotechnical study dated anuary 28, 2004, prepared by Cummings Geotechnology, Inc., recorded under Auditors Document Number 5035263 which by reference becomes a part hereof.

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(s), their heirs, successors and assigns, including the obligation to participate in the maintenance of the drainage facilities provided herein.

ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF SPOKANE) SS.

ON THIS 17th DAY OF August, 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED RICHARD B. JARVIS AND RUTH L. JARVIS, INDIVIDUALS, THE INDIVIDUALS THAT EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID INDIVIDUALS, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND TO OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE THE SAID INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR FIRST ABOVE WRITTEN.

Sandra J. Butler
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,
RESIDING AT SPOKANE
MY COMMISSION EXPIRES 9-1-2005

IN WITNESS WHEREOF, the aforesaid owners have caused their names to be hereunto subscribed and affixed their seals (if any) this 17th day of August 2004.

Richard B. Jarvis and Ruth L. Jarvis
D/B/A Jay Investment Company

By: Richard B. Jarvis

By: Ruth L. Jarvis

ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF SPOKANE) SS.

ON THIS 17th DAY OF August, 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED RICHARD T. DAHM TO ME KNOWN TO BE THE PRESIDENT OF DAHM DEVELOPMENT, INC., A WASHINGTON CORPORATION. THE CORPORATION THAT EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND TO OATH STATED THAT HE IS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR FIRST ABOVE WRITTEN.

Sandra J. Butler
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,
RESIDING AT SPOKANE
MY COMMISSION EXPIRES 9-1-2005

IN WITNESS WHEREOF, the aforesaid owner has caused their corporate name to be hereunto subscribed and affixed their corporate seal (if any) this 17th day of August 2004.

Richard T. Dahm, President
DAHM DEVELOPMENT, INC.
a Washington Corporation

ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF SPOKANE) SS.

ON THIS 17th DAY OF August, 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Jay M. Jarvis TO ME KNOWN TO BE THE Manager OF S & B INVESTMENTS, L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY. THE COMPANY THAT EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID COMPANY, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND TO OATH STATED THAT HE IS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR FIRST ABOVE WRITTEN.

Sandra J. Butler
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,
RESIDING AT SPOKANE
MY COMMISSION EXPIRES 9-1-2005

IN WITNESS WHEREOF, the aforesaid owner has caused their corporate name to be hereunto subscribed and affixed their corporate seal (if any) this 17th day of August 2004.

S & B INVESTMENTS,
a Washington Limited Liability Company

APPROVALS:

SPOKANE COUNTY DIVISION OF UTILITIES
EXAMINED AND APPROVED THIS 22ND DAY OF September 2004.
SPOKANE COUNTY DIVISION OF UTILITIES

SPOKANE COUNTY DIVISION OF ENGINEERING AND ROADS
EXAMINED AND APPROVED THIS 28th DAY OF September 2004.
SPOKANE COUNTY ENGINEER

SPOKANE COUNTY DEPARTMENT OF BUILDING & PLANNING
EXAMINED AND APPROVED THIS 4TH DAY OF October 2004
ASSISTANT DIRECTOR, SPOKANE COUNTY DEPARTMENT OF BUILDING & PLANNING.

SPOKANE REGIONAL HEALTH DISTRICT
EXAMINED AND APPROVED THIS 28TH DAY OF September 2004.
for REGIONAL HEALTH OFFICER

SPOKANE COUNTY ASSESSOR
EXAMINED AND APPROVED THIS 28TH DAY OF September 2004.
D. Sommers by Robert J Folsom
SPOKANE COUNTY ASSESSOR BY DEPUTY

SPOKANE COUNTY COMMISSIONERS
THIS FINAL PLAT WAS APPROVED AND ACCEPTED BY THE COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON, ON THIS 5th DAY OF October 2004.
CHAIRMAN, SPOKANE COUNTY COMMISSIONERS

SPOKANE COUNTY TREASURER
I DO HEREBY CERTIFY THAT ALL TAXES WHICH HAVE BEEN LEVIED AND BECOME CHARGEABLE AGAINST THE LAND SHOWN WITHIN THIS MAP HAVE BEEN FULLY PAID THIS 11 DAY OF October, 2004.
Linda M Walserton a/pack
SPOKANE COUNTY TREASURER BY DEPUTY

Surveyor's Certificate

I, Richard C. Souza, certify that I am a Professional Land Surveyor licensed in the State of Washington; that this plat represents a survey made by me or under my supervision; that it is a true and correct representation of the land actually surveyed; that all monuments shown hereon actually exist as shown; and that this plat conforms in all respects to the provisions of law.

Certificate No. 37544

Richard C. Souza 8/5/04
Richard C. Souza
Licensed Professional Land Surveyor

REVISIONS			
DWN: JDH	DATE: 8-2-04	Taylor Engineering, Inc.	SHEET
CK'D:	DATE:	Civil Design and Land Planning W. 106 Mission Ave. Spokane, Washington 99201 (509) 328-3371 FAX (509) 328-8224	SCALE: NTS 2 OF 2
		FINAL P.U.D. PLAT OF MORNINGSIDE PHASE V	CADD FILE: 03020P1A5TH

30/37