5C 81952

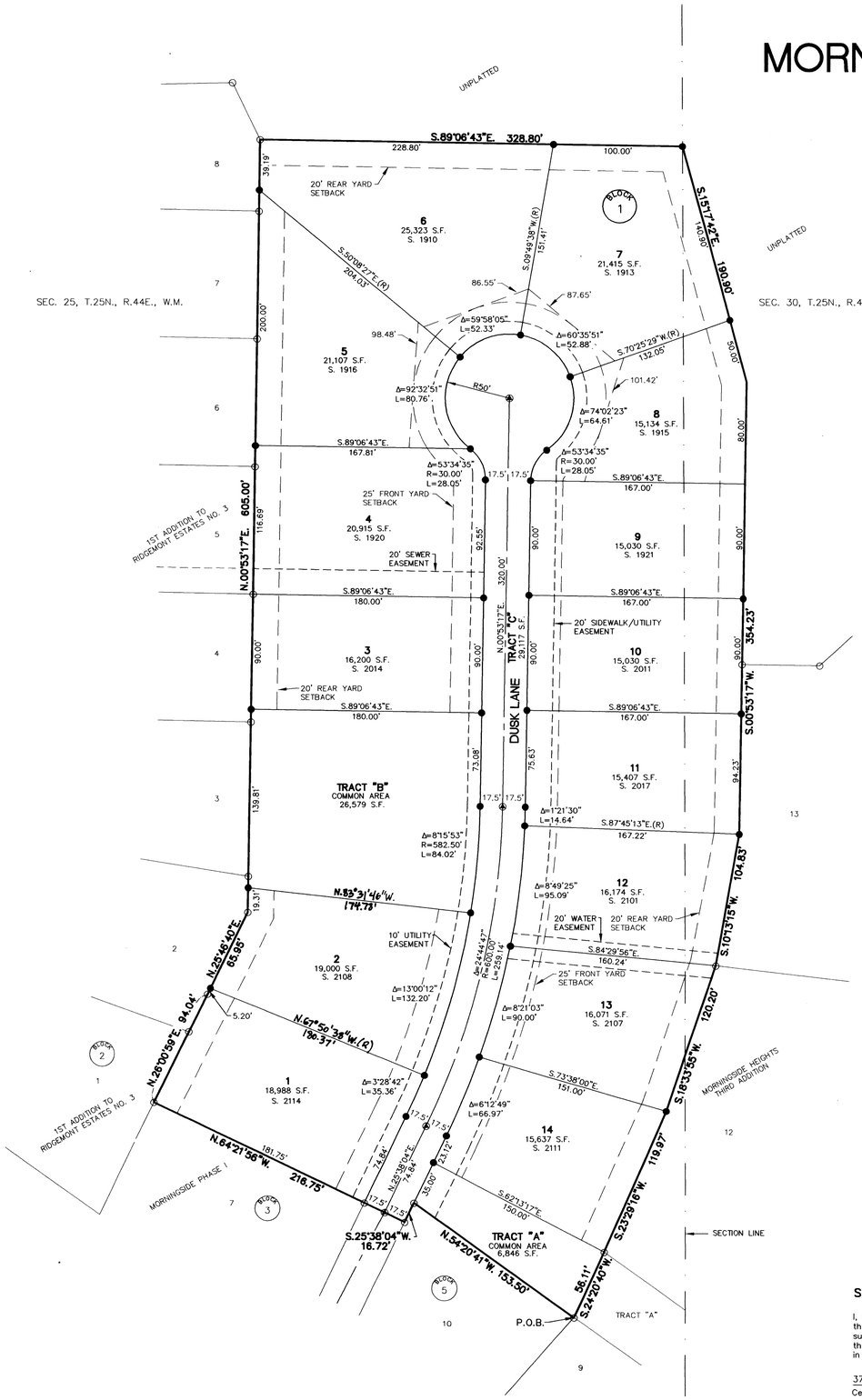
AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS 7th DAY OF June 2004.
AT 2:40 p.M. IN BOOK 29 OF Plats
COUNTY AUDITOR
DEPUTY

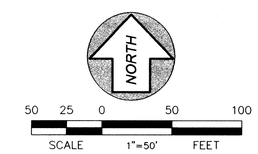
BK 29
pg 73-74
Plat # 3662

FINAL PLAT OF MORNINGSIDE HEIGHTS 4TH ADDITION

(A PLANNED UNIT DEVELOPMENT)

Located in the Northwest 1/4 of
Section 30, T.25N., R.45E., W.M.,
and the N.E. 1/4 of Section 25, T.25N., R.44E., W.M.,
Spokane County, Washington





REFERENCES:

REF 1 FINAL PLAT OF MORNINGSIDE PHASE I AS RECORDED IN BOOK 22, PAGES 88 AND 89.

REF 2 FINAL PLAT OF 1ST ADDITION TO RIDGEMONT ESTATES NO. 3, AS RECORDED IN BOOK 27, PAGES 60 AND 61.

LEGEND

- ● SET 5/8" REBAR W/ YPC. LS# 37544
- ○ FOUND 1/2" REBAR W/Y.P.C. LS# 29286 OR LS# 18091
- ⊛ MONUMENT TO BE SET ON CENTERLINE WHEN ROADS ARE PAVED WITHIN THIS PLAT
- ⊗ EXISTING MONUMENT FOUND 1/2" REBAR W/Y.P.C. L.S. 18091 "MOORE" OR AS NOTED

BASIS OF BEARING:

THE BEARING OF N.00°53'17"E., ON THE EAST LINE OF THE FINAL PLAT OF 1ST ADDITION TO RIDGEMONT ESTATES NO. 3 PER FINAL PLAT RECORDED IN BOOK 27 OF PLATS, PAGE 60 AND 61.

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 4-8-04
Richard C. Souza
Licensed Professional Land Surveyor

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

REVISIONS		
DWN: JDH	DATE: 4-7-04	
CK'D: RCS	DATE: 4-7-04	

Taylor Engineering, Inc.
Civil Design and Land Planning
W. 106 Mission Ave.
Spokane, Washington 99201
(509) 328-3371 FAX (509) 328-8224

SCALE: 1"=50'

SHEET 1 OF 2

FINAL PLAT OF
MORNINGSIDE HEIGHTS 4TH ADDITION
(A PLANNED UNIT DEVELOPMENT)

CADD FILE: 03119P1A

29-73 1 of 2

5081952

FINAL P.U.D. PLAT OF
MORNINGSIDE HEIGHTS 4TH ADDITION

(A PLANNED UNIT DEVELOPMENT)

Located in the Northwest 1/4 of
Section 30, T.25N., R.45E., W.M.,
and the N.E. 1/4 of Section 25, T.25N., R.44E., W.M.,
Spokane County, Washington

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 9th DAY OF June 2004.
AT 2:40 P.M. IN BOOK 29 OF Plats

COUNTY AUDITOR
DEPUTY

Bk 29
Pg 73-74
Plat # 3662

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that S & B INVESTMENTS, L.L.C., a Washington Limited Liability Company, and RICHARD B. JARVIS AND RUTH L. JARVIS, husband and wife, d/b/a JAY INVESTMENT COMPANY, have caused to be platted into Lots, Blocks, Tracts and Streets the land shown hereon, to be known as Morningside Heights Fourth Addition, a Planned Unit Development, being a parcel of land in the West 1/2 of the Northwest Quarter of Section 30, T.25N., R.45E., W.M., and a portion in the East 1/2 of the N.E. 1/4 of Section 25, T.25N., R.44E., W.M., in Spokane County, State of Washington, described as follows:

Beginning at the Northeast corner of Lot 10, Block 5, of the final P.U.D. plat of Morningside, Phase I, as recorded in Book 22 of plats, pages 88 and 89, Spokane County, Washington; thence N.54°20'41"W., along the North line of said plat, 153.50 feet; thence S.25°38'04"W., along said North line 16.72 feet; thence N.64°21'56"W., along said North line, 216.75 feet to the East line of the Final Plat of 1st Addition to Ridgemont Estates No. 3, as recorded in Book 27 of Plats, pages 60 and 61, Spokane County, Washington; thence N.26°00'59"E., along said East line, 94.04 feet; thence N.25°46'40"E., along said East line, 71.15 feet; thence N.00°53'17"E., along said East line, 605.00 feet; thence S.89°06'43"E., 328.80 feet; thence S.15°17'42"E., 190.90 feet; thence S.00°53'17"W., 354.23 feet; thence S.10°13'15"W., 104.83 feet; thence S.18°33'55"W., 120.20 feet; thence S.23°29'16"W., 119.97 feet; thence S.24°20'40"W., 56.11 feet, to the point of beginning.

Area = 7.21 Acs.

Individual lot owners shall be responsible for maintenance of sidewalks within easements on their property.

Side yard and rear yard setbacks shall be determined at the time building permits are requested unless those setbacks are specifically drafted on this final plat. The setbacks indicated on this plat may be varied from if proper zoning approvals are obtained.

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 owners of all lots within this subdivision shall be members of the MORNINGSIDE HEIGHTS 4TH ADDITION HOMEOWNER'S ASSOCIATION a homeowners association created by document recorded February 27, 2004 by the Secretary of State of the State of Washington under U.B.I. Number 602-371-137 and subject to the Articles of Incorporation and Bylaws thereof.

Tract "A" (Common Area), Tract "B" (Common Area) and Dusk Lane, (Tract C), a private road, is hereby dedicated to the MORNINGSIDE HEIGHTS 4TH ADDITION HOMEOWNERS ASSOCIATION. No structures, including fences, shall be constructed thereon without the expressed written approval by Spokane County. The MORNINGSIDE HEIGHTS 4TH ADDITION HOMEOWNERS ASSOCIATION shall be responsible for payment of claims and other liabilities which may become due for said tracts. Said tracts may not be sold or transferred, and shall be considered subservient estates to all lots within this plat for the purpose of real estate taxes. Should the MORNINGSIDE HEIGHTS 4TH ADDITION HOMEOWNERS ASSOCIATION be terminated for any reason, the successors in interest for said tracts shall be the individual lot owners of lots within this plat, or their successors in interest who are members of the MORNINGSIDE HEIGHTS 4TH ADDITION HOMEOWNERS ASSOCIATION at the time of said termination. The status of the areas designated as subservient estates for tax purposes cannot be changed without filing a replat.

The perpetual (exclusive) easement granted to Spokane County, it's successors and assigns is for the sole purpose of constructing, installing, operating, maintaining, repairing, altering, replacing, removing, and all other uses or purposes which are or may be related to a sewer system. Spokane County, it's successors and assigns at all times hereinafter, at their own cost and expense, may remove all crops, brush, grass, or trees that may interfere with the constructing, installing, operating, maintaining, repairing, altering, replacing, removing and all other uses or purposes which are/may be related to a sewer system. The grantors reserves the right to use and enjoy that property which is the subject of this easement for the purposes which will not interfere with the County's full enjoyment of the rights hereby granted; provided, the Grantors shall not erect or construct any building or other structure or drill on the easement, or diminish or substantially add to the ground cover over the easement. The easement described hereinabove is to and shall run with the land.

Should the MORNINGSIDE HEIGHTS 4TH ADDITION 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 HEIGHTS 4TH ADDITION 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.

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.

The private roads and/or common areas shown on this plat are hereby dedicated to the MORNINGSIDE HEIGHTS 4TH ADDITION Homeowners Association created by document recorded February 27, 2004 under State UBI number 602-371-137.

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 private roads and drainage easements are subject to the separate DECLARATION OF COVENANT as recorded February 17, 2004 under Auditor's Document No. 5035401, which by reference is made a part hereof.

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

WARNING: Spokane County has no responsibility to build, improve, or 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 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 or 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(s), their heirs, successors or assigns, including the obligation to participate in the maintenance of the private roads as provided herein.

Drainage easements and tracts 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 Heights 4th Addition Homeowners Association. All tracts are hereby dedicated to the Morningside Heights 4th Addition 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. A drainage easement is 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 public 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 Morningside Heights 4th Addition 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 Morningside Heights 4th Addition 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 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.

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 UBC code with respect to dampproofing and waterproofing be implemented as part of the basement foundation construction

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 Morningside Heights 4th Addition Homeowners Association or its successors in interest shall maintainany all drainage facilities, located in the private tracts thein conformance with the approved 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, structures, ditches, drainage ponds, swales; replacement of drainage facilities as needed; maintaining live native-type dryland grasses or lawn turf 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; mowing, irrigating, and keeping the area free of debris; 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. The Morningside Heights 4th Addition Homeowners Association shall be responsible for payment of all claims and other liabilities, which may become due for said maintenance responsibilities.

If the Morningside Heights 4th Addition 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 Heights 4th Addition 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 Heights 4th Addition Homeowners Association, or their successors in interest.

Should the Morningside Heights 4th Addition 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 Heights 4th Addition 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(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 12th DAY OF April, 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 D/B/A JAY INVESTMENT COMPANY, A WASHINGTON COMPANY. THE COMPANY 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.

SANDRA J. BUTLER Commission Expires NOTARY PUBLIC SEPT 1, 2005 STATE OF WASHINGTON

IN WITNESS WHEREOF, the aforesaid owners have caused their names to be hereunto subscribed and affixed their seals (if any) this 12th day of April 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 12th DAY OF April, 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Jay Jarvis TO ME KNOWN TO BE THE _________ 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.

SANDRA J. BUTLER Commission Expires NOTARY PUBLIC SEPT 1, 2005 STATE OF WASHINGTON

IN WITNESS WHEREOF, the aforesaid owner has caused their corporate name to be hereunto subscribed and affixed their corporate seal (if any) this 12th day of April 2004.

Jay M. Jarvis
S & B INVESTMENTS,
a Washington Limited Liability Company

APPROVALS:

SPOKANE COUNTY DIVISION OF UTILITIES
EXAMINED AND APPROVED THIS 13TH DAY OF MAY 2004.
SPOKANE COUNTY DIVISION OF UTILITIES

SPOKANE COUNTY DIVISION OF ENGINEERING AND ROADS
EXAMINED AND APPROVED THIS 17th DAY OF May, 2004
SPOKANE COUNTY ENGINEER

SPOKANE COUNTY DEPARTMENT OF BUILDING & PLANNING
EXAMINED AND APPROVED THIS 7th DAY OF June 2004
FOR ASSISTANT DIRECTOR, SPOKANE COUNTY DEPARTMENT OF BUILDING & PLANNING.

SPOKANE REGIONAL HEALTH DISTRICT
EXAMINED AND APPROVED THIS 7th DAY OF JUNE 2004.
For REGIONAL HEALTH OFFICER

SPOKANE COUNTY ASSESSOR
EXAMINED AND APPROVED THIS 7th DAY OF June 2004.
Duane Sommers by M.K. Wetz
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 8th DAY OF June 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 9th DAY OF June, 2004.
Linda M Walnerton aKeach
SPOKANE COUNTY TREASURER BY DEPUTY

OFFICIAL SEAL TREASURER SPOKANE COUNTY WASHINGTON

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.

Richard C. Souza 4-1-04
Richard C. Souza
Licensed Professional Land Surveyor

Certificate No. 37544

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

REVISIONS		Taylor Engineering, Inc. Civil Design and Land Planning W. 106 Mission Ave. Spokane, Washington 99201 (509) 328-3371 FAX (509) 328-8224	SCALE: 1"=50'	SHEET 2 OF 2
DWN: JDH	DATE: 3-10-04	FINAL PLAT OF MORNINGSIDE HEIGHTS 4TH ADDITION (A PLANNED UNIT DEVELOPMENT)	CADD FILE: 03119P2A	
CK'D: RCS	DATE: 3-10-04			

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