

08/09/2012 03:05:44 PM

6117056

Recording Fee \$63.00 Page 1 of 2
Declaration SPOKANE COUNTY ENGINEERS - DAVE BERTO
Spokane County Washington



Spokane County Engineers
1026 W Broadway
Spokane WA 99260-0170
509)477-3600

Document Title

DECLARATION OF COVENANT

Reference Numbers _____

Legal Description PORTION NE1/4 SECTION 13,TWP26 N., RGE. 42 E., W.M.

Parcel Number 26135.9117

Grantors and Grantees BENJAMIN & KAREN MILBRATH H & W

In consideration of the approval by Spokane County of FOREST HILLS 5th ADDITION

(hereinafter referred to as the "**Development**"), 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 a private road when: a. the only road frontage for the lot in the Development 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 owner(s) of any lot created by the Development or alternation 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 Engineers office.
4. Maintenance financing of the private roads and associated drainage facilities shall be in a manner determined by the owners of:
NORTHVIEW ESTATES H.O.A.
5. 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 facilities, each lot owner shall execute any documents necessary to accomplish such dedication.
6. **Owners** of lots within the Development who are served by such road, may sue and recover damages and attorney's fees from any owner of any lot within the Development which is similarly served who refused to participate in the road and drainage facilities, construction, financing, and maintenance.

- 7. **WARNING:** *Spokane County has no responsibility to build, improve, or maintain or otherwise service the private roads, including associated drainage facilities, contained within or providing service to the property described in this Development. By accepting this Development 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 of nature whatsoever to establish, examine, survey, construct, alter, repair improve, maintain, provide drainage or snow removal on a private road, or associated drainage facilities*

- 8. This covenant and agreement shall run with the land and shall be binding upon the owner, their heirs, successors or assigns, including the obligation to participate in the maintenance of the private road, and drainage facilities as provided herein.

Benjamin Milbrath

 OWNER: BENJAMIN MILBRATH

Karen Milbrath

 OWNER: KAREN MILBRATH

DATED this 3rd day of August, 20 12

STATE OF WASHINGTON)
 :ss
 County of Spokane)

On this day personally appeared before me Benjamin Milbrath & Karen Milbrath

known to me to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for the uses and purposes therein stated.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 3RD day of August, 20 12

Kathleen A. Gossett

Notary Public in and for the State of Washington, residing at Spokane

**KATHLEEN A. GOSSETT
 NOTARY PUBLIC
 STATE OF WASHINGTON
 COMMISSION EXPIRES
 SEPTEMBER 12, 2015**