

PLAT OF PRAIRIE BREEZE

A PART OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 26 NORTH, RANGE 42 EAST, W.M., SPOKANE COUNTY, WASHINGTON

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT NORTH DIVISION COMPLEX L.L.C. AND WASHINGTON TRUST BANK ARE THE OWNERS OF THE LAND HERON DESCRIBED; HAVE WITH THEIR FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRES...

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 26 NORTH, RANGE 42 EAST OF THE WILLAMETTE MERIDIAN, SPOKANE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14;

THENCE SOUTH 89°37'18" WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 14, 30.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FIVE MILE ROAD,

THENCE CONTINUING ALONG SAID LINE SOUTH 89°37'18" WEST, A DISTANCE OF 838.06 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°22'42" WEST, A DISTANCE OF 130.00 FEET;

THENCE NORTH 89°37'18" EAST, A DISTANCE OF 40.00 FEET;

THENCE NORTH 00°22'42" WEST, A DISTANCE OF 409.34 FEET;

THENCE NORTH 81°50'36" EAST, A DISTANCE OF 400.30 FEET;

THENCE NORTH 87°32'01" EAST, A DISTANCE OF 62.78 FEET;

THENCE SOUTH 70°34'16" EAST, A DISTANCE OF 61.18 FEET;

THENCE SOUTH 46°37'22" EAST, A DISTANCE OF 172.81 FEET;

THENCE NORTH 40°47'56" EAST, A DISTANCE OF 155.57 FEET;

THENCE SOUTH 49°12'04" EAST, A DISTANCE OF 31.04 FEET;

THENCE NORTH 87°32'01" EAST, A DISTANCE OF 125.79 FEET;

THENCE NORTH 40°42'41" WEST, A DISTANCE OF 330.51 FEET;

THENCE SOUTH 88°14'24" EAST, A DISTANCE OF 811.22 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE SOUTH 00°36'42" EAST, ALONG SAID LINE A DISTANCE OF 578.09 FEET;

THENCE SOUTH 89°37'18" WEST, A DISTANCE OF 237.39 FEET;

THENCE NORTH 83°44'36" WEST, A DISTANCE OF 167.24 FEET;

THENCE SOUTH 89°41'04" WEST, A DISTANCE OF 141.44 FEET;

THENCE NORTH 85°05'36" WEST, A DISTANCE OF 81.99 FEET;

THENCE SOUTH 10°28'44" WEST, A DISTANCE OF 169.49 FEET TO THE BEGINNING OF A 275.00 FOOT RADIUS NON TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 81°13'52" EAST,

THENCE NORTHWESTERLY ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 29°13'19", AN ARC LENGTH OF 140.26 FEET;

THENCE SOUTH 37°24'51" WEST, A DISTANCE OF 18.00 FEET TO THE BEGINNING OF A 293.00 FOOT RADIUS NON TANGENT CURVE, THE CENTER OF WHICH BEARS NORTH 37°24'51" EAST;

THENCE NORTHWESTERLY ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 4°04'00", AN ARC LENGTH OF 20.80 FEET TO THE BEGINNING OF A 20.80 FOOT RADIUS REVERSE CURVE, THE CENTER OF WHICH BEARS SOUTH 41°28'51" WEST;

THENCE WESTERLY ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 73°27'06", AN ARC LENGTH OF 25.64 FEET;

THENCE SOUTH 00°22'42" EAST, A DISTANCE OF 206.92 FEET TO THE POINT OF BEGINNING;

SAID TRACT OF LAND BEING 18.48 ACRES, SITUATED IN THE COUNTY OF SPOKANE, STATE OF WASHINGTON.

TOGETHER WITH THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14;

THENCE SOUTH 89°37'18" WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 14, A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FIVE MILE ROAD,

THENCE CONTINUING ALONG SAID SOUTHERLY LINE SOUTH 89°37'18" WEST, 2455.62 FEET, SAID POINT BEING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTHERLY LINE SOUTH 89°37'18" WEST, 155.61 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER;

THENCE NORTH 00°00'38" EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 145.85 FEET;

THENCE CONTINUING NORTH 00°00'38" EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 526.27 FEET;

THENCE NORTH 81°50'36" EAST, A DISTANCE OF 559.21 FEET TO A POINT ON A NON-TANGENT CURVE, THE RADIUS POINT OF SAID CURVE BEING NORTH 81°50'36" EAST, A DISTANCE OF 519.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°33'38", AN ARC DISTANCE OF 68.49 FEET TO A POINT OF REVERSE CURVE;

THENCE SOUTHERLY ALONG A 20.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 85°51'05", AN ARC DISTANCE OF 29.97 FEET;

THENCE SOUTH 23°42'15" WEST, A DISTANCE OF 38.00 FEET TO A POINT ON A NON-TANGENT CURVE, THE RADIUS POINT OF SAID CURVE BEING SOUTH 23°42'15" WEST A DISTANCE OF 20.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 85°51'01", AN ARC DISTANCE OF 29.97 FEET TO A POINT OF REVERSE CURVE;

THENCE SOUTHERLY ALONG A 519.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 13°17'18", AN ARC DISTANCE OF 120.37 FEET;

THENCE SOUTH 38°08'30" EAST, A DISTANCE OF 149.29 FEET;

THENCE SOUTH 51°51'30" WEST, A DISTANCE OF 145.16 FEET;

THENCE SOUTH 65°34'28" WEST, A DISTANCE OF 113.07 FEET;

THENCE SOUTH 08°45'50" WEST, A DISTANCE OF 110.27 FEET TO A POINT ON A NON-TANGENT CURVE, THE RADIUS POINT OF SAID CURVE BEING NORTH 08°45'50" EAST, A DISTANCE OF 322.65 FEET;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°00'40", AN ARC DISTANCE OF 140.85 FEET;

THENCE SOUTH 32°46'30" WEST, A DISTANCE OF 19.00 FEET;

THENCE SOUTH 00°22'42" EAST, A DISTANCE OF 188.92 FEET TO THE POINT OF BEGINNING;

SAID TRACT OF LAND BEING 6.14 ACRES, MORE OR LESS.

THE TOTAL ACREAGE OF THE ABOVE DESCRIBED LAND IS 24.62 ACRES, MORE OR LESS.

THE BORDER EASEMENT AS SHOWN HERON ARE HEREBY GRANTED TO SPOKANE COUNTY AND ITS AUTHORIZED AGENTS, AND TO THE PUBLIC FOR THE PURPOSES, INCLUDING BUT NOT LIMITED TO CURBS, SIDEWALKS, DRAINAGE, EGRESS, AND OPERATION OF OTHER USAGE DEEMED NECESSARY BY THE SPOKANE COUNTY ENGINEER FOR THE SAFETY AND WELFARE OF THE PUBLIC.

NO FENCE OR PORTION THEREOF WILL BE CONSTRUCTED WITHIN SAID EASEMENT WITHOUT PERMISSION OF THE SPOKANE COUNTY ENGINEER, NOR WILL ANY OBJECTS BE PLACED IN SAID EASEMENT THAT WOULD OBSTRUCT THE SIGHT DISTANCE NECESSARY FOR VISION AND EFFICIENT MOVEMENT. ANY OTHER EASEMENTS GRANTED OR DEDICATED WITHIN THIS BORDER EASEMENT AREA WILL BE SUBORDINATE TO THE RIGHTS CREATED BY THIS EASEMENT AND ARE SUBJECT TO SPOKANE COUNTY ENGINEERS PERMIT PROCESS PRIOR TO USAGE.

SETBACKS SHALL BE DETERMINED AT THE TIME OF BUILDING PERMIT ISSUANCE.

A PRIVATE SEWER SYSTEM SHALL BE MADE AVAILABLE FOR THE PLAT AND INDIVIDUAL SERVICES WILL BE PROVIDED TO EACH LOT PRIOR TO SALE. THE USE OF INDIVIDUAL ON-SITE DISPOSAL SYSTEMS SHALL NOT BE AUTHORIZED.

USE OF PRIVATE WELLS AND WATER SYSTEMS IS PROHIBITED.

THE PUBLIC WATER SYSTEM, PURSUANT TO THE WATER PLAN APPROVED BY COUNTY AND STATE HEALTH AUTHORITIES, THE LOCAL FIRE PROTECTION DISTRICT, COUNTY BUILDING AND PLANNING AND WATER PURVEYOR, SHALL BE INSTALLED WITHIN THIS SUBDIVISION, AND THE APPLICANT 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.

UTILITY EASEMENTS SHOWN ON THE HEREIN DESCRIBED PLAT ARE HEREBY DEDICATED TO THE SERVING UTILITY COMPANIES FOR THE CONSTRUCTION, RECONSTRUCTION, 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, AND TOGETHER WITH THE RIGHT TO ACCESS SAID UTILITY EASEMENTS THROUGH ANY BORDER EASEMENT AND FUTURE RIGHT-OF-WAY ACQUISITION AREAS SHOWN HEREIN AND TOGETHER WITH THE RIGHT TO PROHIBIT CHANGES IN GRADE OVER INSTALLED UNDERGROUND FACILITIES. IF THE DEVELOPER SHOULD DITCH BEYOND THE LIMITS OF THE PLATTED EASEMENT STRIPS SHOWN HERON, THE EASEMENT SHALL THEN BE IDENTIFIED BY THE ACTUAL PHYSICAL LOCATION OF THE INSTALLED UTILITIES, EXCEPT THAT THE UTILITY EASEMENT SHALL NOT ENCRONCH ON BORDER EASEMENTS.

(A B I C) AND SHALL BE OWNED AND MAINTAINED BY THE PRAIRIE BREEZE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF CONVEYING AND STORING STORMWATER RUNOFF, FOR INSTALLING, OPERATING AND MAINTAINING DRAINAGE PONDS AND DRAINAGE FACILITIES THAT DISPOSE OF AND TREAT STORMWATER RUNOFF, AND FOR INSTALLING, OPERATING AND MAINTAINING THE PRIVATE SEWER LIFT STATION SERVING THE DEVELOPMENT. THE CITY OF SPOKANE DOES NOT ACCEPT THE RESPONSIBILITY TO INSPECT OR MAINTAIN THE PRIVATE SEWER SYSTEM. NEITHER DOES THE CITY OF SPOKANE ACCEPT ANY LIABILITY FOR ANY FAILURE BY THE PROPERTY OWNER(S) OR THE PRAIRIE BREEZE HOMEOWNERS ASSOCIATION TO PROPERLY MAINTAIN THE PRIVATE SEWER SYSTEM.

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 DRAINAGE EASEMENTS AND TRACTS FOR THE PURPOSES OF INSPECTION AND EMERGENCY MAINTENANCE OF THE DRAINAGE FACILITIES, IF NOT PROPERLY MAINTAINED BY THE PROPERTY OWNER(S) OR THE PRAIRIE BREEZE 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) OR THE PRAIRIE BREEZE HOMEOWNERS ASSOCIATION TO PROPERLY MAINTAIN SUCH AREAS.

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.

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 IBC CODE WITH RESPECT TO DAMP PROOFING AND WATER PROOFING BE IMPLEMENTED AS PART OF THE BASEMENT FOUNDATION CONSTRUCTION.

AN INDEPENDENT GEOTECHNICAL INVESTIGATION WILL BE REQUIRED FOR EACH LOT, TO DETERMINE THE SUITABILITY OF A BASEMENT, AT THE TIME OF BUILDING PERMIT APPLICATION.

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 PERMISSION OF THE SPOKANE COUNTY ENGINEER. THE PROPERTY OWNER(S) RESPONSIBILITIES SHALL INCLUDE, BUT IS NOT LIMITED TO MOWING, IRRIGATING AND KEEPING THE AREA FREE OF DEBRIS. THE PRAIRIE BREEZE 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 PRAIRIE BREEZE HOMEOWNERS ASSOCIATION TO PROPERLY MAINTAIN SAID AREAS. SPOKANE COUNTY IS ONLY RESPONSIBLE FOR MAINTAINING THE STORMWATER STRUCTURES LOCATED WITHIN THE PUBLIC ROW AS SHOWN IN THE FINAL PLAT DOCUMENTS. THE PROPERTY OWNER(S) AND/OR PRAIRIE BREEZE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR PAYMENT OF ALL CLAIMS AND OTHER LIABILITIES, WHICH MAY BECOME DUE FOR SAID MAINTENANCE RESPONSIBILITIES.

THE PRAIRIE BREEZE HOMEOWNERS ASSOCIATION OR ITS SUCCESSORS IN INTEREST SHALL MAINTAIN ALL DRAINAGE FACILITIES LOCATED IN THE PRIVATE TRACTS OR COMMON AREAS IN CONFORMANCE WITH THE ACCEPTED PLANS AND THE OPERATIONS AND MAINTENANCE MANUAL AS PREPARED BY THE DESIGN ENGINEER, BOTH OF WHICH ARE ON FILE AT THE SPOKANE COUNTY ENGINEER'S OFFICE. MAINTENANCE OF DRAINAGE FACILITIES INCLUDES, BUT IS NOT LIMITED TO, KEEPING OPEN AND CLEANING STORMWATER PIPES, STRUCTURES, DITCHES, DRAINAGE PONDS, SWALES; REPLACEMENT OF DRAINAGE FACILITIES AS NEEDED; MAINTAINING LIVE NATIVE-TYPE DRYLAND GRASSES OR LAWN TURF IN THE POND FACILITIES 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 SWALES AS INDICATED BY THE APPROVED PLANS, MOWING, IRRIGATING AND KEEPING THE AREA FREE OF DEBRIS; REMOVING AND DISPOSING OF THE SOIL AND GRASS SOD LOCATED IN DRAINAGE FACILITIES SITUATED WITHIN TRACTS OR COMMON AREAS AT SUCH TIME SPOKANE COUNTY DEEMS NECESSARY, AND REPLACING THE SOIL AND GRASS SOD. THE PRAIRIE BREEZE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR PAYMENT OF ALL CLAIMS AND OTHER LIABILITIES, WHICH MAY BECOME DUE FOR SAID MAINTENANCE RESPONSIBILITIES.

IF THE PRAIRIE BREEZE HOMEOWNERS ASSOCIATION, OR THEIR SUCCESSORS IN INTEREST, FAILS TO MAINTAIN THE DRAINAGE FACILITIES IN CONFORMANCE WITH THE ACCEPTED DRAINAGE PLANS AND THE OPERATIONS AND MAINTENANCE MANUAL AS PREPARED BY THE DESIGN ENGINEER ON FILE AT THE SPOKANE COUNTY ENGINEER'S OFFICE, A NOTICE OF SUCH FAILURE MAY BE GIVEN TO THE PRAIRIE BREEZE 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 PRAIRIE BREEZE HOMEOWNERS ASSOCIATION, OR THEIR SUCCESSORS IN INTEREST.

SHOULD THE PRAIRIE BREEZE 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 PRAIRIE BREEZE HOMEOWNERS ASSOCIATION AT THE TIME OF SAID TERMINATION. THE SUCCESSORS IN INTEREST SHALL SHARE EQUALLY IN THE RESPONSIBILITY AND COST OF MAINTAINING SAID DRAINAGE AND PRIVATE SEWER 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.

SPOKANE COUNTY DOES NOT ACCEPT THE RESPONSIBILITY OF MAINTAINING THE DRAINAGE COURSE ON PRIVATE LOTS OR FLOOD PLAIN AREAS WITHIN 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.

LOT 2 IN BLOCK 7, LOT 5 IN BLOCK 6, LOT 11 IN BLOCK 1, LOT 20 IN BLOCK 2 AND LOT 6 IN BLOCK 4, BEING A ONE-FOOT (1') WIDE STRIP AS SHOWN HERON, IS HEREBY DEDICATED TO SPOKANE COUNTY AS GENERAL COUNTY PROPERTY, TO BE DEDICATED FOR ROAD PURPOSES FOREVER, AT SUCH TIME AS THE ROAD IS CONTINUED AS FULL WIDTH RIGHT OF WAY, OR UNTIL ADJACENT LANDS ARE PLATTED. FOR PURPOSES OF CLARITY, THESE 1' STRIPS ARE NOT DIMENSIONED.

A VOLUNTARY TRANSPORTATION MITIGATION FEE OF \$1,430.00 PER DWELLING UNIT IS REQUIRED AS A CONDITION OF THE FEIS AND HEARING EXAMINERS DECISION. THIS FEE SHALL BE PAID PER DWELLING UNIT TO THE CITY OF SPOKANE AT THE TIME OF APPLICATION FOR SEWER AND/OR WATER CONNECTION.

ACKNOWLEDGMENT

IN WITNESS WHEREOF, THE AFOREMENTIONED OWNERS HAVE CAUSED THEIR NAME TO BE HERE UNTO SUBSCRIBED, THIS 15th DAY OF September, 2008.

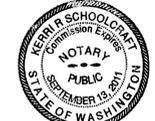
NORTH DIVISION COMPLEX, L.L.C. A WASHINGTON LIMITED LIABILITY COMPANY
BY: Robert L. Heitmann, Jr. DATE 9/15/08

MEMBER ON THIS 15th DAY OF September, 2008, BEFORE ME PERSONALLY APPEARED ROBERT L. HEITMANN, JR. WHO EXECUTED THE WITHIN AND FORGOING INSTRUMENT AND ACKNOWLEDGED SAID INSTRUMENT TO BE THEIR FREE AND VOLUNTARY ACT AND DEED OF THE SAME FOR THE USES AND PURPOSES THEREIN MENTIONED AND STATED ON OATH THAT HE IS AUTHORIZED TO EXECUTE SAID INSTRUMENT.

STATE OF WASHINGTON) COUNTY OF SPOKANE) SS

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN. MY COMMISSION EXPIRES 9-18-11

Kerri P. Schoolcraft, NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT Spokane



ACKNOWLEDGMENT

IN WITNESS WHEREOF, THE AFOREMENTIONED OWNERS HAVE CAUSED THEIR NAME TO BE HERE UNTO SUBSCRIBED, THIS 15th DAY OF September, 2008

WASHINGTON TRUST BANK (BENEFICIARY)
BY: Connie Bischoff Regional Senior Vice President

ON THIS 15th DAY OF September, 2008, BEFORE ME PERSONALLY APPEARED Connie Bischoff WHO EXECUTED THE WITHIN AND FORGOING INSTRUMENT AND ACKNOWLEDGED SAID INSTRUMENT TO BE THEIR FREE AND VOLUNTARY ACT AND DEED OF THE SAME FOR THE USES AND PURPOSES THEREIN MENTIONED AND STATED ON OATH THAT HE/SHE WAS AUTHORIZED TO EXECUTE SAID INSTRUMENT.

STATE OF WASHINGTON) COUNTY OF SPOKANE) SS

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN. MY COMMISSION EXPIRES 9-13-11

Kerri P. Schoolcraft, NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT Spokane



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 14th DAY OF OCTOBER, 2008 AT 10:56 A.M. IN BOOK 35 OF PLATS AT PAGE 39-41 AT THE REQUEST OF ROBERT L. HEITMANN.

SPOKANE COUNTY AUDITOR BY DEPUTY

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 14th DAY OF OCTOBER, 2008.

A.E. "Skip" Chilberg by K. Smith, SPOKANE COUNTY TREASURER BY DEPUTY

SPOKANE COUNTY ASSESSOR

EXAMINED AND APPROVED THIS 15th DAY OF October, 2008.

Spokane County Assessor by Deputy



SPOKANE COUNTY ENGINEER

EXAMINED AND APPROVED THIS 3rd DAY OF October, 2008.

Spokane County Engineer

SPOKANE COUNTY DIVISION OF UTILITIES

EXAMINED AND APPROVED THIS 2nd DAY OF October, 2008.

Spokane County Utilities

SPOKANE REGIONAL HEALTH DISTRICT

EXAMINED AND APPROVED THIS 30th DAY OF September, 2008.

For Spokane County Regional Health

SPOKANE COUNTY COMMISSIONERS

THIS PLAT WAS APPROVED AND ACCEPTED BY THE COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON, ON THIS 14th DAY OF October, 2008.

Spokane County Commissioners

SPOKANE COUNTY BUILDING AND PLANNING DEPARTMENT

EXAMINED AND APPROVED THIS 9th DAY OF October, 2008.

Spokane County Building and Planning Director

CITY OF SPOKANE - TRANSPORTATION DEPARTMENT

EXAMINED AND APPROVED THIS 30th DAY OF September, 2008.

City of Spokane - Director of Transportation

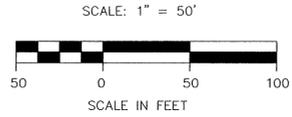


SURVEYORS CERTIFICATE

I, RICHARD E. WALTRIP, WASHINGTON PROFESSIONAL LAND SURVEYOR REGISTRATION NUMBER 35141, CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND MEETS SPOKANE COUNTY PLATTING REQUIREMENTS AND IS IN CONFORMANCE WITH THE STATE OF WASHINGTON PLATTING REQUIREMENTS FILED AT THE REQUEST OF ROBERT L. HEITMANN IN JULY OF 2008.

Richard E. Waltrip, DATE 9/12/2008, RICHARD E. WALTRIP, REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF WASHINGTON LICENSE NO. 35141





PLAT OF PRAIRIE BREEZE

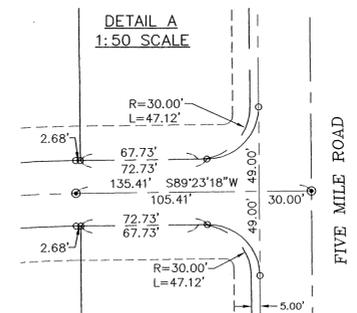
A PART OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 26 NORTH, RANGE 42 EAST, W.M., SPOKANE COUNTY, WASHINGTON

EAST QUARTER CORNER FOUND 804 SPIKE PER RECORD OF SURVEY, BOOK 83, PAGE 38, WITH R.P.'S;
-UTILITY POLE WITH TRANSFORMER, N36°09'E, 44.07', WITH BRASS TAG MARKED "29286"
-UTILITY POLE, S36°17'W, 47.84', WITH BRASS TAG MARKED "29286"
-UTILITY POLE, N37°26'W, 46.76', WITH BRASS TAG MARKED "29286"
LAST VISITED OCTOBER, 1996

AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS 16TH DAY OF OCTOBER, 2008
AT 10:56 A.M. IN BOOK 35 OF PLATS AT PAGE 39-41
AT THE REQUEST OF ROBERT L. HEITMANN.

PLAT # 4033

DEPUTY



- LEGEND**
- FOUND AS NOTED
 - LOT CORNERS SET 5/8" REBAR WITH CAP MARKED DEIA INC. 35141
 - C/L MONUMENT SET 5/8" REBAR WITH CAP MARKED DEIA INC. 35141
 - [15023] PROPERTY ADDRESS
 - (R) RADIAL LINE
 - L= ARC LENGTH
 - UE UTILITY EASEMENT
 - BE BORDER EASEMENT
 - DE DRAINAGE EASEMENT - DIMENSIONING SHOWN FOR THIS EASEMENT FROM THE BORDER EASEMENT AND ARE MEASURED PERPENDICULAR OR PARALLEL TO THE BORDER EASEMENT LINE OR LOT LINE.
 - DRAINAGE EASEMENT
 - UTILITY EASEMENT

BASIS OF BEARING
S00°36'42"E ALONG THE EAST LINE OF SOUTHEAST QUARTER PER RECORD OF SURVEY BOOK 91, PAGE 38.

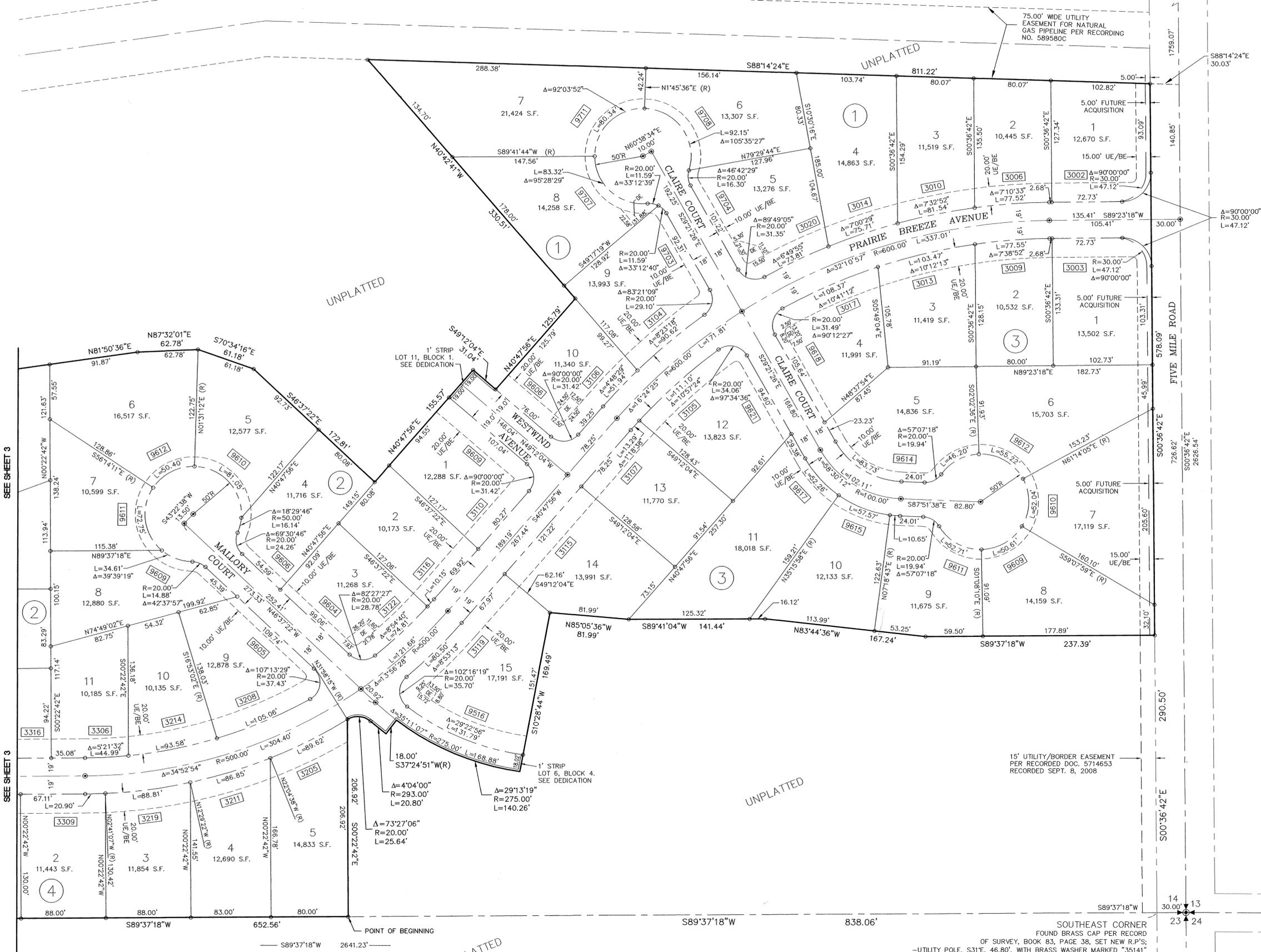
EQUIPMENT AND PROCEDURES
A LEICA TCA-1800 TOTAL STATION WAS USED ON A FIELD TRAVERSE. A LINEAR CLOSURE OF 1:10,000 WAS ACCOMPLISHED.

SURVEYORS NOTES

- SEE RECORD OF SURVEY FILED IN BOOK 91 AT PAGE 38 FOR COMPLETE SECTION TIE INFORMATION.
- WHERE A CURVE IS SHOWN ON THE UTILITY EASEMENTS ALONG THE STREETS AT THE STREET INTERSECTIONS, THE RADIUS IS 5'.
- ALL CURVES ARE TANGENT UNLESS OTHERWISE INDICATED WITH DIMENSIONS

SURVEYORS CERTIFICATE
I, RICHARD E. WALTRIP, WASHINGTON PROFESSIONAL LAND SURVEYOR REGISTRATION NUMBER 35141, CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND MEETS SPOKANE COUNTY PLATTING REQUIREMENTS AND IS IN CONFORMANCE WITH THE STATE OF WASHINGTON PLATTING REQUIREMENTS, FILED AT THE REQUEST OF ROBERT L. HEITMANN IN JULY OF 2008.

Richard E. Waltrip DATE 9/12/2008
RICHARD E. WALTRIP, REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF WASHINGTON LICENSE NO. 35141



SEE SHEET 3

SEE SHEET 3

15' UTILITY/BORDER EASEMENT PER RECORDED DOC. 5714653 RECORDED SEPT. 8, 2008

SOUTHEAST CORNER FOUND BRASS CAP PER RECORD OF SURVEY, BOOK 83, PAGE 38, SET NEW R.P.'S;
-UTILITY POLE, S31°E, 46.80', WITH BRASS WASHER MARKED "35141"
-UTILITY POLE, S49°W, 35.85', WITH BRASS WASHER MARKED "35141"
-6" POST, N72°W, 28.54', WITH TELEPHONE RISER BOX
LAST VISITED JUNE, 2008

DAVID EVANS AND ASSOCIATES INC.
908 N. Howard Street, Suite 300
Spokane Washington 99201
Phone: 509.327.8697

PLAT OF PRAIRIE BREEZE

A PART OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 26 NORTH, RANGE 42 EAST, W.M., SPOKANE COUNTY, WASHINGTON

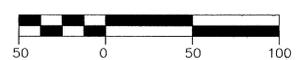
AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 16TH DAY OF OCTOBER, 2008 AT 10:56 A.M. IN BOOK 35 OF PLATS AT PAGE 39-91 AT THE REQUEST OF ROBERT L. HEITMANN.

DEPUTY *[Signature]*



SCALE: 1" = 50'



CENTER QUARTER CORNER FOUND 3/4" IRON PIPE WITH RPS PER SHORT PLAT SP89-605

75.00' WIDE UTILITY EASEMENT FOR NATURAL GAS PIPELINE PER RECORDING NO. 589580C

5.00' WIDE UTILITY EASEMENT PER RECORDING NO. 7910150240

49.0' RADIUS TEMPORARY TURNAROUND EASEMENT PER RECORDED DOC. 5714653 RECORDED SEPT. 8, 2008

DRAINAGE EASEMENT PER RECORDED DOC. 5714653 RECORDED SEPT. 8, 2008

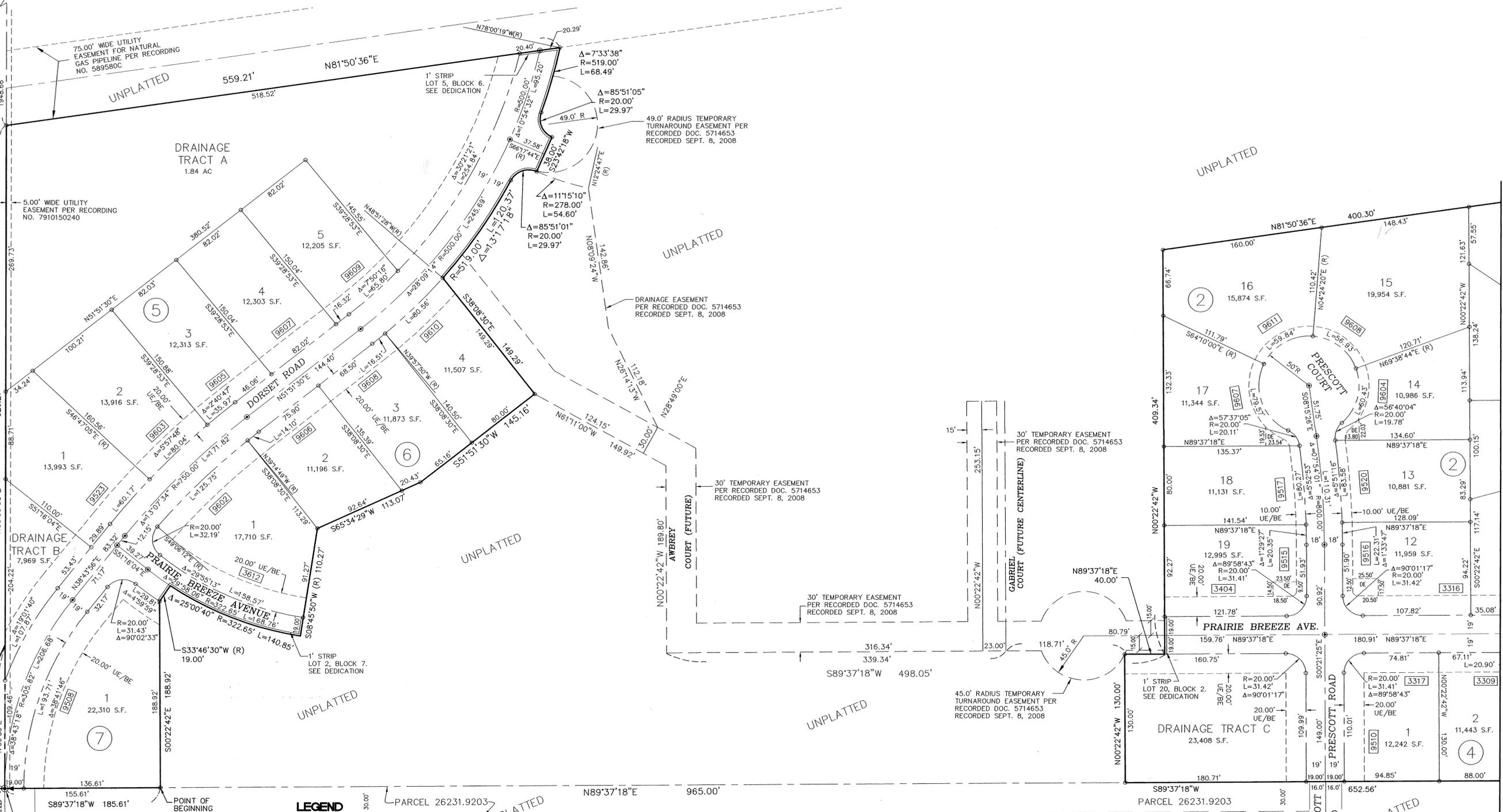
30' TEMPORARY EASEMENT PER RECORDED DOC. 5714653 RECORDED SEPT. 8, 2008

30' TEMPORARY EASEMENT PER RECORDED DOC. 5714653 RECORDED SEPT. 8, 2008

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30' TEMPORARY EASEMENT PER RECORDED DOC. 5714653 RECORDED SEPT. 8, 2008

45.0' RADIUS TEMPORARY TURNAROUND EASEMENT PER RECORDED DOC. 5714653 RECORDED SEPT. 8, 2008



DEDICATED FOR PUBLIC ROAD BY CITY RESOLUTION 2008-0004, ADOPTED JAN. 14TH, 2008

SOUTH QUARTER CORNER FOUND GRANITE STONE PER RECORD OF SURVEY, BOOK 87, PAGE 67 R.P.'S PER APPLICATION FOR PERMIT TO REMOVE OR DESTROY A SURVEY MONUMENT NO. 3412, DATED 9-13-2007 -5/8" REBAR WITH RED PLASTIC CAP: N38°58'E, 1041.66' -5/8" REBAR WITH RED PLASTIC CAP: N89°30'E 1057.72' -MAG NAIL: S1°05', 569.65' -MAG NAIL: S1°05', 256.58'

- LEGEND**
- FOUND AS NOTED
 - LOT CORNERS SET 5/8" REBAR WITH CAP MARKED "DEA INC. 35141"
 - C/L MONUMENT SET 5/8" REBAR WITH CAP MARKED "DEA INC. 35141"
 - 15023 PROPERTY ADDRESS
 - (R) RADIAL LINE
 - L= ARC LENGTH
 - UE UTILITY EASEMENT
 - BE BORDER EASEMENT
 - DE DRAINAGE EASEMENT - SEE NOTE SHEET 2
 - DRAINAGE EASEMENT
 - - - UTILITY EASEMENT

BASIS OF BEARING
S00°36'42"E ALONG THE EAST LINE OF SE QUARTER AS PER ROS IN BOOK 91, P. 38.

EQUIPMENT AND PROCEDURES
A LEICA TCA-1800 TOTAL STATION WAS USED ON A FIELD TRAVERSE. A LINEAR CLOSURE OF 1:10,000 WAS ACCOMPLISHED.

SURVEYORS NOTES

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Richard E. Waltrip DATE 9/12/2008
RICHARD E. WALTRIP, REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF WASHINGTON LICENSE NO. 35141



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SE 1/4 SE 1/4, SW 1/4 SE 1/4 SECTION 14, T26N, R42E
PROJECT NO. ND000000-0001
SHEET 3 OF 3 SHEETS

SEE SHEET 2

SEE SHEET 2

COUNTY LAND ACTION #PN 1811.96