

DECLARATION OF COVENANT

In consideration of the approval by Spokane County of Plat # PE-1756-94, STEEN ADDITION (hereinafter referred to as the "plat"), undersigned covenants and agrees that:

1. 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 water quality treatment swales ("208 swales") and other drainage facilities, if not properly maintained by the property owner. Spokane County does not accept the responsibility to inspect or maintain the drainage easements or drainage swales or subsurface drainage facilities located outside of the public Right-of-Way, nor does the County accept any liability for any failure by the lots owners(s) to properly maintain such areas.
2. 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 over and across their respective properties.
3. The property owners within this Plat shall maintain all water quality treatment swales ("208 swales") and drainage ditches situated on their respective properties, and any portion of a 208 swale situated in the public right of way adjacent to their respective properties, with a permanent ground cover as specified on the current approved plans on file at the County Engineer's Office. The property owners shall also maintain, repair and/or replace the subsurface drainage facilities located outside of the public Right-of-Way.
4. The property 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.
5. 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.
6. If the property owners fails to maintain the surface path of natural or man-made drainage flow, or the drainage swale, 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.
7. 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. The approved drainage facility shall be constructed in accordance with the approved plans on file at the County Engineer's Office. Any revisions to the approved drainage plans must be approved by the County Engineer's Office prior to construction of said revisions.

VOL. 1738 PAGE 1643

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SPOKANE, IDAHO

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