

DECLARATION OF COVENANT

In consideration of the approval by Spokane County of Plat # 1711-93 Tanager East (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, nor does the County accept any liability for any failure by the lot owner(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 manmade 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 permanent ground cover as specified on the current approved plans on file at the County Engineer's Office. The property owners may install approved shrubbery and/or trees which do not obstruct the flow and percolation of storm drainage water in the 208 swale and drainage ditches, as indicated by the current approved plans on file with the County Engineer's Office.
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 flood plain 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 owner fails to maintain the surface path of natural or manmade 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

Robert H. Bartleson
Robert H. Bartleson

State of Washington)
) ss
County of Spokane)

I certify that I know or that I have satisfactory evidence that Robert H. Bartleson, a single man, is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument and acknowledged it as his free and voluntary act and deed, for the uses and purposes stated in the instrument.

Dated this 9th day of *Septmber*, 1994.

Robert W. Liersberg
Notary Public in and for the State of Washington,

residing at *Spokane*

My appointment expires *4/3/96*



Vol. 1646 Page 1326

RECEIVED
FILED OR PROCESSED

REQUIRE

SEP 12 10 31 AM '94

K. BARTLESON

3717 E. DAY RD.

MEAD WA 99021

WA.

SPokane County Wash.

Official Document

JAMES J. DIERRO

ROBERT W. THORP