

FINAL PLAT WEST TERRACE FOURTH ADDITION

AN UNPLATTED PORTION OF THE SE1/4 OF SECTION 7, TOWNSHIP 24 NORTH,
RANGE 42 EAST, W.M., SPOKANE COUNTY, WASHINGTON
MARCH 2013

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 10th DAY
OF APRIL 2013 AT 11:16 A.M.
IN BOOK 36 OF PLATS AT PAGES 83-84
AT THE REQUEST OF ADAMS & CLARK, INC.

(Signed) William J. Anderson
County Auditor - Deputy

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Frank Freeze, Inc., a Delaware Corporation, have caused to be platted into Lots, Blocks, Tracts, and Public Streets, the land shown hereon to be known as West Terrace Fourth Addition, Planned Unit Development, being an unplatted portion of the NE1/4 of the SE1/4 of Section 7, Township 24 North, Range 42 East, W.M., Spokane County, Washington, described as follows: Beginning at the northeast corner of the SE1/4 of said Section 7; thence along the east line of said SE1/4 of Section 7, S01°26'27"E 793.00 feet; thence leaving said east line, S86°25'19"W 30.02 feet to a point on the westerly right-of-way line of Thomas Mallen Road and the **TRUE POINT OF BEGINNING**; thence continuing S86°25'19"W 695.49 feet to an angle point on the boundary of the plat of West Terrace Third Addition, according to the plat recorded in Book 30 of Plats, at pages 99 through 103, inclusive; thence along the boundary of said plat the following three (3) courses: 1) N14°40'10"E 438.86 feet; 2) S82°02'17"E 192.08 feet; 3) N89°59'19"E 383.85 feet to a point on said westerly right-of-way line of Thomas Mallen Road; thence leaving said boundary and along said westerly right-of-way line, S01°26'27"E 354.73 feet to the **TRUE POINT OF BEGINNING**.

They do hereby dedicate to public use forever the street rights-of-way shown within the boundary of this plat.

The owners of all lots within this subdivision shall be members of the West Terrace Third Addition P.U.D. Homeowners Association (WTTAHOA) created June 18, 2004 by the Secretary of State of the State of Washington under U.B.I. Number 602-405-580 and subject to the Articles of Incorporation and Bylaws thereof.

This plat is restricted by the terms of the Declaration Establishing Covenants, Conditions, and Restrictions for West Terrace Third Addition P.U.D. as recorded March 1, 2005, under Auditor's Document No. 5185120, which by reference is made a part hereof, and by the terms of the Supplemental Declaration to Covenants, Conditions and Restrictions for West Terrace Third Addition as recorded March 1, 2013, under Auditor's Document No. 6182069 which by reference is made a part hereof.

Setbacks shall be determined at the time of Building Permit issuance.

No direct access shall be allowed from lots or tracts shown hereon to Thomas Mallen Road until such time as authorized by the County Engineer.

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 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, the County Building and Planning Divisions, and the 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.

The "Border Easements" adjoining Ballesteros Court, as shown hereon, are hereby granted to Spokane County and its authorized agents, and to the public for road purposes, including but not limited to curbs, sidewalks, drainage, signage, and 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 safe and efficient vehicular 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.

Utility easements adjoining the rights-of-way of Ballesteros Court and Thomas Mallen Road, as shown on hereon, for electric, gas, phone, fiber, cable, are hereby dedicated for the use of serving utility companies for the construction, reconstruction, maintenance, protection, inspection and operation, of their respective facilities. Said companies reserve the right to prohibit the placement of brick, rock, or other masonry structures within the easement area which may interfere with said utilities and to prohibit, trim, or remove trees, bushes and landscaping without compensation within easement area. Storm-drain drywells and water meter boxes shall not be allowed in utility easement areas; however, lateral crossings by water, sewer, and storm drain lines are permitted. Serving utilities also reserve the right to cross border/sidewalk easements and common areas. If the developer or subcontractor should ditch beyond the limits of the platted easement strips shown hereon, the easement shall then be identified by the actual physical location of the installed utilities, except said easement shall not encroach on any border easements shown hereon.

The Pedestrian Access Easement located within Lot 9, Block 1, as shown hereon, is dedicated to Spokane County.

The drainage easements, 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 dedicated to Spokane County and the WTTAHOA. The right to ingress/egress is granted to Spokane County over these easements for inspection and emergency maintenance of the stormwater facilities.

Spokane County and its authorized agents are hereby granted the right to ingress and egress to, over and from all public and private drainage easements for the purposes of inspection and emergency maintenance of drainage swales, ponds, ditches, culverts and other drainage facilities, if not properly maintained by the property owner or the WTTAHOA, Spokane County does not accept the responsibility to inspect or maintain any drainage facilities and/or structures 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) to properly maintain such areas.

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. If the property owners 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. 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.

Spokane County does not accept the responsibility of maintaining the drainage course on private lots or floodplain 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.

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 meet the minimum requirements as set forth in the current building code. 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 accepted plans on file at the Spokane County Engineer's Office. Any proposed changes to the accepted road and drainage plans must be accepted by the Spokane County Engineer's Office prior to construction of said changes.

There may exist properties located uphill and adjacent to this subdivision which 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 that what is normally observed or anticipated. Because stormwater runoff from adjacent properties has discharged onto this plat prior to development, stormwater runoff will likely continue to do so after development.

Due to the presence of shallow groundwater, basements are not allowed unless specifically recommended by a geotechnical engineer. Prior to release of building permit for any lot proposing a basement, a site investigation and study conducted by a qualified geotechnical engineer shall be completed. The report shall address the feasibility of constructing a basement. If a basement is found to be feasible, a basement design shall be provided that meets at a minimum the requirements of the current IRC with respect to dampproofing and waterproofing as part of the basement foundation construction.

The property owners within this plat shall maintain all natural drainage channels, drainage ditches, and water quality swales ('208' swales) situated on their respective properties, and any portion of a '208' swale situated in a public right-of-way adjacent to their respective properties, with a permanent ground cover as specified in the currently accepted plans on file at Spokane County's Engineer's Office. No structures, including fences, shall be constructed directly over or within a '208' swale without the expressed written consent of the Spokane County Engineer. Property owner(s) maintenance responsibilities shall include, but is not limited to mowing, irrigating, and keeping the area free of debris.

The WTTAHOA or its successors in interest shall maintain all drainage facilities, located in drainage easements, in conformance with the accepted plans and the Operations and Maintenance Manual as prepared by Adams & Clark, Inc., both of which are on file at the Spokane County's 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; and maintaining live native-type dryland grasses or lawn turf in the drainage facilities located in drainage easements, 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 accepted plans. The WTTAHOA is also responsible for removing and disposing of the soils 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. The WTTAHOA shall be responsible for payment of all claims and other liabilities which may become due for said maintenance responsibilities.

If the WTTAHOA or their successors in interest, fail to maintain the drainage facilities in conformance with the accepted drainage plans and the Operations and Maintenance Manual, on file at the Spokane County Engineer's Office, a notice of such failure may be given to the WTTAHOA 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 WTTAHOA or their successors in interest.

Should the WTTAHOA be terminated for any reason, the successors in interest shall be the individual lot owners, or their successors in interest, who are members of the WTTAHOA 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, their heirs, successors and assigns, including the obligation to participate in the maintenance of the drainage facilities as provided herein.

- All of part of the land shown hereon is subject to:
- 1) An Avigation Easement and the terms and conditions thereof recorded April 11, 1969, as Auditor's Document No. 420133C.
 - 2) A Deed of Interest in Well and Easement and Agreement recorded October 4, 1984, as Auditor's Document No. 8410040224
 - 3) An easement and the terms and conditions thereof recorded October 11, 1985, as Auditor's Document No. 8510110215.
 - 4) A Utility Connection Covenant; LID Waiver and the terms and conditions thereof recorded April 7, 1986, as Auditor's Document No. 8604070339.
 - 5) An easement and the terms and conditions thereof recorded May 15, 1986, as Auditor's Document No. 8605150383.
 - 6) Notice to the Public recorded May 22, 1986, as Auditor's File No. 8605220281.
 - 7) Utility Connection Covenant; LID Waiver recorded August 13, 1985, as Auditor's File No. 85081302025
 - 8) Title Notice recorded February 6, 1991, as Auditor's Document No. 9102060163.

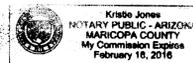
IN WITNESS WHEREOF I have set my hand:

Frank Freeze, Inc.
A Delaware Corporation,
by Charles Klar
President
Title: PRESIDENT



ACKNOWLEDGMENT

STATE OF Arizona
COUNTY OF Maricopa)
On this 10th day of March
2013, before me personally appeared Charles Klar,
to me known to be the President of Frank Freeze, Inc.
A Delaware Corporation that executed the within and foregoing instrument,
and acknowledged said instrument to be their free and voluntary act
and deed for the uses and purposes therein mentioned and stated on
oath that he/she is authorized to execute said instrument.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my seal, the day and year first above written.
Kristie Jones
Notary Public in and for the State of Arizona
residing in Maricopa
My commission expires 2-2-2016



SPOKANE COUNTY COMMISSIONERS

This plat was approved and accepted by the County Commissioners of Spokane County, Washington, on this 10th day of April, 2013.

Shelley Quinn
Chairman, Spokane County Commissioners

SPOKANE COUNTY DIVISION OF ENGINEERING AND ROADS

Examined and approved this 20th day of MARCH, 2013.

W. Buegenmaier
Spokane County Engineer

SPOKANE REGIONAL HEALTH DISTRICT

Examined and approved this 1st day of April, 2013.

Don Copley
Spokane Regional Health Officer

SPOKANE COUNTY DIVISION OF UTILITIES

Examined and approved this 21st day of MARCH, 2013.

Rena R. Locke
Spokane County Division of Utilities

SPOKANE COUNTY ASSESSOR

Examined and approved this 9th day of April, 2013.

Jake Mendoza (Deputy)
Spokane County Assessor

SPOKANE COUNTY BUILDING AND PLANNING DEPARTMENT

Examined and approved this 25th day of MARCH, 2013.

John Hederson
Spokane County Department of Building & Planning

SPOKANE COUNTY TREASURER

I, Treasurer of Spokane County, Washington, do hereby certify that all taxes which have been levied and become chargeable against the land shown within this map and described in the dedication of this plat, have been fully paid, satisfied, and discharged. Dated this 10th day of April, 2013.

Rob Chase by M. Kenker
Spokane County Treasurer

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Spokane County Subdivision Ordinance.

Daniel B. Clark, P.L.S. #12904
Registered Professional Land Surveyor



3-5-13



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AN UNPLATTED PORTION OF THE SE1/4 OF SECTION 7, TOWNSHIP 24 NORTH,
RANGE 42 EAST, W.M., SPOKANE COUNTY, WASHINGTON
MARCH 2013



1/4 CORNER

COUNTY ENGINEER'S CORNER NO. 595
FOUND 1/2" REBAR PER SR3, SR4, SR6, SR7 & SR12
IN SPOKANE COUNTY MONUMENT CASE PER SR8, SR9,
SR10, SR11 & SR13, WITH ILLEGIBLE YELLOW PLASTIC
CAP ON CENTERLINE OF THOMAS MALLEN ROAD

REFERENCE POINTS:

- A) FOUND TACK & 3/4" BRASS TAG MARKED "SPO
CO." IN RAILROAD TIE FENCE POST PER SR8, SR11
& SR13, S89°03'26"E 29.68'
- B) FOUND TACK & 3/4" BRASS TAG MARKED "A&C
INC 12904" IN THE EAST FACE OF A UTILITY POLE
PER SE11, SR12 & SR13, S72°18'44"W 28.72'
- C) FOUND "+" IN CURB, N33°34'45"W 38.38' PER SR13

SURVEY REFERENCES:

- SR1 = Record of Survey, Book 13 Page 13
- SR2 = Plat of Four Lakes Golf & Country Club Subdivision No. 1, Volume 9 Page 64
- SR3 = Land Corner Record, ADN 7909210032
- SR4 = Record of Survey, Book 37 Page 8
- SR5 = Record of Survey, Book 48 Page 13
- SR6 = Plat of West Terrace First Addition, Volume 22 Page 51
- SR7 = Record of Survey, Book 64 Page 6
- SR8 = Record of Survey, Book 104 Page 54
- SR9 = Record of Survey, Book 105 Page 10
- SR10 = Record of Survey, Book 107 Page 67
- SR11 = Plat of West Terrace Third Addition, Volume 30 Pages 99-103
- SR12 = Plat of Foxtail Estates, Volume 33 Pages 83 & 84
- SR13 = Plat of Takoda Park, Volume 33 Page 93

BASIS OF BEARINGS

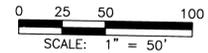
S01°26'27"E was assumed on the east
line of the SE1/4 of Section 7 per SR6

EQUIPMENT AND PROCEDURES

This survey was performed with a 6 second total
station theodolite using field traverse procedures,
and using Global Positioning System (GPS)
equipment with 5 mm. + 1 ppm. accuracy.

SURVEYOR'S NOTE:

The field control for this survey was performed,
and the corners shown as found hereon were
located, on July 25 & 27, 2012.



TOTAL PLAT AREA: 5.54 ACRES
TOTAL RIGHT-OF-WAY DEDICATION: 31,495 SQUARE FEET

LEGEND

- = SET 1/2" REBAR WITH
YELLOW PLASTIC CAP
MARKED "A&C INC. 12904"
- ◆ = FOUND 1/2" REBAR WITH
YELLOW PLASTIC CAP MARKED
"A&C INC 12904" PER SR11,
UNLESS SHOWN OTHERWISE
- (R) = RADIAL
- TPOB = TRUE POINT OF BEGINNING
- YPC = YELLOW PLASTIC CAP
- ⊕ = SECTION CORNER
- ⊙ = 1/4 CORNER

RADIAL	BEARING
RB1	N21°26'02"E
RB2	N12°05'18"E
RB3	N53°34'22"W
RB4	N38°41'49"E
RB5	N46°25'00"E
RB6	N13°12'59"E
RB7	N20°54'36"E

CURVE	RADIUS	DELTA	LENGTH	TANGENT
C1	20.00'	49°59'41"	17.45'	9.33'
C2	50.00'	7°43'11"	6.74'	3.37'
C3	20.00'	49°59'41"	17.45'	9.33'

SECTION CORNER

COUNTY ENGINEER'S CORNER NO. 1375
FOUND 3/4" IRON PIPE PER SR4, SR5, SR6,
SR8 & SR11, WITH NO ID, 1.0' BELOW SURFACE
ON CENTERLINE OF THOMAS MALLEN ROAD

REFERENCE POINTS:

- A) FOUND SMALL NAIL AND BROKEN 3/4"
BRASS TAG IN AN OLD BLAZE ON THE EAST
SIDE OF A 30" YELLOW PINE PER SR11, SR6
& SR8, S18°W 85.46'
- B) FOUND A TACK & 3/4" BRASS TAG MARKED
"A&C INC. 12904" IN THE CENTERLINE OF
AN OLD BLAZE ON THE SOUTH FACE OF A
36" PINE PER SR11, N64°W 21.00'



3-5-13



AC
Adams & Clark, Inc.
1720 W. Fourth Ave.
Spokane, WA 99201-5302
(509) 747-4600 F(509) 747-8913
www.adamsandclark.com
Project No. 2010-01-091

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