9408040153

**DECLARATION OF COVENANT** VOL. 1632 PAGE 1725

In consideration of the approval by Spokane County of **Plat # P1726A, West Terrace 2nd 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 lots within the Plat for the purpose of inspection and/or emergency maintenance of the surface path of natural or man-made drainage flow, and other drainage facilities, if not properly maintained by the property owner. Spokane County does not accept the responsibility to inspect or maintain the surface drainage path, or other drainage facilities, 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 man-made drainage flow, or other drainage facilities, over and across their respective properties.

3. The property owner or his representative shall inform each succeeding purchaser of all drainage paths and facilities on the property and of his responsibility for maintaining surface drainage paths and other drainage facilities within the property.

4. Spokane County does not accept the responsibility of maintaining the surface drainage course or other drainage facilities on 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 or other drainage facilities on private property.

5. If the property owner fails to maintain the surface path of natural or man-made drainage flow, or other drainage facilities, a notice of such failure may be given to the property owner by Spokane County. 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.

6. 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 swale or approved drainage facility, or b) drainage intercepted on the lot 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.

DATED this 2nd day of August, 1994.

WEST TERRACE LIMITED PARTNERSHIP:

By _____
Gary Alexander
Managing Partner

RECEIVED
FILED OR RECORDED
REQUEST OF Co Eng
AUG 4 1 01 PM '94
WILLIAM [illegible]
AUDITOR
SPOKANE, COUNTY, WASH.

INTEROFFICE

STATE OF WASHINGTON )
) ss
County of Spokane )

I certify that I know or that I have satisfactory evidence that GARY ALEXANDER 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 the instrument and acknowledged it as the Managing Partner of the West Terrace Limited Partnership, a Washington limited partnership, to be the free and voluntary act and deed of said limited partnership, for the uses and purposes stated in the instrument.

DATED this 2nd day of August, 199_.

THERESE R. THOMPSON
COMMISSION EXPIRES
NOTARY PUBLIC
7-23-97
STATE OF WASHINGTON

_____
NOTARY PUBLIC in and for the
State of Washington, residing at Spokane.
My appointment expires 7-23-97

Unofficial Document