

After Recording Return To:
Adams & Clark, Inc.
1720 W. Fourth Ave.
Spokane, WA 99204



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Page: 1 of 5
08/20/2004 11:39A
Spokane Co, WA

Document Title: Drainage Easement and Construction Maintenance Covenant
Grantor(s): North Division Complex, LLC, a Washington Limited Liability Company
Grantee(s): T.C. Enterprises. No. 5, L.L.C., and Spokane County
Legal Description: Portion of SE1/4 of SEC. 7, TWN. 24 N., RGE. 42 E., W.M.
Additional Legal Description: See Exhibit A
Assessor's Tax Parcel Number(s): A portion of 24074-9070

**TEMPORARY
POND DRAINAGE EASEMENT
AND
CONSTRUCTION & MAINTENANCE COVENANT**

IN THE MATTER OF Short Plat 1346-04,

KNOW ALL MEN BY THESE PRESENTS, that the Grantor(s), North Division Complex, LLC, a Washington Limited Liability Company of the County of Spokane, State of Washington, for and in consideration of Mutual Benefits, the receipt of which is hereby acknowledged, grant(s) to T.C. Enterprises. No. 5, L.L.C., Drainage Easements over, under, upon and across the following described real property situated in the County of Spokane, State of Washington:

See Exhibits "A", "B" & "C" attached

The Drainage Easements, as described hereinabove, are hereby granted to T.C. Enterprises. No. 5, L.L.C, and its authorized agents for the purpose of constructing, operating, and maintaining a drainage pond and appurtenances that evaporate and detain runoff from the street system, and Tracts "B" and "C" of said short plat.

The Drainage easements are also granted to Spokane County and its authorized agents over the subject property for the inspection and emergency maintenance of drainage facilities within the Easement area. Spokane County does not have the responsibility to inspect or maintain in routine or emergency fashion the drainage facilities located outside of the public right-of-way or tract, except in cases where Spokane County specifically assumes that responsibility in writing. Neither does Spokane County have any liability for any failure by the responsible party to maintain the drainage facilities.

The Easement area is reserved for the exclusive said uses and changes to vegetation and grading and the construction of permanent structures and fencing that hinder the operations and maintenance of and access to the pond facilities and appurtenances as indicated on the approved road and drainage plans on file at the Office of the County Engineer are hereby prohibited.

Any other easements that are granted concurrent with or subsequent to this Easement will be subordinate to the rights and restrictions created by this Easement and are subject to the Spokane County permit process prior to usage.

A Construction Covenant is hereby established where North Division Complex, LLC, shall be solely responsible to construct said drainage pond facilities and appurtenances within the easement area in conjunction with the said short plat development in conformance with the approved street and drainage plans on file in the office of the Spokane County Division of Engineering and Roads in a timely manner and scope to adequately support the said short plat development of Tracts "B" and "C" only.

R. E. Excise Tax Exempt

Date Aug 20 2004

Spokane County Treas.

By [Signature]

A Maintenance Covenant is hereby established whereby North Division Complex, LLC and its successor in interest shall maintain all drainage pond facilities and appurtenances located within the Easement area in conformance with the accepted Street and Drainage Plans and Operations & Maintenance Manual prepared by Adams & Clark, Inc. for the final plat of West Terrace Third Addition, on file at the Spokane County Engineer's Office. North Division Complex, LLC shall be responsible for payment of all claims and other liabilities, which may become due for said maintenance responsibilities.

If North Division Complex, LLC, or their successors in interest, fails to maintain the drainage pond facilities and appurtenances in said manner, a notice of such failure may be given by the County Engineer. If not corrected within the period of time indicated on said notice, Spokane County has the right to correct the maintenance failure, or have it corrected, at the expense of the said parties.

The North Division Complex, LLC or its representative shall inform each succeeding purchaser of all Drainage Easements on the property and his responsibility for maintaining drainage facilities within said Easements.

This Drainage Easement and Maintenance Covenant described hereinabove are to and shall run with the land. No modification of the boundaries of said Easement can be made without the prior approval of Spokane County.

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.

This Temporary Pond Drainage Easement, and Construction & Maintenance Covenant will be released/extinguished at the time the final plat of West Terrace Third Addition, PUD (P-1856) is recorded and construction and maintenance provisions are provided by it.

IN WITNESS WHEREOF, Michael Hume have hereunto set my hand(s) and seal(s) this 19th day of August, 2004.

North Division Complex, LLC

By: Michael Hume

Its: Member

STATE OF WASHINGTON)
COUNTY OF SPOKANE) ss

I certify that I know or have satisfactory evidence that Michael Hume is the individual who appeared before me, and said individual acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledges it as the MEMBER of North Division Complex, LLC, to be the free and voluntary act of such party, for the uses and purposes mentioned in the instrument.

Dated this 19th day of AUGUST, 2004.



NOTARY PUBLIC Della Holbert
In and for the State of Washington,
residing at Spokane.
My appointment expires 8/12/2007.



EXHIBIT A

Easement A

That portion of the SE1/4 of Section 7, Township 24 North, Range 42 East, W.M., Spokane County, Washington, described as follows:

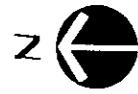
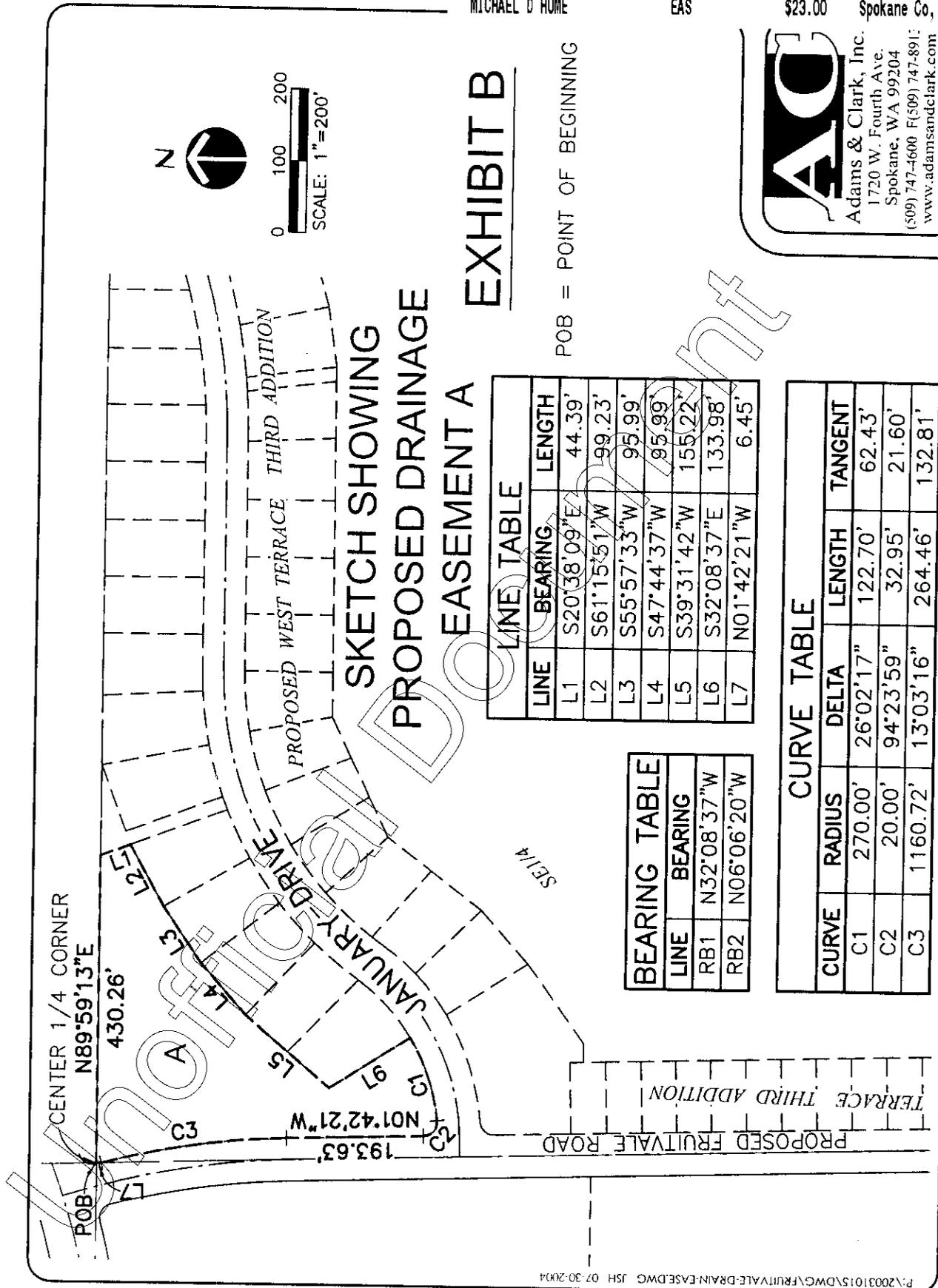
Beginning at the northwest corner of said SE1/4; thence N89°59'13"E, along the north line of said SE1/4, a distance of 430.26 feet; thence S20°38'09"E 44.39 feet; thence S61°15'51"W 99.23 feet; thence S55°57'33"W 95.99 feet; thence S47°44'37"W 95.99 feet; thence S39°31'42"W 155.22 feet; thence S32°08'37"E 133.98 feet to a point on a 270.00 foot radius nontangent curve, the center of circle of which bears N32°08'37"W; thence southwesterly along the arc of said curve through a central angle of 26°02'17", 122.70 feet to the point of compound curve of a 20.00 foot radius curve to the right, the center of circle of which bears N06°06'20"W; thence along the arc of said curve through a central angle of 94°23'59", 32.95 feet to a point on the east line of the west 30.00 feet of said SE1/4; thence N01°42'21"W, along said east line, 193.63 feet to the point of curve of a 1160.72 foot radius curve to the left; thence along the arc of said curve through a central angle of 13°03'16", 264.46 feet to a point on the west line of said SE1/4; thence N01°42'21"W, along said west line, 6.45 feet to the point of beginning;

Easement "B"

That portion of the SE1/4 of Section 7, Township 24 North, Range 42 East, W.M., Spokane County, Washington, described as follows:

Beginning at the northwest corner of Lot 1 Block 3 of West Terrace First Addition, according to the plat recorded in Book 22, Pages 50 and 51, from which the northeast corner of said Lot 1 bears S78°02'27"E; thence N18°40'29"E 279.51 feet; thence N23°57'45"E 295.47 feet; thence N26°42'10"E 251.35 feet; thence N19°18'33"E 279.68 feet; thence N71°49'12"W 330.10 feet; thence S74°01'49"W 342.29 feet; S81°34'35"W 85.64 feet; thence S89°50'28"W 490.38 feet; thence S64°35'10"W 187.44 feet; thence S37°18'43"W 167.33 feet; thence S48°05'28"W 100.89 feet to the TRUE POINT OF BEGINNING; thence N32°08'37"W 135.00 feet to a point on a 330.00 foot radius curve, the center of circle of which bears N32°08'37"W; thence southwesterly along the arc of said curve through a central angle of 27°17'48", 157.22 feet to the point of reverse curve of a 20.00 foot radius curve to the left, the center of circle of which bears S04°50'49"E; thence along the arc of said curve through a central angle of 86°51'32", 30.32 feet to the point of tangent on the east line of the west 30.00 feet of said SE1/4 of Section 7; thence S01°42'21"E, along said east line, 108.56 feet; thence N88°17'41"E 100.00 feet; thence S01°42'21"E 19.36 feet; thence N88°17'41"E 26.66 feet; thence N53°25'05"E 133.75 feet to the TRUE POINT OF BEGINNING;

Unofficial Copy



**SKETCH SHOWING
 PROPOSED DRAINAGE
 EASEMENT A**

EXHIBIT B

POB = POINT OF BEGINNING

| LINE | BEARING | LENGTH |
|------|-------------|---------|
| L1 | S20°38'09"E | 44.39' |
| L2 | S61°15'51"W | 99.23' |
| L3 | S55°57'33"W | 95.99' |
| L4 | S47°44'37"W | 95.99' |
| L5 | S39°31'42"W | 155.22' |
| L6 | S32°08'37"E | 133.98' |
| L7 | N01°42'21"W | 6.45' |

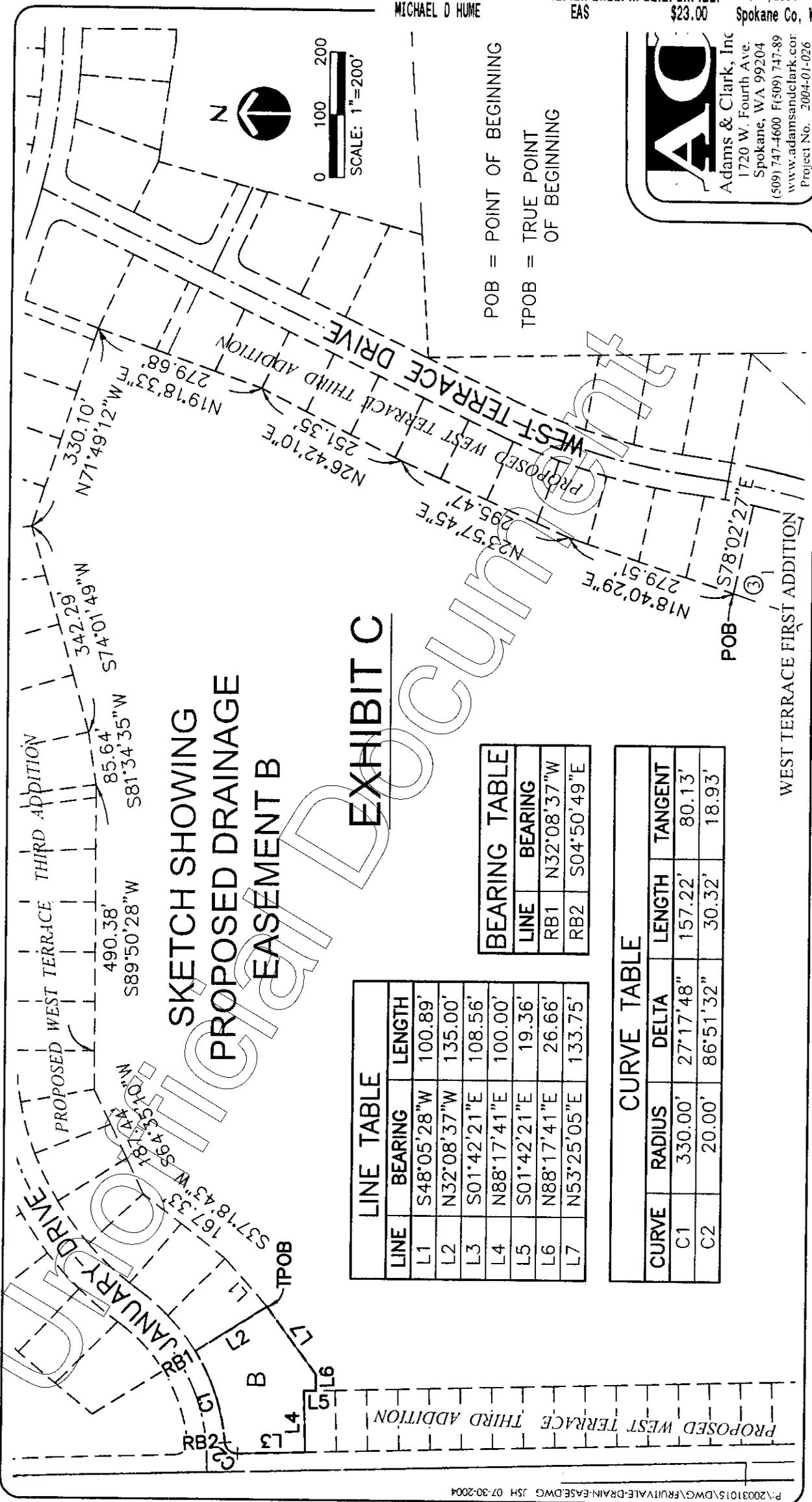
| LINE | BEARING |
|------|-------------|
| RB1 | N32°08'37"W |
| RB2 | N06°06'20"W |

| CURVE | RADIUS | DELTA | LENGTH | TANGENT |
|-------|----------|-----------|---------|---------|
| C1 | 270.00' | 26°02'17" | 122.70' | 62.43' |
| C2 | 20.00' | 94°23'59" | 32.95' | 21.60' |
| C3 | 1160.72' | 13°03'16" | 264.46' | 132.81' |

AAC
 Adams & Clark, Inc.
 1720 W. Fourth Ave.
 Spokane, WA 99204
 (509) 747-4600 F(509) 747-891
 www.adamsandclark.com
 Project No. 2004-01-026

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AC
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| BEARING TABLE | |
|---------------|-------------|
| LINE | BEARING |
| RB1 | N32°08'37"W |
| RB2 | S04°50'49"E |

| LINE TABLE | | |
|------------|-------------|---------|
| LINE | BEARING | LENGTH |
| L1 | S48°05'28"W | 100.89' |
| L2 | N32°08'37"W | 135.00' |
| L3 | S01°42'21"E | 108.56' |
| L4 | N88°17'41"E | 100.00' |
| L5 | S01°42'21"E | 19.36' |
| L6 | N88°17'41"E | 26.66' |
| L7 | N53°25'05"E | 133.75' |

| CURVE TABLE | | | |
|-------------|---------|-----------|---------|
| CURVE | RADIUS | DELTA | TANGENT |
| C1 | 330.00' | 27°17'48" | 80.13' |
| C2 | 20.00' | 86°51'32" | 18.93' |