

**DECLARATION OF COVENANT**

In consideration of the approval by Spokane County of **Plat #P1726, West Terrace Place P.U.D.**, (hereinafter referred to as the "Plat"), the undersigned covenants and agrees that:

1. The West Terrace Place Owners' Association or its successors in interest shall maintain the drainage facilities within the Plat, and the storm runoff conveyance pipe into which the Plat discharges (hereinafter referred to as the "Facilities"), in conformance with the approved engineering plans on file in the County Engineer's Office. maintenance of the Facilities shall include, but shall not be limited to, keeping the drainage facilities clear of debris and obstructions. The West Terrace Place Owners' Association is responsible for payment of all claims and other liabilities which may become due as a result of owning and maintaining the Facilities.
2. Spokane County and its authorized agents are hereby granted the right of ingress and egress to all private roads and/or drainage easements, for the purpose of inspection and emergency maintenance of drainage swales, and any other drainage facilities, if not properly maintained by the West Terrace Owners' Association, or their successors in interest. Spokane County does not accept the responsibility to inspect and maintain the drainage easements, drainage swales, or other Facilities, nor does the County accept any liability for failure by the West Terrace Owners' Association, or their successors in interest to properly maintain such areas.
3. The lot 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.
4. The lot 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. **WARNING:** Spokane County has no responsibility to build, improve, or maintain or otherwise service the private roads, and associated drainage facilities contained within or providing service to the property described in the Plat. By accepting this Plat or subsequently by allowing a building permit to be issued for property on a private road, Spokane County assumes no obligation for said private road and the owners hereby acknowledge that the County has no obligation of any kind or nature whatsoever to establish, examine, survey, construct, alter repair, improve, maintain, provide drainage or snow removal on a private road or its' associated drainage facilities.
6. Whenever the West Terrace Owners' Association, or their successors in interest, fail to maintain the Facilities in conformance with the approved drainage plan, a notice of such failure may be given to the West Terrace Owners' Association, or their successors in interest, by the County. If not corrected within the period indicated on said notice, the County has the right to correct the maintenance failure, or to have it corrected, at the expense of the West Terrace Owners' Association, or their successors in interest.
7. Whenever a lot owner, or their successors in interest, fail to maintain the Facilities in conformance with the approved drainage plan, a notice of such failure may be given to the lot owner, or their successors in interest, by the County. If not corrected within the period indicated on said notice, the County has the right to correct the maintenance failure, or to have it corrected, at the expense of the lot owner, or their successors in interest.
8. Maintenance financing of the drainage facilities shall be in a manner determined by the West Terrace Owners' Association or their successors in interest.
9. Should the West Terrace Owners' Association 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 West Terrace Owners' Association at the time of said termination.

- 10. The West Terrace Owners' Association, or their successors in interest, may install approved shrubbery and/or trees which do not obstruct the flow and percolation of storm drainage water in the 208 swales and drainage ditches, as indicated by the current approved plans on file with the County Engineer's Office.
- 11. The lot owners, or their successors in interest, may install approved shrubbery and/or trees which do not obstruct the flow and percolation of storm drainage water in the 208 swales and drainage ditches, as indicated by the current approved plans on file with the County Engineer's Office.
- 12. 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 sue to deficient construction and/or maintenance of drainage courses in drainage easements on private property.
- 13. 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.
- 14. This covenant and agreement shall run with the land and shall be binding upon the owner, their heirs, successors or assigns, including the obligation to participate in the maintenance of the private drainage facilities as provided herein.

DATED this 8<sup>th</sup> day of July, 1997

WEST TERRACE PLACE OWNERS' ASSOCIATION

By: [Signature]  
Gary Alexander  
President

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 President of the West Terrace Place Owners' Association, a Washington non-profit corporation, to be the free and voluntary act of such corporation, for the uses and purposes stated in the instrument.

DATED this 8<sup>th</sup> day of July, 1997



[Signature]  
NOTARY PUBLIC in and for the  
State of Washington, residing at Spokane WA My  
appointment expires 7/23/97

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REQUESTED BY *West Missae Lae*

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WIT:

SPOKANE COUNTY, WASH.

Unofficial Document

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