



Spokane County Engineers
1026 W. Broadway
Spokane, WA 99260-0170
(509) 477-3600

Document Title: **DECLARATION OF COVENANT**

Reference Numbers: File No. PE-1904-02

Abbreviated Legal Description:

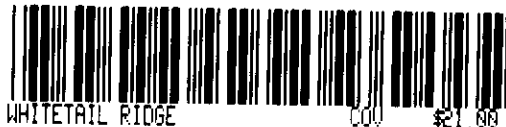
A portion of Tract 256, Vera and unplatted portions of the W1/2 of 35-25N-44E
See Exhibit "A" for complete Legal Description

Parcel Numbers: 45352.9138, 45352.9139, 45352.9145, 45352.9040, 45353.9104

Grantors and Grantees: Whitetail Ridge LLC, a Washington Limited Liability Company

In consideration of the approval by Spokane County of the final plat of **WHITETAIL RIDGE** (hereinafter referred to as the "Development"), the undersigned covenants and agrees that:

1. The subdivider/sponsor will construct the private roads, and associated drainage facilities in conformance with the approved plans on file in the County Engineer's Office.
2. A lot is served by a private road when: a. the only road frontage for the lot in the Development is on the private road, or; b. a lot having frontage on more than one road (public or private) constructs an approach to the private road.
3. The Whitetail Ridge Homeowners Association or their successors in interest shall maintain the private roads and associated drainage facilities in conformance with the approved plans on file in the County Engineer's Office.
4. The owner(s) of any lot created by the Development or alternation thereof and served by a private road shall be responsible for maintenance of said private road, including associated drainage facilities.
5. Maintenance financing of the private roads and associated drainage facilities shall be in a manner determined by the Whitetail Ridge Homeowners Association of their successors in interest.
6. Should the Whitetail Ridge Homeowners 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 Whitetail Ridge Homeowners Association at the time of said termination.
7. In the event such private road, including associated drainage facilities, is improved to Spokane County standards for public streets, and the County is willing to accept the dedication of such road and drainage facilities, each lot owner shall execute any documents necessary to accomplish such dedication.
8. Owners of lots within the Development who are served by such road, may sue and recover damages and attorneys' fees from any owner of any lot within the Development which is similarly served who refuses to participate in the road and drainage facilities construction, financing, and maintenance.
9. **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 Development. By accepting this development 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.*



- 10. Whenever the Whitetail Ridge Homeowners Association or their successors in interest fail to maintain the drainage facilities in conformance with the approved drainage plan, a notice will be given to the Whitetail Ridge Homeowners Association or their successors in interest by the County. If not corrected after 10 days, the County has the right to correct the maintenance failure or have it corrected at the expense of the Whitetail Ridge Homeowners Association, their successors in interest, or lots in the development.
- 11. 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 drainage, 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.
- 12. 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 road and drainage facilities as provided herein.

Johnny M. Humphreys

Johnny M. Humphreys

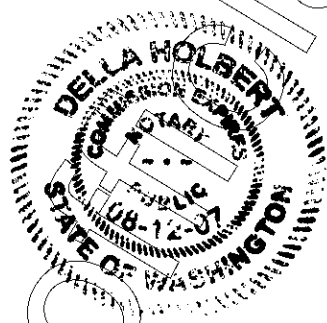
Dated this 12th day of Jan, 2005

STATE OF WASHINGTON)

County of Spokane)

On this day personally appeared before me Johnny M. Humphreys, known to me to be the MANAGER of Whitetail Ridge LLC, the Washington Limited Liability Company described in and who executed the within and foregoing instrument and acknowledged said instrument to be his/her 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.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 12th day of JANUARY, 2005.



Della Holbert
Notary Public in and for the State
of Washington, residing at Spokane



EXHIBIT "A"

That portion of Tract 256 of Vera, according to the plat recorded in Volume "O" of Plats, Page 30, and unplatted portions of the W1/2 of Section 35, Township 25 North, Range 44 East, W.M., Spokane County, Washington, described as follows:

Beginning at the southwest corner of the NW1/4 of said Section 35; thence N00°25'20"E, along the west line of said NW1/4, 60.00 feet to a point on the northerly right-of-way line of Belle Terre Avenue; thence along said northerly right-of-way line the following seven (7) calls: 1) S89°44'39"E, parallel with the south line of said NW1/4, 205.22 feet to the point of curve of a 410.74 foot radius curve to the left; 2) along the arc of said curve through a central angle of 24°15'00", 173.84 feet to the point of tangent; 3) N66°00'21"E 512.98 feet to the point of curve of a 470.74 foot radius curve to the right; 4) along the arc of said curve through a central angle of 55°10'00", 453.25 feet to the point of tangent; 5) S58°49'39"E 119.31 feet to the point of curve of a 1402.39 foot radius curve to the left; 6) along the arc of said curve through a central angle of 11°15'00", 275.36 feet to the point of tangent; 7) S70°04'39"E 305.56 feet to a point on the northerly boundary of the plat of Belle Terre, as recorded in Volume "8" of Plats, Page 54; thence continuing along the northerly right-of-way line of Belle Terre Avenue and along the said northerly boundary of the plat of Belle Terre the following four (4) calls: 1) continuing S70°04'39"E 305.21 feet to the point of curve of a 470.74 foot radius curve to the right; 2) along the arc of said curve through a central angle of 1°02'51", 8.61 feet to the point of reverse curve of a 20.00 foot radius curve to the left, the center of circle of which bears N20°58'12"E; 3) along the arc of said curve through a central angle of 95°44'51", 33.42 feet to the point of tangent; 4) N15°13'21"E 95.38 feet to a point on the south line of said NW1/4; thence S89°44'39"E, along said south line, 398.93 feet to the southeast corner of said NW1/4; thence N00°19'40"E, along the east line of said NW1/4, 995.48 feet to a point on the extended south line of Tract 257 of said plat of Vera; thence N89°47'42"W 664.87 feet to the southwest corner of said Tract 257; thence N22°02'40"W 358.26 feet to a point on the south line of Short Plat No. 228-83, as recorded in Volume 2 of Short Plats, Page 53, from which the southeast corner of said Short Plat bears S89°48'43"E 136.50 feet; thence N89°48'43"W, along said south line of Short Plat No. 228-83 and said south line extended, 548.23 feet to a point on the east line of said Tract 256 and on the westerly right-of-way line of Best Road; thence N00°22'30"E, along said westerly right-of-way line, 125.06 feet to a point on the extended south line of Short Plat No. 892-93 as recorded in Volume 17 of Short Plats, Pages 7 & 8; thence N89°50'46"W, along said extended south line, 5.00 feet to the southeast corner of said Short Plat No. 892-93; thence along the boundary of said short plat the following five (5) courses: 1) continuing N89°50'46"W 159.05 feet; 2) N41°10'21"W 223.44 feet; 3) N63°02'23"W 122.98 feet; 4) N14°31'47"W 155.31 feet; 5) N47°43'07"W 244.93 feet to the southeast corner of Tract 242 of said plat of Vera; thence N89°50'46"W, along the south line of said Tract 242 and said line extended, 664.46 feet to a point on said west line of the NW1/4; thence S00°25'20"W, along said west line, 1926.24 feet to the TRUE POINT OF BEGINNING.

Unofficial