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DECLARATION OF COVENANT

CLERK
 COUNTY WASH
 DEPUTY

attn: R. Berto

In consideration of the approval by Spokane County of Woodland Estates/Columbia Heights * (P-1729) (hereinafter referred to as the "plat"), undersigned covenants and agrees that:

This plat is included in two Special Stormwater Management Service Areas (SSMSA). The westerly portion of the plat is in a SSMSA established by Resolution 95-1090 of the Board of County Commissioners of Spokane County, Washington. The easterly portion of the plat is in a SSMSA established by Resolution 95-1314 of the Board of County Commissioners of Spokane County, Washington. Within these Special Stormwater Management Service Areas, Spokane County will provide perpetual maintenance of stormwater facilities and appurtenances located within the private roadways and public easements, and any other areas which Spokane County may accept for maintenance. The owner(s), or their successors in interest, agree and shall be responsible to pay such rates and charges to the County as fixed through public hearings for service or benefit obtained by the maintenance, operation and replacement of such stormwater facilities and appurtenances.

Spokane County, through the Special Stormwater Management Service Area agreements is responsible for maintaining storm drainage facilities, where maintenance shall include periodically cleaning the pipes and catch basins, and cleaning and maintaining the drainage ponds. The County shall not be responsible for maintaining the private roads, ditches or lawn turf.

Grassed areas within right-of-ways and common areas within this plat, that are not the maintenance responsibility of adjacent lot owners, shall be maintained by the Columbia Heights/Woodland Estates Homeowners Association. The Columbia Heights/Woodland Estates Homeowners Association shall be responsible for payments of all maintenance claims such as water fees, mowing, electrical charges, etc., which may become due for said area(s).

Spokane County and its authorized agents are hereby granted the right to ingress and egress to, over and from all public drainage easements for the purposes of inspection and maintenance of drainage pipe systems, ponds and other drainage facilities.

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. Spokane County accepts any liability for any failure by the lot owner(s) to properly maintain such areas.

The property owner or authorized representative shall inform each succeeding purchaser of all drainage easements and the Special Stormwater Management Service Area agreement associated with the property, and their responsibility for maintaining surface drainage paths and swales within said easement.

Spokane County does not accept the responsibility of maintaining the drainage easements 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.

If the Columbia Heights/Woodland Estates Homeowners Association or an individual property owner fails to maintain the surface path of natural or man-made drainage flow, or the drainage swale, a notice of such failure may be given to said party. 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 said party.

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.

Each lot owner shall provide such erosion prevention and sediment control (EP/SC) measures as are necessary in order to prevent sediment-laden runoff from entering the public drainage system by either surface flow or pipe flow, or any combination of surface or pipe flow.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed on this 1 day of February 1996

Theodore G. Bunning

STATE OF WASHINGTON)
COUNTY OF SPOKANE) ss

I certify that I know or have satisfactory evidence that _____

THEODORE G. BUNNING

is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of _____ to be a free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 2-1-96

Karol A. Banks
Notary Public In and for the State of Washington.
My Appointment Expires: 8-29-96

