



4446117
Page: 1 of 2
01/07/2000 11:05A
Spokane Co. WA

AFTER RECORDING RETURN TO:
Spokane County Public Works
Development Engineering Services, 2nd Floor
1026 W. Broadway Ave.
Spokane, WA 99260-0170

Document Title: Drainage Declaration of Covenant

Grantor: Linderman Construction Company, Inc.

Grantee: Spokane County and The Public

Abbreviated Legal Description: Portion of Tract 196 of Vera in the NE ¼ of Section 26, T. 25 N., R. 44 E., W.M.

Assessor's Tax Parcel Numbers: 45261.0306

County Reference No. **PE1570-89**

DRAINAGE DECLARATION OF COVENANT

In consideration of the approval by Spokane County of **PE1570-89 – Springfield First Addition at Autumn Crest**, hereinafter referred to as the "plat"), the undersigned covenants and agrees that:

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. If the property owner(s) 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 the property owner(s). 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.

There may exist properties located uphill and adjacent to this subdivision which periodically discharge stormwater runoff onto individual lots within this plat. Runoff from nearby uphill properties should be expected, and during snowmelt periods or wet seasons the lots may be subjected to higher amounts of stormwater runoff than what is normally observed or anticipated. Because stormwater runoff from adjacent properties has discharged onto this plat prior to development, stormwater runoff will likely continue to do so after development. It is the responsibility of the individual lot owners to maintain existing surface paths of runoff through their respective lots and to grade the lots in accordance with applicable rules and regulations, so as to prevent property damage.

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 any applicable accepted plans on file at the County Engineer's Office. Any revisions to the accepted drainage plans must be accepted by the County Engineer's Office prior to construction of said revisions.

Spokane County does not accept the responsibility of maintaining the drainage course on private lots 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.

The property owners within this plat shall maintain all water quality swales ("208" swales) and drainage ditches situated on their respective properties, and any portion of a "208" swale situated in a public right-of-way adjacent to their respective properties, with a permanent ground cover as specified in the currently approved and accepted plans on file at Spokane County's Engineer's Office. No structures, including fences, shall be constructed directly over or within a "208" swale without the expressed written consent of the Spokane County Engineer. Spokane County does not accept the responsibility to inspect and/or maintain the drainage easements or drainage swales, nor does Spokane County accept any liability for any failure by the lot owner(s) to properly maintain such areas.

The owner(s) or successor(s) in interest agree to join in any County-approved stormwater management program and to pay such rates and charges as may be fixed through public hearings for service or benefit obtained by the planning, design, constructing, maintaining or operation of stormwater control facilities.

