



AFTER RECORDING RETURN TO:

Lance Douglass  
E. 1402 Magnesium Rd.  
Spokane Wash. 99217

COURTESY RECORDING ONLY  
NO LIABILITY FOR VALIDITY  
AND/OR ACCURACY ASSUMED  
BY STEWART TITLE

Document Title: Drainage Declaration of Covenant

Grantor: ~~Owners~~ LANCE DOUGLASS

Grantee: Spokane County

Abbreviated Legal Description: NW ¼ of SEC. 5, TWN. 24N., RGE. 44E., W.M.; Plat of Ponderosa Ridge, PUD

Assessor's Tax Parcel Numbers: a portion of parcel # 44052-9179

County Reference No. P-1940

SPOKANE COUNTY ENGINEER'S OFFICE

Spokane County, Washington

STW101-005

### DRAINAGE DECLARATION OF COVENANTS

In consideration of the approval by Spokane County of the Plat of Ponderosa Ridge, PUD (P-1940, hereinafter referred to as the "plat"), undersigned covenants and agrees that:

Spokane County and its authorized agents are hereby granted the right to ingress and egress to, over and from all public and private drainage easements and Tracts for the purposes of inspection and emergency maintenance of drainage swales, ponds, ditches, culverts and other drainage facilities, if not properly maintained by the property owner or the Ponderosa Ridge homeowners Spokane County does not accept the responsibility to inspect or maintain any drainage facilities and/or structures located outside of public rights-of-way, except in cases where Spokane County specifically assumes that responsibility in writing. Neither does Spokane County accept any liability for any failure by the property owner(s) to properly maintain such areas.

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 owners fail to maintain the surface path of natural or man-made drainage flow, or drainage facilities on private properties, a notice of such failure may be given to the property owner. 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.

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.

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 meet the minimum requirements as set forth in the current building code. 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. All drainage facilities for this plat, including any '208' swales, shall be constructed in accordance with the accepted plans on file at the Spokane County Engineer's Office. Any proposed changes to the accepted road and drainage plans must be accepted by the Spokane County Engineer's Office prior to construction of said changes.

There may exist properties located uphill and adjacent to this subdivision which periodically discharge stormwater runoff onto individual lots within this plat. Stormwater runoff from nearby uphill properties should be expected, and during snow melt 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.

The building lots within this plat are subject to the recommendations regarding basements found in the geotechnical study dated February 25, 2009 prepared by AllWest Geotechnical Engineering recorded under Auditors Document Number 6016814 which by reference becomes a part hereof.

The property owners within this plat shall maintain all natural drainage channels, drainage ditches, and water quality swales ('208' swales) 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 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. Property owner(s) maintenance responsibilities shall include, but is not limited to mowing, irrigating, and keeping the area free of debris.

The Ponderosa Ridge homeowners or its successors in interest shall maintain all drainage facilities, located in common areas, easements, and tracts in conformance with the accepted plans and the Operations and Maintenance Manual as prepared by Mountain Crest Enterprises, both of which are on file at the Spokane County's Engineer's Office. Maintenance of drainage facilities includes, but is not limited to, keeping open and cleaning stormwater pipes, structures, ditches, drainage ponds, swales; replacement of drainage facilities as needed; and maintaining live native-type dryland grasses or lawn turf in the pond facilities located in common areas or tracts, with optional shrubbery and/or trees, which do not obstruct the flow and percolation of storm drainage water in the drainage swale as indicated by the accepted plans. The Ponderosa Ridge homeowners is also responsible for removing and disposing of the soils and grass sod located in drainage facilities situated within easements on private lots at such time Spokane County deems necessary, and replacing the soil and grass sod. The Ponderosa Ridge homeowners shall be responsible for payment of all claims and other liabilities which may become due for said maintenance responsibilities.

If the Ponderosa Ridge homeowners, or their successors in interest, fail to maintain the drainage facilities in conformance with the accepted drainage plans and the Operations and Maintenance Manual, on file at the Spokane County Engineer's Office, a notice of such failure may be given to the Ponderosa Ridge homeowners, or their successors in interest, by the County Engineer. 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 Ponderosa Ridge homeowners, or their successors in interest.

Should the Ponderosa Ridge homeowners 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 Ponderosa Ridge homeowners at the time of said termination. The successors in interest shall share equally in the responsibility and cost of maintaining said drainage facilities.

The tracts and common areas cannot be sold or transferred and shall be considered subservient estates for tax purposes to the other lots created herein. The status of the areas designated as subservient estates for tax purposes cannot be changed without filing a replat.

The developer, property owners, and homeowners' association waive any and all claims for damages against any governmental authority arising from the construction, ownership or maintenance of public facilities. This waiver includes claims of any nature, including but not limited to person and real property damages as well as any inverse condemnation claims.

This covenant and agreement shall run with the land in perpetuity, and shall be binding upon the owner, their heirs, successors and assigns, including the obligation to participate in the maintenance of the drainage facilities as provided herein.



**EXHIBIT "A"**

That portion of Government Lots 4 and 5 of Section 5, Township 24 North, Range 44 East, W.M., being more particularly described as follows:

Commencing at the Northwest corner of said Section 5;  
Thence along the North line of said Section, North  $87^{\circ}34'48''$  East a distance of 976.14 feet;  
Thence South  $02^{\circ}25'12''$  East a distance of 30.00 feet to a point on the Southerly right of way line of 44<sup>th</sup> Avenue and the Northwest corner of Lot "D" of Spokane County Short Plat No. SP-746-92, recorded in Book 9 of Short Plats at Page 8, said point also being the True Point of Beginning;  
Thence along the West line of said Lot "D", South  $02^{\circ}40'43''$  East a distance of 825.27 feet;  
Thence leaving said West line South  $87^{\circ}19'17''$  West a distance of 120.05 feet;  
Thence South  $02^{\circ}40'43''$  East a distance of 14.60 feet;  
Thence South  $87^{\circ}19'17''$  West a distance of 165.95 feet to a point on the East line of the West 690.00 feet of said Government Lot 5;  
Thence along said East line North  $02^{\circ}40'43''$  West a distance of 150.00 feet;  
Thence leaving said East line South  $87^{\circ}19'17''$  West a distance of 100.00 feet;  
Thence North  $02^{\circ}25'12''$  West a distance of 309.44 feet;  
Thence North  $21^{\circ}22'10''$  West a distance of 52.87 feet;  
Thence North  $02^{\circ}25'12''$  West a distance of 332.16 feet to a point on the said Southerly right of way line of 44<sup>th</sup> Avenue;  
Thence along said Southerly right of way line North  $87^{\circ}34'48''$  East a distance of 400.05 feet to the True Point of Beginning;

Situate in the County of Spokane, State of Washington