

DECLARATION OF SHORT SUBDIVISION, COVENANTS AND RESTRICTIONS

KNOW ALL PERSONS BY THESE PRESENTS:

THAT I, THE UNDERSIGNED, HAVING AN INTEREST IN THE REAL PROPERTY DESCRIBED BY THIS DECLARATION, DO HEREBY DECLARE THE HEREIN DIVISION OF LAND APPROVED AS SHORT SUBDIVISION NUMBER PSP020003 BY THE CITY OF MOUNTLAKE TERRACE, SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS:

I. AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS SERVING THIS SHORT SUBDIVISION, UNDER AND UPON THE EXTERIOR TEN (10) FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SHORT SUBDIVISION AND OTHER PROPERTY WITH ELECTRICITY, TELEPHONE, TELEVISION CABLE, GAS AND OTHER UTILITY SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED;

II. ALL LANDSCAPED AREAS IN PUBLIC RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE OWNER(S) OR THEIR SUCCESSOR(S) AND MUST BE REDUCED OR ELIMINATED AT THE REQUEST OF THE CITY, IF DEEMED NECESSARY FOR CITY ROAD PURPOSES;

III. ALL PARCELS SHALL BE LIMITED TO SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND USE PER CITY OF MOUNTLAKE TERRACE ZONING ORDINANCE NO. 2074, SECTION 4.8.F.4;

IV. AN EXCLUSIVE PERPETUAL EASEMENT FOR STORM DRAINAGE FACILITIES IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MOUNTLAKE TERRACE, ACROSS ALONG, IN, UPON, AND UNDER THE PROPERTY DESIGNATED ON THE SHORT SUBDIVISION FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING, MAINTAINING, AND REPAIRING THE "FRENCH DRAINAGE FACILITIES" CONDITIONED UPON THE FOLLOWING TERMS, CONDITIONS AND COVENANTS;

1.) THE OWNER(S) AND THE "CITY" SHALL AT ALL TIMES CONDUCT THEIR RESPECTIVE ACTIVITIES AND ALL OTHER ACTIVITIES CONDUCTED ON THE SAID PROPERTY SO AS NOT TO INTERFERE WITH, OBSTRUCT OR ENDANGER THE USEFULNESS OF ANY IMPROVEMENTS, OR OTHER FACILITIES, NOW OR HEREAFTER MAINTAINED UPON OR ADJACENT TO THE EASEMENT, OR IN ANY WAY INTERFERE WITH, OBSTRUCT OR ENDANGER THE OWNER(S) OR THE "CITY'S" USE OF THE EASEMENT;

2.) THE OWNER(S) AGREE TO INSPECT THE FRENCH DRAINAGE FACILITIES ON A REGULAR BASIS, BUT NOT LESS THAN ONCE PER YEAR. THE OWNER(S) AGREE TO CORRECT ALL DEFECTS OR DEFICIENCIES FOUND IN A TIMELY MANNER;

3.) THE OWNER(S) AGREE TO ASSUME FULL RESPONSIBILITY FOR ALL COSTS ASSOCIATED WITH THE CONSTRUCTION, RECONSTRUCTION, OPERATION, MAINTENANCE OR REPAIR, AND INSPECTION OF STORM DRAINAGE FACILITIES AS NEEDED TO MAINTAIN THE SAME SIZE, SHAPE, AND LOCATION, TO A CONDITION SIMILAR TO THOSE DESCRIBED ON THE ATTACHED SHORT SUBDIVISION MAP;

4.) THE OWNER(S) AGREE TO MAINTAIN SAID FRENCH DRAINAGE FACILITIES TO THE SATISFACTION OF THE "CITY" IN A TIMELY MANNER;

5.) THE OWNER(S) AGREE TO PERFORM ALL NECESSARY MAINTENANCE DUTIES TO SAID FRENCH DRAINAGE FACILITIES ON A REGULAR AND TIMELY BASIS. THOSE MAINTENANCE DUTIES SHALL INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING; CUTTING, TRIMMING, AND REMOVAL OF ANY AND ALL BRUSH, TREES AND OTHER VEGETATION OR DEBRIS, WHERE THESE DUTIES ARE NECESSARY TO FACILITIES;

6.) SHOULD THE OWNER(S) FAIL TO PERFORM THE MAINTENANCE DUTIES DESCRIBED HEREIN TO THE "CITY'S" SATISFACTION. THE OWNER(S) HEREBY AUTHORIZES THE "CITY" TO ENTER SAID PROPERTY FOR THE PURPOSE OF REPAIRING OR MAINTAINING THE FRENCH DRAINAGE FACILITIES LISTED HEREIN. THE OWNER(S) HEREBY AGREES TO COMPENSATE THE "CITY" FOR THE ENTIRE COST ASSOCIATED WITH THOSE REPAIRS OR MAINTENANCE;

7.) THE OWNER(S) AGREE TO MAINTAIN ALL ESTABLISHED SETBACKS FROM THE FRENCH DRAINAGE FACILITIES AS DESCRIBED ON THE ATTACHED SHORT SUBDIVISION MAP;

8.) THE STORM DRAINAGE EASEMENTS RUN WITH THE LAND IN PERPETUITY, AND MAY BE RELOCATED ONLY UPON APPROVAL BY THE CITY.

FRENCH DRAIN FACILITIES:
PARCEL B OF THIS SHORT SUBDIVISION HAS INTEREST AND RESPONSIBILITY FOR MAINTENANCE, REPAIR AND REPLACEMENT OF THE FRENCH DRAINAGE SYSTEM THAT TREATS AND CONTROLS WATER RUNOFF FROM SAID PARCEL.

MAINTENANCE WILL NOT BE LIMITED TO, BUT WILL INCLUDE ANNUAL MAINTENANCE.

THE "CITY'S" RIGHT TO REQUIRE MAINTENANCE, REPAIR, OR REPLACEMENT OF THE FRENCH DRAINAGE FACILITIES SHALL BE AS SET FORTH IN ORDINANCES, CODES AND LAW IN EFFECT AT THE TIME THE MAINTENANCE, REPAIR, OR REPLACEMENT IS REQUIRED.

THE OWNERS OF PARCELS A AND B AGREE AND CONVEANT THAT THEY, THEIR HEIRS, SUCCESSORS AND ASSIGNS, WILL ANNUALLY INSPECT THE CATCH BASINS AND PIPING, AND CLEAN AND SERVICE THE DRAINAGE SYSTEM, AS REQUIRED TO MAINTAIN DESIGN OPERATION AS LONG AS THE APPROVED DRAINAGE FACILITIES REMAIN A PRIVATE STORM-WATER SYSTEM. THIS AGREEMENT SHALL BE CONSTRUED AS A RESTRICTIVE COVENANT AND/OR EQUITABLE SERVITUDE RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE UNDERSIGNED OWNERS, THEIR HEIRS, SUCCESSORS AND ASSIGNS, IN PERPETUITY, OR UNTIL THE PRIVATE SYSTEM IS DEDICATED TO THE PUBLIC, IF EVER. THIS COVENANT/SERVITUDE SHALL BE SOLE BINDING ON THE SUBJECT PROPERTY AND SHALL NOT BE CONSTRUED AS A COVENANT RELATING TO ANY OTHER PROPERTIES UPSTREAM OR DOWNSTREAM OVER WHICH PRESENT OR FUTURE OWNERS MAY HAVE NO CONTROL UNLESS SPECIFICALLY DETAILED HEREIN.

THE OWNERS OF PARCELS A AND B AGREE AND CONVEANT THAT THEY, THEIR HEIRS, SUCCESSORS AND ASSIGNS, WILL ALLOW THE CITY TO PROVIDE EMERGENCY MAINTENANCE TO THE FRENCH DRAINAGE FACILITIES.

THE OWNERS OF PARCEL B AGREE AND CONVEANT THAT THEY, THEIR HEIRS, SUCCESSORS AND ASSIGNS WILL ALLOW CONVEYANCE OF STORM WATER FROM PARCEL A ACROSS PARCEL B.

Jolly 2 Lot Short Plat #PSP020003

CONSENT

I THE UNDERSIGNED OWNER IN FEE SIMPLE OF THE LAND REPRESENTED ON THIS SHORT SUBDIVISION AND HAVE NO RIGHT, TITLE, OR INTEREST OF ANY KIND IN ANY UNPLATTED LAND CONTIGUOUS TO THIS SHORT SUBDIVISION. THIS SHORT SUBDIVISION IS MADE WITH MY FREE CONSENT AND IN ACCORDANCE WITH MY DESIRE.

IN WITNESS WHEREOF I SET MY HAND AND SEAL THIS 6 DAY OF SEPTEMBER, 2005.

MALCOM JOLLY, PRESIDENT
JOLLY CONSTRUCTION, INC.

ACKNOWLEDGMENT

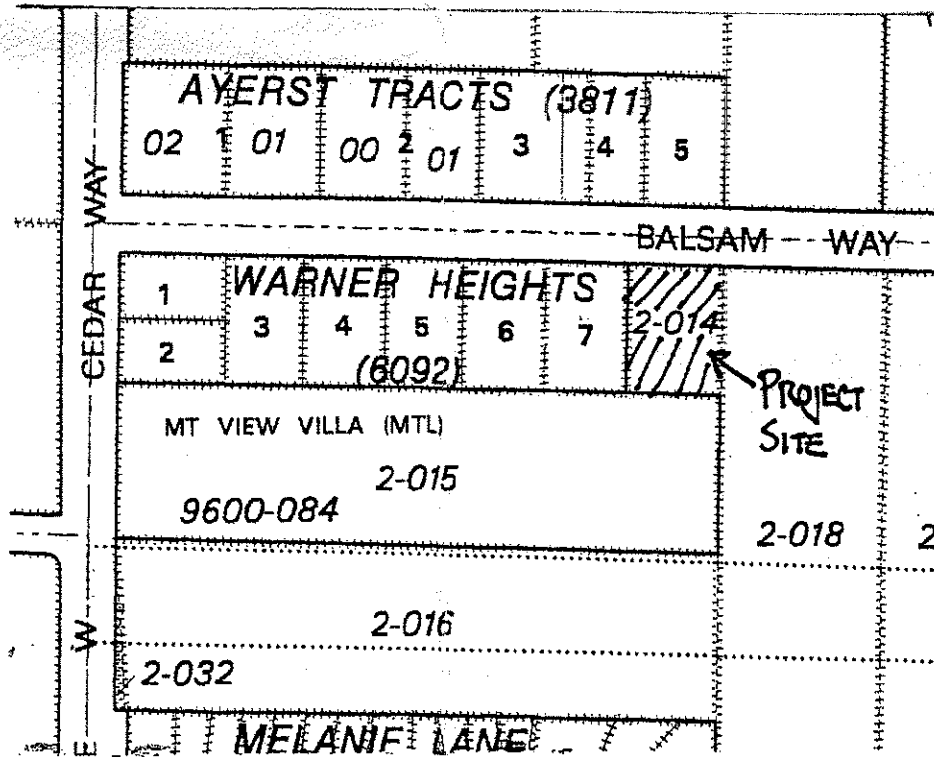
State of Washington)
County of Snohomish)

I certify that I know or have satisfactory evidence that

Malcom E. Jolly
signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in this instrument.

THELMA M. CREWS
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JANUARY 29, 2009

Signature of Thelma M. Crews
Notary Public
Dated 9/6/05
My appointment expires 1/29/09



Vicinity Map
(Not to Scale)

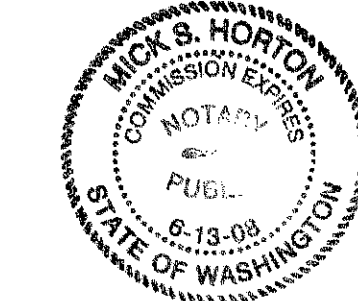
APPROVALS

Jerry L. (Jung) Osterman
JERRY OSTERMAN
INTERIM CITY MANAGER

9/13/05
DATE

I CERTIFY THAT I KNOW OR HAVE EVIDENCE THAT Jerry Osterman IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT, ON OATH STATED THAT THEY WERE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE MANAGER OF THE CITY OF MOUNTLAKE TERRACE, A MUNICIPAL CORPORATION, TO BE THE FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED: 9/13/05



Mick Horton
PRINTED NAME

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT: Mountlake Terrace
MY APPOINTMENT EXPIRES: 6-13-08

LAND SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of Malcom Jolly in September, 2005.

Brent L. Eble, PLS #30581
Date 9/1/05

AUDITOR'S CERTIFICATE

Filed for record at the request of Emerald Land Surveying, Inc. this 23 day of September, 2005, at 2:41 minutes past 3:00 Clock P.M. and recorded in Volume of Short Plats, Pages through Records of Snohomish County, Washington.

Bob Terwilliger
Auditor, Snohomish County

Chester Rose
Deputy County Auditor

Taxes paid in full on Tax Parcel(s)
See below
By: J. Osterman Date 9-23-05
Deputy Treasurer

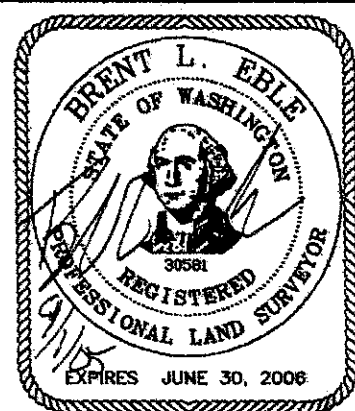
200509235153

Note:

The short plat and design of the residential structures shall conform to MTMC 19.35.060.E, 'design criteria for small lot single household residential development'.

Scans: scans021669.pdf

SURVEY IN THE:
N.W. 1/4, N.W. 1/4 SEC. 27 TWP. 27N., RGE. 4E., W.M.



CITY OF MOUNTLAKE TERRACE SHORT PLAT #PSP020003

Jolly Construction, Inc.
4204 214TH STREET SW
MOUNTLAKE TERRACE, WA

EMERALD LAND SURVEYING, INC.
PO BOX 13694 MILL CREEK, WA 98082 PH. 425-359-7198

DRAWN BY:
HMM
CHECKED:
BLE
PROJECT #:
01174
DATE:
9/1/05

SHEET
1
OF
2

Jolly 2 Lot Short Plat #PSP020003

Found MIC 1 3/4"
Brass Cap, Down 0.8'
Int. 212th Street SW

S 00°34'46" W (Basis of Bearings)
662.45'

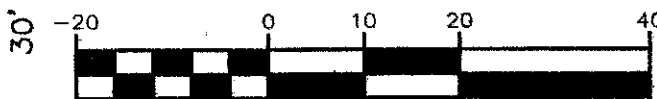
44th Avenue West

214th Street Southwest

MERIDIAN

PLAT OF WARNER HEIGHTS

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

Found MIC 1 3/4"
Brass Cap, Down 0.9'

Warner Heights
Vol. 14, Page 74

Lot 7

SHORT SUBDIVISION NOTES

BOTH LOTS A AND B SHALL ADHERE TO THE RS 4800
DIMENSIONAL STANDARDS.

LOT A SHALL TAKE ACCESS FROM 214TH STREET SOUTHWEST.

NEW BUILDINGS SHALL NOT BE PERMITTED WITHIN 10 FEET, OR
CARPORTS WITHIN 5 FEET, OF THE SPRING LINE OF ANY
SANITARY SEWER MAIN. THE ACTUAL OFFSET FROM THE
SEWER MAIN LINE WILL DEPEND UPON THE DEPTH OF BURIAL
BUY MAY BE NO CLOSER THAT THE EDGE OF THE SANITARY
SEWER EASEMENT.

SURVEY NOTES

INSTRUMENT USED: SOKKIA SET 5 EDM
METHOD USED: FIELD TRAVERSE

APPROXIMATE POINT ACCURACY: ±0.05'

SURVEY MEETS OR EXCEEDS STATE STANDARDS PER WAC
332-130-090.

MONUMENTS SHOWN HEREON WERE VISITED ON OCTOBER
19 & 24, 2001.

THE INFORMATION SHOWN ON THIS MAP REPRESENTS THE
RESULTS OF A SURVEY MADE ON THE INDICATED DATE
AND CAN ONLY BE CONSIDERED AS THE GENERAL
EXISTING CONDITION AT THAT TIME.

NO EASEMENTS, RESTRICTIONS OR RESERVATION OF
RECORD WHICH WOULD BE DISCLOSED BY A TITLE REPORT
ARE SHOWN.

DATUM - NAVD 1988 PER CITY OF MOUNTLAKE TERRACE
PER BENCH MARK 212-38, NORTH RIM OF MON. CASE AT INT.
212TH AND 44TH. ELEV. 423.944

CONTOUR INTERVAL - 2 FOOT

CONTACT PERSON:

Doug Hannam
1512 Wetmore Ave.
Everett, WA 98201
Ph. 425-388--5588

OWNER:

Jolly Construction, Inc.
PO Box 25610
Seattle, WA 98125

Total Area - 13,530.0 Sf

Parcel A Area - 6,025.0 Sf - Address #4204

Parcel B Area - 7,504.9 Sf - Address #

Mt. View Villa
Tax Lot 2-015

Set Rebar & Cap
LS 30581 (typ)

Tax Lot 2-018

Note:
10' Public Sanitary Sewer Easement to be dedication to
the City of Mountlake Terrace upon recording of this
short plat. Access to the city of Mountlake Terrace
shall be granted for maintenance and construction.

LEGAL DESCRIPTION

THAT PORTION OF THE NORTH HALF OF THE NORTH HALF
OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 27
NORTH, RANGE 4 EAST, W.M., IN SNOHOMISH COUNTY,
WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 30 FEET EAST AND 633.05 FEET
NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST
QUARTER OF THE NORTHWEST QUARTER;
THENCE S 88°35'44" E, 530.79 FEET TO THE TRUE POINT
OF BEGINNING;
THENCE S 88°35'44" E, 100 FEET;
THENCE S 0°31'16" W, 135 FEET, MORE OR LESS;
THENCE N 88°38'14" W, 100 FEET;
THENCE N 0°31'16" E, 135.35 FEET TO THE TRUE POINT OF
BEGINNING;

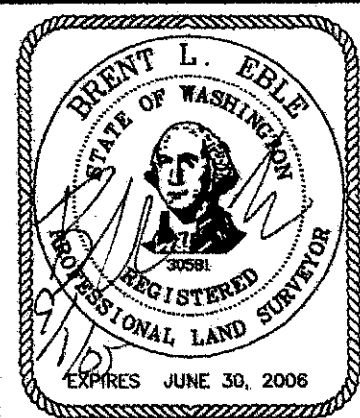
(ALSO KNOWN AS THE EAST 100 FEET OF TRACT 13,
LYNNWOOD ACRES, ACCORDING TO THE UNRECORDED PLAT
THEREOF.);

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF
WASHINGTON.

200509235153

Scans: scans021670.pdf

SURVEY IN THE:
N.W. 1/4, N.W. 1/4 SEC. 27 TWP. 27N., RGE. 4E., W.M.



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SHEET
2
OF
2