

DECLARATION OF SHORT SUBDIVISION, COVENANTS AND RESTRICTIONS

KNOW ALL PERSONS BY THESE PRESENTS:

THAT WE, 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 32-94 BY THE CITY OF MOUNTLAKE TERRACE, SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS:

I. ALL SUBSEQUENT DEEDS WILL CONTAIN PROVISIONS FOR THE PRIVATE ROAD IN THE MANNER DESCRIBED HEREIN;

II. THE MAINTENANCE OF THE PRIVATE ROAD DESCRIBED BY THIS DECLARATION SHALL BE BY THE OWNER(S) OF THE PARCELS HAVING LEGAL ACCESS THEREFROM OR THEIR SUCCESSOR(S), UNLESS AND UNTIL SUCH ROAD IS IMPROVED TO CITY STANDARDS AND ACCEPTED BY THE CITY;

III. PRIVATE ROAD: LOTS 2 AND 3 OF THIS SHORT SUBDIVISION HAVE AN UNDIVIDED EQUAL INTEREST IN AND THE RESPONSIBILITY FOR MAINTENANCE AND LIABILITY FOR DAMAGE DUE TO FAILURE OR LACK OF MAINTENANCE OF THE PRIVATE ROADWAY CONTAINED WITHIN SAID SHORT SUBDIVISION. IF THE OWNERS OF LOTS WITHIN THE SHORT SUBDIVISION FAIL TO MAINTAIN THE ROAD TO A DEGREE THAT PROHIBITS ACCESS BY EMERGENCY VEHICLES (AS DETERMINED BY THE CITY OF MOUNTLAKE TERRACE IN ITS SOLE DISCRETION), SAID CITY RESERVES THE RIGHT TO REPAIR THE ROADWAY. ANY AND ALL COSTS OF REPAIR AND APPLICABLE ADMINISTRATIVE COSTS INCURRED BY THE CITY SHALL BE PAID BY THE OWNERS OF THE LOTS WITHIN THIRTY (30) DAYS OF BILLING BY SAID CITY. IN THE EVENT SUCH COSTS ARE NOT FULLY PAID WITHIN AFORESAID, SAID CITY SHALL HAVE THE RIGHT TO FILE A LIEN AGAINST ALL SAID LOTS IN THE TOTAL AMOUNT OF ANY UNPAID COSTS AS AFORESAID, WHICH SAID LIEN MAY BE FORECLOSED IN THE MANNER PROVIDED BY THE LAWS OF THE STATE OF WASHINGTON FOR THIS FORECLOSURE OF LIENS OF MECHANICS OR MATERIALMEN.

IV. THE PRIVATE ROAD WILL BE SUBJECT TO A UTILITIES EASEMENT IN FAVOR OF THE GRANTOR(S) OR THE SUCCESSOR(S) AND OF ANY ELECTRIC, TELEPHONE, TELEVISION CABLE, GAS, WATER OR SEWER COMPANY, PUBLIC OR PRIVATE, OR THE SUCCESSOR(S) TO INSTALL, CONSTRUCT, OPERATE, MAINTAIN, ALTER, AND REPAIR THEIR RESPECTIVE UTILITIES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SAID PURPOSES; **PROVIDED**, THAT IF THE ROAD SHOULD BECOME A PUBLIC ROAD AT SOME TIME IN THE FUTURE, ALL EASEMENTS WITHIN THE ROAD SHALL BECOME NULL AND VOID, AND ANY UTILITY FACILITIES WHICH PHYSICALLY EXIST SHALL BECOME SUBJECT TO THE FRANCHISE REQUIREMENTS OF THE CITY;

V. WITH RESPECT TO THE PRIVATE ROAD DESCRIBED BY THIS DECLARATION, WHETHER IT REMAINS PRIVATE OR BECOMES A PUBLIC ROAD, THERE IS THE ADDITIONAL RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS; AND THE RIGHT TO CONTINUE TO DRAIN SAID ROAD(S) AND WAY(S) OVER AND ACROSS ANY LOT OR LOTS WHERE THE WATER MIGHT TAKE A NATURAL COURSE UPON REASONABLE GRADING PURSUANT TO IMPROVEMENT FOR DEDICATION OF THE ROAD(S) AND WAY(S) SHOWN HEREIN. FOLLOWING REASONABLE GRADING PURSUANT TO IMPROVEMENTS FOR DEDICATION OF THE ROAD(S) AND WAY(S) SHOWN HEREIN, NO DRAINAGE WATERS ON ANY LOT OR LOTS SHALL BE DIVERTED OR BLOCKED FROM THEIR NATURAL COURSE SO AS TO DISCHARGE UPON ANY PUBLIC ROAD RIGHTS-OF-WAY OR HAMPER PROPER ROAD DRAINAGE, WITHOUT THE APPROVAL OF THE CITY OF MOUNTLAKE TERRACE;

VI. 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;

VII. LOTS 1 AND 2 SHALL BE LIMITED TO SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND USE PER CITY OF MOUNTLAKE TERRACE ZONING ORDINANCE NO. 2074, SECTION 4.8.F.4.

VIII. THE EXISTING 20' EMERGENCY VEHICLE EASEMENT TO BE EXTINGUISHED PER CONDITIONS FILED UNDER AUDITOR'S FILE NO. 9004100539 UPON RECORDING OF THIS SHORT SUBDIVISION.

IX. 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, PIPE 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: **PROVIDED**, THAT IF THE PRIVATE ROAD SHOULD BECOME A PUBLIC ROAD AT SOME TIME IN THE FUTURE, ALL EASEMENTS WITHIN THE ROAD SHALL BECOME NULL AND VOID, AND ANY UTILITY FACILITIES WHICH PHYSICALLY EXIST SHALL BECOME SUBJECT TO THE FRANCHISE REQUIREMENTS OF THE CITY;

X. SANITARY SEWER EASEMENT DESIGNATED ON THE SHORT SUBDIVISION IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MOUNTLAKE TERRACE, A MUNICIPAL CORPORATION UNDER THE LAWS OF THE STATE OF WASHINGTON, HEREINAFTER REFERRED TO AS "CITY", CONDITIONED UPON THE FOLLOWING TERMS, CONDITIONS AND COVENANTS:

SPOELSTRA SHORT SUBDIVISION NO. 32-94
NW 1/4, NW 1/4, SEC.28, T.27N., R.4E., W.M.
CITY OF MOUNTLAKE TERRACE, SNOHOMISH COUNTY, WASHINGTON

DECLARATION OF SHORT SUBDIVISION, COVENANTS AND RESTRICTIONS (CONTINUED)

1.) AN EXCLUSIVE PERPETUAL EASEMENT ACROSS, ALONG, IN, UPON AND UNDER THE PROPERTY DESIGNATED ON THE SHORT SUBDIVISION FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING, MAINTAINING AND REPAIRING A UTILITY LINE(S) AND APPURTENANCES THEREON, INCLUDING ALL APPURTENANCES ATTACHED THERETO TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FROM SAID PROPERTY AND ACROSS ADJACENT PROPERTY AND THE RIGHT TO USE ADJACENT PROPERTY FOR THE PURPOSE OF PILING DIRT AND PROVIDING TRENCH STABILIZATION DURING THE CONSTRUCTION, RECONSTRUCTION, OPERATION, MAINTENANCE AND REPAIR OF THE AFORESAID IMPROVEMENT OR FACILITY.

2.) THE OWNER(S) AND THE "CITY" SHALL AT ALL TIMES CONDUCT THEIR RESPECTIVE ACTIVITIES AND ALL OTHER ACTIVITIES CONDUCTED ON 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 ANYWAY INTERFERE WITH, OBSTRUCT OR ENDANGER THE OWNER'S OR CITY'S USE OF THIS EASEMENT;

3.) THE OWNER(S) HEREBY AUTHORIZE THE "CITY" TO CUT, TRIM AND REMOVE ANY AND ALL BRUSH, TREES, OTHER VEGETATION OR DEBRIS UPON THE EASEMENT AND THE RIGHT OF ACCESS FOR SUCH PURPOSES; AND ALSO AUTHORIZE THE "CITY" TO CUT, TRIM AND REMOVE ANY AND ALL BRUSH, TREES, OTHER VEGETATION OR DEBRIS ON SAID PROPERTY WHICH, IN THE CITY'S REASONABLE JUDGEMENT, CONSTITUTES A HAZARD TO THE EASEMENT AND THE RIGHT OF ACCESS FOR SUCH PURPOSES;

4.) THE OWNER(S) AGREE THAT TITLE TO ALL BRUSH, TREES, OTHER VEGETATION OR DEBRIS TRIMMED, CUT AND REMOVED FROM THE EASEMENT PURSUANT TO THIS AGREEMENT, AND ALSO ALL BRUSH, TREES, OTHER VEGETATION OR DEBRIS, TRIMMED, CUT AND REMOVED FROM SAID LAND PURSUANT TO THIS AGREEMENT IS VESTED IN THE "CITY", AND THAT THE CONSIDERATION PAID FOR CONVEYING SAID EASEMENT AND RIGHTS HEREIN DESCRIBED IS ACCEPTED AS FULL COMPENSATION FOR THE EXERCISE OF ANY SAID RIGHTS;

5.) THE OWNER(S) DO RELEASE, INDEMNIFY AND PROMISE TO DEFEND AND SAVE HARMLESS THE CITY, ITS OFFICERS, EMPLOYEES AND AGENTS FROM AND AGAINST ANY AND ALL LIABILITY, LOSS, DAMAGE, EXPENSE, ACTIONS AND CLAIMS, INCLUDING COSTS AND REASONABLE ATTORNEY'S FEES INCURRED BY THE CITY, ITS OFFICERS, EMPLOYEES AND AGENTS IN DEFENSES THEREOF, ASSERTING OR ARISING DIRECTLY OR INDIRECTLY ON ACCOUNT OF OR OUT OF ANY ACT OR OMISSION OF THE OWNER(S), ITS AGENTS, CONTRACTORS, LICENSEES, INVITEES, OR EMPLOYEES UPON OR WITHIN SAID EASEMENT. THIS PARAGRAPH DOES NOT PURPORT TO INDEMNIFY THE "CITY" AGAINST LIABILITY FOR DAMAGES ARISING OUT OF BODILY INJURY TO PERSONS OR DAMAGES TO PROPERTY CAUSED BY OR RESULTING FROM THE NEGLIGENCE OF THE CITY, ITS OFFICERS, EMPLOYEES AND AGENTS;

XI. SANITARY SEWER: LOTS 2 AND 3 OF THIS SHORT SUBDIVISION HAVE AN UNDIVIDED EQUAL INTEREST IN AND THE RESPONSIBILITY FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF THE SANITARY SEWER SYSTEM SERVING THOSE TWO (2) LOTS. THE PORTION OF UNDIVIDED EQUAL INTEREST IS COMPRISED OF THAT PORTION OF THE SEWER SYSTEM WITHIN THE SHORT SUBDIVISION THAT SERVES BOTH LOTS; TOGETHER WITH THE SEWER SYSTEM WITHIN THE EASEMENT RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NUMBER 9004100538; UP TO THE MANHOLE TO BE INSTALLED APPROXIMATELY 15 FEET EAST OF THE 35TH AVENUE WEST RIGHT-OF-WAY;

LEGAL DESCRIPTION

LOT 24, ZATTU VISTA HALL LAKE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 41, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

EXCEPT ANY PORTION LYING WITHIN VACATED ROAD LYING NORTH AND ADJACENT TO SAID TRACT 24.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

APPROVALS

Teri L. Qually
ACTING CITY MANAGER

3/6/98
DATE

I CERTIFY THAT I KNOW OR HAVE EVIDENCE THAT RON SWANSON IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE **ACTING 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: 3-6-98

Teri L. Qually
TERI L. QUALLY



NOTARY PUBLIC IN AND FOR THE STATE OF

WASHINGTON, RESIDING AT MUKILTEO

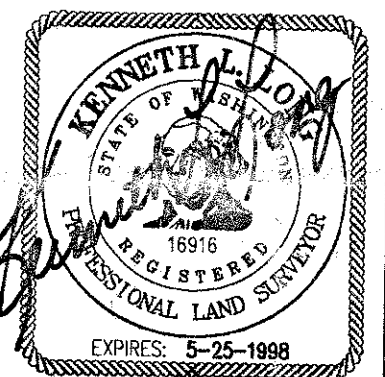
MY APPOINTMENT EXPIRES: 12-29-2000

REGISTERED LAND SURVEYOR'S CERTIFICATE

I, KENNETH L. LONG, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THE SHORT SUBDIVISION FOR **RICHARD SPOELSTRA** IS BASED ON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 28, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M., THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY AND THAT PROPER MONUMENTS HAVE BEEN SET AND LOT AND BLOCK CORNERS STAKED ON THE GROUND AS SHOWN ON THE LOT.

Kenneth L. Long
KENNETH L. LONG
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 16916

3-5-98
DATE



OFFICE FILE

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF KENNETH L. LONG, THIS 6* DAY OF March, 1998, AT 23 MINUTES PAST 3 P.M., AND

RECORDED IN VOL. _____ OF SHORT PLATS, PAGES _____, RECORDS

OF SNOHOMISH COUNTY, WASHINGTON.

BOB TERWILLIGER
AUDITOR, SNOHOMISH COUNTY

Georgia A. Fousberg
DEPUTY COUNTY AUDITOR

PAID
MAR 10 1998

28-265F

A.F. No. 9803065005

SHORT SUBDIVISION NO. 32-94

CITY OF MOUNTLAKE TERRACE SHORT SUBDIVISION FOR:

RICHARD SPOELSTRA

NW 1/4, NW 1/4, SEC.28, T.27N, R.4E, W.M.

DRAWN BY	DATE	REV. BY	DATE	PROJECT MANAGER	SCALE
MC	3/2/98	5 MC	3/5/98	T.L. QUALLY	1" = 1"
DRAWING FILE NAME	CHK. BY	F.B. NO.	JOB NO.	SHT. NO.	
98005DP1.DWG	TLQ	325A	96-005-A	1 OF 3	

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*** 13000 HWY 99 SOUTH * EVERETT * WA * 98204 ***

**DECLARATION OF SHORT SUBDIVISION,
COVENANTS AND RESTRICTIONS (CONTINUED)**

XII. AN EXCLUSIVE PERPETUAL EASEMENT FOR STORM DRAINAGE FACILITIES IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MOUNTLAKE TERRACE, A MUNICIPAL CORPORATION UNDER THE LAWS OF THE STATE OF WASHINGTON; ACROSS, ALONG, IN, UPON, AND UNDER THE PROPERTY DESIGNATED ON THE SHORT SUBDIVISION FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING, MAINTAINING, AND REPAIRING THE "STORM 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 STORM 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 STORM 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 STORM 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 MAINTAIN THE PROPER FUNCTION AND USE OF THE STORM DRAINAGE 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 STORM 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 STORM DRAINAGE FACILITIES AS DESCRIBED ON THE ATTACHED SHORT SUBDIVISION MAP.

XIII. STORM DRAINAGE FACILITIES: EACH LOT OF THIS SHORT SUBDIVISION HAS AN UNDIVIDED EQUAL INTEREST IN AND RESPONSIBILITY FOR MAINTENANCE, REPAIR AND REPLACEMENT OF THE STORM DRAINAGE SYSTEM THAT TREATS AND CONTROLS WATER RUNOFF FROM THE PRIVATE ACCESS ROAD. THE PORTION OF UNDIVIDED EQUAL INTEREST IS COMPRISED OF THE STORM DRAINAGE FACILITIES WITHIN THE SUBDIVISION; TOGETHER WITH THE STORM DRAINAGE FACILITIES WITHIN THE EASEMENT RECORDED UNDER SNOHOMISH COUNTY AUDITOR'S FILE NUMBER 9004100538. MAINTENANCE WILL NOT BE LIMITED TO, BUT WILL INCLUDE ANNUAL MAINTENANCE OF BIOFILTRATION (GRASS LINED) SWALES. THE "CITY'S" RIGHT TO REQUIRE MAINTENANCE, REPAIR, OR REPLACEMENT OF THE STORM DRAINAGE FACILITIES SHALL BE AS SET FORTH IN ORDINANCES, CODES AND LAW IN EFFECT AT THE TIME THE MAINTENANCE, REPAIR, OR REPLACEMENT IS REQUIRED.

XIV. PRIVATE DRAINAGE EASEMENT "A" DESIGNATED ON THE SHORT SUBDIVISION IS HEREBY GRANTED AND CONVEYED WITH ALL MAINTENANCE OBLIGATIONS TO THE OWNERS OF LOT 1. ACCORDINGLY, THE OWNERS OF LOT 1 AGREE AND COVENANT THAT THEY AND 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 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;

XV. PRIVATE DRAINAGE EASEMENT "A" DESIGNATED ON THE SHORT SUBDIVISION IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MOUNTLAKE TERRACE AS AN EMERGENCY MAINTENANCE EASEMENT ONLY, FOR THE RIGHT OF INGRESS AND EGRESS AND THE RIGHT TO EXCAVATE, CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND/OR REBUILD AN ENCLOSED OR OPEN-CHANNEL STORM-WATER CONVEYANCE SYSTEM AND/OR OTHER DRAINAGE FACILITIES, UNDER, UPON OR THROUGH THE DRAINAGE EASEMENT;

**SPOELSTRA SHORT SUBDIVISION NO. 32-94
NW 1/4, NW1/4, SEC.28, T.27N., R.4E., W.M.
CITY OF MOUNTLAKE TERRACE, SNOHOMISH COUNTY, WASHINGTON**

**DECLARATION OF SHORT SUBDIVISION,
COVENANTS AND RESTRICTIONS (CONTINUED)**

THESE COVENANTS CONSTITUTE AGREEMENTS RUNNING WITH THE LAND AND ARE FOR THE MUTUAL BENEFIT OF THE GRANTOR AND HIS HEIRS, SUCCESSORS AND ASSIGNS AND ARE FOR THE FURTHER PURPOSE OF COMPLIANCE WITH THE ORDINANCES AND REGULATIONS OF THE CITY OF MOUNTLAKE TERRACE AND THE "CITY" AND SUCH PERSONS ARE SPECIFICALLY GIVEN THE RIGHT TO ENFORCE THESE RESTRICTIONS AND REGULATIONS BY INJUNCTION OR OTHER LAWFUL PROCEDURE AND TO RECOVER ANY DAMAGES RESULTING FROM SUCH VIOLATION

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT **RICHARD SPOELSTRA** AND **SHARON L. SPOELSTRA**, HUSBAND AND WIFE, THE UNDERSIGNED OWNERS IN FEE SIMPLE OF THE LAND HEREBY SHORT SUBDIVIDED, AND **LYNNWOOD MORTGAGE CORPORATION**, A WASHINGTON CORPORATION, THE MORTGAGEE THEREOF, HEREBY DECLARE THIS SHORT SUBDIVISION AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, PLACES AND SEWER EASEMENTS OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE SHORT SUBDIVISION, AND THE USE FOR ANY AND ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES. ALSO, THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON LOTS, BLOCKS, TRACTS, ETC., SHOWN ON THIS SHORT SUBDIVISION IN THE REASONABLE ORIGINAL GRADING OF ALL STREETS, AVENUES, PLACES, ETC. SHOWN HEREON. ALSO, THE RIGHT TO DRAIN ALL STREETS OVER AND ACROSS ANY LOT OR LOTS WHERE WATER MIGHT TAKE A NATURAL COURSE AFTER THE STREET OR STREETS ARE GRADED. ALSO, ANY CLAIMS AGAINST ANY GOVERNMENTAL AUTHORITY ARE WAIVED WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHMENT, CONSTRUCTION, DRAINAGE, AND MAINTENANCE OF SAID ROADS.

FOLLOWING ORIGINAL REASONABLE GRADING OF ROADS AND WAYS HEREON, NO DRAINAGE WATERS ON ANY LOT OR LOTS SHALL BE DIVERTED OR BLOCKED FROM THEIR NATURAL COURSE SO AS TO DISCHARGE UPON ANY PUBLIC ROAD RIGHTS-OF-WAY TO HAMPER PROPER ROAD DRAINAGE. THE OWNER OF ANY LOT OR LOTS, PRIOR TO MAKING AN ALTERATION IN THE DRAINAGE SYSTEM AFTER THE RECORDING OF THE SHORT SUBDIVISION, MUST MAKE APPLICATION TO AND RECEIVE APPROVAL FROM THE CITY OF MOUNTLAKE TERRACE FOR SAID ALTERATION. ANY ENCLOSING OF DRAINAGE WATERS IN CULVERTS OR DRAINS OR REROUTING THEREOF ACROSS ANY LOT AS MAY BE UNDERTAKEN BY OR FOR THE OWNER OF ANY LOT SHALL BE DONE BY AND AT THE EXPENSE OF SUCH OWNER, AFTER ACQUIRING A CULVERT PERMIT FROM THE CITY OF MOUNTLAKE TERRACE, IF REQUIRED, AND SUBJECT TO ANY OTHER EXISTING PERMITTING REQUIREMENTS THEREFOR.

CONSENT

WE THE UNDERSIGNED, ATTEST THAT WE ARE THE CONTRACT PURCHASERS OR OWNERS 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 OUR FREE CONSENT AND IN ACCORDANCE WITH OUR DESIRES.


RICHARD SPOELSTRA


SHARON L. SPOELSTRA

BY: 
LYNNWOOD MORTGAGE CORPORATION

CFO
(TITLE)

ACKNOWLEDGEMENTS

STATE OF WASHINGTON))SS
COUNTY OF SNOHOMISH)

I CERTIFY THAT I KNOW OR HAVE EVIDENCE THAT **RICHARD SPOELSTRA** AND **SHARON L. SPOELSTRA**, HUSBAND AND WIFE, ARE THE PERSONS WHO APPEARED BEFORE ME, AND SAID PERSONS ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT, AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED: 3-6-98 
TERI L. QUALLY



NOTARY PUBLIC IN AND FOR THE STATE
OF WASHINGTON, RESIDING AT MUKILTEO
MY APPOINTMENT EXPIRES: 12-29-2000

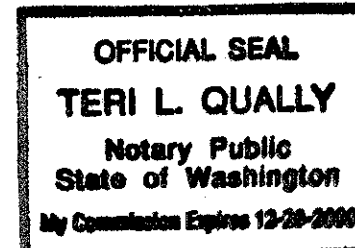
Scans: scans021928.pdf

STATE OF WASHINGTON))SS
COUNTY OF SNOHOMISH)

OFFICE FILE

I CERTIFY THAT I KNOW OR HAVE EVIDENCE THAT **DENNIS O'LEARY** IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE CFO OF **LYNNWOOD MORTGAGE CORPORATION**, A WASHINGTON CORPORATION, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

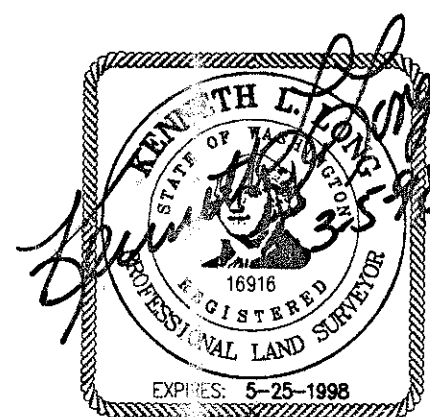
DATED: 3-6-98 
TERI L. QUALLY



NOTARY PUBLIC IN AND FOR THE STATE
OF WASHINGTON, RESIDING AT MUKILTEO
MY APPOINTMENT EXPIRES: 12-29-2000

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EVERETT, WA 98204




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OR 742-5500
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*** 13000 HWY 99 SOUTH * EVERETT * WA * 98204 ***

A.F. NO. <u>9803065005</u>					
SHORT SUBDIVISION NO. 32-94					
CITY OF MOUNTLAKE TERRACE SHORT SUBDIVISION FOR:					
RICHARD SPOELSTRA					
NW 1/4, NW 1/4, SEC.28, T.27N, R.4E, W.M.					
DRAWN BY	DATE	REV. BY	DATE	PROJECT MANAGER	SCALE
MC	2/24/98	3 MC	3/3/98	T.L. QUALLY	1" = 1"
DRAWING FILE NAME	CHK. BY	F.B. NO.	JOB NO.	SHT. NO.	
96005DP2.DWG	TLQ	325A	96-005-A	2 of 3	

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HALL LAKE VIEW
CONDOMINIUMS
VOL. 50, PGS. 200-202

SPOELSTRA SHORT SUBDIVISION NO. 32-94
NW 1/4, NW 1/4, SEC.28, T.27N., R.4E., W.M.
CITY OF MOUNTLAKE TERRACE, SNOHOMISH COUNTY, WASHINGTON

LEGEND

- SET 5/8" x 24" REBAR/CAP
WSI 16916 (DECEMBER 1997)
- FOUND REBAR
- ⊗ FOUND MONUMENT/CASE
- ⊗ FOUND MONUMENT
- ⊗ SET MONUMENT/CASE
WSI 16916 (DECEMBER 1997)
- ⊗ FOUND SECTION 1/4 CORNER
(DATE)
- ⊗ FOUND SECTION CORNER
(DATE)
- (C) CALCULATED
- (P) PLAT
- (M) MEASURED
- PROPERTY LINE
- FENCE LINE
- BSBL BUILDING SET BACK LINE

SCALE: 1" = 30'
0 15 30 60
MERIDIAN:

PLAT OF ZATTU VISTA HALL LAKE TRACTS
(VOL. 11, PG. 41)

BASIS OF BEARING:
N 89°50'00" W (NW SECTION CORNER
TO NORTH 1/4 CORNER)

MEETS OR EXCEEDS SURVEY
STANDARD AS PER:
WAC 332-130-090

WAC 332-130-100(1)
INSTRUMENT USED: WILD TC-1010
SURVEY PERFORMED BY FIELD TRAVERSE

ZATTU VISTA
25

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HALL LAKE TRACTS

LEGAL DESCRIPTION

LOT 24, ZATTU VISTA HALL LAKE TRACTS, ACCORDING TO THE PLAT
THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 41, RECORDS OF
SNOHOMISH COUNTY, WASHINGTON;
EXCEPT ANY PORTION LYING WITHIN VACATED ROAD LYING NORTH
AND ADJACENT TO SAID TRACT 24.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

NOTES

- 1) THIS MAP HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF PARTIES WHOSE
NAMES APPEAR HEREON ONLY, AND DOES NOT EXTEND TO ANY UNNAMED
THIRD PARTIES WITHOUT EXPRESS RECERTIFICATION BY THE LAND SURVEYOR.
- 2) BOUNDARY LINES SHOWN AND CORNERS SET REPRESENT DEED LOCATIONS;
OWNERSHIP LINES MAY VARY. NO GUARANTEE OF OWNERSHIP IS EXPRESSED
OR IMPLIED.

OFFICE FILE

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PREPARED
MAR 06 1998
WESTERN SURVEYORS, INC.

213TH STREET S.W.

CATHILL VISTA
VOL. 20, PG. 104



Western Surveyors Inc.
(425) 356-2700
OR 742-5500
LAND USE CONSULTANTS
CIVIL ENGINEERS • LAND SURVEYORS
13000 HWY 99 SOUTH • EVERETT • WA • 98204

A.F. NO. 9803065005

SHORT SUBDIVISION NO. 32-94

CITY OF MOUNTLAKE TERRACE SHORT SUBDIVISION FOR:

RICHARD SPOELSTRA

NW 1/4, NW 1/4, SEC.28, T.27N, R.4E, W.M.

DRAWN BY	DATE	REV. BY	DATE	PROJECT MANAGER	SCALE
DKR	2/13/98	7 MC	3/5/98	T.L. QUALLY	1" = 30'
DRAWING FILE NAME	CHK. BY	F.B. NO.	JOB NO.	SHT. NO.	
96005FSP.DWG	KLL	325A	96-005-A	3 of 3	