#### DECLARATION OF FEE SIMPLE UNIT LOT 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 FEE SIMPLE UNIT LOT SUBDIVISION NUMBER PFS-11-0001 BY THE CITY OF MOUNTLAKE TERRACE, SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS.

1.) AN EASEMENT IS HEREBY RESERVED AND GRANTED TO ALL UTILITIES AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS SERVING THIS FEE SIMPLE UNIT LOT SUBDIVISION, UNDER AND UPON THE EXTERIOR TEN, (10) FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOT 1 AND ALONG TRACT 999 FOR LOTS 1, 2, 3, 4, 5, AND 6. 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 FEE SIMPLE UNIT LOT SUBDIVISION AND OTHER PROPERTY WITH ELECTRICITY, TELEPHONE, TELEVISION CABLE, GAS AND OTHER UTILITY SERVICES TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

2.) A PRIVATE SANITARY SEWER EASEMENT IS HEREBY GRANTED ACROSS THE SHARED ACCESS & UTILITY TRACT 999 FOR THE BENEFIT OF LOTS 1, 2, 3, 4, 5, AND 6 FOR MAINTENANCE, REPAIR AND REPLACEMENT OF THE SANITARY SEWER SYSTEM MAIN LINE. SUCH MAINTENANCE, REPAIR AND REPALCEMENT SHALL BE THE RESPONSIBILITY OF THE OWNERS OF LOTS 1, 2, 3, 4, 5, AND 6 OF THIS FEE SIMPLE UNIT LOT SUBDIVISION. THE OWNERS OF LOTS 1, 2, 3, 4, 5, AND 6 ARE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF THE SANITARY SIDE SEWER FROM THEIR RESPECTIVE LOT UP TO AND INCLUDING THE CONNECTION TO THE MAIN SEWER LINE. THE OWNERS OF LOTS 1, 2, 3, 4, 5, AND 6 SHALL RETAIN THE RIGHT TO USE THE SURFACE OF SAID TRACT SO LONG AS SAID USE DOES NOT INTERFERE WITH THE INSTALLATION, OPERATION AND MAINTENANCE OF EASEMENT AND/OR TRACT USAGE.

- 3.) SUBJECT TO EASEMENTS TO PSE AND PUD RECORDED UNDER AUDITOR'S FILE NO'S. 201202100508 & 201204060492.
- 4.) SUBJECT TO CONDITIONS OF APPROVAL FOR THE PAIGE LANE SHORT PLAT PER AUDITOR'S FILE NO. 200612180894.
- 5.) SUBJECT TO CONDITIONS OF APPROVAL FOR THE ASPEN LANE TOWNHOMES PER AUDITOR'S FILE NO. 201111040315.
- 6.) A 5' WIDE MAINTENANCE/USE ESEMENT IS HEREBY GRANTED ACROSS LOT 3 FOR THE BENEFIT OF LOT 2 FOR MAINTENANCE OF ROOF AND ROOF EAVE ALSO ACROSS LOT 5 FOR THE BENEFIT OF LOTS 4 AND 6. AND ACROSS LOT 4 FOR THE BENEFIT OF LOT 5.

THESE COVENANTS CONSTITUTE AGREEMENT RUNNING WITH THE LAND AND ARE FOR THE MUTUAL BENEFIT OF THE GRANTOR AND THEIR 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 OF THEIR LAWFUL PROCEDURE AND TO RECOVER ANY DAMAGES RESULTING FROM SUCH VIOLATIONS.

214TH STREET TOWNHOMES LLC.

PEOPLES BANK

### COMMON MAINTENANCE

A.) THE FEE SIMPLE LOTS ARE PART OF A PARENT PARCEL, COMMONLY KNOWN AS ASPEN LANE. THE PARENT PARCEL SHALL CONTINUE TO MEET THE UNDERLYING APPROVED SITE DEVELOPMENT REQUIREMENTS UNDER THE CITY OF MOUNTLAKE TERRACE FILE NO. PFS-11-0001 AND UNDER PSD-11-0001.

B.) EACH FEE SIMPLE LOT OWNER IS RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND WELL KEEPING OF HIS/HER INDIVIDUAL FEE SIMPLE LOT. EACH OWNER SHALL KEEP HIS/HER UNIT AND PROPERTY IN A GOOD STATE OF REPAIR.

C.) MAINTENANCE, CARE AND REPLACEMENT OF COMMON OPEN SPACE AREAS, IRRIGATION SYSTEMS, AND SITE FURNISHINGS ARE THE RESPONSIBILITY OF THE FÉE SIMPLE LOT OWNERS PER CITY REGULATIONS.

D.) LANSDCAPE MAINTENANCE ON AN INDIVIDUAL FEE SIMPLE LOT IS THE RESPONSIBILITY OF THE INDIVIDUAL FEE SIMPLE LOT OWNER. EACH FEE SIMPLE LOT OWNER SHALL MAINTAIN, FOR THE LIFE OF THE DEVELOPMENT, THE INTEGRITY OF THE LANDSCAPE BEDS ALONG THE PERIMETER OF ALL PROPERTY LINES CONSISTENT WITH CITY REGULATIONS.

E.) MAINTENANCE, CARE AND REPLACEMENT OF STORMWATER CONTROL OR RAINGARDEN LANDSCAPE AREAS ARE THE RESPONSIBILITY OF EACH FEE SIMPLE LOT OWNER PER CITY REGULATIONS.

F.) MAINTENANCE, CARE AND REPLACEMENT OF STREET TREES ARE THE RESPONSIBILITY OF THE FEE SIMPLE LOT OWNERS PER CITY REGULATIONS.

G.) EACH ROOF SHALL BE CARED FOR AND MAINTAINED BY THE OWNER OF THE FEE SIMPLE LOT UPON WHICH THE ROOF IS LOCATED. IN THE EVENT A LOT OWNER INTENDS TO REPAIR OF REPLACE HIS/HER ROOF, IT IS AGREED THAT THE MATERIALS WILL BE SIMILAR IN TYPE, QUALITY AND COLOR OF THE ORIGINAL ROOF, UNLESS OTHERWISE MUTUALLY AGREED UPON BY ALL OWNERS OF THE BUILDING IN WHICH THE FEE SIMPLE UNIT IS ASSOCIATED. THE COST OF CARE AND MAINTENANCE IS THE SOLE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNER MAKING THE ROOF REPAIR OR REPLACEMENT. HOWEVER, IN THE EVENT OF A TOTAL ROOF REPLACEMENT FOR A BUILDING, THE COSTS WILL BE SHARED EQUALLY AMONG THE UNIT OWNERS OF THAT BUILDING.

H.) ROOF REPLACEMENTS WILL BE REQUIRED EVERY 25 YEARS UNLESS DELAYED BY UNANIMOUS AGREEMENT OF THE OWNERS OF EACH BUILDING.

(,) siding shall be cared for and maintained by the owner of the lot upon which the siding is located. In the event a lot owner intends to REPAIR OR REPLACE HIS SIDING, THE MATERIALS SHALL BE SIMILAR IN TYPE, STYLE, QUALITY AND COLOR OF THE ORIGINAL SIDING. COST OF SUCH CARE AND MAINTENANCE IS THE SOLE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNER.

PER MATERIALS SHALL BE SIMILAR IN TYPE STYLE OUALITY AND COLOR OF THE ORIGINAL SIDING. COST OF SUCH REPLACEMENT SHALL BE SHARED EQUALLY BY THE LOT OWNERS OF THAT BUILDING.

K.) ADDRESS SIGN MAINTENANCE AGREEMENT. ALL UNIT LOTS BENEFITING FROM THE POSTING OF ADRESS SIGNS ON EACH UNIT AND FOR EACH BUILDING ARE RESPONSIBLE FOR THE MAINTENANCE OF THOSE SIGNS. ALL UNIT LOTS SHALL SHARE EQUALLY IN THE COST OF REPAIR, MAINTENANCE AND/OR REPLACEMENT OF THE BUILDING AND STREET SIGNS. EACH UNIT LOT SHALL BE RESPONSIBILE FOR THE REPAIR, MAINTENANCE, AND/OR REPLACEMENT OF THE SIGN OF ITS

L.) ELECTRICAL, TELEPHONE AND CABLE TV EASEMENT. WITNESSETH THAT FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN EXPRESSED, IT IS HEREBY AGREED BETWEEN THE PARTIES THAT: (1) AN EASEMENT FOR ELECTRICAL, TELEPHONE, AND CABLE TV CONNECTION AND METER BOXES AS CONSTRUCTED SHALL BE GRANTED. CABLES SHALL BE RUN UNDERGROUND AND THROUGH THE BUILDINGS FROM THIS COMMON CONNECTION POINT TO EACH PARCEL: (2) THERE SHALL BE A COMMON CONNECTION AND THE LINES SHALL BE CONSTRUCTED FOR THE USE AND BENEFIT OF ALL PROPERTIES: (3) THE COST OF MAINTENANCE, REPAIR OR RECONSTRUCTION OF THAT PORTION OF THE DISTRIBUTION SYSTEM USED IN COMMON SHALL BE BORNE IN EQUAL SHARES, EXCEPT WHEN SUCH REPAIRS OR RECONSTRUCTION ARE DUE TO DAMAGES FOR WHICH A SINGLE OWNER IS RESPONSIBLE, THEN THAT OWNER SHALL BE RESPONSIBLE FOR THE COST: AND (4) THIS AGREEMENT SHALL BE A COVENANT RUNNINNG WITH THE LAND AND SHALL BE BINDING UPON ALL PARTIES AND THEIR HEIRS AND ASSIGNS FOREVER.

# SHARED ACCESS AND UTILITY TRACT 999

A.) EACH FEE SIMPLE LOT HAS AN UNDIVIDED EQUAL INTEREST IN AND THE RESPONSIBILITY FOR MAINTENANCE AND LIABILITY FOR DAMAGE DUE TO FAILURE OR LÁCK OF MAINTENANCE OF THE SHARED ACCESS AND UTILITY TRACT 999 WITHIN THE DEVELOPMENT. IF THE OWNERS OF THE FEE SIMPLE LOTS WITHIN THE DEVELOPMENT FAIL TO MAINTAIN THE SHARED ACCESS AND UTILITY TRACT 999 TO A DEGREE THAT INTERFERES WITH ACCESS BY EMERGENCY VEHICLES (AS DETERMINED BY THE CITY OF MOUNTLAKE TERRACE IN IT'S SOLE DISCRETION), SAID CITY RESERVES THE RIGHT TO REPAIR THE SHARED ACCESS AND UTILITY TRACT 999. ANY AND ALL COSTS OF REPAIR AND APPLICABLE ADMINISTRATIVE COSTS INCURRED BY THE CITY SHALL BE PAID BY THE OWNERS OF THE FEE SIMPLE LOTS WITHIN 30 DAYS OF BILLING BY SAID CITY. IN THE EVENT SUCH COSTS ARE NOT FULLY PAID WITHIN 30 DAYS OF BILLING BY THE CITY OF MOUNTLAKE TERRACE AS AFORESAID, SAID CITY SHALL HAVE THE RIGHT TO FILE A LEIN AGAINST ALL SAID FEE SIMPLE LOTS IN THE TOTAL AMOUNT OF ANY UNPAID COSTS AS AFORESAID, WHICH SAID LEIN MAY BE FORECLOSED IN THE MANNER PROVIDED BY THE LAWS OF WASHINGTON FOR THE FORECLOSURE OF LEINS OF MECHANICS OR MATERIAL MEN. EACH PROVISION OF THIS PARAGRAPH SHALL CONSTITUTE AN AGREEMENT RUNNING WITH THE LAND, AND BIND THE RESPECTIVE FEE SIMPLE LOT OWNERS, THEIR HEIRS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS.

B.) WITNESSED THAT FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN EXPRESSED, IT IS HEREBY AGREED BETWEEN THE PARTIES THAT: A SHARED ACCESS AND UTILITY TRACT 999 AS SHOWN ON THIS SURVEY IS FOR THE BENEFIT OF ALL UNITS, NOS. 1 THROUGH 6. THE OWNERS OF UNIT LOTS 1 THROUGH 6 SHALL HAVE AN EQUAL AND UNDIVIDED INTEREST IN THE RESPONSIBILITY FOR MAINTENANCE OF SAID TRACT APPURTENANCE. THESE APPURTENANCE AND MAINTENANCE RESPONSIBILITIES INCLUDE THE REPAIR AND MAINTENANCE OF THE ACCESS TRACT, PEDESTRIAN SIDEWALKS (NOT INCLUDING THE FRONT STOOP OF EACH UNIT), DRAINAGE PIPES, AND STORM WATER QUALITY FACILITIES WITHIN THIS TRACT, PRIVATE SIGNAGE, AND OTHER INFRASTRUCTURE NOT OWNED BY THE CITY OF MOUNTLAKE TERRACE OR OTHER UTILITY PROVIDERS. MAINTENANCE COSTS SHALL BE SHARED EQUALLY.

C.) THE HOMEOWNERS ARE RESPONSIBLE TO SWEEP AND KEEP THE PRIVATE ROADWAY FREE OF DIRT AND DEBRIS. THE CITY RESERVES THE RIGHT, BUT NOT THE OBLIGATION, TO PERFORM ANY NEEDED SERVICE AND MAINTENANCE ON THESE AREAS. IT IS THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION TO REIMBURSE THE CITY FOR ANY COST INCURRED, IF APPLICABLE.

Pacific Coast Surveys, Inc.

LAND SURVEYING & MAPPING

P.O. BOX 13619 MILL CREEK, WA 98082

D.) PARKING WITHIN THE PRIVATE ROADWAY, TRACT 999, IS PROHIBITED.

E.) ALL OCCUPANT VEHICLE PARKING SHALL BE RESTRICTED TO DESIGNATED GARAGES.

Scans: scans021410.pdf

A.F. NO.

1 Of 3

SHEET

FEE SIMPLE UNIT LOT SUBDIVISION FOR:

ASPEN LANE

PFS-11-0001

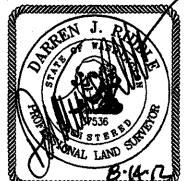
PH. 425.508.4951 FAX 425.357.3577 www.PCSurveys.net

DATE DRAWING FILE NAME SCALE DJR 8.13.12

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

11211SP.DWG

11-511



### LEGAL DESCRIPTION

THE WEST 93 FEET OF THE NORTH 278 FEET OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M. LESS THE NORTH 30 FEET THEREOF FOR 214TH STREET SOUTHWEST (BALSAM WAY), ALSO KNOWN AS PARCEL B, CITY OF MOUNTLAKE TERRACE LOT LINE ADJUSTMENT NO. LLA-96-06, AS RECORDED UNDER RECORDING NO. 9703130029, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE CITY OF MOUNTLAKE TERRACE, COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

# **ACKNOWLEDGMENTS**

STATE OF WASHINGTON COUNTY OF SNOHOMISH )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Paul & Molan is THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT ON OATH STATING THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS YOU VOLUMENT OF 214TH STREET TOWNHOMES, LLC. AND VOLUNTARY ACT AND DEED OF SUCH PARTY FOR THE USE AND PURPOSES MENTIONED IN THIS INSTRUMENT.

NOTARY SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

RESIDING AT SNOVOMISM MY APPOINTMENT EXPIRES: 11-0173

KATIE DITHOMAS **NOTARY PUBLIC** STATE OF WASHINGTON **COMMISSION EXPIRES** NOVEMBER 9, 2012

STATE OF WASHINGTON COUNTY OF SNOHOMISH

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT JAMES M. VANDERMEY IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT ON OATH STATING THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS SENIOR VICE PRESIDENT OF PEOPLES BANK AND VOLUNTARY ACT AND DEED OF SUICH PARTY FOR THE USE AND PURPOSES MENTIONED IN THIS INSTRUMENT.

NOTARY PUBLIC, IN AND FOR THE STATE OF WASHINGTON



#### CITY OF MOUNTLAKE TERRACE APPROVALS

EXAMINED AND APPROVED AS THE SURVEY DATA, THE LAYOUT OF STREETS, ALLEYS, AND OTHER RIGHT-OF-WAY, THE DESIGN OF BRIDGES, THE SEWAGE AND WATER SYSTEMS, AND OTHER STRUCTURES, THIS 16 DAY OF CLIQUES 2012.

WILL VAN RY CITY ENGINEER

EXAMINED AND APPROVED THIS 16 DAY OF AUGUST 2012.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

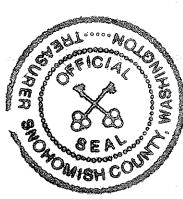
# CITY TREASURER'S CERTIFICATE

I, MICK HORTOAREASURER OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, DO HEREBY CERTIFY THAT THERE ARE NO OUTSTANDING LID ASSESSMENTS ON ANY PORTION OF THE ABOVE DESCRIBED TRACT WHICH, UNDER THE SUBDIVISION THEREOF, BECOME PUBLIC STREETS, ALLEYS, OR OTHER PUBLIC PLACES, AND THAT THE RECORDS WERE EXAMINED THIS 16 DAY OF 2012.

TREASURER, CITY OF MOUNTLAKE TERRACE

# COUNTY TREASURER'S CERTIFICATE

I, Kick Sieters Treasurer of Snohomish County, Washington, DO HEREBY CERTIFY THAT ALL THE TAXES AND DELINQUENT ASSESSMENTS ON THE ABOVE DESCRIBED TRACT HAVE BEEN FULLY PAID-UP TO AND INCLUDING THE YEAR 2012.



### AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_\_\_, 2012, AT \_\_\_\_\_ M., IN BOOK \_\_\_\_ OF SURVEYS, AT PAGE , AT THE REQUEST OF PACIFIC COAST SURVEYS, INC. COUNTY AUDITOR DEPUTY COUNTY AUDITOR

### 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 DAVE NOLAN, IN JUNE, 2012.

PROFESSIONAL LAND SURVEYOR CERTIFICATE NO. 37536

8.14.12

Scans: scans021411.pdf

8.13.12

SHEET 2 of 3

Pacific Coast Surveys, Inc.

LAND SURVEYING & MAPPING

P.O. BOX 13619 MILL CREEK, WA 98082

PH. 425.508.4951 FAX 425.357.3577 www.PCSurveys.net

FEE SIMPLE UNIT LOT SUBDIVISION FOR:

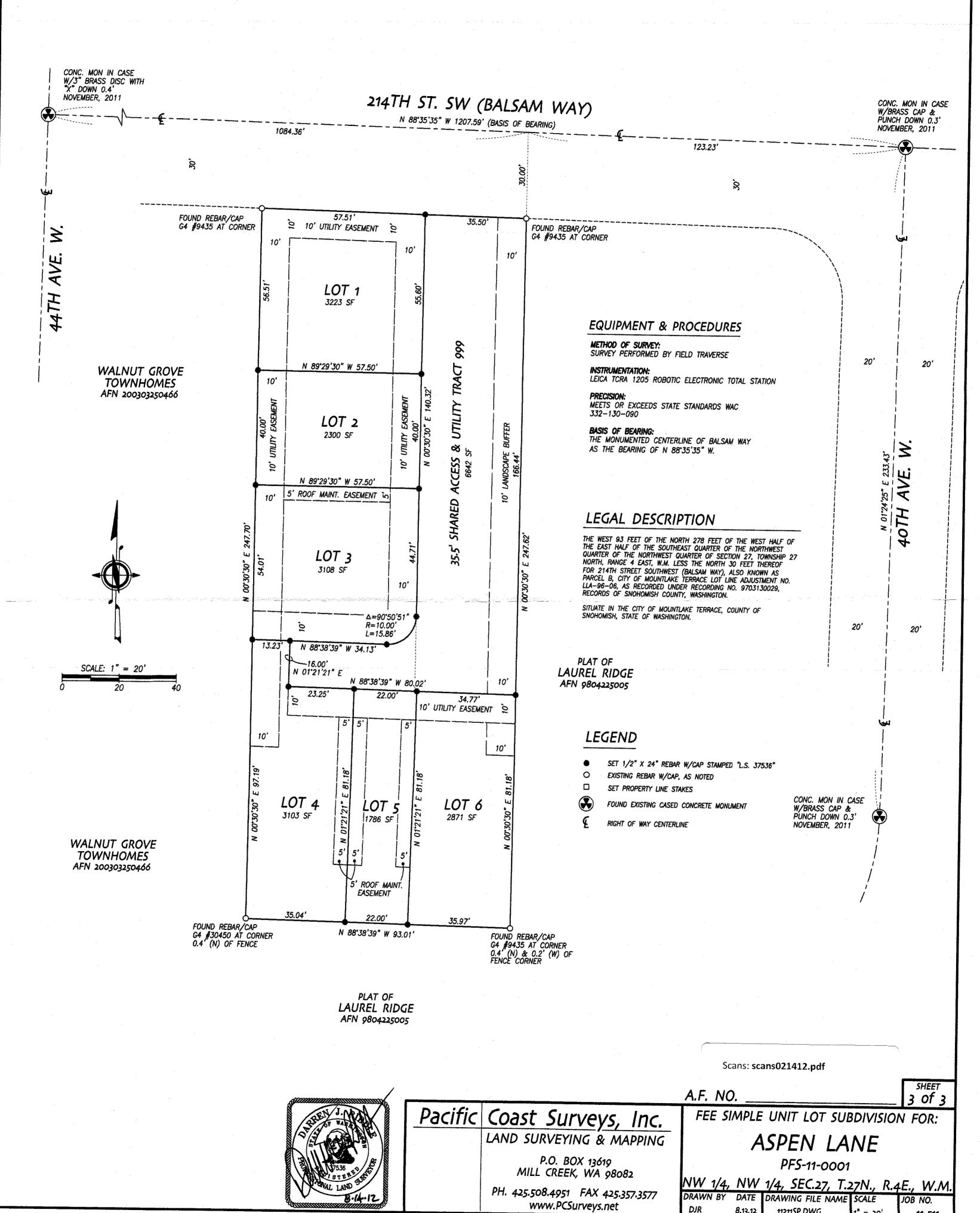
ASPEN LANE

PFS-11-0001

NW 1/4, NW 1/4, SEC.27, T.27N., R.4E., W.M. DATE DRAWING FILE NAME SCALE DRAWN BY JOB NO. 11211SP.DWG

1" = 20'

11-511



8.13.12

11211SP.DWG

11-511