<u>DEGLARATION</u>

That we, the undersigned, having an interest in the real property described by -this declaration, do hereby declare the herein described division of land, approved as City of Mountlake Terrace short plat number 98-01, subject to the following_covenants and_conditions:

- i) The land described by this Declaration may not be further subdivided in any manner exceeding a total of four parcels by anyone within five (5) years of the above date of approval without a final plat having been filed for record with the Auditor of Snohomish-County, pursuant to the provisions of Chapter 58.17 RCW, and the ordinances of the -City- of -Mountlake Terrace, and subject to the-penalties attendant thereto;
- All landscaped areas in public rights-of-way shall be maintained by the owner(s) or their successors and must be reduced or eliminated at the request of the city if deemed necessary for public road purposes;
- (iii) Drainage easements designated on the short plat are hereby reserved for and granted to the City of Mountlake Terrace, except those designated on the short plat as private easements, for the right of ingress and egress and the right to excavate, construct, operate, maintain, repair and/or rebuild an enclosed or open channel stormwater conveyance system and/or other draidage facilities, under, upon or through the drainage easement; and
- (iv) Approval of this document does not constitute a transfer of ownership: It-is- - the responsibility of the property owners to complete the conveyance process.

DEDICATION

Know all persons by these presence that Robert K. Gogert and Paula J. Gogert, husband and wife, the undersigned owners in fee simple of the land hereby short subdivided, City of Mountlake Terrace short plat file number 98-01, hereby declare this short plat 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 plat, 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 plat in the reasonable original grading of all the 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, all claims for damage 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 plat, must make application to and receive approval from the Mountlake Terrace City Engineer. 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, subject to any permitting requirements therefor.

IN WITNESS WHEREOF, we set our hands and seals this 7 day of AORI

Robert K. Gogert

Paula J. Gogert

9804285001

AUDITOR'S CERTIFICATE

Filed for record at the request of Vern L. Bower, this 38 day of minutes past 9:00 f.m., and recorded und Auditor's file number Records of Snohomish County, Washington. In Book

Auditor Snohomish County U

Deputy County Auditor

SECTION 33, T. 27 N., R. 4 E., W.M.

ACKNOWLEDGEMENTS STATE OF WASHINGTON (Individual) COUNTY OF SNOHOMISH I certify that I know or have satisfactory evidence that Robert K. Gogert and Paula J. Gogert, 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 the instrument. Kahure X Cheur Dated: 4-7-98 Notary Public in and for the State of Washington My Appointment Expires 1-5-2002 NE Corner Plat of Cascade ____ View, Volume 13, Page 19

(Corporate) CDUNTY OF SNOHOMISH -

I certify that Lknow-or have satisfactory evidence that is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the City Manager of Mountlake Terrace for the uses and purposes mentioned in

5-25-99

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

I hereby approve this short subdivision and find from the file that the short plat

meets all applicable zoning and land use controls, and makes appropriate

provisions for the public health, safety and general welfare. Approved this

of Robert 1997.

APPROVAL.

27 th day of APRIL

City of Mountlake Terrace

Vern L. Bower Certificate Number 17658

The Ex

' -- - - - - - - - - -

N 88°49'45"W (V. 23/84) Fd. Conc. Mon. in Case

236TH STREET SW

Accuracy meets or exceeds WAC 332-130-090. Dedicated to the City of Mountlake Terrace for Right-of-Way by Warranty Deed recorded January 10, 1997 under AF #9701100366, Records of Snohomish County

N 88° 49'12"W

238TH STREET SW

Wild T-16 Theodolite and DI 1000 EDM used for field traverse.

EQUIPMENT & ACCURACY:

P.O.B.

Fd. /"/P__/

N 88° 49'12" W (N 88° 48'55" W City M.L.T.)

Fd. PK Nail 0.15 N & O.10 W

Jon 1996

North Line Lot 6 N 88° 51'01"W 145.48 45.48 238TH ST. 5W 238 Th 57.5W

74/4 s.f.

North Line S. 140' of Lot 6 N 88° 49'45"W (V. 23/84) Fd. /"IP 0.155 & 0.10E1

ALPINE VILLAGE

(V. 23, P. 84)

239TH STREET SW N88°49'45"W Fd. Conc. Mon BASIS OF BEARINGS:

Centerline of 48th Ave W N 0° 10'40" E, Plat of Alpine Village

City M.L.T. = Right of Way

Scale: |"= 40'

Disposition, 3/17/94

scans022478.

Fd. Conc. Mon in Case

74.3

ndicates Monument Found as Noted

Set 1/2" x 24" long Rebar w/Plastic Cap "INTENSUS", 17658 at all lot corners

LEGAL DESCRIPTION - PLAT BOUNDARY

THAT PORTION OF THE EAST 3/5 OF THE EAST HALF OF LOT 6. HANBURY'S NORTH RACE TRACK ADDITION, ACCORDING-TO-THE PLAT THEREOF RECORDED IN VOLUME 7 OF PLATS, PAGE 8, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, DESGRIBED AS FOLLOWS:

TOOMMENCING AT THE NORTHEAST CORNER OF THE PLAT OF CASCADE VIEW, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13 OF PLATS, PAGE 19, RECORDS OF SNOHOMISH COUNTY, WASHINGTON; THENCE EAST (S 880 49' 12" E) ALONG THE NORTH LINE OF LOT 6, SAID PLAT OF HANBURY'S NORTH RACE_TRACK ADDITION, 210 FEET; THENCE SOUTH (S 00 09' 05" W), PARALLEL WITH THE EAST LINE OF SAID PLAT OF CASCADE VIEW, 17.94 FEET TO THE POINT OF BEGINNING; THENCE EAST (S 880 51' 01" E), 145.48 FEET TO THE BEGINNING OF A 25 FOOT RADIUS TANGENT CURVE CONCAVE TO THE SOUTHWEST; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 890 01' 41", 38.85 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6; THENCE SOUTH (S.00 10' 40" VY), ALONG SAID EAST LINE, 123.77 FEET TO A POINT 140 FEET NORTH (N 0010' 40" E) OF THE SOUTH LINE OF SAID LOT 6; THENCE WEST (N 880 49' 45" W) PARALLEL WITH THE SOUTH LINE OF SAID LOT 6, 169.99 FEET TO A POINT SOUTH (S 0º 09' 05" W) OF THE POINT OF BEGINNING: THENCE NORTH (N 0° 09' 05"-E) 148.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 25085 SQUARE FEET (Q.576 ACRES). -

ALSO KNOWN AS LOTS 1 AND 2. CITY-OF MOUNTLAKE-TERRAGE SHORT PLAT-96-02 RECORDED IN VOLUME 4 OF SHORT PLATS, PAGE 126, RECORDS OF SNOHOMISH COUNTY, WASHINGTON. -

NW 1/4 SE 1/4 SECTION 33, T. 27 N., R. 4 E., W.M.

EASEMENT PROVISION

City Manager, Connie R. Fessler

An easement is hereby reserved for and granted to all utilities and their respective successors and assigns serving this short plat, under and upon the exterior ten 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 and other utility service, together with the right to enter upon the lots at all times for the purposes herein stated.

NTENSUS

ENGINEERING • SURVEYING

(206) 481-7282 * (360) 668-7534

15425 BROADWAY AVE SE PO BOX 1486, SNOHOMISH, WA 98291

- GOGERT SHORT PLAT-SP 98-01 City--of Mountlake Terrace

-4804 - 238 TH ST. SW.-

Robert K. & Paula J. Gogert PO Box 462 -Arlington, WA 98223-PH: 360-435-4821