

TWIN PONDS BINDING SITE PLAN

PORTION OF THE NW 1/4 OF SW 1/4 OF SECTION 12, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.
CITY OF ARLINGTON
SNOHOMISH COUNTY, WASHINGTON

DECLARATION

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED OWNER OF FEE SIMPLE TITLE TO THE LAND HEREIN DESCRIBED, DO HEREBY DECLARE A BINDING SITE PLAN WITH RESPECT TO SAID LAND PURSUANT TO REVISED CODE OF WASHINGTON 98.17.04071 AND CITY OF ARLINGTON UNIFIED DEVELOPMENT CODE. DECLARE THIS BINDING SITE PLAN TO BE THE GRAPHICAL REPRESENTATION OF THE SAME AND DECLARE AND ESTABLISH THE FOLLOWING COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS WITH RESPECT TO SAID LAND.

1. DEVELOPMENT ACCORDING TO SITE PLAN. ALL DEVELOPMENT AND USE OF THE LAND DESCRIBED HEREIN SHALL BE IN ACCORDANCE WITH THIS BINDING SITE PLAN, AS IT EXISTS OR IS HEREAFTER AMENDED WITH THE APPROVAL OF THE CITY, AND IN ACCORDANCE WITH SUCH OTHER GOVERNMENTAL PERMITS, APPROVALS, REGULATIONS, REQUIREMENTS AND RESTRICTIONS THAT MAY BE IMPOSED UPON SUCH DEVELOPMENT AND THE USE THEREOF. UPON COMPLETION, THE IMPROVEMENTS ON THE LAND SHALL BE INCLUDED IN ONE OR MORE CONDOMINIUMS OR OWNED BY AN ASSOCIATION OR OTHER LEGAL ENTITY IN WHICH THE OWNERS OF UNITS THEREIN OR THEIR OWNER'S ASSOCIATIONS HAVE A MEMBERSHIP OR OTHER LEGAL OR BENEFICIAL INTEREST. THIS BINDING SITE PLAN SHALL BE BINDING UPON ALL THOSE WHO NOW OR HEREAFTER HAVE ANY INTEREST IN THE LAND DESCRIBED HEREIN.

2. EASEMENT FOR INGRESS AND EGRESS. DECLARANT, ITS SUCCESSORS, ASSIGNS, BUSINESS INVITEES, LICENSEES, TENANTS AND THEIR GUESTS SHALL HAVE AN EASEMENT OF INGRESS AND EGRESS OVER AND ACROSS ALL ROADWAYS AS DELINEATED ON THIS BINDING SITE PLAN OR AS CONSTRUCTED ON THE LAND SUBJECT THERETO. THE OWNER(S) OF THE LAND SUBJECT TO THIS BINDING SITE PLAN SHALL MAINTAIN AND KEEP IN GOOD REPAIR THE ROADWAYS, FIRE LANES AND PARKING AREAS SITUATED ON SAID LAND AND SHALL KEEP SUCH ROADWAYS, FIRE LANES AND PARKING AREAS FREE OF SNOW, ICE, RUBBISH AND OBSTRUCTIONS OF EVERY NATURE, AND SHALL PROVIDE ADEQUATE DRAINAGE AND SHALL MAINTAIN ANY DRAINAGE FACILITIES LOCATED ON THE SUBJECT PROPERTY.

3. RECREATIONAL FACILITIES AND COMMON SITE FEATURES. AS DELINEATED ON THIS BINDING SITE PLAN OR AS CONSTRUCTED ON THE LAND SUBJECT THERETO, THE RECREATIONAL FACILITIES (IF ANY) AS WELL AS ALL COMMON SITE FEATURES AND AREAS INCLUDING LANDSCAPING, ACCESS, PARKING, UTILITIES, SEWER AND DRAINAGE SYSTEMS AND GREENBELT EASEMENTS, BUT EXCLUDING RESIDENTIAL BUILDING SITES AND LIMITED COMMON ELEMENTS ALLOCATED TO CONDOMINIUM UNITS) SHALL BE FOR THE MUTUAL AND NON-EXCLUSIVE USE OF THE OWNERS, TENANTS AND GUESTS OF ALL LAND SUBJECT TO THIS BINDING SITE PLAN. THE OWNERS OF THE SUBJECT PROPERTY SHALL OPERATE, STAFF, MAINTAIN, REPAIR, INSURE AND IN ALL WAYS BE RESPONSIBLE FOR ANY SUCH RECREATIONAL FACILITIES AND COMMON SITE FEATURES.

4. MULTI-PURPOSE EASEMENT. DECLARANT HEREBY GRANTS A NON-EXCLUSIVE EASEMENT OVER AND ACROSS SAID LAND FOR INGRESS AND EGRESS AND OVER AND ACROSS OTHER EASEMENTS, ROADWAYS, AND UTILITY LINES SPECIFIED IN THE BINDING SITE PLAN OR ESTABLISHED IN OR ON SAID LAND AND IMPROVEMENTS THERETO. SUCH RESERVATIONS ARE FOR THE PURPOSE OF COMPLETING, AND THEREAFTER USING AND OPERATING, ALL PHASES OF DEVELOPMENT OF SAID LAND, AND PURSUANT TO RCW CHAPTER 64.34, CREATING EITHER A SINGLE CONDOMINIUM OR TWO OR MORE SEPARATE CONDOMINIUMS. THE EASEMENTS RESERVED HEREUNDER SHALL ENTITLE THE DECLARANT, OR ITS SUCCESSORS, TO TIE INTO WATER, SANITARY SEWER, STORM SEWER AND ROADWAYS SUBJECT TO THE REQUEST OF THE NECESSARY APPROVALS FROM THE CITY OF ARLINGTON. CONNECTION TO ELECTRICAL, GAS, TELEPHONE, OR OTHER UTILITY LINES OF ALL VARIETIES WILL REQUIRE THE APPROVAL OF THE RESPECTIVE UTILITY COMPANY, DEVELOPED AND EMPLACED ON SAID LAND.

5. MULTI-PURPOSE MAINTENANCE. EXCEPT AS OTHERWISE PROVIDED BY LAW, AND EXCEPT TO THE EXTENT MAINTENANCE IS PERFORMED BY A PUBLIC OR PRIVATE ENTITY PROVIDING UTILITY SERVICE, ALL PRESENT AND FUTURE OWNERS OF THE LAND SUBJECT TO THIS BINDING SITE PLAN SHALL MAINTAIN AND REPAIR ALL ROADWAYS, PARKING AREAS, UTILITIES AND DRAINAGE FACILITIES, RECREATIONAL FACILITIES AND OTHER COMMON SITE FEATURES AND AREAS.

6. GOVERNMENT EASEMENT. ANY GOVERNMENTAL ENTITY HAVING JURISDICTION OF THE LAND SUBJECT TO THIS BINDING SITE PLAN AND THE IMPROVEMENTS THERETO, AND ANY PUBLIC OR PRIVATE ENTITY PROVIDING UTILITY SERVICE THERETO, SHALL HAVE A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS SAID LAND FOR THE PURPOSE OF INSPECTION, MAINTENANCE AND REPAIR.

7. NOTICES. ANY DEMAND TO BE MADE UPON OR ANY NOTICE HEREUNDER TO BE GIVEN TO THE OWNER OR OWNERS OF THE LAND SUBJECT TO THIS BINDING SITE PLAN SHALL BE IN WRITING AND MAILED, POSTAGE PREPAID, CERTIFIED MAIL RETURN RECEIPT REQUESTED, TO THE LAST KNOWN MAILING ADDRESS OF SAID OWNER.

8. ENFORCEMENT. THE PROVISIONS OF THIS BINDING SITE PLAN (AND THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS HEREIN) ARE DECLARED TO CREATE MUTUAL AND EQUITABLE COVENANTS AND SERVITUDES FOR THE BENEFIT OF THE DECLARANT, EACH FUTURE OWNER OR CONTRACT PURCHASER, AND THEIR SUCCESSORS IN INTEREST. ENFORCEMENT OF THESE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS MAY BE BY ANY PROCEEDING AT LAW OR IN EQUITY AGAINST ANY PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY COVENANT, CONDITION, RESTRICTION OR EASEMENT EITHER TO RESTRAIN VIOLATION OR TO RECOVER DAMAGES, FAILURE OF THE DECLARANT OR ANY SUCCESSOR IN INTEREST TO ENFORCE ANY COVENANT, CONDITION, RESTRICTION OR EASEMENT, OR EXERCISE ANY RIGHTS HEREIN CONTAINED, SHALL IN NO EVENT BE DEEMED A WAIVER OF THE RIGHT TO DO SO THEREAFTER. ALL COSTS INCURRED IN THE ENFORCEMENT OF THESE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, INCLUDING A REASONABLE ATTORNEY'S FEE, SHALL BE BORNE BY THE NON-PREVAILING PARTY. INVALIDATION OF ANY ONE OF THE PROVISIONS HEREOF BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OTHER PROVISIONS HEREIN.

9. THE CITY SHALL HAVE AN EASEMENT FOR ACCESS ALONG AND OVER ACCESS WAYS AND PARKING AREAS TO ALLOW POLICE, BUILDING, FIRE AND PUBLIC WORKS DEPARTMENT ACCESS TO THE PROPERTY AS WELL AS FOR PROVIDING EMERGENCY AND LAW ENFORCEMENT SERVICES AND EASEMENT FOR UTILITIES OVER AND UNDER SUCH ACCESS WAYS.

10. BINDING EFFECT. THIS BINDING SITE PLAN (AND THE FOREGOING COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS) SHALL CONSTITUTE COVENANTS THAT RUN WITH THE LAND, AS PROVIDED BY LAW, AND SHALL BE BINDING UPON ALL PARTIES AND ALL PERSONS WHO ARE OR SHALL BECOME THE OWNER OF, OR OTHERWISE HAVE AN INTEREST IN, THE LAND DESCRIBED HEREIN.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS THIS 29 DAY OF March, 1999.

TWIN PONDS APARTMENTS, L.P.
A WASH. LIMITED PARTNERSHIP

BY: TWIN PONDS PARTNERS, INC.
A CALIFORNIA CORP.

BY: Jules Swimmer
JULES SWIMMER
C.F.O. AND GENERAL PARTNER

28/54
2/20 SF

9905285006

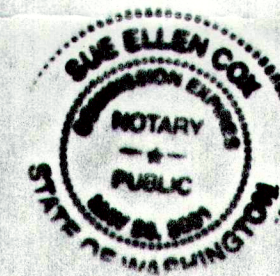
ACKNOWLEDGEMENT

STATE OF Washington
COUNTY OF Snohomish

THIS IS TO CERTIFY THAT ON THE 29 DAY OF March, 1999,
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, HAVE PERSONALLY APPEARED

Jules Swimmer
OF Twin Ponds Apartments, a Wash. limited partnership
CORPORATION, TO ME KNOWN TO BE THE REPRESENTATIVES OF SAID CORPORATION WHO EXECUTED THE WITHIN AND FOREGOING DEDICATION AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY WERE THE INDIVIDUALS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION, WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST MENTIONED ABOVE.

Sue Ellen Cox
Sue Ellen Cox
NOTARY PUBLIC IN AND FOR THE STATE OF
Washington RESIDING AT Marysville



ACKNOWLEDGEMENT

STATE OF Washington
COUNTY OF Snohomish

THIS IS TO CERTIFY THAT ON THE 29 DAY OF March, 1999,
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, HAVE PERSONALLY APPEARED

Jules Swimmer
OF Twin Ponds Partners, Inc. a California Corp
CORPORATION, TO ME KNOWN TO BE THE REPRESENTATIVES OF SAID CORPORATION WHO EXECUTED THE WITHIN AND FOREGOING DEDICATION AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY WERE THE INDIVIDUALS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION, WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST MENTIONED ABOVE.

Sue Ellen Cox
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NOTARY PUBLIC IN AND FOR THE STATE OF
Washington RESIDING AT Marysville



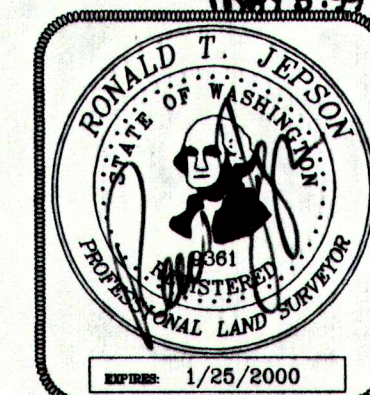
ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

THIS IS TO CERTIFY THAT ON THE ____ DAY OF _____, 1999,
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, HAVE PERSONALLY APPEARED

OF _____ A
CORPORATION, TO ME KNOWN TO BE THE REPRESENTATIVES OF SAID CORPORATION WHO EXECUTED THE WITHIN AND FOREGOING DEDICATION AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY WERE THE INDIVIDUALS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION, WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST MENTIONED ABOVE.

NOTARY PUBLIC IN AND FOR THE STATE OF _____
RESIDING AT _____



COPY
ORIGINAL ON FILE IN THE
COUNTY RECORDER'S OFFICE

COPY
ORIGINAL ON FILE IN THE
COUNTY RECORDER'S OFFICE

TWIN PONDS BINDING SITE PLAN

PORTION OF THE NW 1/4 OF SW 1/4 OF SECTION 12, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.
CITY OF ARLINGTON
SNOHOMISH COUNTY, WASHINGTON

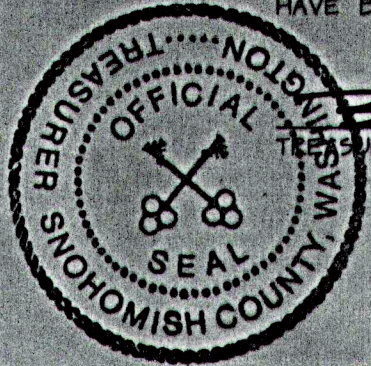
CITY CLERK CERTIFICATE

I, CITY CLERK OF THE CITY OF ARLINGTON, DO HEREBY CERTIFY ALL LOCAL IMPROVEMENTS DISTRICT ASSESSMENTS ON THE WITHIN DESCRIBED TRACT OF LAND HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING 400 + 1/2 L.I.D. ASSESSMENTS. EXAMINED AND APPROVED THIS 6th DAY OF May 1999.

Hany Peterson
CITY CLERK, CITY OF ARLINGTON

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING 1999 TAXES.



Bob Dantini
TREASURER, SNOHOMISH COUNTY

EXAMINED AND APPROVED THIS 5th DAY OF May 1999.
IN ACCORDANCE WITH SNOHOMISH COUNTY
ANY PERSON RECORDING A PLAT AFTER
MAY 31st MUST PAY ADVANCE TAXES
FOR THE NEXT YEAR.

CITY OF ARLINGTON APPROVAL

THE CITY OF ARLINGTON HEREBY DETERMINES THAT THIS SHORT PLAT CONFORMS TO THE ARLINGTON MUNICIPAL CODE GOVERNING SHORT PLATS, AND THE ARLINGTON ZONING REQUIREMENTS, AND IS HEREBY APPROVED. THE CITY OF ARLINGTON DOES NOT IN ANY WAY WARRANT NOR GUARANTEE THE ACCURACY OF THIS SUBDIVISION INFORMATION.

EXAMINED AND APPROVED THIS 4th DAY OF May 1999.

Edward J. Lane
RESPONSIBLE OFFICIAL

DIRECTOR OF PUBLIC WORKS APPROVAL

EXAMINED AND APPROVED THIS 5th DAY OF May 1999 AS TO THE ADEQUACY OF THE PROPOSED MEANS OF SEWAGE DISPOSAL AND WATER SUPPLY AND AS TO THE DESIGN OF SEWAGE AND WATER SYSTEMS AND OTHER STRUCTURES AND AS TO THE SURVEY DATA, THE LAYOUT OF STREETS, ALLEYS AND OTHER RIGHTS-OF-WAYS. NOTE - THE CITY OF ARLINGTON DOES NOT IN ANY WAY WARRANT NOR GUARANTEE THE ACCURACY OF THIS SURVEY.

R. Hansen
DIRECTOR OF PUBLIC WORKS
CITY OF ARLINGTON

PLANNING COMMISSION APPROVAL

EXAMINED AND APPROVED THIS 7th DAY OF May 1999 AS BEING IN COMPLIANCE WITH ALL TERMS OF PRELIMINARY APPROVAL OF THE PROPOSED BINDING SITE PLAN.

Beth Bonagles
CHAIRPERSON, PLANNING COMMISSION
CITY OF ARLINGTON

CITY COUNCIL APPROVAL

EXAMINED AND APPROVED THIS 4th DAY OF May 1999 THE CITY COUNCIL FINDS IN ADDITION THAT THE BINDING SITE PLAN OF ROSECREEK IS IN CONFORMANCE WITH THE APPLICABLE CITY ZONING AND ALL OTHER LAND USE CONTROLS PRESENTLY IN EFFECT.

Robert Frank
MAYOR, CITY COUNCIL
CITY OF ARLINGTON

ATTEST: Hany Peterson
CITY CLERK
CITY OF ARLINGTON

RECORDING CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF _____
THIS 18th DAY OF May 1999, AT 28 MINUTES PAST
4 O'CLOCK, P.M., AND RECORDED IN VOLUME _____ OF BINDING SITE PLANS,
ON PAGE(S) _____ RECORDS OF SNOHOMISH COUNTY, STATE OF WASHINGTON.

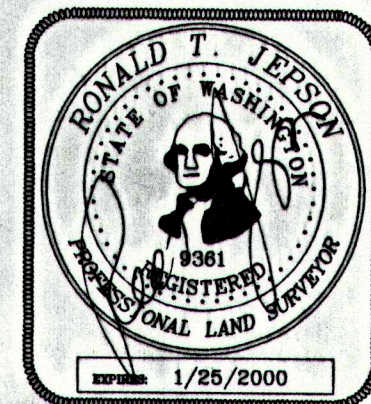
Bob Terwilliger BY Leather Stenogaard
AUDITOR, SNOHOMISH CO. DEPUTY COUNTY AUDITOR

AUDITOR'S FILE # 9905285000

SURVEYOR'S CERTIFICATE

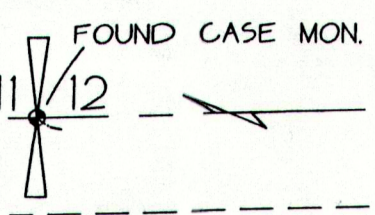
THIS CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF JULES SWINNER
THIS 5 DAY OF MAY 1999.

Ronald T. Jepson
RONALD T. JEPSON P.E., L.S. #9361
May 5, 99
DATE



MAY 5, 99

RONALD T. JEPSON & ASSOCIATES
CONSULTING ENGINEERS*LAND SURVEYORS*PROJECT MGMT. & DEV.
222 GRAND AVE. SU "C", PH. No. (360) 733-5760
BELLINGHAM, WASHINGTON 98225

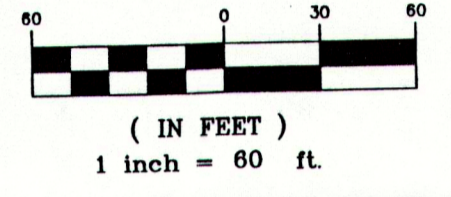


TVEIT ROAD
S 89°58'29" W
704.74'

LEGEND

- SET REBAR + CAP # 9361 5-97
- FND. REBAR + CAP 5-97
- ◆ FND. CASE MON. 5-97

GRAPHIC SCALE



EX. 20' UTILITY EASMT. PER AF #8706305001

PARCEL 2
RECREATION AREA 7,324 SQ.FT.

BLDG "11" BLDG "12"

BLDG "10" BLDG "9"
435,937 SQ.FT.
10.00 ACRES

BLDG "7" BLDG "8"

BLDG "6"

BLDG "5"

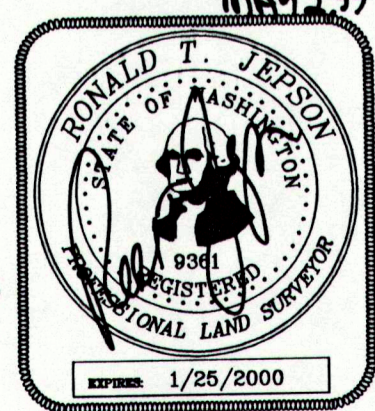
BLDG "4"

BLDG "3"

BLDG "2"

BASIS OF BEARING

THE BOUNDARY LINE ADJUSTMENT AS RECORDED IN VOLUME 44 OF SURVEYS, PAGES 291 AND 292, UNDER AUDITOR'S FILE NUMBER 9505095003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.



EASEMENT NOTE

THESE PORTIONS OF EXISTING EASEMENTS ARE TO BE VACATED BY THE ACTIONS APPROVING THIS BINDING SITE PLAN.

RECREATION AREA

TOTAL RECREATION AREA IS 28,074 SQ.FT.

LEGAL DESCRIPTION

LOT B OF ROSECREEK SHORT PLAT AS RECORDED UNDER AUDITOR'S FILE NO. 9802255002, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SURVEY EQUIPMENT + PROCEDURE

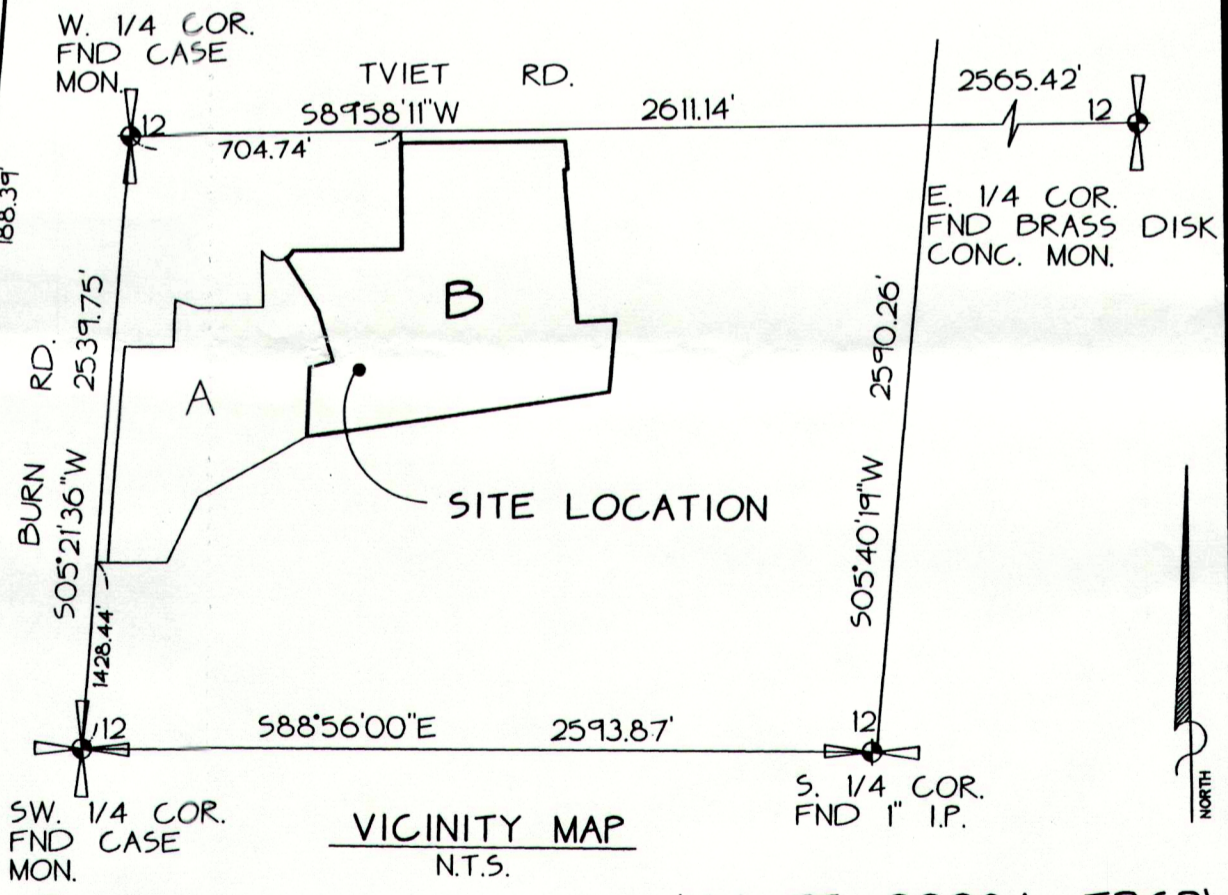
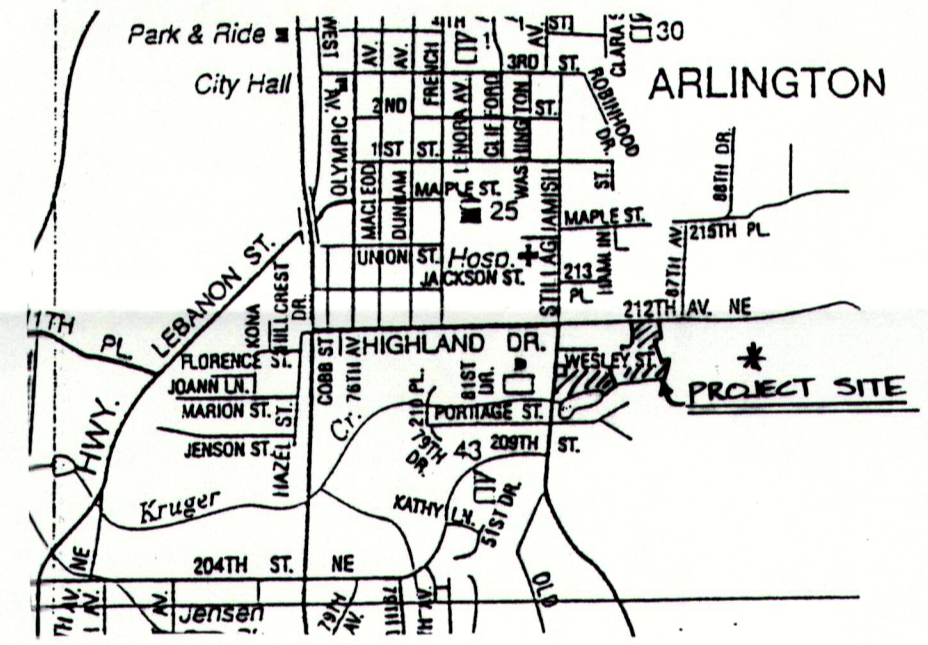
THIS SURVEY WAS COMPLETED AND ACCOMPLISHED BY FIELD TRAVERSE USING A TOPCON GTS-3C TOTAL STATION ON 5-97.

RECREATION AREA NOTE

THESE AREAS NOTED TO BE RECREATION AREAS.

DRAINAGE NOTE

ALL ON SITE DRAINAGE TRACTS ARE PRIVATELY OWNED AND MAINTAINED.

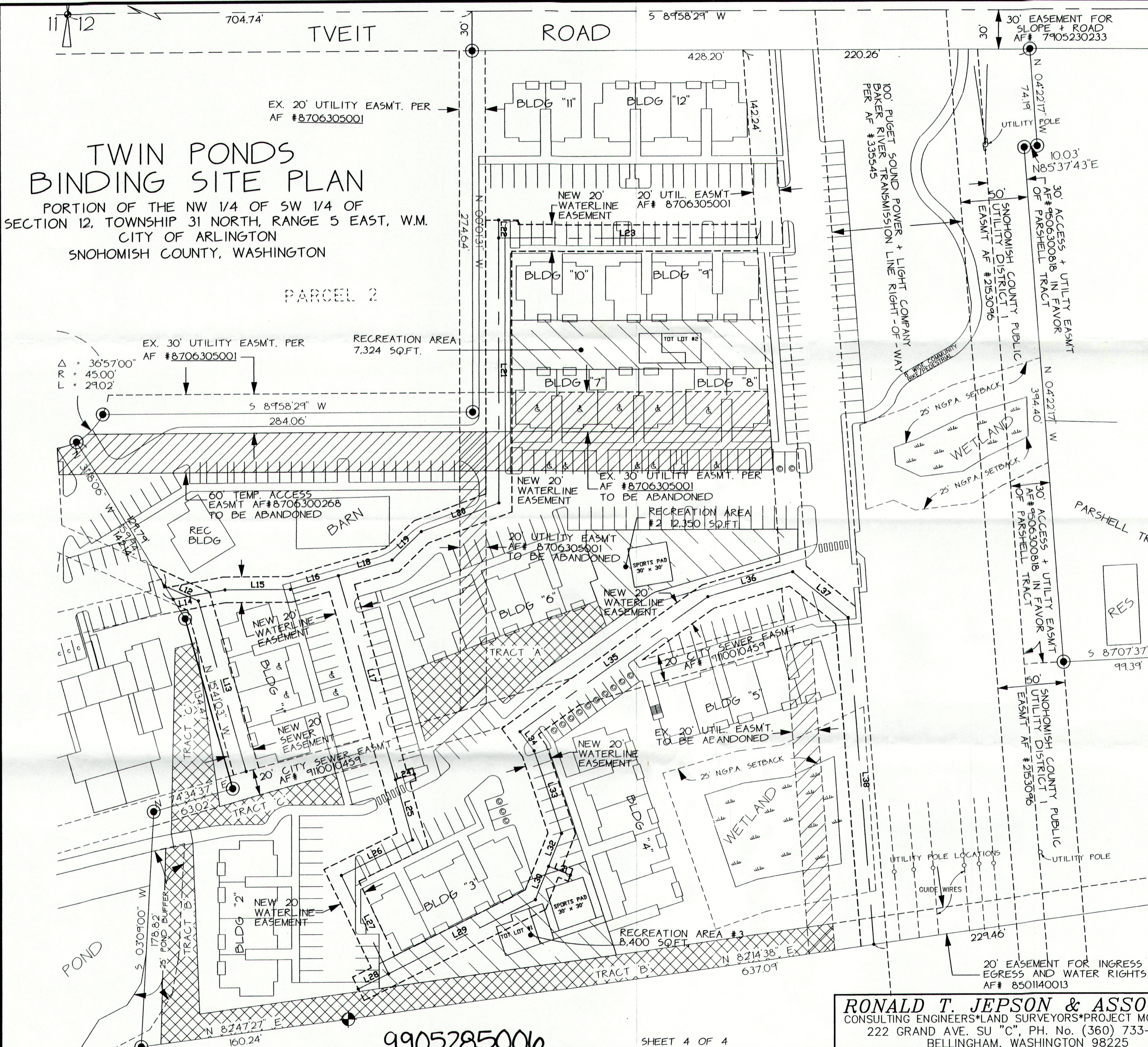


VICINITY MAP

N.T.S. (MJ-99-0008A-FB5P)

TWIN PONDS BINDING SITE PLAN

PORTION OF THE NW 1/4 OF SW 1/4 OF SECTION 12, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M. CITY OF ARLINGTON SNOHOMISH COUNTY, WASHINGTON



TWIN PONDS BINDING SITE PLAN

PORTION OF THE NW 1/4 OF SW 1/4 OF SECTION 12, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M. CITY OF ARLINGTON SNOHOMISH COUNTY, WASHINGTON

PARCEL 2

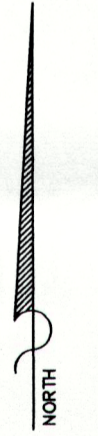
NEW EASEMENT LINE TABLE

LINE	LENGTH	BEARING
L12	28.47	N65°06'30"W
L13	135.34	N15°40'48"W
L14	40.35	N79°51'52"E
L15	50.28	N90°00'00"E
L16	38.23	S74°19'12"W
L17	162.14	S15°40'48"E
L18	42.98	S74°19'12"W
L19	31.18	N46°29'38"E
L20	63.44	S69°46'12"W
L21	202.10	S00°01'31"E
L22	13.40	S00°01'31"E
L23	198.19	S89°58'29"W
L24	15.00	S74°19'12"W
L25	47.57	S15°40'48"E
L26	60.82	N64°02'24"E
L27	82.50	N25°57'36"W
L28	25.91	S64°02'24"W
L29	125.50	S64°02'24"W
L30	27.17	N21°52'00"E
L31	18.09	S69°13'56"E
L32	27.17	N21°52'00"E
L33	66.32	N18°21'36"W
L34	18.43	N36°02'12"W
L35	176.83	N54°44'24"E
L36	68.33	N73°47'52"E
L37	55.43	S50°15'10"E
L38	249.24	N04°22'35"W

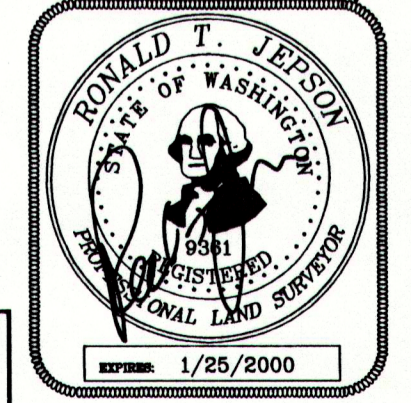
GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



(MJ-99-0008A-FBSP) DAY 5.99



JOB # 97080

RONALD T. JEPSON & ASSOCIATES
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9905285006

SHEET 4 OF 4