

DECLARATION OF SHORT SUBDIVISION AND OF COVENANTS

9107190354

Known All Men By These Presents:

That we, the undersigned, having a real interest in the tract of land described by this declaration; and do hereby declare the herein described division of land approved as short plat number ZA9004213 SP on the 16th day of July, 1991, by the Department of Planning and Community Development of Snohomish County, subject to the following covenants and conditions:

1. That the land described by this Declaration may not be further subdivided in any manner 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 Ch. 58.17 RCW, and the resolutions of Snohomish County, and subject to the penalties attendant thereto.
2. That all subsequent deeds will contain provisions for private roads in the manner described herein.
3. Snohomish County has no obligation to build, improve, maintain or otherwise service the private roads contained within or providing service to this short subdivision.
4. That any private road will be subject to a utilities easement in favor of the grantor or his successor and of any electric, telephone, television cable, gas, water, or sewer company, public or private, or their permittees or assigns to install, construct, operate, maintain, alter, and repair their respective utilities, together with the right of ingress and egress for said purposes.
5. That with respect to any private road described by this Declaration whether it remains private or becomes a dedicated county road, there is the additional right to make all necessary slopes for cuts and fills; and the right to continue to drain said roads and ways 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 roads and ways shown herein. Following reasonable grading pursuant to improvements for dedication of the roads and ways 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 right-of-way or hamper proper road drainage.
6. That the legal description of the land herein subdivided into not more than four (4) parcels is attached hereto and incorporated by reference as though fully set out herein. (see exhibit D)
7. The sale or lease of less than a whole lot in this short subdivision is expressly prohibited except in compliance with the requirements of Title 19 or Title 20, S.C.C.
8. All landscaped areas in the public rights-of-way shall be maintained by the owner(s) and his successor(s) and may be reduced or eliminated if deemed necessary for/or detrimental to county road purposes.
9. The applicant must exercise proper care during the design and construction of the road and site improvements such that downstream drainageways or facilities are not adversely impacted by the development.
10. All lots within this short subdivision shall take access from the private road provided herein. No lot shall take direct access from State Route 9, a county road.

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DECLARATION OF SHORT SUBDIVISION AND OF COVENANTS (continued)
(Reference short plat number ZA9004213 SP)

11. No clearing, grading or filling of any kind, building construction or placement, or road construction shall occur within any 'Native Growth Protection Area' except for necessary utility installations. Removal of trees by the property owner shall be limited to those which are dead, diseased or hazardous. No adjustment to the boundary of this area(s) shall occur unless first approved through the Snohomish County Planning Department.
12. These lots do not qualify as duplex lots per Snohomish County Code (S.C.C. 20.36.025).
13. That additional covenants, easements, and restrictions, if any, solely for the benefit of the grantor, his heirs, successors and assigns enforceable only by such persons, are attached hereto as exhibit(s) A,B,C, and incorporated by reference as though fully set out herein.

That, but for the exception contained in paragraph (12) above, these covenants are for the mutual benefit of the grantor and his heirs, successors and assigns and are for the further purpose of compliance with the resolutions and regulations of Snohomish County and the county and such persons are specifically given the right to enforce these restrictions and reservations by injunction or other lawful procedure and to recover any damages resulting from such violation.

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DECLARATION OF SHORT SUBDIVISION AND OF COVENANTS (continued)
(Reference short plat number ZA9004283-20)

Dated this 17th day of MAY, 1991.

George B. Smith Shirley M. Smith
(Grantor) (Grantor)

State of Washington)
ss.
County of Snohomish)

On this day personally appeared before me George B. Smith to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this 17th day of May, 1991.

William D. O'Connell
NOTARY PUBLIC in and for the State of Washington, residing in Olympia

State of Washington)
ss.
County of Snohomish)

On this day personally appeared before me Shirley M. Smith to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that she signed the same as herself free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this, 17th day of May, 1991.

William D. O'Connell
NOTARY PUBLIC in and for the State of Washington, residing in Olympia

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DEDICATION OF POTABLE WATER SOURCE FOR LOT 2

(Ref SHORT PLAT ZA9004213 SP)

The potable water well and associated water line easement located in lot 1 of the Short Plat Map ZA9004213 SP referenced by note 2 on the applicable Short Plat Map is hereby dedicated to the sole and exclusive use of lot 2. It shall be the responsibility of the lot 1 owner to provide and maintain electrical service for the well pump. It shall be the responsibility of the lot 2 owner to maintain this well, pumping and distribution line.

This dedication shall remain in effect until an alternate Snohomish County Approved water source is available to service lot 2 at which time this dedication shall terminate.

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DECLARATION OF WATER LINE EASEMENT

(Ref Short Plat ZA9004213 SP)

Know all men by these presence that George B Smith and Shirley M. Smith husband and wife for and in consideration of the sum of ONE DOLLAR (\$1.00), receipt where of is hereby acknowledged, owners of the following property:

SEC 25 TWP 31 RGE 05 RT-5A
S3/4 of NE 1/4 LY E of ST HWY 1A
LESS CO ROAD, LESS THE So. 300 ft.

do hereby grant, convey, establish and create an easement for the placement, maintenance, construction, reconstruction, repair and upkeep of a water pipe line and access to a water well and its support equipment leading there to, including the cutting and removal of brush, trees and other obstructions which interfere with the use of said easement together with the rights of ingress, egress, and regress, over, under, along and across the above referenced property.

That portion of the above described property being a strip of land 10 feet in width lying 5 feet on either side of the center line of a pipeline from a potable water well situated there in and located approximately as shown on ZA9004213 SP Short Plat Map and attached hereto and by reference made a part here of.

Said easement shall be terminated at such time as an alternate Snohomish County approved potable water source is obtained for serving lot 2 of the reference Short Plat.

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DECLARATION OF WATER LINE EASEMENT (continued)
(Reference short plat number ZA9004213 SP)

Dated this 17 day of June, 1991

George B. Smith Shirley M. Smith
(Grantor) (Grantor)

State of Washington) ss.
County of Snohomish)

On this day personally appeared before me George B. Smith to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this 17th day of June, 1991.

Sharon K. Smith
NOTARY PUBLIC in and for the State of Washington, residing in Arlington

State of Washington) ss.
County of Snohomish)

On this day personally appeared before me Shirley M. Smith to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that she signed the same as her free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this 17th day of June, 1991.

Sharon K. Smith
NOTARY PUBLIC in and for the State of Washington, residing in Arlington

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EXHIBIT C.

RESTRICTION AGAINST CONSTRUCTION OF DUPLEXES

(REF SHORT PLAT ZA9004213 SP)

No duplex structures shall be permitted to be built
on the reference property.

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SNOWHOMISH COUNTY DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

4th Floor, County Administration Building, Everett, WA 98201
Telephone: (206) 259-9311

SHORT PLAT APPLICATION

1. Applicant's Name(s): GEORGE B SMITH / SHIRLEY M SMITH
Address: 17020 91ST AVE NE, BUNGALOW
Phone (home): 435-5068 Phone (business): RECEIVED
2. Relation of Applicant to Property (circle one): OWNER (Contract Purchaser) Lessee Other (specify) APR 25 1996
3. Name, mailing address and telephone number of the applicant's representative, if any: NONE
4. General location of the property (including nearest intersection): APPROXIMATELY 300 FT SOUTH OF 172ND ST NE & 91ST AVE NE INTERSECTION. WEST BORDER ON STATE HWY 7, EAST BORDER ON 91ST AVE NE, SNOWHOMISH COUNTY, WA.
5. Legal description of the property: SEC 25 TWP 31 R605 RT-5A 3/4 NE 1/4 NW 1/4 LY E OF ST HWY 7A LESS CO ROAD
6. Date the property was acquired: 8/25/77. Approx. acreage: 24
8. Present use of the property: FARMHOUSE / RESIDENTIAL
9. Source of water supply: 1) individual wells
2) public system (name) _____
3) small community system _____
10. Method of sewage disposal: 1) on-site septic
2) public sewers (name) _____
11. List all Assessor's Tax Account Numbers involved (all 14 digits): 53105-2-002-0003
12. Section: 25 TWP: 31 Range: E05
13. Zoning: R-5

Signature of the Applicant: I hereby certify that the legal description of the land being divided and accompanying this application show the entire contiguous land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement, or option by any person, firm, or corporation in any manner connected with the development, and listed below are the names, addresses and telephone numbers of all such persons, firms, or corporations.

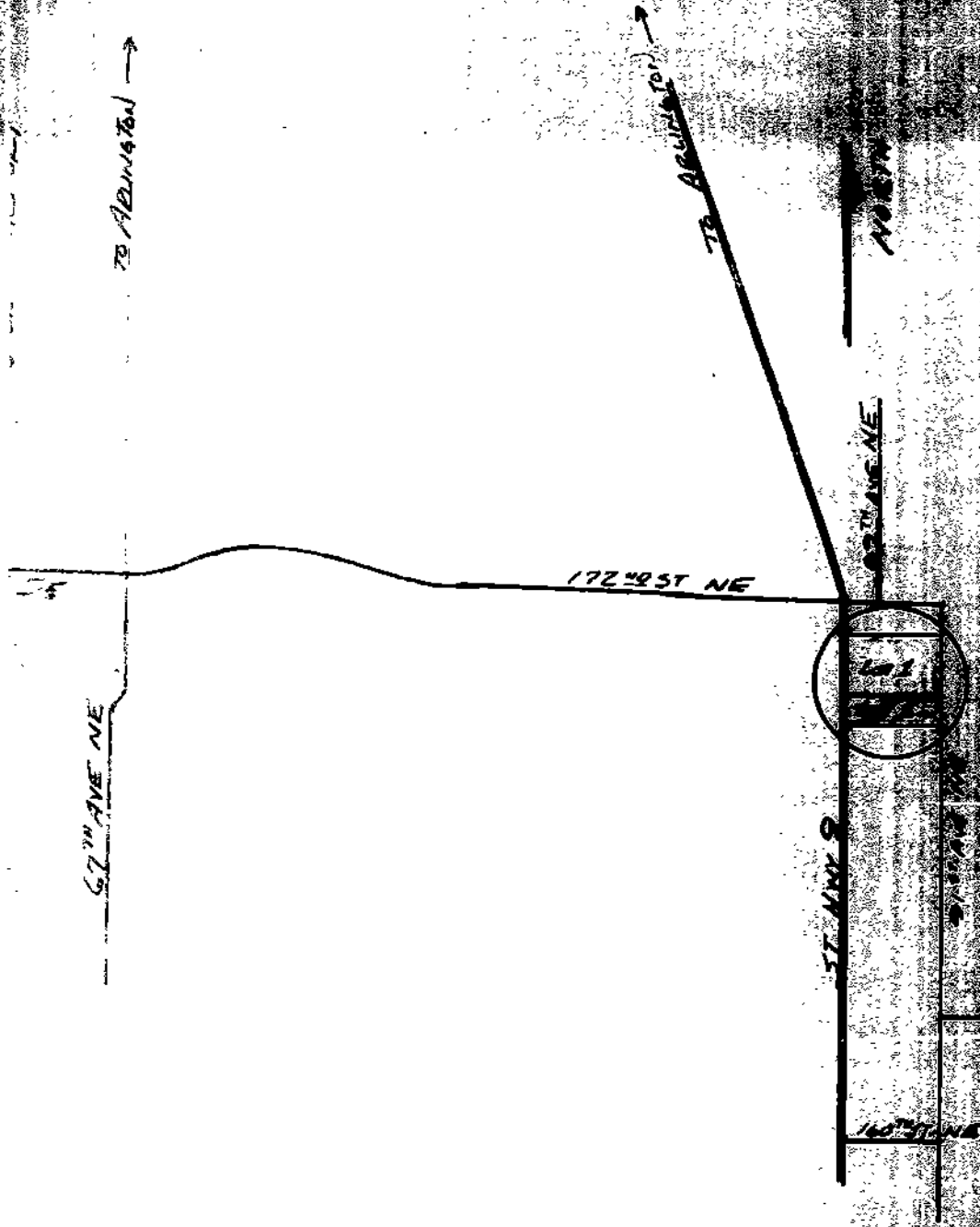
Signature of Applicant(s) GEORGE B. SMITH
SHIRLEY M. SMITH

Other parties having an interest in the property:

1. Name: GEORGE E PUTNAM Phone: (809) 804-7613
Address: 662 N KENTUCKY, EAST WENATCHEE, WA 98822
2. Name: _____ Phone: _____
Address: _____

File No. ZA 9004213 SP (To be supplied by County Staff)

VICINITY MAP - SHORT PLAT APPLICATION
FOR GEORGE B. SMITH



GEORGE B. SMITH

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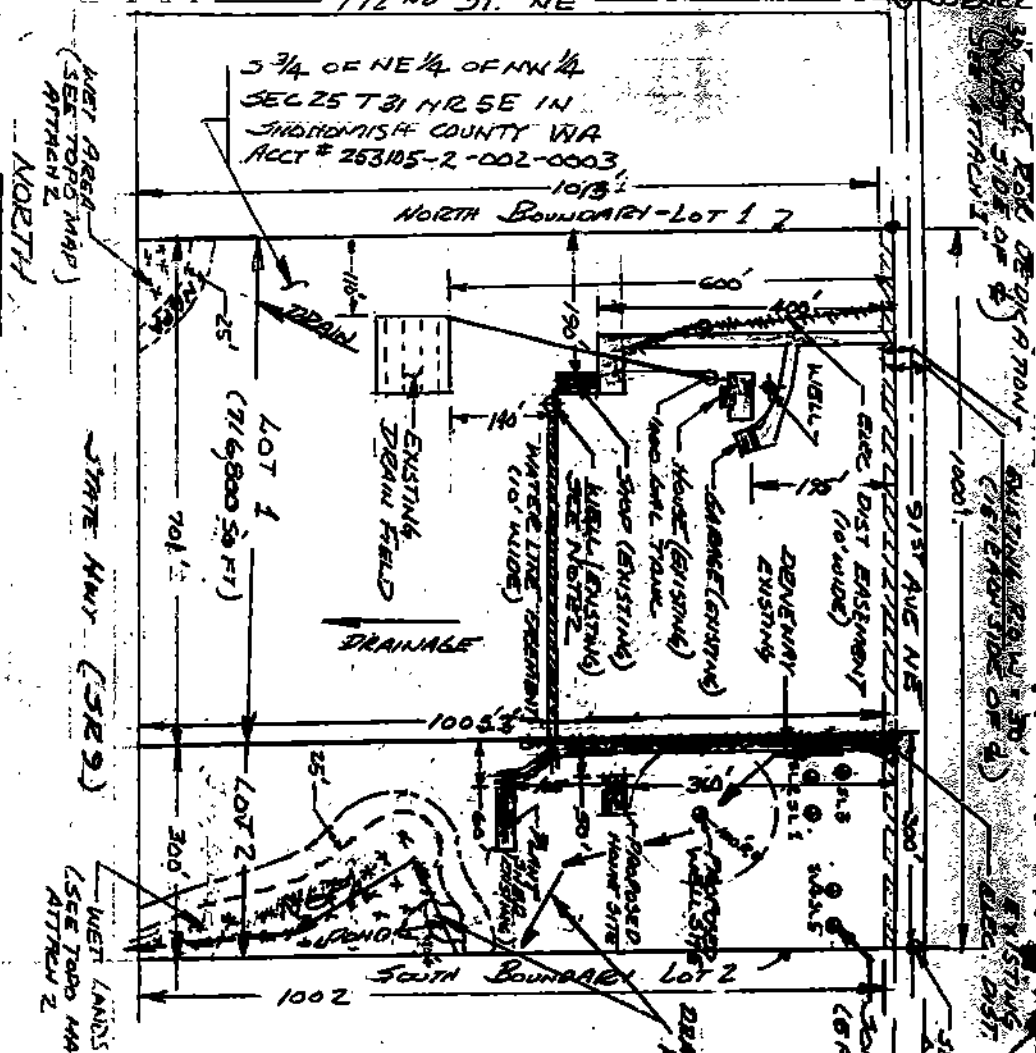
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SHORT PLAT MAP

DATE: APRIL 15, 1990

SCALE: 1" = 200'

- REVISIONS: 8/9/90 1. ADDED CON. INFO. AND ATTACH 1 "DEDICATION STATEMENT"
2. ADDED WELL & EASEMENT INFO.
3. REVISED LOT 1 & 2 DIMENSIONS & AREAS.
4. ADDED NET AREA, SURFACES & ATTACH 2 "TOPO SURVEY"
5. ADDED NGPA TO WEST AREA, REFINED BOUNDARY AND DIMENSIONS FROM DATA.



NOTE: SOIL LOG HOLES - SEE ATTACHED APPLICATION FOR ON SITE SEWAGE DISPOSAL PERMIT

NOTE 2: EXISTING WELL DEDICATED TO SOLE USE OF LOT 2. 10 FT WIDE EASEMENT FROM WELL TO NORTH PROP LINE, LOT 2 FOR WATER LINE.

I hereby certify that this short subdivision complies with the requirements therefore pursuant to Snohomish County Code Title 20, will serve the public use and interest, meets applicable zoning and land use controls, that the subdivider has provided all of the required documentation and certification. These facts have been found to exist and are exhibited in the file therefore, this short subdivision is hereby approved, subject to signature by the Planning Director or his designee below.

[Signature]
 Approved 7/16/91
Date

This action shall become effective if, within five working days of the declaration and short plat thereof, are filed for record with the auditor of Snohomish County.

SNOHOMISH COUNTY

File No. ZA 9004213 SP

NOV 9 1990
 Revised 1-14-88
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NOV 24 1990
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LEGAL DESCRIPTION
FOR
GEORGE SMITH
SHORT PLAT
ZA 9004213 SP

CONTIGUOUS OWNERSHIP

The South 3/4 of the Northeast quarter of the Northwest quarter lying East of State Highway SR-9, as described in Warranty Deed recorded November 1, 1956, under Auditors File No. 1213644, Section 25, Township 31 North, Range 5 East W.M.

Situate in the County of Snohomish, State of Washington.

LOT 1

South 3/4 of the Northeast quarter of the Northwest quarter lying East of State Highway SR 9 as described in the Warranty Deed recorded under Auditors File No. 1213644, Less County Road, Less South 300 feet, in Section 25, Township 31 North, Range 5 East W.M., subject to Easement, Covenants and Restrictions of Road.

LOT 2

The South 300 feet of the Northeast quarter of the Northwest quarter lying East of State Highway SR 9 as described in Warranty Deed recorded under Auditors File No. 1213644, Less County Road in Section 25, Township 31 North, Range 5 East W.M., subject to Easements, Covenants and Restrictions of Road.

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TICOR TITLE INSURANCE

SHORT PLAT CERTIFICATE

SNOHOMISH COUNTY

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Certificate No. : F-282869

GEORGE B. SMITH
17020 91ST AVE. N.E.
ARLINGTON, WASHINGTON 98223
Attn: ...

Date: MAY 22, 1991 AT 8:00 A.M.

This is a Short Plat Certificate as of the date mentioned above. This Company certifies that record title is vested in:

GEORGE B. SMITH AND SHIRLEY M. SMITH, HUSBAND AND WIFE.

and is a Certificate for a Short Plat of the following property:

THE SOUTH 3/4 OF THE NORTHEAST QUARTER OF THE NORTWEST QUARTER LING EAST OF STATE HIGHWAY SR-9, AS DESCRIBED IN WARRANTY DEED RECORDED NOVEMBER 1, 1956, UNDER AUDITOR'S FILE NO. 1213644, SECTION 25, TOWNSHIP 31 NORTH, RANGE 5 EAST, W.M.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

Free from all liens, encumbrances and objections, except as follows:

1. AN EASEMENT affecting the portion of said premises and for the purposes stated herein, and incidental purposes.

For : ELECTRIC DISTRIBUTION LINE
In favor of : PUBLIC UTILITY DISTRICT NO. 1, OF SNOHOMISH COUNTY
Recorded : OCTOBER 23, 1978
Auditor's no.: 7810230176
Affects : PORTION OF SAID PREMISES

2. AN EASEMENT affecting the portion of said premises and for the purposes stated herein, and incidental purposes.

For : ELECTRIC DISTRIBUTION LINE
In favor of : PUBLIC UTILITY DISTRICT NO. 1, OF SNOHOMISH COUNTY
Recorded : JANUARY 13, 1982
Auditor's no.: 8201130099
Affects : PORTION OF SAID PREMISES

3. MODIFIED RELINQUISHMENT OF RIGHT OF ACCESS TO STATE HIGHWAY AND OF LIGHT, VIEW AND AIR UNDER TERMS OF DEED TO THE STATE OF WASHINGTON.

RECORDED : NOVEMBER 1, 1956
AUDITOR'S NO. : 1213644

F-282869

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Ticor Title Insurance Company of California
3131 Colby Ave., P.O. Box 750, Everett, Wa. 98206-0750, (206) 259-4111

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NOTE:

No search of general taxes or assessments has been made.

This Certificate does not purport to reflect a full report on condition of title and shall have no force or effect except as a basis for the Certificate applied for.

This Certificate is restricted to the use of the addresses and is not to be used as a basis for closing any transaction affecting title to said property.

Liability of the Company is limited to the compensation received therefor.

By: Brett Bolton
Authorized Signatory

Charge: \$250.00
Tax : \$19.50

RC/KC

F-282369

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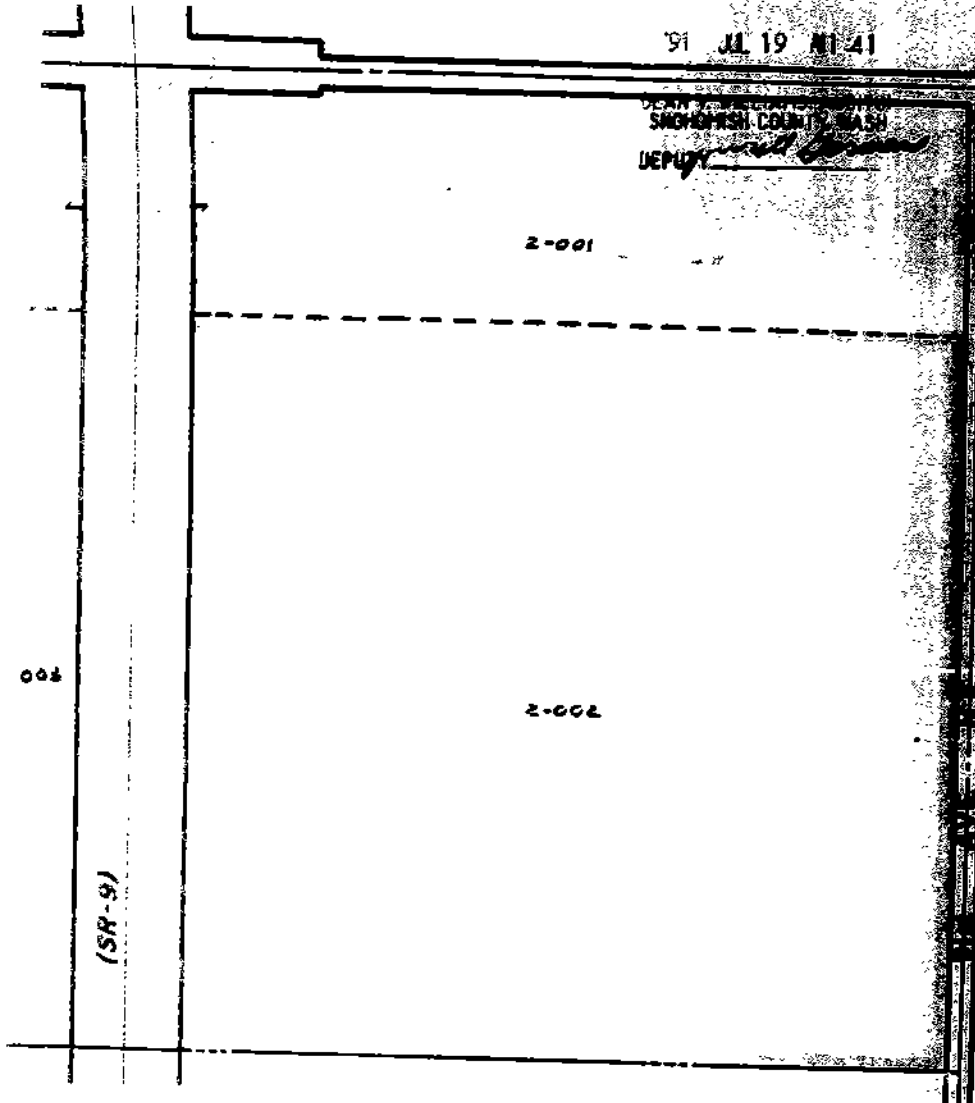
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RECORDED

'91 JUL 19 AM 41

DEAN J. [unclear]
SNOHOMISH COUNTY, WASH.
DEPUTY [unclear]



S 3/4 NE 4, NW 4, SEC. 25, TWP. 31 N, R9E. 5
E, W.M.

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The Company has not surveyed the premises described in ~~F-101219~~ The sketch is furnished without charge solely for the purpose of assisting in locating said premises and the Company assumes no liability as to the validity, location, or extent of any easement or other matter shown thereon, nor for the inaccuracies therein, including the accurate location of boundaries, including water boundaries. This sketch does not purport to show all highways, roads and easements existing or affecting said premises, nor is it a part or modification of the report, commitment, policy or other title documents which it may be attached.