

DECLARATION

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 DESCRIBED DIVISION OF LAND APPROVED AS SHORT PLAT NUMBER 04-10 ON THIS _____ DAY OF _____, 2006, SUBJECT TO THE FOLLOWING COVENANTS AND CONDITIONS:

THE LAND DESCRIBED BY THIS DECLARATION MAY NOT BE FURTHER SUBDIVIDED IN ANY MANNER BY ANYONE WITHIN FIVE YEARS OF THE DATE OF RECORDING WITHOUT A FINAL PLAT HAVING BEEN FILED FOR RECORD WITH THE CITY OF MILL CREEK.

ALL SUBSEQUENT DEEDS WILL CONTAIN PROVISIONS FOR PRIVATE ROADS IN THE MANNER DESCRIBED HEREIN:

ALL MAINTENANCE OF THE PRIVATE ROAD (TRACT 998) DESCRIBED BY THIS DECLARATION SHALL BE BY THE OWNER(S) OF THE PARCELS HAVING LEGAL ACCESS THEREFROM OR THEIR SUCCESSOR(S).

THE PRIVATE ROAD IS HEREBY 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 THEIR SUCCESSOR(S) TO INSTALL, CONSTRUCT, OPERATE, MAINTAIN, ALTER, AND REPAIR THEIR RESPECTIVE UTILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SAID PURPOSES.

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 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 IMPROVEMENT 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 RIGHTS-OF-WAY OR HAMPER PROPER ROAD DRAINAGE, WITHOUT THE APPROVAL OF THE CITY OF MILL CREEK;

THE PROPERTY OWNERS SHALL BE RESPONSIBLE TO PROVIDE ROADSIDE AND LANDSCAPE MAINTENANCE WITHIN TRACT 999 TO THE BACK OF THE CURB ALONG SEATTLE HILL ROAD FRONTAGE PER MCMC 17.24.030. THIS INCLUDES ALL SERVICES AND MAINTENANCE EXCEPT FOR STRUCTURAL SIDEWALK REPAIRS, WHICH SHALL BE THE RESPONSIBILITY OF THE CITY.

TRACT 999 SHALL BE PRESERVED AND MAINTAINED IN A NATURAL STATE. TREE CUTTING AND REMOVAL SHALL BE PROHIBITED, UNLESS DEEMED HAZARDOUS BY THE CITY PURSUANT TO CITY CODE.

DRAINAGE EASEMENTS DESIGNATED ON THE SHORT PLAT ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MILL CREEK, 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 DRAINAGE FACILITIES, UNDER, UPON OR THROUGH THE DRAINAGE EASEMENT;

STORM DRAINAGE HAS BEEN ESTABLISHED FOR THE BENEFIT OF ALL LOTS IN THIS SHORT PLAT AND SHALL BE MAINTAINED BY THE OWNERS OF THE PROPERTY OR THEIR SUCCESSORS AND ASSIGNS, WHICH INCLUDES CLEANING THE DETENTION VAULT AND ALL DRAINAGE FACILITIES IN THE 30' PRIVATE ROAD.

THE CITY SHALL RESERVE THE RIGHT BUT NOT THE OBLIGATION TO PERFORM ANY NEEDED SERVICE AND MAINTENANCE ON THESE DRAINAGE FACILITIES NECESSARY TO ENSURE THAT THE DRAINAGE FACILITY IS OPERATING PROPERLY. ANY COST INCURRED BY THE CITY FOR MAINTENANCE SERVICES SHALL BE THE RESPONSIBILITY OF THE OWNERS OF THE PROPERTY.

TRACTS 998 THROUGH 999 ARE HEREBY GRANTED AND CONVEYED TOGETHER WITH ALL OBLIGATIONS TO THE HOMEOWNER ASSOCIATION OF PENNY CREEK ESTATES UPON THE RECORDING OF THIS SHORT PLAT. THESE TRACTS SHALL REMAIN AN APPURTENANCE TO AND INSEPARABLE FROM EACH LOT.

DATED THIS 13th DAY OF June, 2006.

NORTHCREST DEVELOPMENT, INC.
BY: Richard A. Blum
TITLE: President

PACIFIC CREST SAVINGS BANK
BY: Garda J. Gonski
TITLE: Senior Vice President

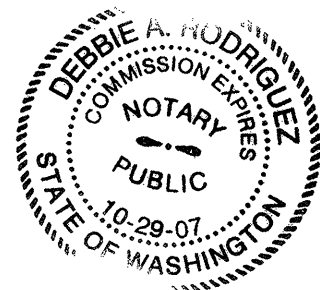
ACKNOWLEDGMENTS

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH }

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Richard Blum IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT ON OATH STATING THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE (TITLE) President OF NORTHCREST DEVELOPMENT INC. TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SUCH PARTY FOR THE USE AND PURPOSES MENTIONED IN THIS INSTRUMENT.

Debbie A. Rodriguez DATED: 6/13/06
NOTARY SIGNATURE

(PRINT NAME)
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT Snohomish
MY APPOINTMENT EXPIRES: 10-29-07

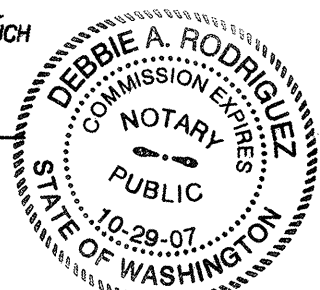


STATE OF WASHINGTON }
COUNTY OF SNOHOMISH }

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Garda J. Gonski IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT ON OATH STATING THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE (TITLE) Senior Vice President OF PACIFIC CREST SAVINGS BANK, TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SUCH PARTY FOR THE USE AND PURPOSES MENTIONED IN THIS INSTRUMENT.

Debbie A. Rodriguez DATED: 6/13/06
NOTARY SIGNATURE

(PRINT NAME)
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT Snohomish
MY APPOINTMENT EXPIRES: 10-29-07



HOLD HARMLESS AGREEMENT

OWNER(S) AND ALL PERSONS HAVING ANY PRESENT OF SUBSEQUENT OWNERSHIP INTEREST IN THESE LANDS, AND THE SUCCESSORS AND ASSIGNS OF OWNERS OR OTHER PARTIES HAVING ANY SAID INTEREST, HEREBY AGREE THAT THE CITY OF MILL CREEK SHALL BE HELD HARMLESS IN ALL RESPECTS FROM ANY AND ALL CLAIMS FOR DAMAGES FOR INJUNCTIVE RELIEF WHICH MAY BE OCCASIONED NOW OR IN THE FUTURE TO ADJACENT LAND OR IMPROVEMENTS BY REASON OF THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE DRAINAGE SYSTEM AND HEREBY WAIVE AND RELEASE THE CITY OF MILL CREEK FROM ANY AND ALL CLAIMS FOR DAMAGES, EXCLUDING DAMAGE CAUSED SOLELY BY AN ACT OR OMISSION OF SAID CITY AND INJUNCTIVE RELIEF WHICH THE OWNERS, OR THEIR SUCCESSORS OR ASSIGNS MAY THEMSELVES HAVE NOW OR IN THE FUTURE BY REASON OF THE CONSTRUCTION, MAINTENANCE AND OPERATION OF SAID DRAINAGE SYSTEM.

LEGAL DESCRIPTION

LOT 4, CITY OF MILL CREEK SHORT PLAT NO. 431(8-28) RECORDED UNDER AUDITOR'S FILE NUMBER 7901120264.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

EASEMENTS

- 1. 10 FOOT FRONTAGE UTILITY EASEMENT**
AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING THE SUBJECT SHORT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR (10) FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS, TRACTS AND COMMON AREAS IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SHORT SUBDIVISION AND OTHER PROPERTY WITH ELECTRICITY, TELEPHONE, GAS, TELEVISION CABLE, AND OTHER UTILITY SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. PROVIDED, THAT IF ANY PRIVATE ROAD(S) SHOULD BECOME PUBLIC ROAD(S) 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 COUNTY.
- THE PRIVATE SIDE SEWER EASEMENT LOCATED ACROSS TRACT 999, TRACT 998, LOT 3 AND LOT 2 SHOWN HEREON IS HEREBY RESERVED AND GRANTED FOR LOTS 1-4 FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING THE PRIVATE SIDE SEWER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES. THE COST OF THAT PORTION USED IN COMMON SHALL BE BORNE IN EQUAL SHARES, EXCEPT THAT THE OWNERS OF ANY LOWER PARCEL SHALL NOT BE RESPONSIBLE FOR THE SIDE SEWER ABOVE THEIR CONNECTION, WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.
- NO FENCE OR OBSTRUCTIONS SHALL BE CONSTRUCTED BETWEEN THE EDGE OF RIGHT OF WAY AND/OR TRACTS AND THE WATER METER, BLOWOFF AND FIRE HYDRANT WHICH RESTRICTS ACCESS BY ALDERWOOD WATER AND WASTEWATER DISTRICT.
- THE PRIVATE WATER SERVICE EASEMENT LOCATED ACROSS TRACT 999 AND TRACT 998 SHOWN HEREON IS HEREBY RESERVED AND GRANTED TO LOTS 1-4, AND PARCEL ID#27050500301000, 27050500301100, AND 27050500301200 FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING THE PRIVATE WATER SERVICE WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.
- THE 10' x 10' WATER EASEMENT LOCATED ACROSS TRACT 999 AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO THE ALDERWOOD WATER AND WASTEWATER DISTRICT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING THE WATER SYSTEM, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES. THIS EASEMENT SHALL BE FREE FROM ALL PERMANENT STRUCTURES OR OTHER STRUCTURES, SUCH AS COVERED PARKING, DECKS OVERHANGS, SHEDS, ETC., WHICH INTERFERE WITH ALDERWOOD WATER AND WASTEWATER DISTRICT MAINTENANCE AND REPAIR RESPONSIBILITIES.

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF PACIFIC COAST SURVEYS, INC. THIS _____ DAY OF _____, 2006, AT _____ MINUTES PAST _____ M, AND RECORDED IN VOLUME _____ OF SHORT PLATS, PAGES _____, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

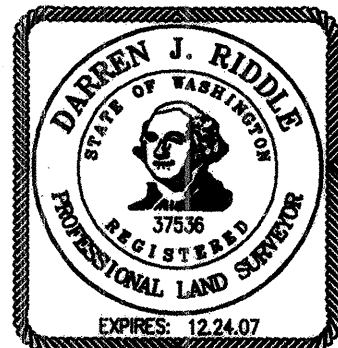
AUDITOR, SNOHOMISH COUNTY

BY: _____
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, AND IS A TRUE AND CORRECT REPRESENTATION OF THE LAND, MADE AT THE REQUEST OF RICK KLEMM IN FEBRUARY, 2006.

Darren J. Riddle 37536 6-13-06
PROFESSIONAL LAND SURVEYOR CERTIFICATE NO. DATE



RESTRICTIONS AND COVENANTS

- ACCESS TO ALL LOTS WITHIN THE SHORT SUBDIVISION IS LIMITED TO THE PRIVATE ROAD. THERE SHALL BE NO DIRECT ACCESS TO SEATTLE HILL ROAD FROM THE LOTS.
- THE LOTS IN THIS SHORT SUBDIVISION DO NOT QUALIFY AS DUPLEX LOTS PER MCMC 17.06.
- PRIOR TO ISSUANCE OF BUILDING PERMITS, THE APPLICANT SHALL CONTRIBUTE \$9,692.28 TO THE CITY OF MILL CREEK TO MITIGATE IMPACTS ON THE CITY'S PARK SYSTEM. OF THIS AMOUNT \$3,730.28 WILL BE FOR THE DEVELOPMENT OF COUGAR PARK NEIGHBORHOOD PARK. THE REMAINING PORTION, \$5,962 WILL BE USED FOR THE ACQUISITION AND/OR DEVELOPMENT OF A COMMUNITY PARK PURSUANT TO RESOLUTION NO. 2002-316 AND MCMC 17.48.070 (C.3 AND 5).
- THE APPLICANT SHALL CONTRIBUTE \$1,460.00 TO THE SNOHOMISH COUNTY FIRE DISTRICT NO. 7, (\$365.00 PER RESIDENTIAL UNIT) TO MITIGATE IMPACTS ON FIRE DISTRICT FACILITIES/SERVICES. VERIFICATION OF PAYMENT SHALL BE PROVIDED TO THE CITY BEFORE ISSUANCE OF BUILDING PERMITS.
- THE APPLICANT SHALL ENTER INTO A VOLUNTARY CONTRIBUTION AGREEMENT WITH THE EVERETT SCHOOL DISTRICT IN THE AMOUNT OF \$6,716 (\$1,679 PER SINGLE FAMILY DWELLING UNIT) TO OFFSET IMPACT FOR THE DEVELOPMENT OF FOUR SINGLE FAMILY DWELLING UNITS, PURSUANT TO MCMC 17.48.070 (C.3). CONTRIBUTION IN THE AMOUNT OF \$6,717 WILL BE PAID TO THE EVERETT SCHOOL DISTRICT PRIOR TO THE ISSUANCE OF BUILDING PERMITS BY THE CITY OF MILL CREEK.
- NO LOT WITHIN THIS SUBDIVISION MAY BE FURTHER SUBDIVIDED WITHIN FIVE YEARS FROM THE DATE OF RECORDING WITHOUT FILING FOR A FINAL PLAT.
- ALL BUILDING SETBACKS ARE SUBJECT TO REGULATIONS CONTAINED IN CHAPTER 17.06 MILL CREEK MUNICIPAL CODE.
- THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE STORM DRAINAGE SYSTEM PURSUANT TO THE CONDITIONS OF APPROVAL FOR SP 04-10, INCLUDING THAT PORTION OF THE SYSTEM WITHIN THE ADJOINING EASEMENT RECORDED UNDER AUDITOR'S FILE NO. 7901120264. MAINTENANCE SHALL CONSIST AT A MINIMUM OF MONTHLY INSPECTION AND CLEANING OF THE FRAMES AND GRATES OF CATCH BASINS AND ANNUAL CLEANING OF THE CATCH BASIN SUMPS.
- THE LOT OWNERS SHALL PAY THE FIRST YEAR OF OPERATIONAL COSTS FOR THE NEW STREET LIGHTS TO THE CITY OF MILL CREEK PRIOR TO ACTIVATION. THE CITY SHALL BE RESPONSIBLE FOR ALL MAINTENANCE AND OPERATIONAL COSTS AFTER THE FIRST YEAR.
- ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO THE COVENANTS, CONDITIONS, AND RESTRICTIONS OF PENNY CREEK ESTATES HOME OWNERS ASSOCIATION AS RECORDED IN DOCUMENT AF. NO. 200606130405 ON JUNE 13TH, 2006.
- TREE CUTTING AND CLEARING SHALL BE LIMITED TO THAT WHICH IS NECESSARY FOR DRIVEWAY CONSTRUCTION AND INSTALLATION AND INSTALLATION OF WATER AND SEWER CONNECTIONS. SPECIFIC TREE PRESERVATION PLANS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL AT THE TIME OF BUILDING PERMIT APPLICATION.

APPROVALS

EXAMINED AND APPROVED THIS 13th DAY OF June, 2006

Scott Smith
DIRECTOR OF PUBLIC WORKS (Acting)

EXAMINED AND APPROVED THIS 13 DAY OF JUNE, 2006

William J. Dimm
DIRECTOR OF COMMUNITY DEVELOPMENT

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2006

Key M. Henry
CITY CLERK ATTEST

EXAMINED AND APPROVED THIS 13th DAY OF June, 2006

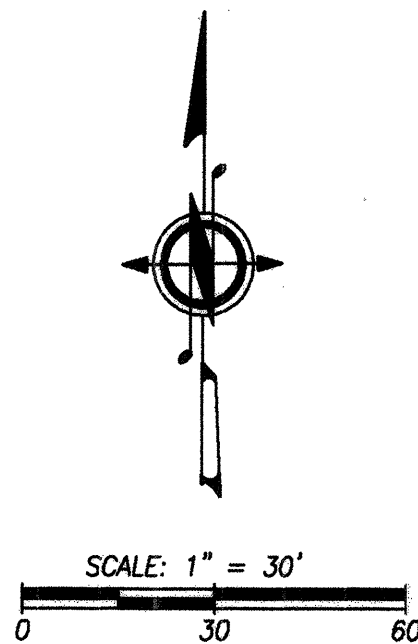
Sam O...
CITY MANAGER

RECEIVED

JUN 15 2006
CITY OF MILL CREEK

CONFORMED COPY
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06-15-2006 02:24pm \$98.00
SNOHOMISH COUNTY, WASHINGTON

A.F. NO.		CITY OF MILL CREEK SP 04-10	
Pacific Coast Surveys, Inc.		SHORT SUBDIVISION FOR:	
PROFESSIONAL LAND SURVEYING		NORTH CREST DEVELOPMENT	
P.O. BOX 3286 EVERETT, WA 98213		NE 1/4, SW 1/4, SEC.5, T.27N., R.5E., W.M.	
PH. 425.508.4951 FAX 425.357.3577		DRAWN BY DATE DRAWING FILE SCALE JOB NO. SHEET	
www.PCSurveys.net		NCM 6.13.06 04110 FSP.DWG 1" = 30' 04-110 1 of 2	



EQUIPMENT & PROCEDURES

METHOD OF SURVEY
SURVEY PERFORMED BY FIELD TRAVERSE

INSTRUMENTATION
LEICA TCRM-1105 ELECTRONIC TOTAL STATION

PRECISION
MEETS OR EXCEEDS STATE STANDARDS WAC 322-130-090

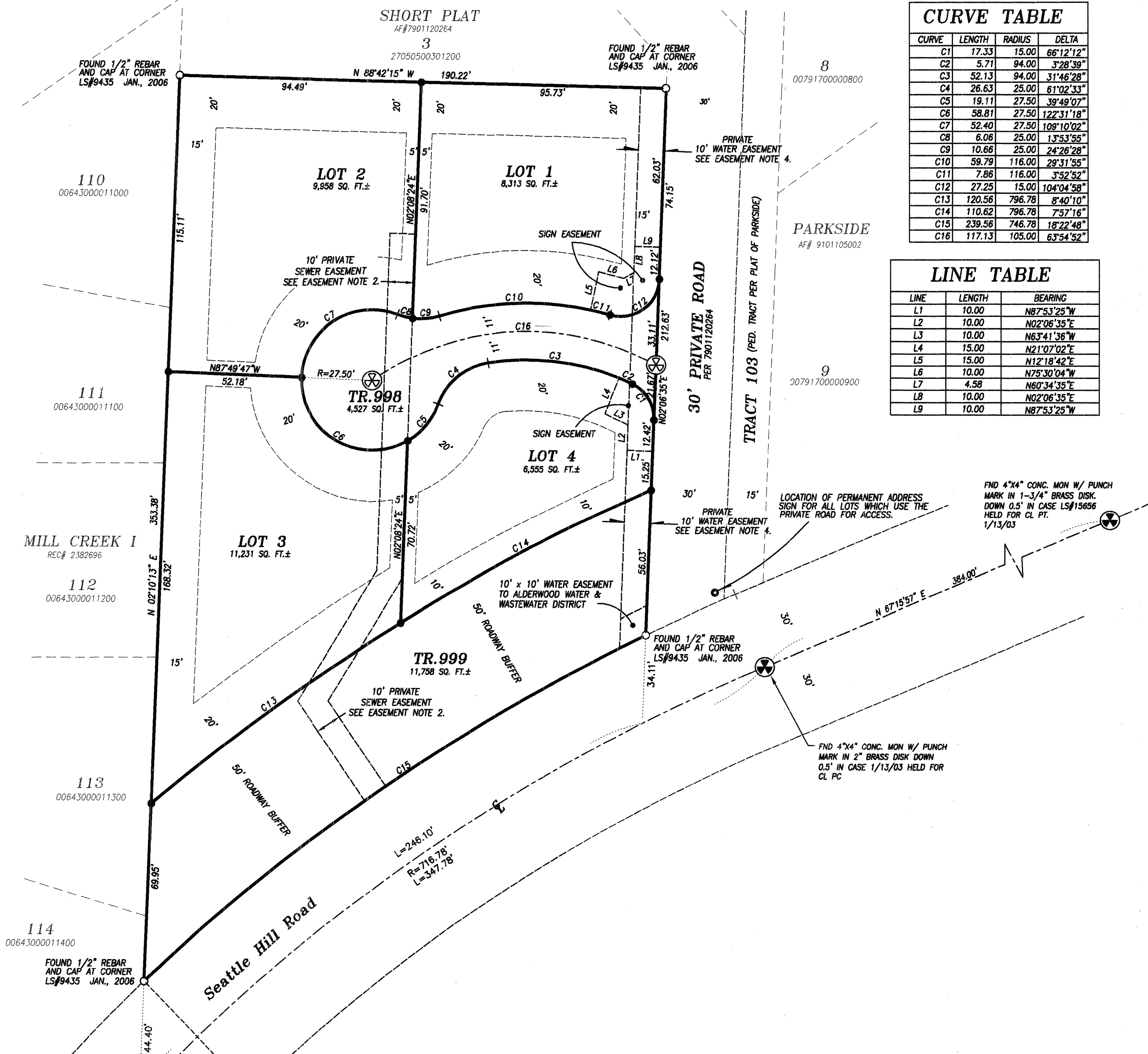
BASIS OF BEARING
THE MONUMENTED CENTERLINE OF SEATTLE HILL ROAD
AS THE BEARING OF N 67°15'57" E

LEGEND

- SET 1/2" X 24" REBAR W/CAP STAMPED "PCS 37536" (FEB, 2006)
- EXISTING REBAR W/CAP, AS NOTED (JAN, 2003)
- ⊗ EXISTING NAIL W/WASHER AS NOTED (MAY, 2005)
- ⊗ SET NAIL W/WASHER "PCS 37536" (MAY, 2005)
- ⊗ FOUND EXISTING CASED CONCRETE MONUMENT WITH BRASS DISK, AS NOTED (MAY, 2005)
- ⊗ SET CONCRETE MON/CASE STAMPED "37536"
- ⊗ RIGHT OF WAY CENTERLINE
- (M) MEASURED COURSE
- (C) CALCULATED

NOTES

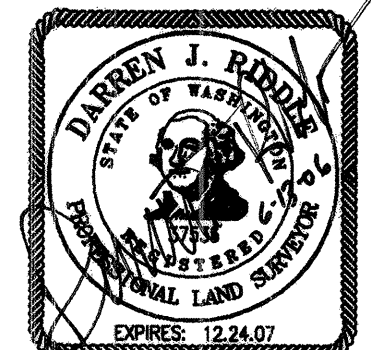
- 1.) THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF PARTIES WHOSE NAMES APPEAR HEREON ONLY, AND DOES NOT EXTEND TO ANY UNNAMED THIRD PARTIES WITHOUT EXPRESS RECERTIFICATION BY THE LAND SURVEYOR.
- 2.) BOUNDARY LINES SHOWN AND CORNERS SET REPRESENT DEED LOCATIONS; OWNERSHIP LINES MAY VARY. NO GUARANTEE OF OWNERSHIP IS EXPRESSED OR IMPLIED.
- 3.) THERE IS NO DEDICATION TO THE PUBLIC OF ANY STREET, SIDEWALK, OR ANY OTHER FACILITY UPON THE RECORDING OF THIS SHORT PLAT. ALL ROADS AND TRACTS SHALL REMAIN PRIVATE.



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	17.33	15.00	66°12'12"
C2	5.71	94.00	3°28'39"
C3	52.13	94.00	31°46'28"
C4	26.63	25.00	61°02'33"
C5	19.11	27.50	39°49'07"
C6	58.81	27.50	122°31'18"
C7	52.40	27.50	109°10'02"
C8	6.06	25.00	13°53'55"
C9	10.66	25.00	24°26'28"
C10	59.79	116.00	29°31'55"
C11	7.86	116.00	3°52'52"
C12	27.25	15.00	104°04'58"
C13	120.56	796.78	8°40'10"
C14	110.62	796.78	7°57'16"
C15	239.56	746.78	18°22'48"
C16	117.13	105.00	63°54'52"

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00	N87°53'25"W
L2	10.00	N02°06'35"E
L3	10.00	N63°41'36"W
L4	15.00	N21°07'02"E
L5	15.00	N12°18'42"E
L6	10.00	N75°30'04"W
L7	4.58	N60°34'35"E
L8	10.00	N02°06'35"E
L9	10.00	N87°53'25"W

A.F. NO. 200606155007 CITY OF MILL CREEK SP 04-10



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SHORT SUBDIVISION FOR:
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