

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Burien
400 SW 152nd St., Suite 300
Burien, WA 98166-3066

Grantor:
Grantee: City of Burien
Tax Parcel No.:
Legal Description:

**DECLARATION OF COVENANT FOR MAINTENANCE AND
INSPECTION OF DRAINAGE FACILITIES AND FLOW CONTROL
BMPs**

IN CONSIDERATION of the following approved City of Burien (check one of the following)

residential building permit, commercial building permit, clearing and grading permit,
 subdivision permit, or short subdivision permit for Application No. _____
relating to real property ("Property") designated as Tax Parcel No. _____ and legally described as
follows: _____

The Grantor(s), the owner(s) in fee of the above described parcel of land, hereby covenants(covenant) with the City of Burien, a political subdivision of the state of Washington and its municipal successors in interest and assigns ("City of Burien" and "the City", or "its municipal successor"), that they will observe, consent to, and abide by the conditions and obligations set forth and described in Paragraphs 1 through 8 below with regard to the Property. Grantor(s) hereby grant, covenant, and agree as follows:

1. Grantor(s) or their successors in interest and assigns ("Owners") shall retain, uphold, and protect the stormwater management devices, features, pathways, limits, and restrictions, known as drainage facilities and flow control best management practices ("BMPs"), shown on the approved Drainage Facilities and BMPs Site Plan for the Property on file at Burien City Hall.

2. The Owners shall at their own cost, operate, maintain, and keep in good repair, the Property's Drainage Facilities and BMPs as described in the approved Design and Maintenance Details for each Drainage Facilities and BMP attached hereto and incorporated herein as Exhibit A.

3. City of Burien shall provide at least 30 days written notice to the Owners that entry on the Property is planned for the inspection of the Drainage Facilities and BMPs. After the 30 days, the Owners shall allow City of Burien to enter for the sole purpose of inspecting the Drainage Facilities and BMPs. In lieu of inspection by the City, the Owners may elect to engage a licensed civil engineer registered in the state of Washington who has expertise in drainage to inspect the Drainage Facilities and BMPs and provide a written report describing their condition. If the engineer option is chosen, the Owners shall provide written notice to the Director of the Public Works Department or its municipal successor in interest ("PW") within fifteen days of receiving the City's notice of inspection. Within 30 days of giving this notice, the Owners, or the engineer on behalf of the Owners, shall provide the engineer's report to PW. If the report is not provided in a timely manner as specified above, the City may inspect the Drainage Facilities and BMPs without further notice.

4. If City of Burien determines from its inspection, or from an engineer's report provided in accordance with Paragraph 3, that maintenance, repair, restoration, and/or mitigation work is required for the Drainage Facilities and BMPs, PW shall notify the Owners of the specific maintenance, repair, restoration, and/or mitigation work ("work") required under Title 13 of the City of Burien Code ("BMC") as now or hereafter amended or such successor provisions of the City Code as may be adopted by the City of Burien. PW shall also set a reasonable deadline for completing the work or providing an engineer's report that verifies completion of the work. After the deadline has passed, the Owners shall allow the City access to re-inspect the Drainage Facilities and BMPs unless an engineer's report has been provided verifying completion of the work. If the work is not completed properly within the timeframe set by PW, City of Burien may, in addition to any remedies it may otherwise have at law, contract or in equity, initiate an enforcement action. Failure to properly maintain the Drainage Facilities and BMPs is a violation of BMC Chapter 13.10, as now or hereafter amended, or such successor provisions of the City Code as may be adopted by the City of Burien, and may subject the Owners to enforcement under the BMC, including fines and penalties.

5. Apart from performing routine landscape maintenance, the Owners are hereby required to obtain written approval from PW before performing any alterations or modifications to the Drainage Facilities and BMPs.

6. Any notice or approval required to be given by one party to the other under the provisions of this Declaration of Covenant shall be effective upon personal delivery to the other party, or after three (3) days from the date that the notice or approval is mailed with delivery confirmation to the current address on record with each Party. The parties shall notify each other of any change to their addresses.

7. This Declaration of Covenant is intended to promote the efficient and effective management of surface water drainage on the Property, and it shall inure to the benefit of all the citizens of City of Burien and its municipal successors and assigns. This Declaration of Covenant shall run with the land and be binding upon Grantor(s), and Grantor's(s) successors in interest and assigns.

8. This Declaration of Covenant may be terminated by execution of a written agreement by the Owners and City of Burien that is recorded by City of Burien in its real property records.

IN WITNESS WHEREOF, this Declaration of Covenant for the Maintenance and Inspection of Drainage Facilities and Flow Control BMPs is executed this _____ day of _____, 20__.

By _____

Its _____

By _____

Its _____

STATE OF WASHINGTON)

)SS

COUNTY OF KING)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of _____, duly commissioned and sworn personally appeared, to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged to me that they signed and sealed the said instrument as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Printed name

Notary Public in and for the State of Washington,

residing at _____

My appointment expires _____

EXHIBIT A
Design and Maintenance Detail