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CITY OF SNOQUALMIE
Attention: Jodi Warren
City Clerk's Office
PO Box 987
Snoqualmie, WA 98065



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CHICAGO TITLE COV 65.00
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KING COUNTY, WA

**DECLARATION OF COVENANTS
RE
AFFORDABLE HOUSING RESTRICTIONS
ON
SNOQUALMIE RIDGE II PARCEL S20**

Grantor:	<u>SNOQUALMIE RIDGE II DEVELOPMENT LLC</u>
Grantee:	<u>CITY OF SNOQUALMIE</u>
Legal Description (abbreviated):	<u>Tract FD-1, Snoqualmie Ridge Plat 25 - Phase I, Vol. 249 of Plats, pp. 56 through 66, King County Rec. No. 20081030000312, Records of King County, WA</u>
Assessor's Tax Parcel ID #:	<u>7853380690</u>
Reference Nos. of Documents Released or Assigned:	<u>N/A</u>

CHICAGO TITLE INS. CO (4)
REF# W0901087-10

**DECLARATION OF COVENANTS
RE
AFFORDABLE HOUSING RESTRICTIONS
ON
SNOQUALMIE RIDGE II PARCEL S20**

THIS DECLARATION OF COVENANT RE AFFORDABLE HOUSING RESTRICTIONS (“Declaration”) is made as of this 16th day of December, 2009, by **SNOQUALMIE RIDGE II DEVELOPMENT LLC**, a Washington limited liability company (“Grantor”).

RECITALS

A. Grantor is the owner of that certain currently-undeveloped real property (“the Property”) located in the City of Snoqualmie, King County, Washington, commonly known as Snoqualmie Ridge II Parcel S20, more particularly described as follows:

Tract FD-1 of Snoqualmie Ridge Plat 25, Phase I, as recorded in Snoqualmie Ridge Plat 25 - Phase I, Volume 249 of Plats, pages 56 through 66 inclusively, King County Rec. No. 2008103000312, Records of King County, Washington (“the Property”).

The Property is intended for future development as part of Grantor’s overall Snoqualmie Ridge II mixed-use master planned community.

B. The City of Snoqualmie (the “City”) is a municipal corporation of the State of Washington, organized under the Optional Municipal Code, Title 35A RCW, located in King County, Washington.

C. Development of the Property is governed by the terms and conditions of a Development Agreement approved dated March 31, 2004, and the Snoqualmie Ridge II Mixed Use Final Plan approved by Resolution 717 on August 9, 2004.

D. Condition 4.12 of the Mixed Use Final Plan provides that affordable housing mitigation shall be provided as described in Appendix G of the Mixed Use Final Plan. Subsection 10.4.10 of the Development Agreement provides that meeting affordable housing requirements of Appendix G is a “Master Developer” obligation, except to the extent it has been imposed as a Parcel Builder Obligation pursuant to a plat approval or BSIP approval.

E. On November 2, 2009, the City approved Grantor’s application for a minor modification to the Snoqualmie Ridge II Mixed Use Final Plan to modify certain of the requirements for dispersal of affordable housing units throughout Snoqualmie Ridge II. A condition of the approval of the minor modification is that Snoqualmie

Ridge II Parcel S-20 shall be subjected to a covenant restricting its use to affordable rental apartment development. In order to implement this minor modification, and to assure the future development of the Property with affordable multi-family apartment units, Grantor desires to subject the Property to the terms and conditions of this Declaration.

F. It is the intent of this Declaration that as of the date of sale of Snoqualmie Ridge II Parcel S-20 by Snoqualmie Ridge II Development LLC, the remaining obligation for providing affordable housing as set forth in Attachment G to the Mixed Use Final Plan shall become a Parcel Builder Obligation for the Term of this Declaration, notwithstanding the sooner expiration or termination of the Development Agreement.

NOW, THEREFORE, Grantor, on behalf of itself and its successors and assigns to the Property, hereby declares that the Property shall hereafter be held, sold, and conveyed subject to the following, all of which are intended to and shall be covenants running with the Property, for the benefit and burden of the Property, and for the benefit of the City:

DECLARATION

1. As used herein, the terms "affordable" and "affordable housing" shall have the same respective meanings and construction as such terms are defined and used in Attachment G ("Affordable Housing Credits") of the SRII Mixed Use Final Plan, as the same may be modified from time to time by the parties.
2. For the Term of this Declaration, the Property shall be held, owned, used and developed only for the purpose of fulfilling the remaining affordable housing obligations of Appendix G to the Mixed Use Final Plan, which obligations shall become and be a Parcel Builder Obligation for the Term of this Declaration.
3. The term of this Declaration ("Term") shall expire on the date that (a) all remaining affordable housing credits required under Attachment G ("Affordable Housing Credits") of the Snoqualmie Ridge II Mixed Use Final Plan have been achieved; or (b) the expiration of Twenty-five (25) years after the date hereof, whichever first occurs. After expiration of the Term, this Declaration shall be of no further force and effect.
4. The terms and conditions of this Declaration may be enforced by the City in an action for specific performance.

EXECUTED as of the day and year first above written.

DECLARANT:

**SNOQUALMIE RIDGE II DEVELOPMENT
LLC,**
a Washington limited liability company

By: The Quadrant Corporation
Its Managing Member

By: *David E. Durlan*
Name: David E. Durlan
Its: Vice-President

STATE OF WASHINGTON }
COUNTY OF KING }

ss.

On this day personally appeared before me DAVID E. DURLAN,
to me known to be the VICE PRESIDENT of The Quadrant Corporation,
the Managing Member of **SNOQUALMIE RIDGE II DEVELOPMENT, LLC**,
the Washington limited liability company that executed the foregoing instrument, and
acknowledged such instrument to be the free and voluntary act and deed of such company
for the uses and purposes therein mentioned, and on oath stated that [he/she] was duly
authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 16TH day of DECEMBER, 2009.



Gail M. Almesa
Printed Name GAIL M. ALMESA
NOTARY PUBLIC in and for the State of Washington,
residing at KIRKLAND
My Commission Expires 9/15/11