

RETURN TO:

NO PROTEST AGREEMENT AND COVENANT RUNNING WITH THE LAND

Parcel #(s): _____
R: _____ T: _____ S: _____ Q: _____ Q: _____
Project Name: _____

THIS NO PROTEST AGREEMENT AND COVENANT RUNNING WITH THE LAND is made and entered into this _____ day of _____, 20____, by, between, and among _____, herein known as the "Owners", and Pierce County, a political subdivision of the State of Washington.

WITNESSETH

WHEREAS, the Owners hereto warrant that they each own the parcels of property listed and described below such Owner's name on Exhibit "A" attached hereto and incorporated by this reference, and herein known as the "Properties";

WHEREAS, the Owners have requested a variance from Section 18J.15.160 of the Pierce County Code, which requires residential subdivisions within urban growth areas proposing to utilize interim on-site septic systems to install dry sewer facilities; and

WHEREAS, Pierce County has indicated a willingness to grant the Owners said variance, and allow the Owners to install interim on-site septic systems, legally permitted by the Tacoma-Pierce County Health Department, on the Properties without requiring the installation of dry sewer facilities; and

WHEREAS, as a condition precedent to granting said variance, Pierce County requires that the Owners agree that, if and when a Utility Local Improvement District (ULID) is formed for the purpose of extending sanitary sewers to the Properties, the Owners will not file a protest with the Hearing Examiner against said ULID, and will cooperate with any and all petitions supporting said ULID, and that the promise to abstain from protest be a covenant running with the land binding on all subsequent owners; NOW, THEREFORE,

IN CONSIDERATION OF THE AGREEMENTS, COVENANTS AND PROMISES CONTAINED HEREIN, THE OWNERS HERETO AGREE AS FOLLOWS:

1. In the event that a Utility Local Improvement District (ULID) is formed for the purpose of extending sanitary sewers to the Properties, the Owners will not file a protest with the Hearing Examiner against said ULID, or protest the inclusion of the Properties within said ULID, or protest the connection charges assessed to the Properties in conjunction with said ULID, and will cooperate with any and all petitions supporting said ULID.
2. All Owners hereto agree and understand that Pierce County has no responsibility for the connection of the Properties to the public sanitary system.
3. This No Protest Agreement shall be a covenant running with the land and shall be binding on all subsequent heirs, executors, administrators and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the date first above written.

PROPERTY OWNERS

STATE OF WASHINGTON)

ss.

County of Pierce)

I, the undersigned, a Notary Public, do hereby certify that on this _____ day of _____, 20____, personally appeared before me _____, to me known to be the _____ of the corporation that executed the foregoing instrument, and acknowledged 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 authorized to execute said instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ day of _____, 20____.

Notary Public in and for the State of Washington, residing in
My commission expires on

STATE OF WASHINGTON)

ss.

COUNTY OF PIERCE)

I, the undersigned, a Notary Public, do hereby certify that on this _____ day of _____, 20____, personally appeared before me _____ to me known to be the individual(s) described in and who executed the within instrument and acknowledged that (he/she/they) signed the same as (his/her/their) free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this _____ day of _____, 20____.

Notary Public in and for the State of Washington, residing in
My commission expires

EXHIBIT "A"
PARTIES AND THEIR RESPECTIVE PROPERTY DESCRIPTIONS

PERPETUAL, RECIPROCAL EASEMENT,
MUTUAL MAINTENANCE AGREEMENT, AND
COVENANT RUNNING WITH THE LAND - 5

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(revised1/21/2000)