

CITY OF MILL CREEK

BINDING SITE PLAN

WITH

RECORD OF SURVEY

SUBMITTAL REQUIREMENTS

SECTION A – GENERAL SUBMITTAL REQUIREMENTS

SECTION B – RECORDING REQUIREMENTS

SECTION C – CONDITIONS AND RESTRICTIONS

SECTION D – DECLARATIONS AND CERTIFICATES

**DEPARTMENT OF PUBLIC WORKS
DEPARTMENT OF COMMUNITY DEVELOPMENT**

Approved: _____ Date: _____
City Engineer

Approved: _____ Date: _____
Director of Community Development

SECTION A

GENERAL SUBMITTAL REQUIREMENTS

THE FOLLOWING ITEMS MUST BE SHOWN ON THE BINDING SITE PLAN WITH RECORD OF SURVEY (BSP/ROS) DOCUMENT.
BOTH DOCUMENTS ARE SUBJECT TO REVIEW AND APPROVAL BY THE CITY PRIOR TO AUTHORIZATION FOR RECORDING.

A. DECLARATION

1. The Declaration of BINDING SITE PLAN WITH RECORD OF SURVEY (BSP/ROS) shall be printed on sheet 1 of the BSP/ROS, or referenced on sheet 1 as a separate document with the appropriate auditor's file number.
2. All agreements between property owners concerning the issues, covenants and restrictions applicable to any portion of the property reserved for the common use or benefit of property owners shall be printed on sheet 1 of the BSP/ROS, or referenced on sheet 1 as a separate document with the appropriate auditor's file number.
3. If lot(s) or tract(s) are conveyed for the common use or benefit of all or some of the property owners, such declaration shall be made and shown on the face of the BSP/ROS, except in the case of a Binding Site Plan for a site that will be subject to the provisions of RCW Chapter 64.32 or 64.34. Such conveyance shall be referenced in any applicable covenants, conditions, and restrictions document recorded separately.
4. Ten-foot utility easements shall be granted parallel to the street frontage on all lots and shall be indicated on the face of the BSP/ROS.
5. A full and complete legal description of all land included in the BSP/ROS shall be printed on sheet 1 of the BSP/ROS.
6. Ownership signatures.
 - a. The BSP/ROS shall be signed by all parties holding an ownership interest, possessory interest, or security interest in the land subject to the Binding Site Plan. The name and title of all signatories shall be typed or printed below each signature line, and all signatures shall be properly notarized (RCW 58.17.165).
 - b. All partners must sign if the land is owned by a partnership.
 - c. If the land is owned by a corporation, limited liability company, or similar entity, the entity must submit a properly executed resolution authorizing

the signatory(ies) to sign on its behalf. Signatures shall be shown on the face of the BSP/ROS.

7. An acknowledgment shall appear on the face of the BSP/ROS in accordance with RCW 42.44.100(1) or (2). See “acknowledgement” sheet.

B. COVENANTS, CONDITIONS, AND RESTRICTIONS

1. Covenants, conditions and restrictions (CCRs) binding upon the owners of all lots or tracts (including, but not limited to, ownership and responsibilities for maintenance of common or limited common areas, features or recreational facilities; the dedication of any lot or tract reserved for the common use or benefit of all or some of the property owners; the uses, users and beneficiaries thereof; easements; phasing requirements (if any) shall appear on the face of the BSP/ROS, or be recorded separately and referenced on the BSP/ROS. The applicant must record the CCRs with the auditor at the time of recording the BSP/ROS and if recorded separately shall include the auditor’s file number on the face of the BSP/ROS.
2. Specific wording of all Binding Site Plan conditions, including encumbrances upon the land (other than mortgages, liens and other financial instruments) shall be approved by the City.
3. Limitations on the physical development or use of any of the lots or tracts, lot addresses, and other explanatory textual data shall appear upon the first page(s) of the BSP/ROS, or be recorded separately and referenced on the BSP/ROS. If recorded separately, include the auditor’s file number on the face of the BSP/ROS.
4. Other covenants, conditions, restrictions, easements, and requirements as may be determined by the City of Mill Creek Director of Community Development (Director) shall appear on the first page(s) of the BSP/ROS or upon the Director's approval, may be recorded separately with reference to the auditor’s file number of said document on the first page(s) of the BSP/ROS.

C. TITLE CERTIFICATE

1. A certificate or report on the condition of title, prepared by a title company within the preceding thirty days, giving the names of all parties holding real or possessory interest, including all easements, mortgages, liens and other encumbrances to which the property is subject, together with copies of all cited documents, shall be submitted for review and approval.

D. CERTIFICATES

1. The surveyor's certificate shall appear on page 1 of the BSP/ROS in one of two manners as shown on page 4 of Declarations and Certificates.
2. The County and City treasurer's certificate shall appear on page 1 of the BSP/ROS as shown on page 5 and 6 of Declarations and Certificates.
3. The auditor's certificate shall appear along the bottom or right edge of page 1 of the BSP/ROS as shown on page 5 of Declarations and Certificates.

E. APPROVALS

1. All approval blocks shall appear on page 1 of the BSP/ROS. City and County approvals shall be grouped separately.

F. GENERAL CONDITIONS

1. If any developer obligations are not satisfied at the time of BSP/ROS recording, a condition(s) stating the requirements and responsibility for completing them shall appear on the face of the BSP/ROS.
2. Easements.
 - a. Easement boundaries shall be denoted on the BSP/ROS by broken lines and identified as follows:
 - (i) An easement not of record or not definitely located must be shown in its approximate location with an identifying statement placed adjacent to it.
 - (ii) All easements must be clearly labeled, identified, and if of public record, given proper reference by appropriate auditor's file number.
 - b. If a temporary turn-a-round easement is required, a note stating such shall be placed on the appropriate BSP/ROS sheet(s) adjacent to said turn-a-round.
3. Drainage facilities, maintenance, and access requirements:
 - a. Retention/detention ponds may be required to be located in separate tracts with a public easement for maintenance. Where public drainage easements exist, such easement shall be printed on the face of the BSP/ROS. If the tract is not adjacent to a roadway, a twenty-foot wide roadway will be required within an easement for unobstructed ingress and egress between the tract and the public roadway.
 - b. Drainage easements benefiting the City of Mill Creek shall be a minimum of 20 feet in width.
 - c. Private drainage easements shall be a minimum of 10 feet in width.

- d. Where open channel construction is used to handle drainage within the BSP, a minimum 15-foot setback shall be provided between any structures and the top of the bank of the defined channel.
- e. When a closed drainage system is constructed, a 10-foot building set back is required from the edge of the structure or pipe.

G. DRAFTING DATA

- 1. The BSP/ROS document shall:
 - a. Consist of one or more sheets (pages), each 18 inches wide and 24 inches long, clearly and legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on a suitable material in accordance with the procedures and requirements of RCW Chapter 58.09, RCW 58.17.165 and 58.17.255; and WAC Chapter 332-130 and as specified in City of Mill Creek BSP recording requirements.
 - b. Contain a horizontal scale of one inch equals fifty feet or such scale as the Director determines will clearly portray all of the drafting detail of the survey.
 - c. Contain signatures, notary seals and writing, all of which shall be made with permanent black ink.
 - d. Have no adhesive material attached to it.
- 2. Acceptable materials for filing are:
 - a. Photo Mylar, reverse reading (4 ml) with fixed halide base, or reverse reading (4 ml) digital Mylar.
 - b. Permanent black ink on Mylar when the ink is coated with a suitable substance to ensure continued legibility.
- 3. Unacceptable materials for filing include:
 - a. Diazo Mylar.
 - b. Linen or Mylars produced by a dry electrostatic process.
- 4. Legibility of the filed document and copies shall be to the standards of WAC 332-130-050(1)(d) and the following:
 - a. Suitable for microfilming (uniform contrast).
 - b. No highlighting that interferes with legibility.
 - c. Printing meets or exceeds minimum size (0.08”).
- 5. The following items/information shall be shown on each BSP/ROS sheet:
 - a. A margin line drawn completely around the sheet, leaving an entirely blank margin of two inches on the left edge and one-half inch on the other three sides.
 - b. Date of preparation, map scale, graphic scale, and north point (to the top or to the left).
 - c. An indexing data block and/or proper indexing information [WAC 332-130-050(1)(a)(iv)(A) and (B)].

- d. Title block along the bottom or right side which contains [WAC 332-130-050(1)(a)(i)]:
 - (i) Title: “(insert applicant’s or project name) Binding Site Plan (insert any applicable file number).”
 - (ii) Section(s), township and range.
 - (iii) Name, address and telephone number of the preparer of the Binding Site Plan.
- e. Tax account numbers of all parcels contained in the application.
- f. Property line boundary and dimensional data WAC 332-130-050(1)(B) showing:
 - (i) Basis for bearing or angular relationships. Cite the line used.
 - (ii) Bearings, angles, or azimuths in degrees, minutes and seconds.
 - (iii) Distances in feet and decimals of feet.
 - (iv) Sufficient curve data (controlling elements).
- g. Ten-foot utility easements along the public road right-of-way frontage of all Binding Site Plan lots.
- h. Any city or county boundaries crossing or adjoining the property.
- i. All Binding Site Plan lots numbered in sequence with:
 - (i) No two lots bearing the same number.
 - (ii) Individual lots shown entirely on one sheet when more than one sheet is used.
 - (iii) Individual lot, tract, common, and open space areas shown in square feet.
- j. The title “(insert applicant’s or project name) Binding Site Plan (insert applicable file number)” will be placed at the top.

H. SURVEY DATA

- 1. Requirements - The following requirements for land subdivision and corner restoration - recording, per WAC 332-130-030 are applicable:
 - a. Provide a description of methods used for GLO corner re-establishment or section subdivision [WAC 332-130-030(1)].
 - b. Show all corners found, established, re-established and calculated. Also, show complete survey data supporting the parcel surveyed with sufficient section, subdivision data; or cross-reference to a previously filed document with the required information. Provide copies of all records used [WAC 332-130-030(2)].
 - c. Provide documentation or recording data on GLO corners used; or cross reference to previously filed document with the required information [WAC 332-130-030(3)].

2. The following monumentation standards are applicable:
 - a. Monumentation shall be placed at all street intersections, boundary angle points, points of curves in street and at such intermediate points as may be required by the City Engineer.
 - b. If any land in a subdivision is contiguous to a body of water, river or stream, monuments shall be set along a meander line which shall be established along the shore at such distance back from the ordinary high-water mark as to reasonably ensure against damage and destruction by flooding or erosion. Property lying beyond the meander line shall be defined by distance along the side property lines extended from the meander line.
 - c. All lot and block corners shall be set with an iron pipe or steel reinforcing bar at least 24 inches in length and a minimum of ½ inch in diameter before recording of the BSP/ROS. All lot corners shall be identified with the land surveyor's registration number.
3. Indicate the class of geodetic control survey used, state plane coordinates if applicable (WAC 332-130-060).
4. Provide a relative accuracy statement for documenting the accuracy of the work performed, if applicable [WAC 332-130-080(4)].
5. Use the applicable field traverse standards prescribed by WAC 332-130-090.
6. Provide a statement of equipment and procedures [WAC 332-130-100(1)].
7. To interpret the various items shown, the BSP/ROS shall [WAC 332-130-050(1)(f)]:
 - a. Reference any record of survey documents with conflicting corner positions;
 - b. Show deed calls at variance with survey;
 - c. Identify all controlling corners used; i.e., calculated, found, established, or re-established;
 - d. Give the physical description and date visited for monuments shown, found, established or re-established;
 - e. Show the record land description of the parcel or boundary surveyed or a reference to an instrument of record;
 - f. Identify any ambiguities, hiatuses and/or overlapping boundaries;
 - g. Note the location and nature of all encroachments, including but not limited to fences, buildings, slabs, driveways or a physical appurtenance, which indicates encroachment (RCW 58.17.165 and 58.17.255);
 - h. Show the radius dimension of all cul-de-sac's and a radial bearing to one lot corner or P.C.; and

- i. Provide vertical datum as follows:
 - (i) When minimum floor elevations are required, a note(s) indicating such shall be placed on the BSP/ROS.
 - (ii) Benchmarks provided within 300 feet of those lots requiring minimum floor levels.
 - (iii) Bench marks referenced to mean sea level datum, (NAVD 29).
 - (iv) Street monuments are the preferred benchmark. Monument case and cover elevations will not be accepted.
8. The recorded document shall show the location and identification of all:
 - a. Internal and adjoining roads;
 - b. Lands dedicated to the public;
 - c. Common open space areas, Native Growth Protection Areas (NGPAs), and other lands subject to development restrictions; and
 - d. Applicable phase lines (lot identification shall begin with number one in each phase).

I. SUPPORTING DOCUMENTS

1. Computations verifying the section, subsection and other survey control used, dimensions of each lot, easement, road and other right-of-way centerlines, and all lot size calculations using electronic computer lot check data showing closure, except in the case of a BSP/ROS for a site that will be subjected to the provisions of either RCW Chapters 64.32 or 64.34. The allowable error of closure shall not exceed the limit provided in WAC 332-130-190(1).
2. The location of all elements controlling the boundaries of the BSP/ROS including, but not limited to, the following (WAC 332-130-040(1) and RCW 58.17.250):
 - a. The subdivision of the section or sections of land wherein the BSP/ROS is located, including all of the controlling elements thereof, if the boundaries are located in whole or in part by reference to the subdivision of such section(s);
 - b. The controlling elements of recorded plat(s), short plat(s), or other parcels or subdivisions of land, if located in whole or in part by reference thereto; and
 - c. Textual data as may be necessary or helpful to clearly establish the methodology by which said boundaries were established.

J. AMENDING SURVEY INFORMATION

1. Amending survey information on previously filed or recorded documents shall be subject to the criteria prescribed in WAC 332-130-050(3)(a), (b), and (c).

SECTION B

RECORDING REQUIREMENTS

The following items shall be represented on a binding site plan submitted to the City of Mill Creek for filing (recording) with the Snohomish County Auditor's Office.

1. Material/Permanency

- a. Acceptable materials include:
 - **photo mylar, reverse reading (4 ml) with fixed halide base, or reverse reading (4 ml) digital mylar, or**
 - permanent black ink on mylar when the ink is coated with a suitable substance to assure legibility.
- b. Unacceptable materials include:
 - **diazo mylar,**
 - **linen or mylars produced by a dry electrostatic process.**
- c. Signatures must be made with permanent black ink.
- d. No adhesive materials shall appear on the permanent record surface.

2. Document Size/Margins

- a. Each sheet shall be 18" by 24"
- b. Left edge margin: 2"
- c. All other side margins: 1/2"

3. Legibility

- a. All copies must be suitable for microfilming (uniform contrast, no dark areas),
- b. Signatures and seals must be legible on prints,
- c. No information on any copy shall be obscured by cross-hatching or shading,
- d. Dimensioning and lettering must be 0.08 inches or larger (seals, certificates and vicinity maps excluded).

4. Title

The title "(insert applicant's or project name) Binding Site Plan (insert applicable file number)" shall be placed at the top of each sheet.

5. Title Block

- a. Name and notarized signature of owner recording the binding site plan,
- b. Name of individual/firm preparing binding site plan, including professional seal with signature through it or certificate on all pages (if applicable),
- c. Sheet identification (i.e.: sheet 1 of 5),
- d. Date of preparation.

6. Legal Description

- a. Snohomish County location: Section (1-36), Township (27-32), Range (3-14);
- b. Include references to: Section, Township, Range, and 1/4-1/4 Section; or Section, Township, Range, 1/4-1/4 Section, Government lot designation; or Township, Range, Government lot designation;
- c. Plat name, lot and block number, and recording data, when applicable; and
- d. All applicable tax account numbers.

7. Declaration

- a. Covenants, Conditions, and Restrictions
- b. Common Use Lands
- c. Easements
- d. Ownership Signatures
- e. Acknowledgement/Notarizations

8. Certificates

- a. Treasurer, with Treasurer and Deputy Treasurer signatures and current date;
- b. Auditor;
- c. Surveyor (See WAC 196-24-097).

9. Approvals

10. Submittal to City at time of recording:

- One (1) set of mylars (see 1a of sheet 1) with signatures and recording number.
- Two (2) sets of prints on bond paper, full size.
- Two (2) sets of 11 X 17 reduced bond paper.
- One CD of all BSP sheets scanned at 400 dpi with compressed tif images.

SECTION C

CONDITIONS & RESTRICTIONS

1. BINDING EFFECT

THIS BINDING SITE PLAN (AND THE FOREGOING COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS) SHALL CONSTITUTE COVENANTS THAT RUN WITH THE LAND AND SHALL BE BINDING UPON ALL PARTIES AND ALL PERSONS WHO ARE OR SHALL BECOME THE OWNER OF, OR OTHERWISE HAVE AN INTEREST IN, THE LAND DESCRIBED HEREIN. THE PERSONAL OBLIGATIONS OF DECLARANT SHALL TERMINATE AT SUCH TIME AS DECLARANT TRANSFERS ALL ITS INTEREST IN THE LAND; PROVIDED THAT THE THEN OWNERS OF THE LAND SHALL CONTINUE TO BE FULLY OBLIGATED HEREUNDER.

2. OWNER RELEASE

THE OWNER(S) AND ALL PERSONS HAVING ANY PRESENT OR SUBSEQUENT OWNERSHIP INTEREST IN THESE LANDS, AND THE SUCCESSORS AND THE ASSIGNS OF OWNERS OR OTHER PARTIES HAVING ANY SAID INTEREST, HEREBY RELEASE, INDEMNIFY, AND HOLD THE CITY HARMLESS FROM ALL CLAIMS FOR INJURIES, DAMAGES, LIABILITIES, PENALTIES OR INJUNCTIVE RELIEF OF WHATEVER NATURE ARISING FROM (1) THE DESIGN, CONSTRUCTION AND MAINTENANCE OBLIGATIONS AS DESCRIBED IN CHAPTER 16.16 OF THE MILL CREEK MUNICIPAL CODE, AND (2) THE DESIGN, CONSTRUCTION, OPERATION AND DOWNSTREAM IMPACTS CAUSED BY OR ATTRIBUTABLE TO THE STORMWATER SYSTEM ON-SITE AND HEREBY WAIVE AND RELEASE THE CITY FROM ANY AND ALL SUCH CLAIMS EXCEPT TO THE EXTENT JUDICIALLY DETERMINED TO RESULT FROM A NEGLIGENT ACT OR OMISSION OF THE CITY.

THE OWNER(S) SHALL BE RESPONSIBLE TO SERVICE AND MAINTAIN ALL DRAINAGE FACILITIES LOCATED WITHIN THE BINDING SITE PLAN. THE CITY RESERVES THE RIGHT BUT SHALL NOT HAVE THE OBLIGATION TO PERFORM ANY INSPECTIONS, SERVICE AND MAINTENANCE NECESSARY TO ENSURE THAT THE DRAINAGE FACILITIES ARE OPERATING PROPERLY. IT SHALL BE THE RESPONSIBILITY OF THE OWNER(S) TO PROMPTLY REIMBURSE THE CITY FOR ALL COSTS AND EXPENSES INCURRED IN MAINTAINING OR SERVICING THE DRAINAGE FACILITIES.

FOLLOWING ORIGINAL REASONABLE GRADING OF ROADS AND WAYS HEREON, 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 TO HAMPER PROPER ROAD DRAINAGE.

3. UTILITIES AND ROADWAYS

ALL ACCESS ROADS AND PARKING AREAS SHALL BE MAINTAINED FOR THE TENANTS OF _____ BUILDING AND THEIR SUCCESSORS AND ASSIGNS BY THE OWNER(S) OF THE PROPERTY OR THEIR SUCCESSORS AND ASSIGNS.

ALL UTILITIES HAVE BEEN INSTALLED IN ACCORDANCE WITH APPROVALS ISSUED BY THE CITY OF MILL CREEK AND THE APPROPRIATE UTILITY DISTRICT OR PURVEYOR.

ALL UTILITY EASEMENTS FOR SANITARY SEWERS, WATER AND STORM DRAINAGE HAVE BEEN PREPARED AND RECORDED WITH SNOHOMISH COUNTY IN ACCORDANCE WITH THE GENERAL LOCATIONS SHOWN ON THE PLAN.

4. UTILITY WARNING

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

5. POSSIBLE SITE SPECIFIC RESTRICTIONS

A. WETLAND BUFFER/TRAIL

THE WETLAND BUFFER AREA SHALL BE LEFT PERMANENTLY UNDISTURBED, EXCEPT FOR CONSTRUCTION AND MAINTENANCE OF THE PEDESTRIAN TRAIL. NO CLEARING, FILLING, BUILDING CONSTRUCTION OF ANY KIND SHALL OCCUR, EXCEPT REMOVAL OF HAZARDOUS TREES UPON EXPRESS APPROVAL OF THE CITY OF MILL CREEK.

B. LANDSCAPE AND OPEN SPACE

WALKWAYS SUFFICIENT TO PROVIDE REASONABLE INGRESS AND EGRESS BETWEEN THE UNITS AND ADJOINING PAVED AREAS HAVE BEEN INSTALLED WITHIN OR ADJOINING EACH OF THE BUILDING ENVELOPES AS SHOWN ON THE BINDING SITE PLAN.

ALL LAND AREA NOT OCCUPIED BY BUILDINGS, PAVED SURFACES OR VISIBLE UTILITIES HAVE BEEN LANDSCAPED AND MECHANICALLY IRRIGATED WHERE REQUIRED.

C. TREE PROTECTION

PRIOR TO ANY SITE CONSTRUCTION TO INCLUDE CLEARING, LOGGING OR GRADING, THE CITY SHALL MARK SIGNIFICANT TREES AND THEIR DRIP LINES AND THE DRIP LINES OF STANDS OF TREES AND NATURAL VEGETATION TO BE PROTECTED. BARRIER FENCING SHALL THEN BE ERECTED AT OR OUTSIDE OF THE MARKED AREAS AND SHALL BE MAINTAINED DURING ALL DEVELOPMENT AND CONSTRUCTION.

6. FRONTAGE IMPROVEMENTS/MAINTENANCE

THIS COVENANT SHALL RUN WITH THE LAND AND BIND ALL SUBSEQUENT OWNERS.

THE OWNERS SHALL BE RESPONSIBLE TO PROVIDE ROADSIDE MAINTENANCE TO THE BACK OF THE CURB AND GUTTER ALONG THE BINDING SITE PLAN FRONTAGE. THIS INCLUDES ALL SERVICE AND MAINTENANCE EXCEPT FOR STRUCTURAL SIDEWALK REPAIRS, WHICH SHALL BE THE RESPONSIBILITY OF THE CITY.

SECTION D

DECLARATIONS AND CERTIFICATES

“Know all persons by these presents that (*insert applicant’s name*), the undersigned owner(s) in fee simple of the land contained within and hereby bound by this Binding Site Plan with Record of Survey, and (*insert mortgagee’s name*), the mortgagee(s) thereof, hereby declare this Binding Site Plan with Record of Survey subject to the following conditions, covenants, restrictions, easements, and requirements:”

- a. “All development and use of the land described herein shall be in accordance with the Binding Site Plan, as it may lawfully be amended with the approval of the City of Mill Creek, Washington, and in accordance with such other governmental permits, approvals, regulations, requirements and restrictions that may be imposed upon such land and the development and use thereof.”
- b. “No further subdivision of any lot shall occur without resubmitting for City approval.”
- c. “The sale of less than a whole lot herein is expressly prohibited.”
- d. “Following completion of the original grading of parking areas, roads and ways shown hereon, 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 to hamper proper road drainage. Prior to making any alteration in the drainage system after the recording of this Binding Site Plan with Record of Survey, the owner of any lot(s) must make application to and receive approval from the City of Mill Creek for said alteration. Any enclosure of drainage waters in culverts or drains or rerouting thereof across any lot(s) as may be undertaken by or for the owner of any lot(s) shall be done by and at the expense of such owner.”
- e. When the Binding Site Plan with Record of Survey contains a private road:
“The cost of construction and maintenance of all roads not herein dedicated as public roads shall be the obligation of all of the owners and/or beneficiaries thereof and the obligation to maintain shall be concurrently the obligation of any person(s), corporation(s) or other legal entity in which title of the roads may be held. The obligation for private road maintenance and the ability to place liens against owners not fulfilling their maintenance obligation shall constitute a covenant that touches and concerns the property and runs with the land and shall be binding on all of the owners and/or beneficiaries of the private road and their assigns and successors. In the event that the owners of any lots served by the roads of this Binding Site Plan with Record of Survey shall petition the City to include these roads in the public road system, the petitioners shall be obligated to bring the same to City road standards applicable at the time of petition in all respects, including dedication of right-of-way, prior to acceptance by the City.”

DECLARATION

UTILITY EASEMENTS

“An easement is hereby reserved for and granted to all utilities serving subject BSP/ROS and their respective successors and assigns, under and upon the exterior ten (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, pipe, and wires with necessary facilities and other equipment for the purpose of serving this subdivision and other property with electric, telephone, gas, television cable and other utility services together with the right to enter upon the lots at all times for the purposes herein stated. Drainage easements designated on the BSP/ROS are hereby reserved for and granted to City of Mill Creek, except those designated on the BSP/ROS as private easements, together with 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.”

DECLARATION

COMMON USE LOT CONVEYANCE

“Lot(s)/tract(s) _____ (is/are) hereby conveyed for the common use and benefit of the owner(s) of (all) lot(s) (numbered _____) for the purpose of _____ and shall be owned (by) _____.”

DECLARATION

OWNERSHIP SIGNATURES

IN WITNESS WHEREOF we set our hands and seals this _____ day of _____, 20__

(Name)

(Title)

(Name)

(Title)

DECLARATION

SURVEYOR'S CERTIFICATE

A. 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 at the request of _____ in _____, 20__.

Registered Professional Land Surveyor CERTIFICATE NO. Date

(seal with signature and date signed through it)

When a Record of Survey of a plat, short plat, or previous BSP indicates the correct boundaries for the Binding Site Plan and the lots therein, a surveyor's certificate may be placed on the Binding Site Plan drawing which is to be recorded substantially in a form approved by the director. The certificate shall indicate that the boundaries have been retraced by the surveyor, that no discrepancies or encroachments were found pursuant to RCW 58.09.090(1)(d)(iv), and shall be signed and sealed by the surveyor and certified as follows:

Surveyor's Certificate

The boundaries of the site shown on this Binding Site Plan have been retraced by me or under my direction in conformance with the Survey Recording Act at the request of _____ in _____, 20___. No discrepancies were found in linear and/or angular measurement between all controlling monuments in excess of 0.50 feet when compared with all locations of public record pursuant to RCW 58.09.090(1)(d)(iv). The previous Record of Survey, plat, or short plat is recorded under AFN _____, Vol. _____ of _____, Pg.(s). _____ and a new Record of Survey is not required.

Registered Professional Land Surveyor Registration No. Date

(seal with signature and date signed through it)

DECLARATION

TREASURER'S CERTIFICATE

TREASURER'S CERTIFICATE

I hereby certify that all State and County taxes heretofore levied against the property described herein, according to the books and records of my office, have been fully paid and discharged, including _____ taxes.

Treasurer, Snohomish County

BY: _____
Deputy Treasurer, Snohomish County

DECLARATION

AUDITOR'S CERTIFICATE

AUDITOR'S CERTIFICATE

Filed for record at the request of _____, this _____ day of _____, 20____, at _____ minutes past _____.m., and recorded in Vol. _____ of Binding Site Plans, Page(s) _____, records of Snohomish County, Washington.

Auditor, Snohomish County

BY: _____
Deputy County Auditor

APPROVALS

I hereby certify that there are no delinquent special assessments and that all special assessments of any of the property herein contained dedicated as streets, alleys, or for other public purposes are paid in full this _____ day of _____, 200_.

Treasurer, City of Mill Creek

GENERAL CONDITIONS

PUBLIC DRAINAGE EASEMENT

“Prior approval must be obtained from the Director of Public Works before any structures, fill or obstructions, including fences, are located within any drainage easement, delineated flood plain area or drainage swale.”

GENERAL CONDITIONS

APPROVED DETAILED DRAINAGE PLAN

“Lots _____ have been approved based on an approved drainage plan which requires impervious surfaces and drains to be connected to the stormwater system. See drainage plan for details.”

GENERAL CONDITIONS

TEMPORARY TURNAROUND EASEMENT

“(*width*)-foot Temporary Turnaround. The easement shall automatically expire when the public street is extended (*direction*), accepted and maintained by the City of Mill Creek.”

F:\DATA\PLANNING\WP\Master Permit Application\Final BSP Requirements Ver. 1_06_03.doc

TABLE OF CONTENTS

Section A – General Submittal Requirements

Declaration	1
Covenants, Conditions, and Restrictions	2
Title Certificate	2
Certificates	3
Approvals	3
General Conditions	3
Drafting Data	4
Survey Data.....	5
Supporting Documents.....	7
Amending Survey Information	7

Section B – Recording Requirements..... 8

Section C – Conditions and Restrictions

Binding Effect.....	10
Owner Release	10
Utilities and Roadways	11
Utility Warning	11
Possible Site Specific Restrictions.....	11
Frontage Improvements/Maintenance	12

Section D – Declarations and Certificates

Utility Easements	14
Common Use Lot Conveyance	14
Ownership Signatures	14
Acknowledgement	15
Surveyor’s Certificate	16
Treasurer’s Certificate	17
Auditor’s Certificate	17
City of Mill Creek Approvals	18
Public Drainage Easement	19
Approved Detailed Drainage Plan	19
Temporary Turnaround Easement	20