

**When Recorded, Return to:**

Prometheus Real Estate Group  
1900 S Norfolk St, Suite 150  
San Mateo, CA 94403  
mponte@prometheusreg.com

**MEMORANDUM OF DRAINAGE CONTROL**

GRANTOR: 1) Prometheus Real Estate Group \_\_\_\_\_  
2) \_\_\_\_\_  
3) \_\_\_\_\_

☐ Additional Owners/Grantors on page \_\_\_\_\_

GRANTEE: The City of Seattle

**PROPERTY (COMPLETE LEGAL DESCRIPTION):**

LOTS 14 THROUGH 19, INCLUSIVE, BLOCK 8, DENNY AND  
HOYT'S ADDITION, ACCORDING TO THE PLAT THEREOF  
RECORDED IN VOLUME 2 OF PLATS, PAGE 136, IN KING  
COUNTY, WASHINGTON;

EXCEPT PORTIONS OF LOTS 15 THROUGH 18, INCLUSIVE,  
HERETOFORE CONDEMNED IN KING COUNTY SUPERIOR COURT  
CAUSE NUMBER 69865 FOR LEARY AVENUE, NOW NORTH 36TH  
STREET, AS PROVIDED BY CITY OF SEATTLE ORDINANCE  
NUMBER 21303.

☐ Additional Legal Description in Exhibit \_\_\_\_

Permit No.: \_\_\_\_\_

Property Street Address: 508 N 36th Street \_\_\_\_\_

Grantor's Address: 1900 S Norfolk St, Suite 150 \_\_\_\_\_

City San Mateo \_\_\_\_\_ State CA \_\_\_\_\_ Zip 94403 \_\_\_\_\_

**ASSESSOR'S TAX PARCEL ID NO(S).** \_\_\_\_\_

THIS Agreement is executed in favor of the City of Seattle ("City") by the undersigned owner(s) ("Grantor") of the real property described above (the "Property"), situated in City of Seattle, King County, State of Washington.

In consideration of the City's granting a permit for the drainage system proposed by Grantor, and for the City's allowing the connection thereof, if any, to the City's drainage system, Grantor hereby agrees and covenants, pursuant to SMC 22.807.020, as follows:

The Drainage Control Plan for City permit #\_\_\_\_\_ includes the drainage system for the permit for the above described Property.

WHEREAS; the drainage control facilities, approved and required by said City permit are the key terms of the Property's drainage control plan, which is documented in the Drainage Control Plan drawing(s) as amended by the construction as-built record drawing(s) on file with the City of Seattle.

Informational, as of 2017: The full approved plan and as-built record drawings are available on the City Permits and Property Records website. As of 2017, the website address is <http://web6.seattle.gov/dpd/edms/>. Email [sidesewerinfo@seattle.gov](mailto:sidesewerinfo@seattle.gov) or call the Drainage Review Desk at 206-684-5362 for assistance in finding a copy of the approved plan and as-built record drawing. Maintenance requirements for Stormwater Management Best Management Practices can be found in the City of Seattle Stormwater Manual, available on the City of Seattle Stormwater Code website.

**This Drainage Control Plan has Stormwater Best Management Practices (BMPs) required for:**

☒ On-site Stormwater Management   ☐ Flow Control   ☐ Water Quality   ☐ Structural Source Control

**Other drainage system items:**

☐ Pump(s)   ☐ Catch Basin(s)   ☐ Other (describe) \_\_\_\_\_

**The following attached Exhibits provide a summary of the BMPs on the approved Drainage Control Plan:**

- ☒ Exhibit A On-site Stormwater Management Summary Sheet
- ☐ Exhibit B Flow Control Summary Sheet
- ☐ Exhibit C Water Quality Treatment Summary Sheet
- ☐ Exhibit D Structural Source Control Summary Sheet
- ☐ Exhibit \_\_\_\_ Additional Legal Description

NOW THEREFORE; the Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, agrees to the following and hereby creates a covenant running with the land that shall be binding upon all parties and their heirs, successors and assigns forever:

The Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, agrees to and shall (1) inspect and maintain the above described drainage system in accordance with the provisions of Seattle Municipal Code (SMC) Chapters 22.800 – 22.808 and any other provisions applicable to the facilities, as now and hereafter in effect, (2) implement the terms of the drainage control plan required by the SMC, and (3) inform all future purchasers, successors and assigns of the existence of the drainage control facilities and other elements of the drainage control plan, the limitations of the drainage system, and of the requirement for the facilities' continued inspection and maintenance; and

The obligations of Grantor and each of Grantor's heirs, successors and assigns under this Memorandum of Drainage Control shall terminate when that person, sells, devises or transfers the Property, or his or her interest therein, unless the obligation arises out of a claim of negligence or intentional act of that person. Further, recording of this Memorandum of Drainage Control as required herein shall satisfy the obligations to inform under subsection (3) above.

The Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, hereby grants permission for authorized representatives of the City of Seattle to enter onto the Property for inspection, monitoring, correction or abatement of conditions related to the Property's drainage control plan, drainage control facilities, Chapters SMC 22.800 – 22.808 or any other SMC provision applicable to drainage control, as now and hereafter in effect; and

The Grantor, on behalf of Grantor and Grantor's heirs, successors and assigns, (1) agrees and acknowledges that the City is not responsible for the adequacy or performance of the drainage control plan or the drainage control facilities, (2) agrees to accept any and all risks of harm, loss, or damage related to the drainage control plan or the drainage control facilities and (3) hereby waives any right to assert any and all present and future claims against the City, whether known or unknown, for any harm, loss or damage occurring either on or off the Property, related to the drainage control plan, the drainage control facilities, or drainage or erosion on the Property, except only for such harm, damages and losses that directly result from the sole negligence of the City.

This Memorandum of Drainage Control shall be recorded in the real estate records of the Office of Records and Elections of King County, Washington. If any provision of this Memorandum is held invalid, the remainder of the Memorandum is not affected.

**SIGNATURES, ACKNOWLEDGEMENTS AND NOTARY**  
**INDIVIDUAL — attach more pages if needed)**

Date: \_\_\_\_\_

Owner/Grantor \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

State of Washington )  
 ) ss  
County of \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that

\_\_\_\_\_ is the person who  
appeared before me, and said person acknowledged that he/she signed  
this instrument and acknowledged it to be his/her free and voluntary act  
for the uses and purposes mentioned in the instrument.

Date: \_\_\_\_\_

NOTARY PUBLIC in and for the State of Washington

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

Notary Seal:

Date: \_\_\_\_\_

Owner/Grantor \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

State of Washington )  
 ) ss  
County of \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that

\_\_\_\_\_ is the person who  
appeared before me, and said person acknowledged that he/she signed  
this instrument and acknowledged it to be his/her free and voluntary act  
for the uses and purposes mentioned in the instrument.

Date: \_\_\_\_\_

NOTARY PUBLIC in and for the State of Washington

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

Notary Seal:

## Exhibit A: On-site Stormwater Management Summary Sheet

Attach to the Memorandum of Drainage Control

This information is taken from the Drainage Control Plan approved as part of a building, site work or master use plan.

### Project Information

Site Address	508 N 36th St
SDCI Project Number	
Project Type	Parcel-Based
Total Site Area	31,200 sf
Existing Hard Surface Area	31,200 sf
Total New plus Replaced Hard Surface Area	31,200 sf
Total New and/or Replaced Lawn and Landscaping	0 sf
Undisturbed and protected site area	0 sf

### Site Information

Approved Point of Stormwater Discharge	Public Storm Drain Main
Drainage Basin	Designated Receiving Water
Approved Point of Wastewater Discharge	Public Sanitary Sewer Main
Approved Point of Sub-Surface Discharge	Public Storm Drain Main
Flow Control (See Exhibit B if required)	
Flow Control is required	No
Flow Control Standard(s)	
Water Quality Treatment (See Exhibit C if required)	
Water Quality Treatment is required	No
Water Quality Treatment Standard(s)	
Structural Source Control is required (See Exhibit D if required)	

### On-site Stormwater Management

<u>Surface</u>	<u>Description</u>	<u>On-site BMP</u>	<u>Contrib. Area (sf)</u>	<u>Facility Size (sf)</u>	<u>Facility Configuration</u>
1	Roof: Surface 1	Non-Infiltrating Bioretention #1	6345 sf	76 sf	Vertical sides 6 inch
2	Roof: Surface 2	Non-Infiltrating Bioretention #2	5235 sf	63 sf	Vertical sides 6 inch
3	Roof: Surface 3	Non-Infiltrating Bioretention #3	2630 sf	32 sf	Vertical sides 6 inch
4	Roof: Surface 4	Non-Infiltrating Bioretention #4	2800 sf	34 sf	Vertical sides 6 inch
5	Roof: Surface 5	Non-Infiltrating Bioretention #5	3830 sf	46 sf	Vertical sides 6 inch
6	Roof: Surface 6	Non-Infiltrating Bioretention #6	1840 sf	22 sf	Vertical sides 6 inch
7	Surface: Surface 7	None Feasible	8520 sf	-	-