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KITSAp COUNTY CLERK

CONTRACT REGARDING COMMUNITY DRAINFIELD SYSTEM FOR
McCORMICK WOODS, DIVISION I

McCormick Woods Partners ("McCormick") and Kitsap County agree as follows:

WHEREAS, McCormick is developing a Planned Unit Development known as "McCormick Woods" in south Kitsap County, and

WHEREAS, "McCormick Woods" will be developed through preliminary and final plats in phases, and

WHEREAS, the conditions of approval imposed on the McCormick Woods Planned Unit Development by the Kitsap County Board of Commissioners require an on-site community drainfield system be used for sewage disposal in the project and a contract for maintenance and operation of the system by the Kitsap County Department of Public Works,

NOW THEREFORE, it is agreed:

1. One or more on-site community drainfield systems will be used to provide sewage disposal service for the McCormick Woods project. This contract covers the installation, operation and maintenance of that system and provides for the execution of appropriate easements and the payment of appropriate fees regarding that system. Nothing in this agreement shall be construed to prevent McCormick from applying for or Kitsap County from approving modifications to the Planned Unit Development of McCormick Woods to permit other methods of sewage disposal, including but not limited to a public sewer system.

2. Each community drainfield system for McCormick Woods shall consist of a low pressure septic tank effluent pump system ("STEP System") connected to a community drainfield.

3. McCormick or its successor shall design and install each community drainfield at its expense to standards, plans and specifications approved by the Bremerton-Kitsap County Health Department.

4. At the time of construction of each individual residence in McCormick Woods, the lot owner or lot owner's agent shall be required to install a septic tank, a low pressure effluent pump, a side sewer connection and related electrical facilities and equipment in accordance with plans and specifications approved by the Kitsap County Department of

REEL 401FR2346

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Public Works and the Bremerton-Kitsap County Health Department. Each lot owner shall be responsible for payment of any fees to the Kitsap County Department of Public Works and Bremerton-Kitsap County Public Health Department associated with review of plans or construction of such equipment.

5. McCormick or its successor shall install, pursuant to plans approved by the Kitsap County Department of Public Works and the Bremerton-Kitsap County Health Department, the mains, valves and other facilities necessary to connect the septic tanks, pumps and side sewers for individual residences to the community drainfields.

6. McCormick Land Company or McCormick Woods Partners shall grant an easement to Kitsap County for the areas containing community drainfields. This easement shall be in the form attached hereto as Exhibit A.

7. Following completion of the installation of the system of mains, valves and related facilities connecting the individual septic tanks, pumps and side sewers to the community drainfields, and approval of such construction by Kitsap County Department of Public Works and the Bremerton-Kitsap County Health Department, McCormick shall dedicate all sewerage facilities except individual septic tanks, pumps, side sewers and related electrical equipment to Kitsap County subject to the provisions of section 12.

8. McCormick shall require that, following installation of a septic tank, low pressure effluent pump and related facilities and their approval by the Bremerton-Kitsap County Health Department and by the Kitsap County Department of Public Works, the individual lot owners shall submit an as-built plan for such facilities to the Kitsap County Department of Public Works and grant an easement across their lot in the form of attached Exhibit B to the Kitsap County Department of Public Works authorizing Kitsap County to monitor and maintain the septic tank, pump and related facilities. Individual lot owners shall remain the owners of the tanks, pumps and related facilities and shall be liable for the cost of maintenance to the extent provided in section 10.

9. Following completion of one or more community drainfields and the dedication to Kitsap County of the system of community drainfield, mains, valves and related facilities, Kitsap County shall be responsible for the monitoring and maintenance of the community drainfields and the low pressure "STEP" system, except as specifically provided herein.

REEL 40172347

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10. The Kitsap County department of Public Works shall provide normal maintenance of the septic tanks, low pressure pump and related facilities on individual lots. Normal maintenance shall consist of periodic inspection of the septic tank solids level, pump, motor controls and related facilities. Normal maintenance shall include, when necessary, pumping of a septic tank once within any five year period and replacement of a pump, motor, or controls once in any ten year period. Individual lot owners shall be charged the same monthly fee for sewer services that is charged by the Kitsap County Department of Public Works in the Central Kitsap area, which fee shall include normal maintenance as defined above. Services provided by the Kitsap County Department of Public Works other than those described herein shall be at additional cost to the lot owner. Such additional costs shall be collected by Kitsap County pursuant to its standard practices and policies.

Miscellaneous Provisions

11. In the event that it is necessary to locate any of the community drainfields which are the subject of this agreement on property other than property contained within the McCormick Woods Planned Unit Development, Kitsap County shall pay McCormick Land Company a fee of one dollar (\$1.00) per month for each lot on which a septic tank and pump have been installed and connected to such an off-site drainfield pursuant to this agreement.

12. In the event that the McCormick Woods project is connected by a sewer system to a sewage treatment plant at some time in the future, the easements for community drainfields shall be deemed to have been terminated automatically and all rights to said easement areas shall revert to the grantor of the easement or such grantor's successor in interest. Kitsap County's obligations pursuant to section 11 shall automatically terminate at the same time. Such connection to a public sewer system shall in no way affect the validity or continued rights of the parties to easements for individual septic systems and low pressure effluent pumps as described in Section 8 above.

13. In the event, that in the sole discretion of the Kitsap County Department of Public Works or the Bremerton-Kitsap County Health Department, it is necessary that any community drainfield be expanded or replaced, an easement shall be granted to Kitsap County over such additional area as is necessary to install such additional or replacement drainfield. The form of such easement shall be as specified in Exhibit A. Following the completion of the expansion or replacement, McCormick or its successor shall dedicate such

facilities to Kitsap County, subject to the provisions of Section 12.

14. Dedication of community drainfield by McCormick to Kitsap County shall include a five year warranty covering labor, construction and materials. The five year warranty period shall commence when all houses totalling the design capacity for the drainfield are occupied. The dedication of all other sewer facilities shall include a two year warranty covering labor, construction and material, which shall commence on the date of dedication of such facilities.

15. Any amendments to this agreement shall be in writing and signed by McCormick or its successor and an authorized representative of the Kitsap Board of Commissioners.

Executed this 29th day of August, 1986.

MCCORMICK WOODS PARTNERS

MCCORMICK LAND CO., INC.,
General Partner

by Glenn S. Searles, Secy-Treas.

LOWE ENTERPRISES NORTHWEST, INC.,
General Partner

by Wm. H. Milne

Executed this 8th day of Sept., 1986.

KITSAP COUNTY BOARD OF
COMMISSIONERS

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