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12/24/2001 10:56A
Spokane Co WA

To be Recorded by:
Office of the Spokane County Auditor
1116 W. Broadway
Spokane, WA 99260-0100

After Recording Return to:
Office of the City Clerk
5th Floor Municipal Bldg.
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3333
OPR 2001-1003

NOTICE OF MANAGEMENT AGREEMENT

NOTICE IS HEREBY GIVEN that the property legally described as:

Railroad Addition, Lots 3, 4, 5, 6 of Block 4

Parcel Number 35192.0403(Fox Theater), is governed by a Management Agreement between the City of Spokane and the Owner, Spokane Symphony, of the subject property.

The Management Agreement is intended to constitute a covenant that runs with the land and is entered into pursuant to Spokane Municipal Code Chapter 6.05. The Management Agreement requires the Owner of the property to abide by the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (Revised 1983) and other standards promulgated by the Historic Landmarks Commission.

I certify that the above is true and correct.

Historic Preservation Officer

G. Bruyn / 1/29/01
Dated: 1/29/01

Said Management Agreement was approved by the Spokane City Council on December 10, 2001
I certify that the original Management Agreement is on file in the Office of the City Clerk under File No. OPR 2001-1003

Spokane City Clerk
[Signature]
Dated: 12/22/01

MANAGEMENT AGREEMENT

The Agreement is entered into this 12th day of December 2001, by and between the City of Spokane (hereinafter "City"), acting through its Historic Landmarks Commission ("Commission"), and the The Fox Theater, a Washington Not For Profit, located at 1001 West Sprague (hereinafter "Owners"), commonly known as the Fox Theater, in the City of Spokane.

WHEREAS, the City of Spokane adopted Ordinance C-26353 on November 23, 1981; and

WHEREAS, the County of Spokane adopted Ordinance 82-0038 on January 12, 1982; and

WHEREAS, both Ordinance C-26353, as amended, and Ordinance 82-0038 provide that the City/County Historic Landmarks Commission (hereinafter "Commission") is responsible for the stewardship of historic and architecturally significant properties in the City and County; and

WHEREAS, the City has authority to contract with property owners to assure that any owner who directly benefits by action taken pursuant to City ordinance will bind her/his benefited property to mutually agreeable management standards assuring the property will retain those characteristics which make it architecturally or historically significant;

NOW THEREFORE, -- the City and the Owner(s), for mutual consideration hereby agree to the following covenants and conditions:

1. CONSIDERATION. The City agrees to designate the Owner's property an Historic Landmark on the Spokane Register of Historic Places, with all the rights, duties, and privileges attendant thereto. In return, the Owner(s) agrees to abide by the below referenced Management Standards for his/her property.
2. COVENANT. This Agreement shall be filed as a public record. The parties hereto intend this Agreement to constitute a covenant that runs with the land, and that the land is bound by this Agreement. Owner intends his/her successors and assigns to be bound by this instrument. This covenant benefits and burdens the property of both parties hereto.
3. ALTERATION OR EXTINGUISHMENT. The covenant and servitude and all attendant rights and obligations created by this Agreement may be altered or extinguished by mutual agreement of the parties hereto or their successors or assigns. In the event Owner(s) fails to comply with the Management Standards or any City ordinances governing historic landmarks, the Commission may revoke, after notice and an opportunity for a hearing, this Agreement.
4. PROMISE OF OWNERS. Owner(s) agrees to and promises to fulfill the following Management Standards for his/her property which is the subject of the Agreement. Owner intends to bind his/her land and all successors and assigns. The Management Standards are: "THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (Revised 1983)." Compliance with the Management Standards shall be monitored by the Historic Landmarks Commission.

5. HISTORIC LANDMARKS COMMISSION. The Owner(s) must first obtain from the Commission a "Certificate of Appropriateness" for any action which would affect any of the following:

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; including storefronts on Monroe and Sprague, architectural ornamentation, and the exterior relief ornamentation.
- (E) any work that affects the following on the interior: the lobby and theater murals, the lobby staircase, the light fixtures in the lobby and theater, the fanlight over the proscenium, the proscenium arch, the front of the auditorium, and the architectural ornamentation. (NO EXHIBIT A IS ATTACHED)

6. In the case of an application for a "Certificate of Appropriateness" for the demolition of a landmark, the Owner(s) agrees to meet with the Commission to seek alternatives to demolition. These negotiations may last no longer than forty-five (45) days. If no alternative is found within that time, the Commission may take up to forty-five (45) additional days to attempt to develop alternatives, and/or to arrange for the salvage of architectural artifacts and structural recording. Additional and supplemental provisions are found in City ordinances governing historic landmarks.

John Hancock
John Hancock, Executive Director

Bill Simer
Bill Simer, President

STATE OF WASHINGTON:

County of Spokane :

On this day personally appeared before me John Hancock & Bill Simer to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 29th day of November, 2001.

James L. Roseleip

CITY OF SPOKANE


CITY ADMINISTRATOR

ATTEST:

City Clerk



Approved as to form:


Assistant City Attorney

Exhibit A

NO EXHIBIT A