

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

9204140450

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

VOL. 1282 PAGE 1209

NOTICE OF MANAGEMENT AGREEMENT

NOTICE IS HEREBY GIVEN that the property legally described as:

Smith Funeral Home: Lots 24, 25, 26, 27, 28, Block 4 Glovers Addition, S. ½ of vacant alley lying North of and adjacent to Lots 24 and 25 and also of vacant alley of line west of Lot 26. W. 1124 Riverside Avenue.

Parcel Number: 35183.2238

is governed by a Management Agreement between the City of Spokane and the Owner, North Coast Life Insurance Company, of the subject property. Said Management Agreement was approved by the Spokane City Council on 5/1/89.

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 Original Management Agreement is on file in the Office of the City Clerk under File No. OPR 89-365.

Spokane City Clerk

Marilyn J. Montgomery

Dated: 4-13-92

I certify that the above is true and correct.

Historic Preservation Officer

Katherine W. Barrett

Dated: 3-12-92

OPR 89-365

MANAGEMENT AGREEMENT

This Agreement is entered into this 26th day of April, 1989 by and between the City of Spokane (hereinafter "CITY"), and ROBERT OGDEN, President (hereinafter "OWNER(s)"), the Owner of property located at W. 1124 Riverside, commonly known as Simth Building, in the City/County 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 and Ordinance 82-0038 are identical and 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 City action 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 or District, or Conservation

Landmark or District on the Spokane Register of Historic Places, with all the rights, duties, and privileges attendant thereto. The Owner(s) agree to abide by the below detailed 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 only by mutual agreement of the parties hereto or their successors or assigns.

4. Promise of Commission. The City hereby promises to designate the Owner's property as an Historic Landmark or District or Conservation Landmark or District on the Spokane Register of Historic Places. This promise is dependent upon the Owner's promise to agree to and fulfill the Management Standards, to be monitored by the Commission, and is not enforceable in the absence thereof.

5. Promise of Owner. 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).

6. The Owner(s) must obtain from the Commission and "Certificate of Appropriateness" for any action which would affect any of the following:

- (A) Use of the landmark or property within a designated district; or
- (B) The exterior appearance of the landmark or property within a designated district; or
- (C) Demolition of the landmarks within a designated district; or
- (D) New construction attached to the landmark or within a designated district.

7. In the case of an application for a "Certificate of Appropriateness" for the demolition of a landmark or property within a district, 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. In no alternative is found within that time, the Commission may take up to forty-five (45) additional days to attempt to develop alternatives, arrange the salvage or architectural artifacts and structural recording.

DATED this 26th day of April, 1989.

North East Life Ins Co.
by C. Robert Ogden, Pres.

 OWNER

 OWNER

STATE OF WASHINGTON)
) ss.
 County of Spokane)

On this day personally appeared before me C. Robert Ogden
 To me known to be the individual/s/ described in and who executed
 the within and foregoing instrument, and acknowledged that
he signed the same as 2 free and voluntary
 act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 26th day of April, 1989.



Clifford D. Kutsch
Notary Public in and for
the State of Washington,
residing in Spokane

CITY OF SPOKANE

Frank L. Wash
City Manager

ATTEST: Marilyn J. Montgomery
City Clerk

APPROVED AS TO FORM:

B Burns
Assistant City Attorney