

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  
5<sup>th</sup> Floor Municipal Bldg.  
808 W. Spokane Falls Blvd.  
Spokane, WA 99201-3333

**NOTICE OF MANAGEMENT AGREEMENT**

NOTICE IS HEREBY GIVEN that the property legally described as:

LOT 7, AND THE WEST 10 FEET OF LOT 8, BLOCK 4, BROWNE'S ADDITION TO SPOKANE, AS PER  
PLAT RECORDED IN VOLUME "A" OF PLATS, PAGE 15

Parcel Number: 25241.0305 (Powell House), is governed by a Management  
Agreement between the City of Spokane and the Owner, Kempis LLC., 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

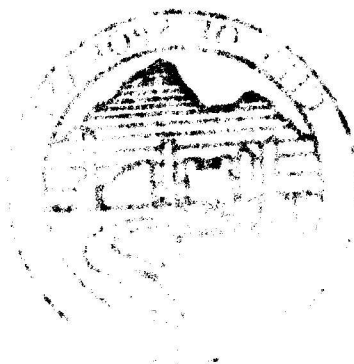
[Signature]  
Dated: 10/23/03

Said Management Agreement was approved by the Spokane City Council on November 10, 2003  
I certify that the original Management Agreement is on file in the Office of the City Clerk under File  
No. OPR 2003-976



Spokane City Clerk  
[Signature]  
Dated: November 12, 2003

**RECEIVED**  
**FEB 03 2004**  
CITY CLERK'S OFFICE  
SPOKANE, WA



## FINDINGS OF FACT AND DECISION FOR CITY COUNCIL REVIEW

### **1728 West 1<sup>st</sup>, the Edward Louis and Dora Powell House**

#### SUMMARY

The Spokane City/County Landmarks Commission recommends the **Edward Louis and Dora Powell House** at **1728 West 1<sup>st</sup> Avenue** in the Browne's Addition Neighborhood for listing in the Spokane Register of Historic Places because it is found to meet the criteria for listing (as established by city ordinance) as approved by the Landmarks Commission on September 17, 2003. The property is owned by Shannon Flores and Louis Flores III.

#### FINDINGS OF FACT

Spokane Municipal Code 06.05.110 (Historic Landmark and Historic District--Designation).

#### AGE

1. "Generally a building, structure, object, site, or district which is more than fifty years old may be designated an historic landmark or historic district if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation."

Built in 1899, the **Powell House** meets the 50-year age criteria established for listing in the Spokane Register.

#### INTEGRITY

2. "The property must also possess integrity of location, design, materials, workmanship, and association."

Integrity is "the ability of a property to convey its significance...to retain historic integrity a property will always possess several, and usually most, of the aspects."

The exterior of the Powell House retains its original location, workmanship, materials and design. However, its association as a single-family dwelling was changed in 1954 when the interior of the second floor was altered to accommodate apartments.

#### SIGNIFICANCE

3. The property must...fall into one or more of the following categories (A,B,C,D,E,F):

The **Powell House** is eligible under Category A in the context of the development of the Browne's Addition Neighborhood, for a period of development in Browne's Addition between 1898 and 1905, when families who made fortunes in real estate, mining, and lumbering activities commissioned stately homes from the city's leading architects as a symbol of their success. The **Powell House** is also eligible under Category B for its association with the first owner, E.L. Powell. Powell established a successful grocery business in Spokane and had a successful political career. He was elected to the state legislature and served in the House during 1891-92. Next, he was elected Spokane's mayor, serving in 1893-94. The **Powell House** is also architecturally significant under Category C as the work of master architect Loren L. Rand and as a good example of the Queen Anne style.

#### FINAL DESIGNATION DECISION

The Spokane Landmarks Commission approved a motion to recommend the **Powell House** for listing in the Spokane Register of Historic Places, based on the Findings of Fact, as set forth in this document.

Significant Features: all exterior portions of the building.

#### PROTECTION MEASURES

##### Controls

No significant feature (as noted above) may be altered, whether or not a building permit is required, without first obtaining a Certificate of Appropriateness from the Landmarks Commission pursuant to the provisions of C26353. The following exclusion is allowed:

In-kind maintenance and repair.

##### Incentives

The following incentives are available to the property owners:

1. Eligibility for historic site maker (to be paid for by the property owner).
2. Eligibility for technical assistance from the Spokane Historic Landmarks Commission.
3. Eligibility for application to the Special Valuation tax incentive program.
4. Eligibility for application to the Open Space Special Assessment tax incentive program.
5. Eligibility for application for Historic Building Code Relief.

September 17, 2003: Approved by Spokane Historic Landmarks Commission

**MANAGEMENT AGREEMENT**

The Agreement is entered into this <sup>City of Spokane</sup> ~~28<sup>th</sup>~~ <sup>November<sup>th</sup></sup> day of ~~October~~, 2003, by and between the City of Spokane (hereinafter "City"), acting through its Historic Landmarks Commission ("Commission"), and **Shannon Rhoades & Louie Flores, III**, (hereinafter "Owner(s)"), the owner of the property located at, commonly known as the **Edward Louis Powell House**, 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.

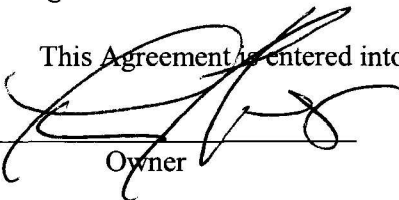


5. HISTORIC LANDMARKS COMMISSION. The Owner(s) must first obtain from the Commission a "Certificate of Appropriateness" for any action which would affect any of the following:

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; or
- (E) any work affecting items described in Exhibit A.

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.

This Agreement is entered into the year and date first above written.

  
\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

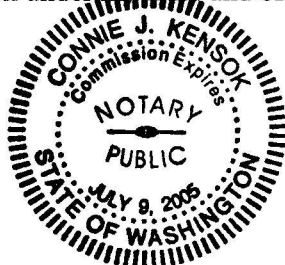
STATE OF WASHINGTON:

County of Spokane

*See attached  
for other signature*

On this day personally appeared before me Louie Flores 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 his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 28th day of October, 2003.



  
\_\_\_\_\_

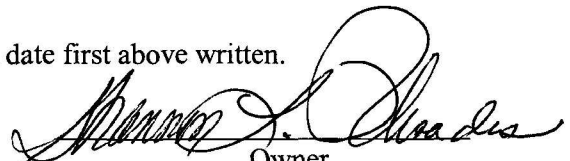
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This Agreement is entered into the year and date first above written.

\_\_\_\_\_  
Owner

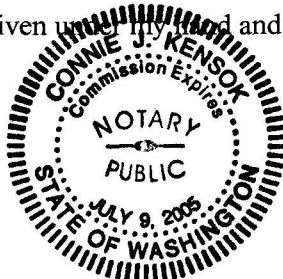
  
Owner


STATE OF WASHINGTON:

County of Spokane

On this day personally appeared before me Shannon Rhodes to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 28th day of October, 2003.




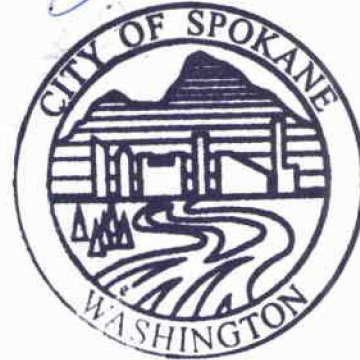


CITY OF SPOKANE

  
CITY ADMINISTRATOR

ATTEST:

  
City Clerk



Approved as to form:

  
Assistant City Attorney

Exhibit A

No Exhibit A.