

MAINTENANCE AGREEMENT - TRAILS/PARKING AREA

This Maintenance Agreement ("Agreement") is entered into between SunCrest Homes I Limited Partnership, a Washington limited partnership ("Owner"), and the City of Kirkland ("City") in consideration of approval by the City of a land use permit under City of Kirkland File No. III-87-105 for the real property located in Kirkland, King County, Washington, and legally described on the attached and incorporated Exhibit A ("Property"); and pursuant to Section 110.60.4, Kirkland Ordinance 2740.

Owner agrees to maintain to City standards the public pedestrian trail system and parking areas depicted on the attached and incorporated Exhibit B. Upon completion of construction, Exhibit B shall be superseded by a new exhibit containing a metes and bounds legal description of the easement area and the revised agreement re-recorded.

Grantee agrees to indemnify, defend, and save harmless the City, its officers, agents and employees from any and all claims of every nature, real or alleged, which may be made against the City, its officers, agents or employees for any damage to property or injury to any person arising out of the maintenance obligations imposed by this Agreement; PROVIDED HOWEVER, this paragraph does not purport to indemnify the City against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City or the City's agents or its servants, agents, employees and contractors and of the City, its servants, agents, employees and contractors, this indemnity is valid and enforceable only to the extent of the negligence of Owner and its servants, agents, employees and contractors, as provided for in RCW 4.24.115(2).

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