



After recording, return to:
CITY OF BLACK DIAMOND
P.O. Box 599
Black Diamond, WA 98010

COVENANT NOT TO SUE
Subsurface Mining Hazard Area

Owner(s): _____,
("Covenantors"), being the owners of real property located within the City of Black Diamond in King County, Washington, commonly known as _____ and legally described as:

_____ have applied to the City of Black Diamond for a permit to construct a building and/or reconstruct, make addition to, or alter an existing structure on the above-described property, which is in an area where subsurface mining has occurred in the past.

Covenantors acknowledge that although the City of Black Diamond has accumulated certain factual information concerning the prior subsurface mining activities in the Black Diamond area, and although the Covenantors and/or their architect, engineer, or agent may have examined such data for the purpose of determining the suitability of the above-described property for residential, commercial or industrial construction, Covenantors understand and agree such data may not accurately reflect or represent all prior subsurface mining activities in any particular area and that the City does not vouch for the accuracy, completeness or reliability of this data, and Covenantors expressly understand such data is not intended to be and should not be relied upon in determining if the above-described property is a suitable site for any construction. Covenantors expressly agree they are solely responsible for independently determining whether the above-described property is suitable for residential, commercial or industrial construction notwithstanding prior subsurface mining in the area.

Now, therefore, in consideration of the City's issuance of Permit# _____, receipt of which is hereby acknowledged, Covenantors do hereby covenant with the City of Black Diamond, including its present or future elected or appointed officials, employees or agents, that Covenantors shall never at any future time sue the City of Black Diamond or said designated persons for or on account of any claim for injuries, property damages, loss of services or support, expenses, costs, general damages or make a claim in any manner whatsoever arising out of any occurrence, accident or incident that may hereafter occur on or about the above-described property, or premises built thereon, where the claim is related to, caused by, connected with, enabled, or aggravated by prior subsurface mining in the area, including but not limited to: subsidence of the ground or loss of lateral support; exposure of shafts, tunnels, or holes; and escaping waters or gases.

The covenants hereby granted to the City of Black Diamond shall run with the land and be binding on Covenantors, their heirs, devisees, successors and assigns and all owners, now or hereafter, of the land described above.

Covenantors further covenant that after execution of this document, it shall be recorded by the City with the King County Auditor at Covenantors' expense.

Signed: _____

Print name *Date*

State of Washington)
:
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared before me, _____ to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that he (they) signed the same as his (their) free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand an official seal this day _____, of _____.

Notary Public in and for the State of Washington,
Residing at _____.
My commission expires: _____