Molly McGuire

From: Jennifer Riley <jensriley@yahoo.com>
Sent: Tuesday, September 10, 2024 1:17 PM
To: Molly McGuire
Cc: Thomas Hoole
Subject: Bauman Residence 5928 77th Ave SE Reasonable Use Exception and Site Plans CAO24-029
Attachments: SUB01-005 Lot Line Revision.pdf; 2001 view covenant.pdf

Molly and City Planning Office,

As the owners of the adjacent property, we would like to remain close to future actions and decisions regarding the Bauman residence build to ensure that any site plans factor in the building pad restriction and view covenant established between our properties, attached for your reference.

We have not released the current owners from any obligations set forth in these agreements and while we did have discussions about changing those obligations, we were not able to reach agreement. While we understand and support the owner's reasonable use of property, we do object to any encroachments or variance allowances into the north building pad setback and protected view area.

Would you please add our names to the mailing list for any written material, public notices comments, etc. regarding the subject property.

Best,

Jennifer Riley and Thomas Hoole
7900 Northbrook LN
Mercer Island, WA 98040
Jensriley@yahoo.com m: 617-710-0181
Thomas_hoole@yahoo.com m:206-661-3332

2001110890001 V 148 P 243

CITY OF MERCER ISLAND LOT LINE REVISION# SUB01-005

DECLARATION

KNOWN ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED, OWNERS IN INTEREST OF THE LAND HEREIN DESCRIBED DO HEREBY MAKE A REVISION THEREOF AND DECLARE THIS DRAWING TO BE THE GRAPHIC REPRESENTATION OF THE SAME, AND THAT SAID REVISION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNERS.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND SEALS.

SIGNATURES ON THIS DOCUMENT ARE TO FACILITATE & APPROVE THE PROPERTY SALE & DO NOT APPROVE ANY OTHER CONDITIONS ON THE 7400 NORTHBROOK LANE PROPERTY.

ANDREW S. ELLIOTT — 10/6/01 DATE

GARY L. SHAVEY — 10-25-01 DATE

SHERRILL D. ELLIOTT — 10/6/01 DATE

JUNE F. SHAVEY — 10-25-01 DATE

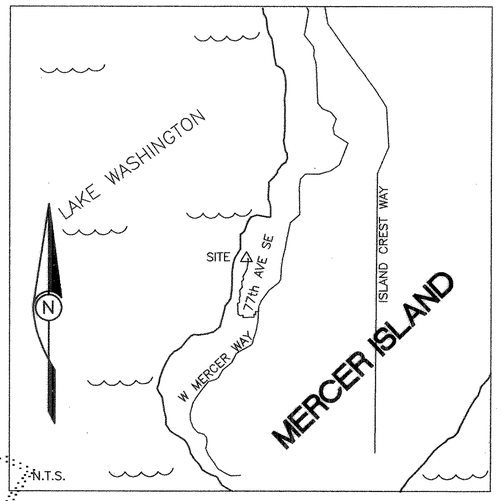
APPROVALS

CITY OF MERCER ISLAND

DATE Oct. 29, 2001

PLANNER

CITY ENGINEER



VICINITY MAP

ACKNOWLEDGMENT

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

Notary Public
State of Washington
ERIC EMMONS
My Appointment Expires Jan 18, 2005

ON THIS DAY PERSONALLY APPEARED BEFORE ME

ANDREW S. & SHERRILL D. ELLIOTT

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 6th DAY OF October, 2001

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

ON THIS DAY PERSONALLY APPEARED BEFORE ME

GARY L. & JUNE F. SHAVEY

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 25th DAY OF Oct, 2001

JANE MANOLI
Commission Expires
NOTARY
PUBLIC
NOVEMBER 19, 2005
STATE OF WASHINGTON

KING COUNTY

DEPARTMENT OF ASSESSMENTS
EXAMINED AND APPROVED THIS 6TH DAY OF NOVEMBER, 2001

SCOTT NOBLE
KING COUNTY ASSESSOR

DEPUTY KING COUNTY ASSESSOR

242404-9037 / 615600-0040

CONDITION OF APPROVAL NOTES

1. ALL BUILDING CONSTRUCTION SHALL BE LIMITED TO THE BUILDING PAD DEPICTED ON EACH LOT.

2. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, EACH APPLICATION SHALL BE ACCOMPANIED WITH A TEMPORARY EROSION AND SEDIMENTATION CONTROL PLAN, CLEARING AND GRADING PLAN, ACCESS AND UTILITY SERVICE PLAN, A LANDSCAPE PLAN (WHICH SHALL IDENTIFY EXISTING VEGETATION TO BE RETAINED, LIMITS OF ALL CLEARING AND GRADING AS WELL AS A TREE RETENTION PLAN), AND A SCHEDULE FOR THE CONSTRUCTION. THE APPLICANT'S CIVIL ENGINEER, EXPERIENCED IN SOILS GEOLOGY AND MECHANICS, SHALL REVIEW THE PROPOSED SITE AND BUILDING CONSTRUCTION AND PROVIDE RECOMMENDATIONS THAT WILL LIMIT SITE DISTURBANCE, MINIMIZE RISK OF SOILS MOVEMENT, EVALUATE SITE SLOPE STABILITY AND DEFINE MATERIALS AND CONSTRUCTION PRACTICES FOR THE WORK. THE BUILDING OFFICIAL MAY REQUIRE THAT THE ENGINEER BE PRESENT DURING CONSTRUCTION, MONITOR THE WORK, AND RECOMMEND SPECIAL TECHNIQUES OR MITIGATING MEASURES. THE COSTS ASSOCIATED WITH THE ENGINEER'S MONITORING AND MITIGATION MEASURES SHALL BE BORNE BY THE APPLICANT.

3. NO PERMANENT LANDSCAPING, STRUCTURES, OR FENCES SHALL BE PLACED ON OR WITHIN PUBLIC RIGHT-OF-WAYS OR UTILITY AND STORM DRAINAGE EASEMENTS WITHOUT THE WRITTEN APPROVAL OF THE CITY ENGINEER. IF, IN THE OPINION OF THE CITY ENGINEER, UTILITIES OR STORM DRAINAGE FACILITIES REQUIRE MAINTENANCE, REPAIR OR REPLACEMENT, THE CITY OR ITS AGENT SHALL HAVE THE RIGHT TO ENTER THOSE LOTS ADJOINING THE FACILITY FOR THE PURPOSE OF MAINTAINING, REPAIRING, RELOCATION OR REPLACING SAID FACILITIES. LOT OWNERS SHALL BE RESPONSIBLE FOR THE RESTORATION OF ANY PRIVATE IMPROVEMENTS OR LANDSCAPING WITHIN SAID EASEMENTS.

4. INSTALLATION OF LANDSCAPING AND/OR STRUCTURES INCLUDING TREES, SHRUBS, ROCKS, BERMS, WALLS, GATES, AND OTHER IMPROVEMENTS ARE NOT ALLOWED WITHIN THE PUBLIC RIGHT-OF-WAY WITHOUT AN APPROVED ENCROACHMENT AGREEMENT FROM THE CITY PRIOR TO THE WORK OCCURRING.

RECORDING CERTIFICATE

Filed for record this 8th day of Nov., 2001 at 9:43 A.M. in book 148 of Surveys at page 243 at the request of STEVE ELLIOTT

Recording Fee No. 2001110890001

Division of Records and Elections

Walt Washington

Supt. of Records Manager

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements, of the Survey Recording Act at the request of STEVE ELLIOTT in FEB, 2001.

BLAIR E. PRIGGE CERTIFICATION NO. 29278

BLAIR E. PRIGGE — STATE OF WASHINGTON — 29278 — REGISTERED PROFESSIONAL LAND SURVEYOR — EXPIRES 06/09/03

HUITT-ZOLLARS

Land Planning Civil Engineering Landscape Architecture
Surveying Environmental Services

302 South 9th Street, Suite 101 Tacoma, Wa 98402
Phone (253)627-9131 Fax (253)627-4730
www.huitt-zollars.com

drafted TJN	checked BEP
date July 19, 2001	job no. 15-0396-01
scale 1"=30'	dwg x396sv1.dwg

Index Data – SE NE 1/4, SEC. 24, T24N, R4E, W.M.

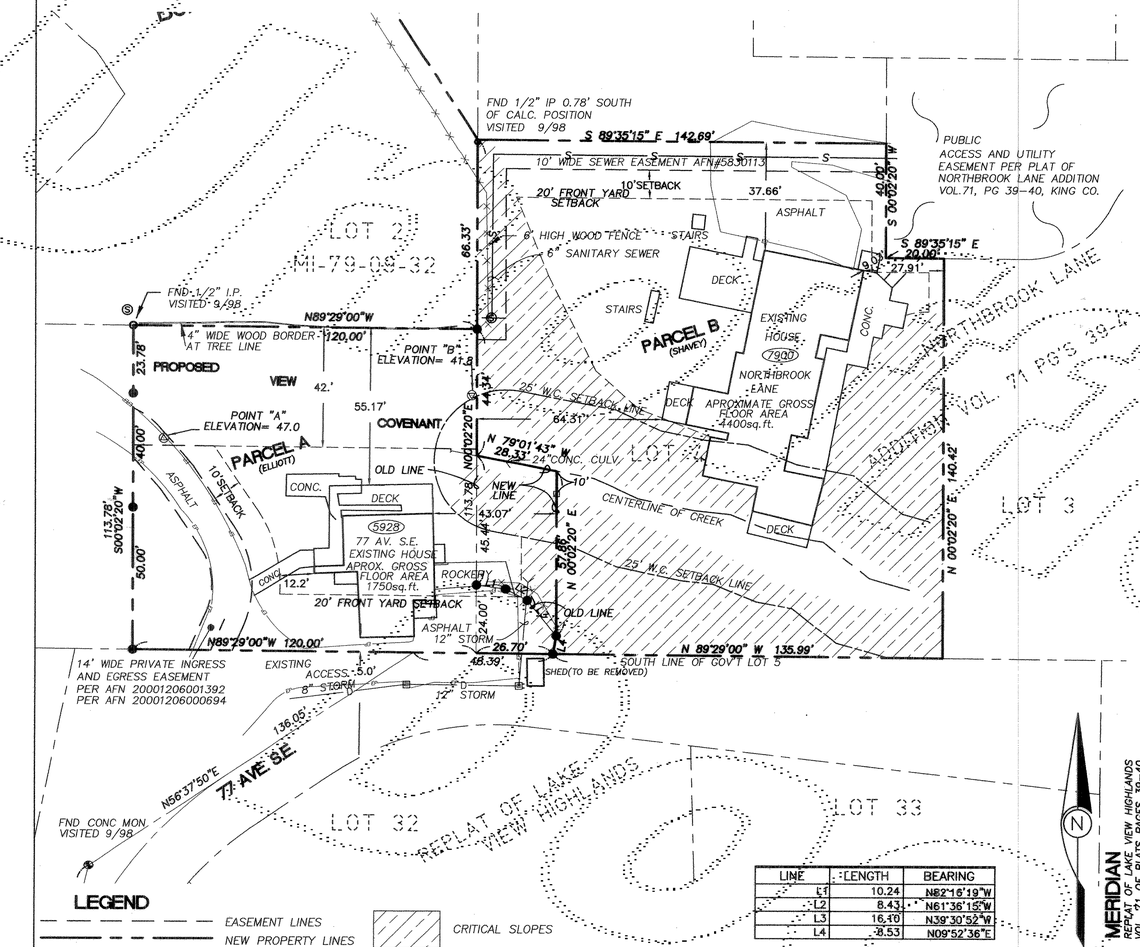
LOT LINE REVISION FOR STEVE ELLIOTT

MERCER ISLAND, KING COUNTY, WASHINGTON.

SHT 1 OF 2

2001110890001 V 148 P 243A

CITY OF MERCER ISLAND LOT LINE REVISION# SUB01-005



LINE	LENGTH	BEARING
L1	10.24	N82°16'19"W
L2	8.43	N61°36'15"W
L3	16.10	N39°30'52"W
L4	8.53	N09°52'36"E

LEGEND

- EASEMENT LINES
- NEW PROPERTY LINES
- BUILDING PAD AREA
- 25' WATER COURSE SETBACK LINE
- CRITICAL SLOPES
- SET 5/8" REBAR & CAP L.S. NO. 29278
- FOUND 5/8" REBAR & CAP L.S. NO. 29278 PER AFN 980915-9005
- PK NAIL
- FOUND 1/2" IRON PIPE
- FOUND CONCRETE MONUMENT
- FOUND AS NOTED
- ROCK WALL
- HUB AND TACK
- IRON PIPE
- PK NAIL
- STORM DRAIN CATCH BASIN
- SANITARY SEWER MANHOLE
- CONIFER TREE
- DECIDUOUS TREE
- FIRE HYDRANT

REFERENCES

THE REPLAT OF LAKE VIEW HIGHLANDS
THE PLAT OF NORTHBROOK LANE ADD.
BOUNDARY LINE ADJUSTMENT NO. MI-88-06-21(G3)
RECORD OF SURVEY REC. NO. 9207019004
KING COUNTY, WASHINGTON
MERCER ISLAND SHORT PLAT NO. MI-79-09-32
AUDITOR'S FILE NO. 8004020619
RECORD OF SURVEY REC. NO. 980915-9005

DATE SURVEYED:

SEPTEMBER, 1998.
NOVEMBER, 2000.

INSTRUMENT USED

GEODIMETER G-600 ROBOTIC TOTAL STATION
SURVEY MEETS OR EXCEEDS THE REQUIREMENTS OF WAC 332-130-090

SITE INFORMATION

EXISTING PARCEL A (ELLIOTT)

GROSS LOT AREA: 14170 sq.ft.
MAIN STRUCTURE ROOF AREA: 1200 sq.ft.
IMPERVIOUS DECK AREA: 492 sq.ft.
DRIVEWAY, WALKWAY, PATIO AREA: 1660 sq.ft.
TOTAL IMPERVIOUS AREA: 3352 sq.ft.
EXISTING SITE COVERAGE: 23.7%
AVERAGE SLOPE: 21.7%

NEW PARCEL A (ELLIOTT)

GROSS LOT AREA: 15510 sq.ft.
NET LOT AREA: 14253 sq.ft.
LOT CLOSURE= 1:119741.7'
MAIN STRUCTURE ROOF AREA: 1200 sq.ft.
IMPERVIOUS DECK AREA: 492 sq.ft.
DRIVEWAY, WALKWAY, PATIO AREA: 1660 sq.ft.
TOTAL IMPERVIOUS AREA: 3352 sq.ft.
PROPOSED SITE COVERAGE: 21.6%
AVERAGE SLOPE: 22.4%

EXISTING PARCEL B (SHAVEY)

GROSS LOT AREA: 28609 sq.ft.
MAIN STRUCTURE ROOF AREA: 2953 sq.ft.
IMPERVIOUS DECK AREA: 796 sq.ft.
DRIVEWAY, WALKWAY, PATIO AREA: 2788 sq.ft.
TOTAL IMPERVIOUS AREA: 6537 sq.ft.
EXISTING SITE COVERAGE: 23.3%
AVERAGE SLOPE: 27.3%

NEW PARCEL B (SHAVEY)

GROSS LOT AREA: 26669 sq.ft.
NET LOT AREA: 24642 sq.ft.
LOT CLOSURE= 1:602194.1'
MAIN STRUCTURE ROOF AREA: 2953 sq.ft.
IMPERVIOUS DECK AREA: 796 sq.ft.
DRIVEWAY, WALKWAY, PATIO AREA: 2788 sq.ft.
TOTAL IMPERVIOUS AREA: 6537 sq.ft.
EXISTING SITE COVERAGE: 24.5%
AVERAGE SLOPE: 27.3%

DESCRIPTIONS

EXISTING PARCEL A (ELLIOTT) APN 242404-9037-08

THAT PORTION OF GOVERNMENT LOT 5, SECTION 24, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING ON THE SOUTHERLY LINE OF SAID GOVERNMENT LOT 5, AT A POINT NORTH 89° 29' 00" WEST 593.24 FEET FROM THE NORTHEAST CORNER OF GOVERNMENT LOT 4 IN SAID SECTION 24; THENCE SOUTH 89° 29' 00" EAST 120.00 FEET ALONG THE SOUTHERLY LINE OF SAID GOVERNMENT LOT 5; THENCE NORTH 00° 02' 20" EAST 113.78 FEET; THENCE NORTH 89° 29' 00" WEST 120.00 FEET TO A POINT WHICH BEARS NORTH 00° 02' 20" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 00° 02' 20" WEST TO THE POINT OF BEGINNING. TOGETHER WITH THAT PORTION OF LOT 4, NORTHBROOK LANE ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 71 OF PLATS, PAGES 39 AND 40, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE SOUTH 89° 29' 00" EAST ALONG THE SOUTH LINE THEREOF 26.70 FEET; THENCE NORTH 09° 52' 36" EAST 6.53 FEET; THENCE NORTH 39° 30' 52" WEST 16.10 FEET; THENCE NORTH 61° 36' 15" WEST 8.43 FEET; THENCE NORTH 82° 16' 19" WEST 10.24 FEET TO THE WEST LINE OF SAID LOT; THENCE SOUTH 00° 02' 20" WEST ALONG SAID WEST LINE 24 FEET TO THE POINT OF BEGINNING.

NEW PARCEL A (ELLIOTT)

THAT PORTION OF GOVERNMENT LOT 5, SECTION 24, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING ON THE SOUTHERLY LINE OF SAID GOVERNMENT LOT 5, AT A POINT NORTH 89° 29' 00" WEST 593.24 FEET FROM THE NORTHEAST CORNER OF GOVERNMENT LOT 4 IN SAID SECTION 24; THENCE SOUTH 89° 29' 00" EAST 120.00 FEET ALONG THE SOUTHERLY LINE OF SAID GOVERNMENT LOT 5; THENCE NORTH 00° 02' 20" EAST 113.78 FEET; THENCE NORTH 89° 29' 00" WEST 120.00 FEET TO A POINT WHICH BEARS NORTH 00° 02' 20" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 00° 02' 20" WEST TO THE POINT OF BEGINNING. TOGETHER WITH THAT PORTION OF LOT 4, NORTHBROOK LANE ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 71 OF PLATS, PAGES 39 AND 40, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE SOUTH 89° 29' 00" EAST ALONG THE SOUTH LINE THEREOF 26.70 FEET; THENCE NORTH 09° 52' 36" EAST 6.53 FEET; THENCE NORTH 00° 02' 20" EAST 57.86 FEET TO THE CENTERLINE OF A CREEK; THENCE ALONG SAID CREEK NORTH 79° 01' 43" WEST 28.33 FEET TO THE WEST LINE OF SAID LOT; THENCE SOUTH 00° 02' 20" WEST ALONG SAID WEST LINE 69.44 FEET TO THE POINT OF BEGINNING.

EXISTING PARCEL B (SHAVEY) APN 615-600004-01

LOT 4, NORTHBROOK LANE ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 71 OF PLATS, PAGES 39 AND 40, IN KING COUNTY, WASHINGTON, EXCLUDING THEREFROM A PORTION DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE SOUTH 89° 29' 00" EAST ALONG THE SOUTH LINE THEREOF 26.70 FEET; THENCE NORTH 09° 52' 36" EAST 6.53 FEET; THENCE NORTH 39° 30' 52" WEST 16.10 FEET; THENCE NORTH 61° 36' 15" WEST 8.43 FEET; THENCE NORTH 82° 16' 19" WEST 10.24 FEET TO THE WEST LINE OF SAID LOT; THENCE SOUTH 00° 02' 20" WEST ALONG SAID WEST LINE 24 FEET TO THE POINT OF BEGINNING.

NEW PARCEL B (SHAVEY)

LOT 4, NORTHBROOK LANE ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 71 OF PLATS, PAGES 39 AND 40, IN KING COUNTY, WASHINGTON, EXCLUDING THEREFROM A PORTION DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE SOUTH 89° 29' 00" EAST ALONG THE SOUTH LINE THEREOF 26.70 FEET; THENCE NORTH 09° 52' 36" EAST 6.53 FEET; THENCE, NORTH 00° 02' 20" EAST 57.86 FEET TO THE CENTERLINE OF A CREEK; THENCE ALONG SAID CREEK NORTH 79° 01' 43" WEST 28.33 FEET TO THE WEST LINE OF SAID LOT; THENCE SOUTH 00° 02' 20" WEST ALONG SAID WEST LINE 69.44 FEET TO THE POINT OF BEGINNING.

VIEW COVENANT DATA

A VIEW EASEMENT SHALL BE MAINTAINED PER AGREEMENT ABOVE A PLANE LEVEL IN NORTH-SOUTH DIRECTION INCLINED THROUGH VERTICAL HEIGHT ABOVE POINTS "A" AND "B" AS DESCRIBED:

POINT "A" SET SURVEY SPIKE IN DRIVEWAY 39.5' SOUTH AND 10.7' EAST OF THE NORTHWEST CORNER OF ELLIOTT WITH ELEVATION=47.0. INCLINED PLANE SHALL PASS THROUGH A NORTH-SOUTH LEVEL LINE 10 FEET ABOVE THIS POINT.

POINT "B" SET SURVEY REBAR AND CONTROL CAP 23.1' SOUTH AND 1.8' WEST OF THE NORTHEAST CORNER OF ELLIOTT WITH ELEVATION=41.8. INCLINED PLANE SHALL PASS THROUGH A NORTH-SOUTH LEVEL LINE 19 FEET ABOVE THIS POINT.

RECORDED UNDER INSTRUMENT NO._____

STATE OF WASHINGTON — BARRY A. POGG — 29278 — REGISTERED PROFESSIONAL LAND SURVEYOR — EXPIRES: 06/09/03 — 9/06/01

HUITT-ZOLLARS
Land Planning Civil Engineering Landscape Architecture
Surveying Environmental Services
302 South 9th Street, Suite 101 Tacoma, Wa 98402
Phone (253)627-9131 Fax (253)627-4730
www.huitt-zollars.com

drafted TJN	checked BAP
date Sept 6, 2001	job no. 15-0396-01
scale 1"=30'	dwg x396sv1.dwg

Index Data – ~~NE~~ SE 1/4, SEC. 24, T24N, R4E, W.M.

LOT LINE REVISION FOR STEVE ELLIOTT

MERCER ISLAND, KING COUNTY, WASHINGTON.

SHT 2 OF 2

Fax cover sheet

11 pages including cover

5/17/01

To: Kathy Harbert
City of Mercer Island
206 236 3599

From: Steve Elliott
206 236 0300 ph

Enclosed is the View Covenant information you have requested for our Lot Line Revision Application.

The Geo/Tech report will be coming out shortly. It will be based on existing knowledge and conditions but will subject to changes based on samplings which will occur the first week of June.

Our goal is to have as much in place as soon as possible so that this application can move ahead for approval at the earliest possible opportunity.

Please let me know if you have any questions or concerns.

Thanks,

Steve Elliott

VIEW COVENANT

DECLARATION OF COVENANT

FOR AND IN CONSIDERATION OF TEN AND NO/100 DOLLARS ($10.00) in hand paid, the benefits derived and to be derived by Grantors herein, and other good and valuable consideration, receipt of which is hereby acknowledged, and subject to the terms and conditions set forth herein, ANDREW S. ELLIOTT and SHERRILL D. ELLIOTT, husband and wife, the owners of the real property commonly known as at 5928 77th Avenue Southeast, Mercer Island, King County, Washington 98040, and more fully described in Exhibit A attached hereto ("5928 77th Avenue SE"), as Grantors, hereby declare, grant, convey, covenant and warrant for the benefit of GARY L. SHAVEY and JUNE F. SHAVEY, husband and wife, the owners of the real property commonly known as 7900 Northbrook Lane, Mercer Island, King County, Washington 98040, and more fully described in Exhibit B attached hereto ("7900 Northbrook Lane") as Grantees, a real covenant over and across so much of 5928 77th Avenue SE as is more fully described in Exhibit C attached hereto (as so described, the "View Corridor") for the purpose of limiting the tree and vegetation height below the Limits as specified herein (the "Covenant"). The Covenant is a perpetual, nonexclusive real covenant touching and concerning the View Corridor. 7900 Northbrook Lane is the benefited property and 5928 77th Avenue SE is the burdened property.

1. Limits. The trees and vegetation in the View Corridor shall be maintained below the height limits described in Exhibit C (the "Limits").

2. Maintenance of Limits; Payment. Grantors will arrange, at Grantees' expense, for the periodic trimming and pruning of the trees and vegetation

FROM : Urban Gardens FAX NO. : 206 236 2823 May. 18 2001 10:03AM P2

in the View Corridor (the "Maintenance") so as to maintain such trees and vegetation ~~below~~ within the Limits. Such maintenance will be performed according to reasonable standard horticultural practices during the period between November 1 and March 15 of the following year (the "Dormant Season"). Grantees shall pay to Grantors, upon receipt of an invoice from Grantors, all costs incurred by Grantors in connection with such Maintenance ~~below such Limits~~. If Grantors fail to ensure that the trees and vegetation in the View Corridor are maintained within the Limits, Grantees may give Grantors written notice of such failure and requesting them to comply with the requirements of this Covenant within sixty (60) days from the date of such notice. If Grantors fail to comply with such notice, Grantees may give Grantors further written notice requiring such compliance, and if within ~~sixty (60)~~thirty (30) days of such second notice Grantors have still not taken the required action, Grantees may enter upon the View Corridor and, at ~~Grantor's~~ Grantee's expense, perform the requisite maintenance work themselves, such work to be performed only within the Dormant Season according to reasonable standard horticultural practices intended to preserve the health and natural shape of the trees or vegetation to the extent reasonably possible. ~~Grantee shall use reasonable efforts to give any notice regarding maintenance of vegetation so that such maintenance may be performed during the vegetation's dormant season.~~

3. Construction. Grantors reserve the right to construct a building on 5928 77th Avenue SE that may obstruct, limit, or impede Grantees' view across the View Corridor, provided that such construction shall be in compliance with all applicable laws and regulations, including without limitation the provisions of the Mercer Island Municipal Code.

4. Indemnification. Grantees hereby release and agree to indemnify, defend and hold harmless Grantors, their heirs, successors, assigns, personal representatives and agents, from any claims for loss or liability due to injury or death or damage to property (except pruning damage to Grantor's trees and vegetation resulting from Maintenance) resulting from any entry by Grantees or their agents or contractors onto 5928 77th Avenue SE, including the View Corridor, for the purposes authorized hereby, except to the extent that such injury, death or damage is caused by the gross negligence or intentional acts of Grantors, their heirs, successors, assigns, agents, licensees or invitees.

5. Notices. Any notices and other communication to be given hereunder shall be given in writing and shall be personally delivered or sent by prepaid registered or certified mail (return receipt requested) to the respective parties' addresses as follows:

If to Grantors – to 5928 77th Avenue SE,
Mercer Island, WA 98040; and

If to Grantees – to 7900 Northbrook Lane,
Mercer Island, WA 98040

6. Runs With the Land. This Covenant shall run with the land, and shall be binding upon Grantors' and Grantees' respective successors, assigns, beneficiaries, personal representatives, heirs, devisees and legatees.

Dated: APRIL 16 ~~2000.~~ 2001

GRANTORS:

Andrew S. Elliott

Sherrill D. Elliott

GRANTEES:

Gary L. Shavey

June F. Shavey

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that ANDREW S. ELLIOTT is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: April 30, 2001~~2000~~.

Notary Public
State of Washington
KARIN L. NEMBACH
My Appointment Expires Nov 27, 2004

[PRINT NAME] Karin L Nembach
NOTARY PUBLIC for the State of Washington,
residing at King County
My appointment expires: Nov. 27, 2004

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that SHERRILL D. ELLIOTT is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: April 30, 2001~~2000~~.

Notary Public
State of Washington
KARIN L. NEMBACH
My Appointment Expires Nov 27, 2004

[PRINT NAME] Karin L Nembach
NOTARY PUBLIC for the State of Washington,
residing at King County
My appointment expires: Nov. 27, 2004

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that GARY L. SHAVEY is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: April 16th, 2001~~2000~~.

NICOLE A. GARLAND COMM. EXP. NOTARY PUBLIC DECEMBER 9, 2003 STATE OF WASHINGTON

[PRINT NAME] Nicole Garland
NOTARY PUBLIC for the State of Washington,
residing at MERCER ISLAND.
My appointment expires: 12/9/03.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that JUNE F. SHAVEY is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: April 16th, 2001~~2000~~.

NICOLE A. GARLAND COMM. EXP. NOTARY PUBLIC DECEMBER 9, 2003 STATE OF WASHINGTON

[PRINT NAME] Nicole Garland
NOTARY PUBLIC for the State of Washington,
residing at MERCER ISLAND.
My appointment expires: 12/9/03.

EXHIBIT A

FULL LEGAL DESCRIPTION OF 5928 77TH AVENUE SE

Legal description of the real property commonly known as 5928 77th Avenue Southeast, City of Mercer Island, King County, Washington 98040, King County Tax Parcel No. 242404-9037-08:

That portion of Government Lot 5, Section 24, Township 24 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning on the Southerly line of said Government Lot 5, at a point North 89°29'00" West 593.24 feet from the Northeast corner of Government Lot 4 in said Section 24;

Thence South 89°29'00" East 120.00 feet along the Southerly line of said Government Lot 5;

Thence North 00°02'20" East 113.78 feet;

Thence North 89°29'00" West 120.00 feet to a point which bears North 00°02'20" East from the point of beginning

Thence South 00°02'20" West to the point of beginning.

Together with that portion of Lot 4, Northbrook Lane Addition, according to the plat thereof, recorded in Volume 71 of the plats, pages 39 and 40, in King County, Washington, described as follows:

Beginning at the Southwest corner of said lot;

Thence South 89°29'00" East along the South line thereof 26.7 feet;

Thence North 09°52'36" East 6.53 feet;

Thence North 39°30'52" West 16.10 feet;

Thence North 61°36'15" West 8.43 feet;

Thence 82°16'19" West 10.24 feet to the West line of said lot;

Thence South 00°02'20" West along said West line 24 feet to the point of beginning.

EXHIBIT B

FULL LEGAL DESCRIPTION OF 7900 NORTHBROOK LANE

Legal description of the real property commonly known as 7900 Northbrook Lane, City of Mercer Island, King County, Washington 98040, King County Tax Parcel No. 242404-9037-08:

> Lot 4, Northbrook Lane Addition, according to plat recorded in volume 71 of plats, pages 39 and 40, in King County Washington, less the following:
>
> Beginning at the Southwest corner of said lot;
>
> Thence South 89°29'00" East along the South line thereof 26.7 feet;
>
> Thence North 09°52'36" East 6.53 feet;
>
> Thence North 39°30'52" West 16.10 feet;
>
> Thence North 61°36'15" West 8.43 feet;
>
> Thence 82°16'19" West 10.24 feet to the West line of said lot;
>
> Thence South 00°02'20" West along said West line 24 feet to the point of beginning.

EXHIBIT C

VIEW COVENANT DESCRIPTION -

A VIEW COVENANT OVER THE NORTH 42.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF GOVERNMENT LOT 5, SECTION 24, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERLY LINE OF SAID GOVERNMENT LOT 5, AT A POINT NORTH 89° 29' 00" WEST 593.24 FEET FROM THE NORTHEAST CORNER OF GOVERNMENT LOT 4 IN SAID SECTION 24; THENCE SOUTH 89° 29' 00" EAST 120.00 FEET ALONG THE SOUTHERLY LINE OF SAID GOVERNMENT LOT 5; THENCE NORTH 00° 02' 20" EAST 113.78 FEET; THENCE NORTH 89° 29' 00" WEST 120.00 FEET TO A POINT WHICH BEARS NORTH 00°02' 20" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 00° 02' 20" WEST TO THE POINT OF BEGINNING.

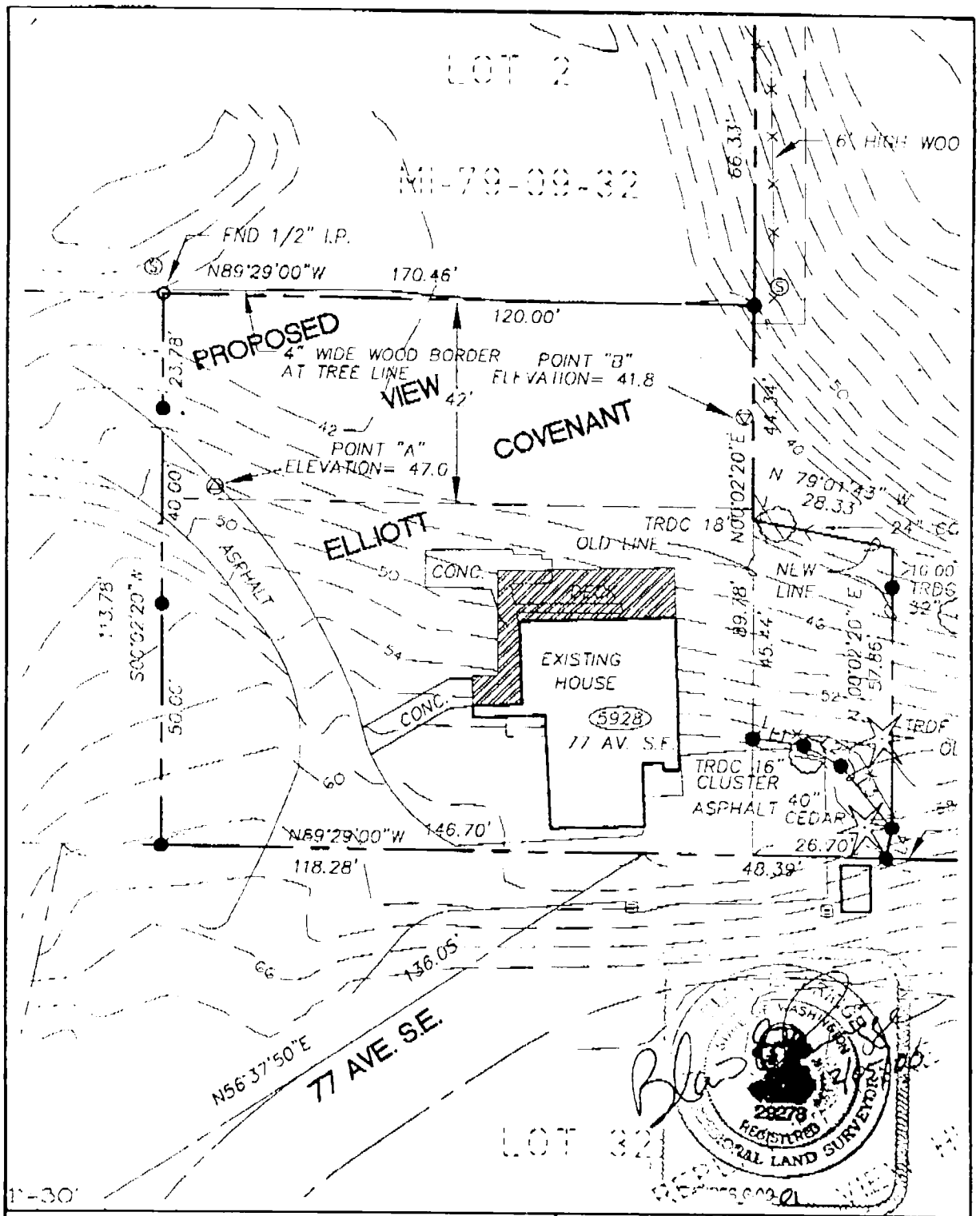
AND LYING ABOVE THE PLANE DESCRIBED AS FOLLOWS:

THE INCLINED PLANE SHALL BE LEVEL IN THE NORTH-SOUTH DIRECTION AND SHALL PASS THROUGH THE FOLLOWING TWO POINTS IN THE EAST-WEST DIRECTION:

THE FIRST POINT IS LOCATED 11.00 FEET EAST OF THE WEST PROPERTY LINE AND HAS AN ELEVATION OF 57.0 FEET BASED ON NGVD 1929 DATUM. THE FIRST POINT IS REFERENCED IN THE FIELD BY A SURVEY SPIKE SET IN THE NORTHEASTERLY EDGE OF THE DRIVEWAY AT ELEVATION 47.0 FEET.

THE SECOND POINT IS ON THE EAST LINE OF THE ABOVE-DESCRIBED PARCEL AND HAS AN ELEVATION OF 60.8 FEET BASED ON NGVD 1929 DATUM. THIS POINT IS REFERENCED BY A REBAR AND CONTROL CAP SET 23 FEET SOUTH OF THE NORTHEAST CORNER OF THE ABOVE-DESCRIBED EASEMENT WHICH HAS AN ELEVATION OF 41.8 FEET NGVD 1929 DATUM.

SITUATE IN KING COUNTY, WASHINGTON.



HUITT-ZOLLARS
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VIEW COVENANT
EXHIBIT

FROM : Urban Gardens FAX NO. : 206 236 2023 May. 18 2001 10:11AM P11