

**Return Address:**

NATASHA + GRANT GARCIA  
4327 FOREST AVE SE  
MERCER ISLAND, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Dept of Army Corps of Engineers. Property Line Agreement
3. city of Mercer Island      4. Dept of Army corps of Engineers

**Reference Number(s) of Documents assigned or released:**

Additional reference #'s on page 23 of document

**Grantor(s)** Exactly as name(s) appear on document

1. city of Mercer Island
2. \_\_\_\_\_

Additional names on page \_\_\_\_ of document.

**Grantee(s)** Exactly as name(s) appear on document

1. Thomas Chenoweth, Donald J. Fries
2. Seaborn Pile Driving Co., Grant + Natasha Garcia

Additional names on page \_\_\_\_ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

gis#14455 ; legal dscrption on exhibit A of  
"Dock ownership 4327" document

Additional legal is on page 1 of document.

**PTN TRACT 23, HARRY WHITE'S PLAT OF EAST SEATTLE ACRE TRACTS**

**Assessor's Property Tax Parcel/Account Number**

Assessor Tax # not yet assigned

assigned parcel 9365700344

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

Natasha Garcia

Signature of Requesting Party

**Note to submitter: Do not sign above nor pay additional \$50 fee if the document meets margin/formatting requirements**

CTI 0256005-ETU

Chicago Title Company of Washington has placed the document of record as a customer courtesy and accepts no liability for the accuracy or validity of the document

Natasha & Grant Garcia  
4327 Forest Ave SE  
Mercer Island WA 98040

June 9, 2023

To Whom it may concern,

The attached documents were released from the City of Mercer Island on May 16, 2023. These documents about dock ownership need to please be added to the title for property 4327 Forest Ave SE, Mercer Island, WA 98040 (Exhibit A).

Exhibit B – Public Notice from Seaborn for dock to neighborhood (dated April 6, 1978)

Exhibit C – Property line agreement with joint ownership and maintenance (date April 11, 1978)

Exhibit D – Permit approval by City of Mercer Island (dated August 30, 1978)

Exhibit E – Army Corps of Engineer document explaining reason for dock length (dated January 5, 1979)

EXHIBIT A

THAT PORTION OF TRACT 23 OF HARRY WHITE'S PLAT OF EAST SEATTLE ACRE TRACTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 36, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF A LINE 150 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT 23 WITH THE SOUTHWESTERLY LINE OF 80TH AVENUE SOUTHEAST (FORMERLY FOREST AVENUE) AS ESTABLISHED BY KING COUNTY SUPERIOR COURT CAUSE NO. 260678; THENCE NORTH 25°44'10" WEST ALONG SAID SOUTHWESTERLY LINE 172.95 FEET TO THE SOUTHERLY LINE OF SOUTHEAST 43RD PLACE AS ESTABLISHED BY SAID SUPERIOR COURT CAUSE NO. 260678; THENCE NORTH 83°13'10" WEST ALONG SAID SOUTHERLY LINE 59.62 FEET; THENCE SOUTH 09°50'20" EAST 139.70 FEET TO A POINT ON A LINE 175 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT 23; THENCE NORTH 89°54'07" WEST ALONG SAID PARALLEL LINE, 161.94 FEET, MORE OR LESS, TO THE GOVERNMENT MEANDER LINE OF LAKE WASHINGTON; THENCE SOUTHEASTERLY ALONG SAID MEANDER LINE TO A POINT ON A LINE WHICH IS 150 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT 23; THENCE SOUTH 89°54'07" EAST ALONG SAID PARALLEL LINE 264.28 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN KING COUNTY, WASHINGTON; TOGETHER WITH THE SHORELANDS OF THE SECOND CLASS ADJOINING; EXCEPT THAT PORTION THEREOF AWARDED TO MARVIN E. BURKE, ET UX BY JUDGMENT FILED OCTOBER 1, 1986 AND JULY 22, 1987 UNDER KING COUNTY SUPERIOR COURT CAUSE NO. 81-2-00149-1. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON

EXHIBIT B

COPY



NPSOP-RF

DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX C-3755  
SEATTLE, WASHINGTON 98124



6 April 1978

## PUBLIC NOTICE

Reference: 071-OYB-1-004780  
Chenoweth, Thomas  
and Fries, Donald J.

Application has been received from Seaborn Pile Driving Company, 94 Columbia Street, Seattle, Washington 98104 (ATTN: Mr. Richard G. Seaborn, telephone (206) 682-4946) on behalf of Messrs. Thomas Chenoweth and Donald J. Fries for Department of the Army permit in accordance with Section 10 of the River and Harbor Act of March 3, 1899 for certain work described below and shown on the inclosed print.

Proposed Work:

- a. Location: In Lake Washington at Mercer Island, Washington.
- b. Physical Character: Construct a pier; drive two mooring piles.
- c. Purpose (as explained by the applicant): Private boat moorage.

Preliminary review by the Seattle District indicates that this work will not significantly affect the quality of the human environment. The preparation of a Federal Environmental Impact Statement is not anticipated at this time.

Preliminary determinations indicate that the proposed activity will not affect endangered species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation pursuant to Section 7 of the Act with the Department of the Interior is not required for this proposed activity.

Presently unknown archeological, scientific, prehistorical or historical data may be lost or destroyed by work to be accomplished under the requested permit. The work is not located on a property registered in the National Register of Historic Places.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected


COPY

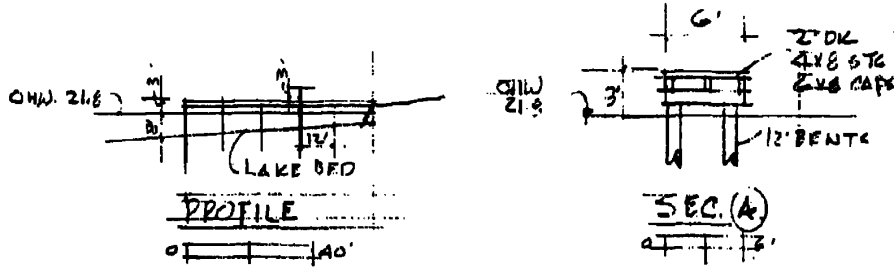
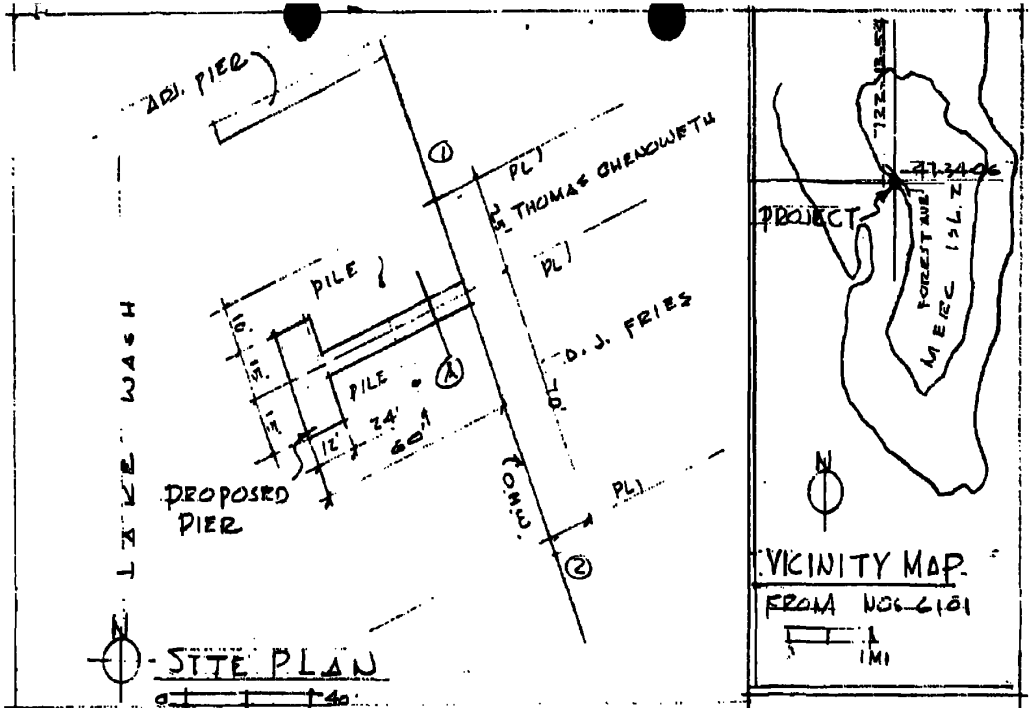
071-OYB-1-004780

to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Comments on these factors will be accepted and made part of the record and will be considered in determining whether it would be in the best public interest to grant a permit. Comments should refer to the reference number shown above and reach this office not later than 8 May 1978 to insure consideration.

1 Incl  
Print (1)

  
STEPHEN A. WRIGHT  
Permit Section



071-04B-1-004780

|  |  |
|--|--|
| PURPOSE: PRIVATE BOAT MOORAGE<br>NO TIED PIERHD W/3 IN AREA<br>DATUM REF. COE. 2.0 | PROPOSED PIER & PILES<br>IN LAKE WASH<br>AT MERC ISL KING CO WA<br>APPLIC BY SEABORN PILE DRIVING CO<br>for<br>THOMAS CHENOWETH 4327 FOREST AVE SE<br>MERC ISL 98040 |
| ADJ. PROP. OWNERS:<br>① MARVIN BURKE 4325 FOREST AVE SE<br>MERC ISL 98040          | D.J. FRIES 4325 FOREST AVE SE<br>MERC ISL 98040<br>SHT. 1091   |
| ② ZELTA KINSMAN 4403 FOREST AVE SE<br>MERC ISL 98040                               |  |

EXHIBIT C

COPY



PROPERTY LINE AGREEMENT

DONALD J. and JANEY A. FRIES, owners of Parcel A, and THOMAS D. and Barbara A. CHENOWETH, owners of Parcel B, the legal descriptions of said parcels being attached hereto as Exhibit A, mutually consent to and approve a dock and mooring piles to be constructed and jointly owned and maintained on their abutting property line.

This Agreement is executed in conformance with Ordinance No. 269, Sec. 16.06(2) of the City of Mercer Island, relating to waterfront structures. This Agreement is binding upon heirs, successors and assigns of the undersigned.

Donald J. Fries  
Donald J. Fries

Thomas D. Chenoweth  
Thomas D. Chenoweth

JANEY A. Fries  
JANEY A. Fries

Barbara A. Chenoweth  
BARBARA A. Chenoweth

STATE OF LOUISIANA )  
PARISH ) ss.  
COUNTY OF ORLEANS )

On this 7th day of APRIL, 1978, before me personally appeared DONALD J. and JANEY A. FRIES, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged to me 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 the day and year in this certificate first written.

[Signature]  
Notary Public in and for the State of  
LOUISIANA residing at NEW ORLEANS

STATE OF )  
 ) ss.  
COUNTY OF )

On this 17th day of APRIL, 1978, before me personally appeared THOMAS D. and Barbara A. CHENOWETH, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged to me that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

5071

Given under my hand and official seal the day and year in  
this certificate first above written.

Richard G. Kramer CPT, IN ADJUTANT  
Notary Public in and for the State of  
\_\_\_\_\_ residing at ASCHAFFENBURG  
FRG

NO SEAL REQUIRED BY LAW  
RCK



EXHIBIT D

COPY



78-255

Kroll Pg. 68 E

CITY OF MERCER ISLAND

AUDIT N<sup>o</sup> 03506



PERMIT EXPIRES ONE YEAR FROM THIS 8/30/78 DATE OF ISSUE

Address of Work 1327 Forest Ave. S. E.  
 Legal Description of Property: Established address.

|                   |  |                                 |                 |                 |                |
|-------------------|--|---------------------------------|-----------------|-----------------|----------------|
| Owner             | <u>Thos. Chenoweth &amp; Donald J. Fries</u> | <u>Same</u>                     | Name            | Address         | Telephone      |
| Designer          |  |                                 | Name            | Address         | Telephone      |
| Bldg. Contr.      | <u>Seaborn Pile Driving Co.</u>              | <u>91 Columbia St., Seattle</u> | Name            | Address         | Telephone      |
| Use Zoning        | <u>R-15</u>                                  | Fire Zone <u>3</u>              | Owner's Value   | <u>1,200.00</u> |                |
| Occupancy Group   | <u>X</u>                                     | Checking Fee Deposit            | <u>X</u>        |                 |                |
| Construction Type | <u>HT</u>                                    | Receipt No.                     |                 | Dtd.            |                |
| Square Foot Area: |  | Building Dep't. Value           | <u>1,200.00</u> |                 |                |
| Finished          |  | Checking Fee                    | <u>--</u>       |                 |                |
| Unfinished        |  | Building Permit Fee             | <u>32.00</u>    |                 |                |
| Garage            |  | Amount Due                      |                 |                 |                |
| Decks             |  | Receipt No.                     | <u>14816</u>    | Dtd.            | <u>8/30/78</u> |
| Dock              | <u>648</u>                                   | Total                           | <u>32.00</u>    |                 |                |

Permission is hereby given to do the following described work according to the conditions hereon and the approved plans and specifications pertaining thereto: Construction of Boat Pier per U. S. Army Engr's. permit #071-OYB-1-001780, dtd. Aug. 30, 1978.

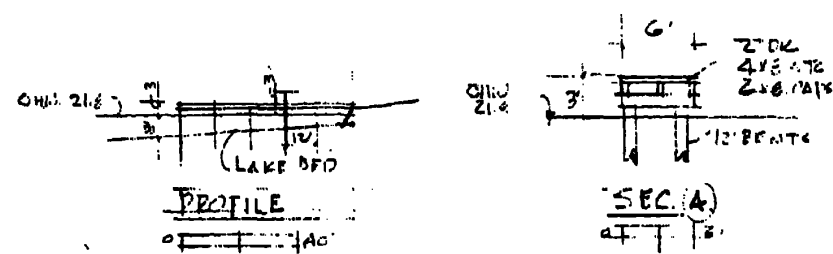
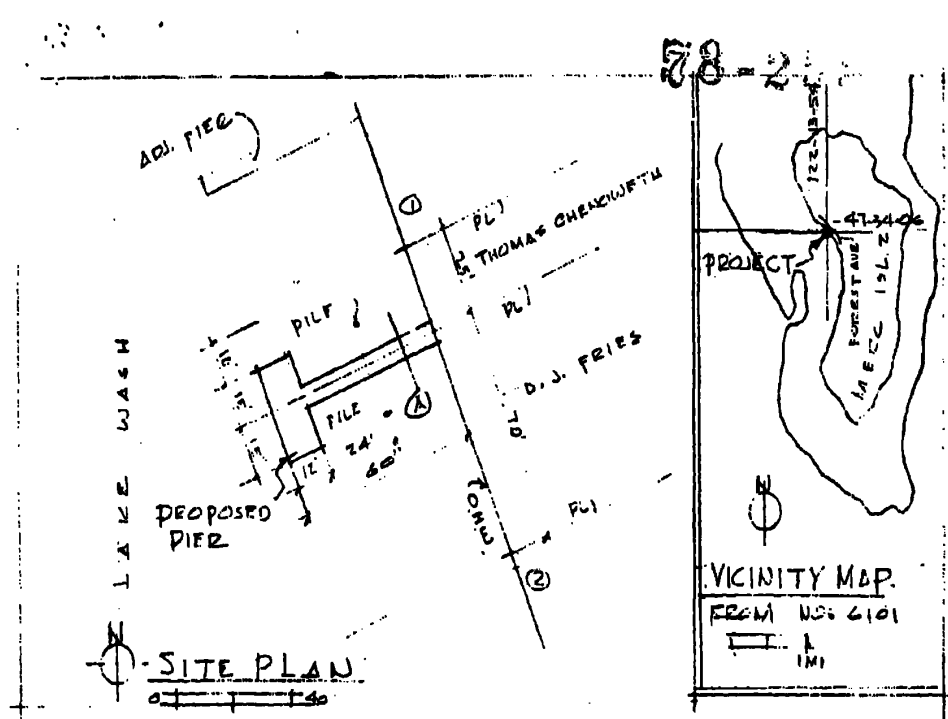
Permit Application Date 8/30/78 Lloyd Lande Bldg. Official

I have read the conditions of this permit and I agree that the work will be done in compliance with the Land Clearing, Building and Zoning Codes of the City of Mercer Island.

SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING AND AIR CONDITIONING.

Permit Issued 8/30/78 Richard [Signature]  
 Date Owner or Authorized Agent





PURPOSE: PRIVATE BOAT MOORAGE  
 NO PIERHEAD LN'S IN AREA  
 DATUM REF. COE. O.C.  
 ADJ. PROP. OWNERS:  
 ① MARVIN DUCKE 4305 FOREST AVE SE  
 MERC. ISL. 98040  
 ② KEITH KINSMAN 4403 FOREST AVE SE  
 MERC. ISL. 98040

071-04B-1-004780  
**PROPOSED PIER & PILES,**  
 IN LAKE WASH  
 AT MERC. ISL., KING CO., WA.  
 APPLIC. BY SEABORN PILE DRIVING CO.  
 THOMAS CHENOWETH 4327 FOREST AVE SE  
 MERC. ISL. 98040  
 D.J. FRIES 4325 FOREST AVE. SE  
 MERC. ISL. 98040  
 SH. 103; **PLANS APPROVED**  
 DATE 8/30/78  
 BY Lloyd Lande  
 BUILDING OFFICIAL  
 CITY OF MERCER ISLAND

COPY



NPSOP-RF

DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX C-3755  
SEATTLE, WASHINGTON 98124

78-255

30 AUG 1978

Messrs. Thomas Chenoweth & Donald J. Fries  
4327 Forest Avenue S.E.  
Mercer Island, Washington 98040

Reference: 071-OYB-1-004780  
Chenoweth, Thomas &  
Fries, Donald J.

Dear Messrs. Chenoweth & Fries:

Pursuant to your application of 21 March 1978, inclosed is a Department of the Army permit to construct a pier and drive two mooring piles in Lake Washington at Mercer Island, Washington.

Sections 9 and 10 of the River and Harbor Act of March 3, 1899 make it unlawful to build or to commence to build any structure across or in any navigable water of the United States and/or to excavate, or fill, or in any manner to alter or to modify the course of such navigable water, except on plans that have had the prior approval of the Chief of Engineers and the Secretary of the Army.

You are cautioned that if any changes in the location or plans of the structure or work are found necessary, a revised plan must be submitted promptly to this office and be given my approval prior to starting construction.

Attention is drawn to Conditions "o" and "n" of the permit which specify expiration dates for commencement and completion of the work, and notification of the date you start and complete the work.

Sincerely yours,

*Gerald A. Keller*

1 Incl  
Permit w/Notice of Authorization

for JOHN A. POTEAT  
Colonel, Corps of Engineers  
District Engineer

8/30/78  
*Lloyd Lande*



CITY OF MERCER ISLAND, WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: June 13, 1978

Mr. Warren Baxter  
Permit Section  
Seattle District Corps of Engineers  
P. O. Box C-3755  
Seattle, Washington 98124


RE: 071-0YB-1-004780, Chenoweth-Fries

Dear Mr. Baxter:

The City of Mercer Island has received and reviewed comments from various departments relative to the above Public Notice. Based upon those comments, the City of Mercer Island offers the following statement(s):

1. We have no objection to the project as stated in the above notice. A building permit is required and may be secured at the Building Department.
2. This agency has determined that this project is exempt from the Shoreline Management Act and has notified the applicant.
3. A Shoreline Management Permit is required, and, accordingly, we have notified the applicant to initiate appropriate proceedings at our office.
4. Applicant has applied for a Shoreline Management Permit.
5. We request that the Corps permit be withheld until a Substantial Development Permit Application has been reviewed.
6. Other:

Yours truly,

  
Phyllis Meck-Emery,  
Associate Planner

PME/lt

cc: Department of Ecology, Northwest Regional Office  
Office of Attorney General  
Applicant  
Applicant's Engineer

3505 88th Avenue S.E. • Mercer Island, Washington 98040 • (206) 232-6400

CITY OF MERCER ISLAND  
SHORELINE MANAGEMENT ACT OF 1971  
PERMIT FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT

Application No. 168  
Date received March 24, 1978  
Approved X Denied \_\_\_\_\_  
Date June 12, 1978

Type of Action (Check if appropriate)

- Substantial Development Permit  
 Conditional Use  
 Variance

Pursuant to Chapter 90.58 RCM, a permit is hereby granted to:

Thomas Chenoweth and Donald Fries

(name of applicant)

Thomas Chenoweth - 4327 Forest Avenue SE and Donald Fries-4325 Forest Ave. SE,

both at Mercer Island, Washington 98040

to undertake the following development (please be specific) \_\_\_\_\_

construct a single family residential joint-use dock

upon the following property (please list the legal description, i.e., section to the nearest quarter section, township, range) \_\_\_\_\_

NE 1/4 13-24-4

The project will be within shorelines of statewide significance (Lake Washington) (RCM 90.58.030). The project will be located within an urban residential designation. The following master program provisions are applicable to this development (please state the master program section or page number).

Development pursuant to this permit shall be undertaken pursuant to the following terms and conditions: as per common property line agreement

DUPT

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL THIRTY (30) DAYS FROM THE DATE OF FILING THE FINAL ORDER OF THE LOCAL GOVERNMENT WITH THE REGIONAL OFFICE OF THE DEPARTMENT OF ECOLOGY, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED

\_\_\_\_\_  
(Date)

AUTHORIZATION:

*Phyllis Meck-Emerly*  
Phyllis Meck-Emerly,  
Associate Planner

THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A SUBSTANTIAL DEVELOPMENT PERMIT WITH A CONDITIONAL USE OR VARIANCE.

Date received by Department of Ecology \_\_\_\_\_

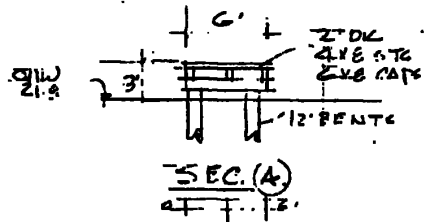
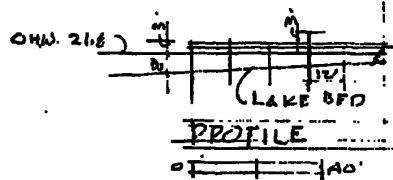
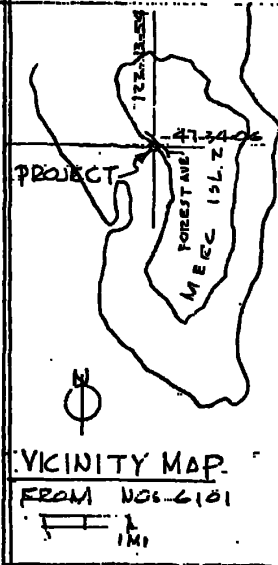
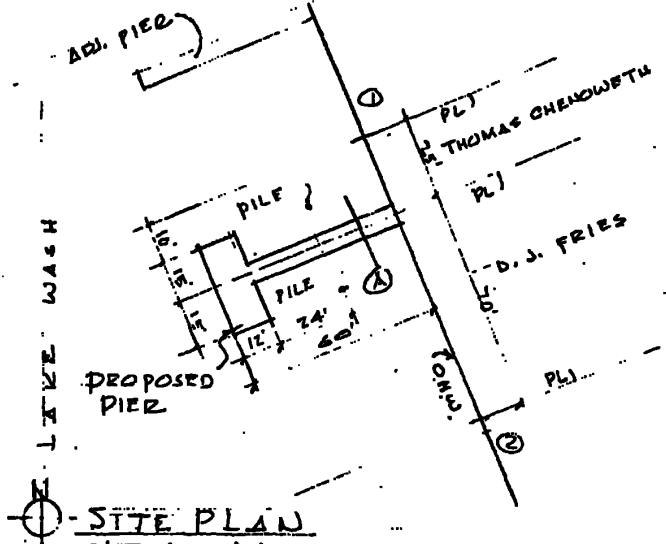
Approved \_\_\_\_\_ Denied \_\_\_\_\_

This substantial development permit with conditional use/variance is approved by the Department of Ecology pursuant to Chapter 90.58 RCW. Development shall be undertaken pursuant to the following additional terms and conditions:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Authorized Department of Ecology Official)

COPY



071-04B-1-004780

PURPOSE: PRIVATE BOAT MOORAGE  
 NO PFD PIERHO LWS IN AREA  
 DATUM REF. COE. O.C  
 ADJ. PROP. OWNERS:  
 MARVIN BURKE 4305 FOREST AVE SE  
 MERC. ISL. 98040  
 KATH KINZMAN 4403 FOREST AVE SE  
 MERC. ISL. 98040

PROPOSED PIER & PILES:  
 IN LAKE WASH  
 AT MERC. ISL. KING. CO., WA.  
 APPLIC. BY SEABORN PILE DRIVING CO.  
 for:  
 THOMAS CHENOWETH 4327 FOREST AVE SE  
 MERC. ISL. 98040  
 D.J. FRIES 4325 FOREST AVE. SE  
 MERC. ISL. 98040  
 KAT. 1031



78-258

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS

NOTICE OF AUTHORIZATION

30 AUG 1978 19

A PERMIT TO CONSTRUCT A PIER; DRIVE TWO MOORING PILES (PRIVATE BOAT MOORAGE)  
IN LAKE WASHINGTON

AT MERCER ISLAND, WA

HAS BEEN ISSUED TO THOMAS CHENOWETH &  
DONALD J. FRIES  
ADDRESS OF PERMITTEE 4327 FOREST AVENUE S.E.  
MERCER ISLAND, WA 98040  
PERMIT NUMBER 071-0YB-1-004780

ON 30 AUG 1978 19

*Gerald A Keller*  
JOHN A. POTEAT  
District Engineer  
Colonel, Corps of Engineers

ENG Form 4336  
Jul 70

THIS NOTICE MUST BE CONSPICUOUSLY DISPLAYED AT THE SITE OF WORK.

GPO: 1977 232-984

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

*Thomas Chenoweth*  
THOMAS CHENOWETH  
PERMITTEE

*21 Aug 78*

*Donald J. Fries*  
DONALD J. FRIES  
BY AUTHORITY OF THE SECRETARY OF THE ARMY:

DATE  
*August 25, 1978*  
Date

*Gerald A Keller*  
JOHN A. POTEAT  
Colonel  
DISTRICT ENGINEER,  
U.S. ARMY, CORPS OF ENGINEERS

*30 Aug 78*  
DATE

Transferee hereby agrees to comply with the terms and conditions of this permit.

\_\_\_\_\_  
TRANSFEEE

\_\_\_\_\_  
DATE

B. No. 3506  
L.C. No. NOT RECD

BUILDING PERMIT NUMBER

**78-255**

FOR Construction of Boat Pier

ON 8-30-78 TO 10 Thos. Chenoweth/Donald Fries AT 4327 Forest LAVE SE  
(date) (owner) (address of work)

BUILDING CONTR. Seaborn Pile Driving Co. HEATING CONTR. \_\_\_\_\_  
PERMIT NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_

ELECTRICAL CONTR. \_\_\_\_\_  
PERMIT NO. \_\_\_\_\_

PLUMBING CONTR. \_\_\_\_\_  
PERMIT NO. \_\_\_\_\_

INSPECTOR'S APPROVAL RECORD

PERMIT INFORMATION

|                     |       |                        |                 |
|---------------------|-------|------------------------|-----------------|
| Foundation drainage | _____ | 1. Valuation           | <u>4,200.00</u> |
| Driveway access     | _____ | 2. Fee                 | <u>32.00</u>    |
| Plumbing            | _____ | 3. Expires             | <u>8-30-79</u>  |
| Electrical          | _____ | 4. Receipt No.         | <u>14816</u>    |
| Heating             | _____ | 5. Renewal Notice Sent | _____           |
| Gas Test            | _____ | 6. Renewed             | _____           |
| Oil Tank            | _____ | 7. Renewal Fee         | _____           |
| Fireplace           | _____ | 8. Renewal Receipt No. | _____           |
| Framing             | _____ |                        |                 |
| Dry wall nailing    | _____ |                        |                 |
| Erosion control     | _____ |                        |                 |
| FINAL               | _____ |                        |                 |

Ms 08200

**CITY OF MERCER ISLAND BUILDING DEPARTMENT**  
3504-88th AVE. S.E. 232-6400

**REQUEST FOR INSPECTION**

DATE 3/14/24 TIME 10:00 AM PERMIT NO. 23-260

JOB ADDRESS 4327 48th Avenue S.E. CONTRACTOR John Deere Construction Services OWNER \_\_\_\_\_

- |                 |   |  |   |                                       |
|-----------------|---|--|---|---------------------------------------|
| <b>BUILDING</b> | <input type="checkbox"/> Foundation       | <input type="checkbox"/> Rough Wiring  | <input type="checkbox"/> Plumbing         | <input type="checkbox"/> Heating      |
|                 | <input type="checkbox"/> Chimney          | <input type="checkbox"/> Underground   | <input type="checkbox"/> Rough In         | <input type="checkbox"/> Rough In     |
|                 | <input type="checkbox"/> Framing          | <input type="checkbox"/> Finish Wiring | <input type="checkbox"/> Fixtures         | <input type="checkbox"/> Final        |
|                 | <input checked="" type="checkbox"/> Final | <input type="checkbox"/> Fixtures      | <input type="checkbox"/> Sewer Connection | <input type="checkbox"/> Water Heater |
|                 |   | <input type="checkbox"/> Motors        | <input type="checkbox"/> Gas Test         |                                       |

Monday Tuesday Wednesday Thursday Friday AM PM

COMMENTS: OK ON FINAL

INSPECTOR [Signature] DATE 3/14/24

EXHIBIT E



DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX C-3755  
SEATTLE, WASHINGTON 98124



NPSOP-RF

5 JAN 1979

Department of Community Development  
Mercer Island, Washington 98040

Reference: 071-OYB-1-004780-C  
Chenoweth, Thomas &  
Fries, Donald J.

Gentlemen:

We have inspected work in Lake Washington, fronting the properties of Thomas Chenoweth and Donald J. Fries at Mercer Island, Washington. The approved pier has been extended landward eighteen feet into an existing cove not show on the permit drawings. This work was done waterward of the line of ordinary high water. Inclosed are copies of our Inspection Report and the owners' comments.

To assist us in our evaluation of this violation, comments concerning this work are requested no later than 30 days from the date of this letter. Comments by Washington State Agencies must be forwarded to the State of Washington Department of Ecology for coordinated reply.

Sincerely yours,

*for Robert R. Spearman*  
ROBERT R. SPEARMAN

Chief, Regulatory Functions Branch

- 2 Incl
- 1. Inspection Report
- 2. Owners' Comments

RECEIVED  
JAN 8 1979

4325 Forest Avenue SE  
Mercer Island, WA 98040  
October 18, 1978

John A. Poteat  
Colonel, Corps of Engineers  
District Engineer  
Department of the Army  
Seattle District, Corps of Engineers  
P. O. Box C-3755  
Seattle, WA 98124

# 4780

Dear Colonel Poteat:

This letter is in response to your registered letter received on October 4, 1978, NPSOP-RF, Reference 071-0YB-1-004780-C. In order to satisfy your letter, an "As Built" drawing of the pier has been prepared in the permit format and is included with this letter. The reasons for deviating from the approved plans are discussed in the following paragraphs.

Mr. Chenoweth and I assigned the responsibility to obtain all of the required permits for the pier to The Seaborn Pile Driving Company, (neither of us lived in the area at the time that the permit applications were made). After a drawing of the proposed pier was prepared by Seaborn, copies were sent out to interested neighbors. I did not receive a copy of that letter during the period stipulated for comments. To my knowledge, neither did Mr. Chenoweth. A neighbor, Charles Burdell, later called me and told me about a pier permit application for Marvin Burke, a neighbor, immediately to the north of Mr. Chenoweth. Charles Burdell sent me a copy of that permit request, and I sent a copy of it to Mr. Chenoweth. I later called the Mercer Island Planning Department from New Orleans, and found out that they had the Chenoweth/Fries proposed pier permit forms with a drawing of the pier. I had a copy of the drawing of that pier sent to me. At the time I received that drawing, the period for comments on it had already expired. I realized that the drawing was in error in that the small cove on Mr. Chenoweth's property was not shown, but I decided that: 1) it was too late to comment, and, 2) details inland of the bulkhead high water line must not be required or Mr. Seaborn would have included them on his permit drawing.

Figure 1 is a copy of a sketch sent to me several months ago from Mr. Chenoweth showing how he thought the dock would look relative to the common property line between Mr. Chenoweth and myself (I have added the cross hatching and actual bank line). I shared his belief that the property line fell on the south side of the small cove. It was impossible to tell exactly

Incl 1

- 2 -

what the small cove looked like entirely until the logs and entangled blackberry bushes (cross hatched area, Figure 1) were removed, and Mr. Chenoweth had asked Mr. Seaborn to include their removal during construction of the pier (due to the size of the logs, it wasn't practicable to manually remove them). In order for Mr. Chenoweth to have access to the pier without having to cross my property, Mr. Chenoweth also planned to have Mr. Seaborn build an extension of the pier, and that extension would have been entirely on Mr. Chenoweth's property (Figure 1). These discussions tended to make me think that any construction inland of the normal high water line (bulkhead) was not the concern of the Corps of Engineers, since a permit for the pier extension was never mentioned.

I moved back to Mercer Island in early September, 1978, and was present when the pier was built. The double dashed lines show where the south line of the cove actually was after the logs and bushes were removed (Figure 1). Unfortunately, the shore end of the pier ended out a few feet in the water. I was asked by Mr. Seaborn's people if I wanted to have the pier extended into the inlet, and after calling Mr. Chenoweth (in West Germany), I told Mr. Seaborn to proceed with the pier extension. I could have reached the pier from my property with a 3 or 4 foot long plank, but Mr. Chenoweth could not reach the pier without going over my property, or getting wet, and neither of these seemed like a good solution. I was told that the Seaborn pile driver and crew cost about \$1,200 a day, and so I had to make a relatively quick decision, as two more piles were required for the extension as well as significantly additional construction. It appeared to be much more efficient to have Seaborn complete the pier extension while they were still on site.

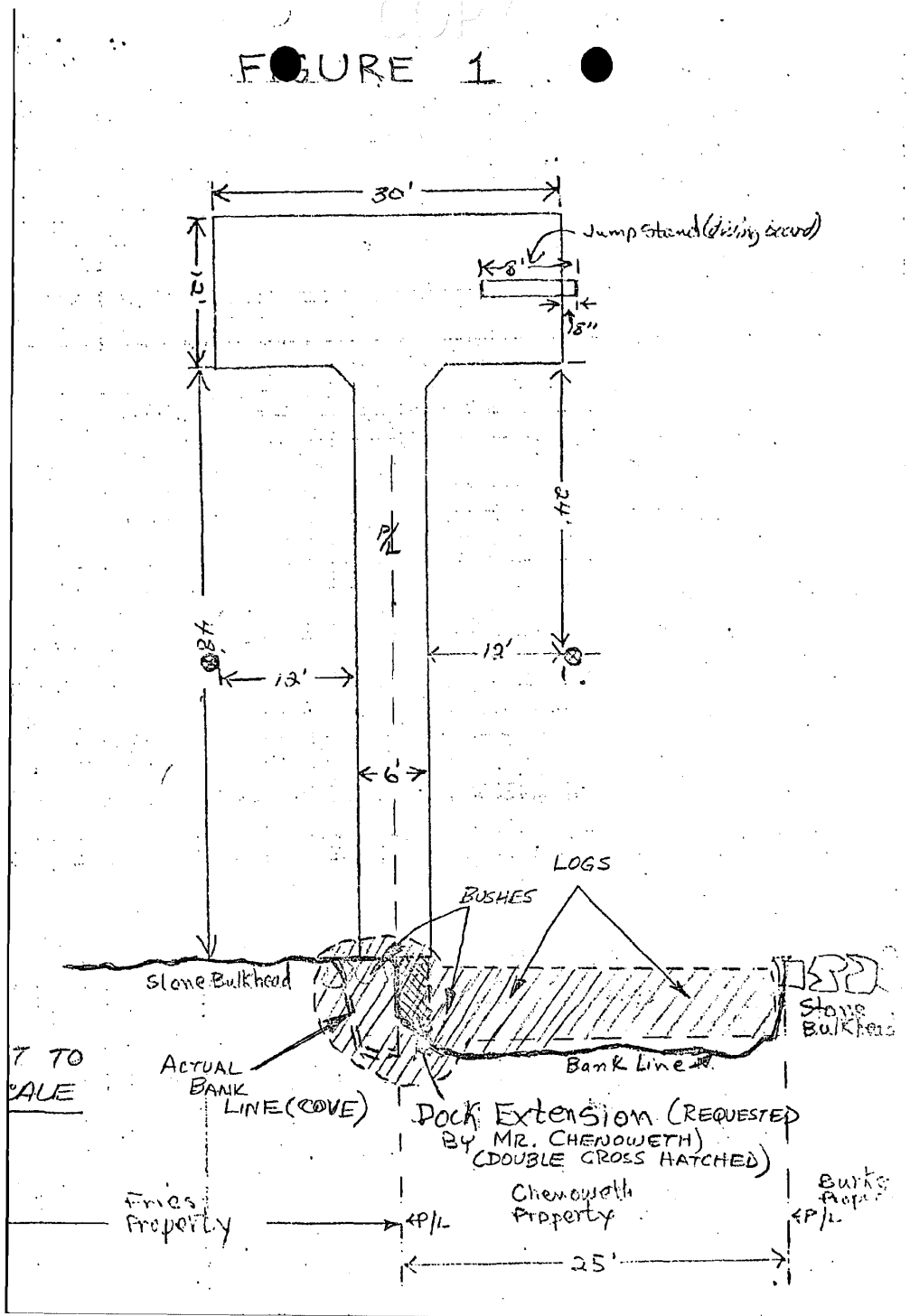
The following summarized why the approved plans were deviated from. I trust that you will inform me what action you plan to take, as soon as possible.

Very truly yours,

*Donald J. Fries*  
DONALD J. FRIES

cc: Thomas D. Chenoweth  
Richard G. Seaborn

FIGURE 1



INSPECTION RECORD

FOR

PERMITTED WORK IN NAVIGABLE WATERS  
NORTH PACIFIC DIVISION, CORPS OF ENGINEERS

District SOUND  
Permit No. 014115-1-001780 Date of Inspection 25 Sept 78  
Permittee CHANDLER TRADING Inspector R. McWENGER  
Waterway LINE WASHINGTON Type of Work CONCRETE PIER

STATUS

Work Completed  Yes  No  Not Sure  
Estimated Percent Complete 100 %  Unknown  
Work in Progress  Yes  No

COMPLIANCE

Completed Entire Scope of Permitted Work  Yes  Apparently  No  
Standard Conditions:  Yes  Apparently  No  Doubtful  
Special Conditions:  Yes  Apparently  No  Doubtful  
Permit Dwg:  Yes  Apparently  No

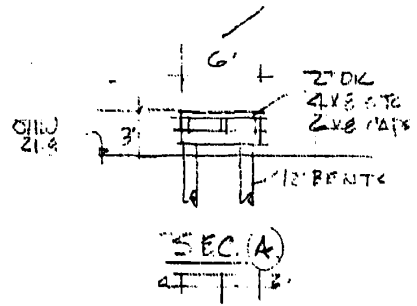
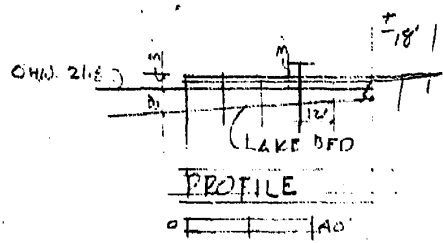
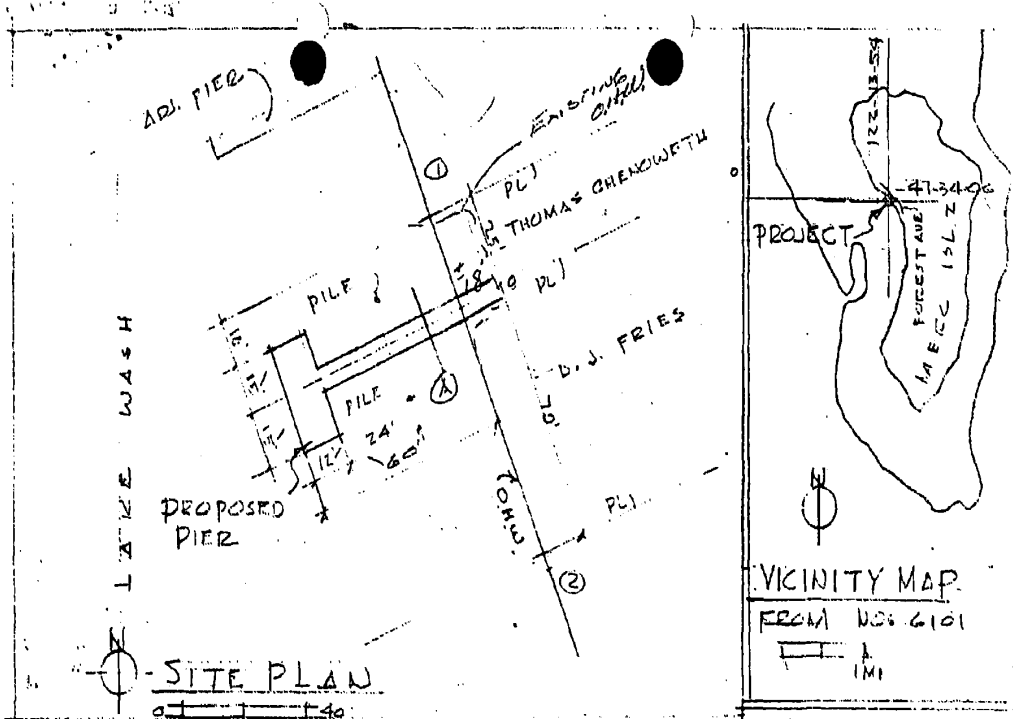
Comments: As Approved 78' of Pier  
was constructed pursuant to  
the O&M and the Survey of the  
Pier District.

NPD Form 288 (Rev)  
May 77

*Handwritten initials*

*510  
607*

*Incl 2*



071-04B-1-004780

PURPOSE: PRIVATE BOAT MOORAGE  
 NO FOD PIERHD LNS IN AREA  
 DATUM REF: COE. 0.0  
 ADJ. PROP. OWNERS:  
 ① MARVIN BURKE 4325 FOREST AVE SE  
 MERC. ISL. 98040  
 ② KEITH KIRKMAN 4403 FOREST AVE SE  
 MERC. ISL. 98040

PROPOSED PIER & PILES:  
 IN LAKE WASH  
 AT MERC. ISL. KING. CO., WA.  
 APPLIC. BY SEABORN FILE DRIVING CO.  
 for:  
 THOMAS CHENOWETH 4327 FOREST AVE SE  
 MERC. ISL. 98040  
 D.J. FRIES 4325 FOREST AVE. SE  
 MERC. ISL. 98040  
 SHT. 1071