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COMMON BOUNDARY LINE AGREEMENT

We, Marvin and Asgerd Burke, on behalf of ourselves and our marital community, agree to the request of Mr. and Mrs. Tom Chenoweth to allow them to have a pier within nine feet of our south property line as that property line exists on Lake Washington. We understand that we are hereby waiving our rights to the ten foot setback as outlined in the City of Mercer Island Shoreline Master Program on behalf of both ourselves and our successors in title. I also understand that this Common Boundary Line Agreement will be recorded. This all relates in part to City of Mercer Island Permit for Shoreline Management Substantial Development Number 168, dated March 24, 1978, Number MI-291, dated October 10, 1979 (also referred to as #3546-17-A-(MI-291)).

The legal description of my property is as follows:

That portion of Tract 23 of Harry White's Plot of East Seattle Acre Tracts, according to the plat recorded in Volume 3 of Plats, page 36, in King County, Washington, described as follows:

Beginning at the intersection of the East and West centerline of Section 13, Township 24 North, Range 4 East, W.M., in King County, Washington, with the centerline of Forest Avenue as platted in Merrimount Addition, according to the plat recorded in Volume 24 of Plats, page 37, in King County, Washington, which point is on the south line of said Tract 23 and North 89°54'07" West 1243.00 feet from the East Quarter corner of said Section 13; thence North 25°44'10" West 166.77 feet, more or less, along the centerline of Forest Avenue as condemned by King County in King County Superior Court Cause No. 260678, to an intersection of said centerline with a line parallel with and 150.00 feet north of the south line of said Tract 23, being the true point of beginning; thence continuing North 25°44'10" West to the North line of said Tract 23; thence Westerly along

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said North line to the United States Government Meander line; thence Southerly along said Government Meander line to the line 150.00 feet North of and parallel with the South line of said Tract 23 and said South line extended; thence Easterly along the said parallel line to the true point of beginning; excepting any portion thereof in County Road No. 281; and excepting portion thereof condemned for County road in said King County Superior Court Cause No. 260678; and except that portion thereof 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 9°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;

Together with the Second Class Shorelands abutting upon that portion of the Government Meander Line in front of Government Lot 3, Section 13, Township 24 North, Range 4 East, W.M., in King County, Washington, described as follows:

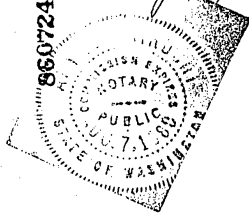
Beginning at a point of intersection of the South Line of said Government Lot 3 with the Government Meander Line; thence North 10-1/4° West 2.36 chains; thence North 17-3/4° West 2.73 chains to the terminal point of this description, being a total frontage of 5.09 lineal chains measured along said Meander Line, as to a certified copy of the Government Field Notes of the survey thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington; excepting the shorelands of the second class abutting upon that

portion of said Meander Line in front of or
bounding the south 175 feet of said Tract 23.

Marvin Burke
Marvin Burke

Asgerd Burke
Asgerd Burke

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SUBSCRIBED AND SWORN to before me this 2nd day of
July, 1986.

Alicia Kibicki
NOTARY PUBLIC in and for the
State of Washington, residing
at Seattle.

My commission expires on
August 7, 1988.

FILED for Record at Request of

Name W. N. Edmunds Jr

Address 1011 Western Avenue #900

Seattle, Wa. 98104