

When Recorded, Return to:

John and Carla Monahan
2424 67th Avenue SE
Mercer Island, WA 98040

**ENVIRONMENTALLY CRITICAL AREA NOTICE
ACKNOWLEDGEMENT OF RISK, DUTY TO INFORM, AND LIMITATION OF DEVELOPMENT**

GRANTORS: John and Carla Monahan

GRANTEE: City of Mercer Island

ABBREVIATED LEGAL DESCRIPTION:

Lots 7 through 9, Block 9, Lake View East Seattle, Vol. 8, Pg. 49

Full Legal Description on EXHIBIT A on page 5.

ADDRESSES: 2424 67th Avenue SE, Mercer Island, WA 98040

ASSESSOR'S TAX PARCEL ID NO(S): 409950-1180

This environmentally critical area notice is executed in favor of the City of Mercer Island ("Grantee") by the undersigned Owner(s) ("Grantor") of the real property subject to the requirements of Mercer Island City Code (MICC) 19.07.070 and described on Exhibit A (the "Property"). The undersigned warrants that all owners of the Property have executed this document.

ACKNOWLEDGEMENT OF RISK

The Grantors acknowledge that the Property or a portion of the Property is located in an environmentally critical area (landslide hazard area). Depiction on attached Exhibit B.

Grantors understand and acknowledge that there are risks of loss and/or injury associated with development in environmentally critical areas. Risks include potential property damage and/or injury and potential personal injuries. Grantors agree to accept any and all risks of loss and/or injury associated with risks posed by proposed development in an environmentally critical area.

DUTY TO INFORM

Grantors and all heirs, successors, and assigns agree to inform all subsequent heirs, successors, and assigns of the Property that the Property is in an environmentally critical area and that there are risks associated with the Property and development thereon.

LIMITATION OF DEVELOPMENT AND LAND-DISTURBING ACTIVITIES

Taken from Mercer Island City Code 19.07.160 *Geologically Hazardous Areas*:

B. *General review requirements.* Alteration within geologically hazardous areas or associated buffers is required to meet the standards in this section, unless the scope of work is exempt pursuant to section 19.07.120, exemptions, or a critical area review 1 approval has been obtained pursuant to section 19.07.090(A).

1. When an alteration within a landslide hazard area, seismic hazard area or buffer associated with those hazards is proposed, the applicant must submit a critical area study concluding that the proposal can effectively mitigate risks of the hazard. The study shall recommend appropriate design and development measures to mitigate such hazards. The code official may waive the requirement for a critical area study and the requirements of subsection (B)(2) and (B)(3) of this section when he or she determines that the proposed development is minor in nature and will not increase the risk of landslide, erosion, or harm from seismic activity, or that the development site does not meet the definition of a geologically hazardous area.
2. Alteration of landslide hazard areas and seismic hazard areas and associated buffers may occur if the critical area study documents find that the proposed alteration:
 - a. Will not adversely impact other critical areas;
 - b. Will not adversely impact the subject property or adjacent properties;
 - c. Will mitigate impacts to the geologically hazardous area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and
 - d. Includes the landscaping of all disturbed areas outside of building footprints and installation of hardscape prior to final inspection.
3. Alteration of landslide hazard areas, seismic hazard areas and associated buffers may occur if the conditions listed in subsection (B)(2) of this section are satisfied and the geotechnical professional provides a statement of risk matching one of the following:
 - a. An evaluation of site-specific subsurface conditions demonstrates that the proposed development is not located in a landslide hazard area or seismic hazard area;
 - b. The landslide hazard area or seismic hazard area will be modified or the development has been designed so that the risk to the site and adjacent property is eliminated or mitigated such that the site is determined to be safe;
 - c. Construction practices are proposed for the alteration that would render the development as safe as if it were not located in a geologically hazardous area and do not adversely impact adjacent properties; or
 - d. The development is so minor as not to pose a threat to the public health, safety and welfare.

C. *Development standards – Landslide hazard areas.* Development is allowed within landslide

hazard areas and associated buffers, when the following standards are met;

1. A critical area study shall be required for any alteration of the landslide hazard area or associated buffer;
2. Buffers shall be applied as follows. When more than one condition applies to a site, the largest buffer shall be applied:
 - a. Steep Slopes. Buffer widths shall be equal to the height of the steep slope, but not more than 75 feet, and applied to the top and toe of slopes;
 - b. Shallow landslide hazard areas shall have a minimum 25-foot buffers applied in all directions; and
 - c. Deep-seated landslide hazard areas shall have 75-foot buffers applied in all directions.

RIGHT TO ENTER

This Notice shall not be interpreted to prohibit entry to or normal use and maintenance of the Notice Area.

RECORDING

This Notice shall be recorded in the real estate records of the Office of Records and Elections of King County.

RUNNING NOTICE

The parties intend that this Notice shall run with the land and be binding on the Grantor and on the Grantor's heirs, successors, and assigns.

SIGNATURES, ACKNOWLEDGEMENTS AND NOTARY

Dated: _____

John Monahan

Carla Monahan

State of Washington)
)SS
County of King)

I certify that I know or have satisfactory evidence that John Monahan and Carla Monahan are the persons who appeared before me, and that said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

NOTARY PUBLIC in and for the State
Residing at _____
My commission expires _____
Print name: _____

EXHIBIT A

ENVIRONMENTALLY CRITICAL AREA

COMPLETE LEGAL DESCRIPTION OF PROPERTY SUBJECT TO NOTICE

LOTS 7 AND 8 AND THE NORTH 28.75 FEET OF LOT 9, BLOCK 9, LAKE VIEW EAST SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 49, RECORDS OF KING COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

**EXHIBIT B
ENVIRONMENTALLY CRITICAL AREA**

