



20160408000135

STEPHENS GCD 155.00
PAGE-001 OF 010
04/08/2016 11:04
KING COUNTY, WA

Return Address:

Charles A. Klinge
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10900 NE 8th Street, #1325
Bellevue, WA 98004

E2789114

04/08/2016 11:04
KING COUNTY, WA

TAX \$10.00
SALE \$0.00

PAGE-001 OF 001

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)

Lateral Line Agreement and Quit Claim Deed

Grantor(s) (Last name, first name, initials)

1. Cherberg, James W.
2. Cherberg, Nan Chot
3. Graue, James Thomas III

Grantee(s) (Last name first, then first name and initials)

1. Cherberg, James W.
2. Cherberg, Nan Chot
3. Graue, James Thomas III

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

Cherberg: PTN. GOV. LOT 4, SEC. 7, TWP 24 N, RG. 5E, W.M., King County, Washington
Graue: A portion Tracts C and D of the Un-recorded plat of Lakemont, Section 7, Township 24, Range 5, East W. M., King County, Washington

Additional legal is on pages 5-6 of document; revised legal on pages 9-10.

Assessor's Property Tax Parcel/Account Numbers

Cherberg: 4139300405
Graue: 4139300390

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

LATERAL LINE AGREEMENT

THIS LATERAL LINE AGREEMENT is made by and between JAMES W. CHERBERG and NAN CHOT CHERBERG, husband and wife (hereinafter referred to as "Cherberg") and JAMES THOMAS GRAUE, III, as his separate estate (hereinafter referred to as "Graue").

RECITALS

- A. Cherberg is the owner of certain real property located at 9418 SE 33rd Street, Mercer Island, Washington 98040, and legally described on Exhibit "A" attached hereto and incorporated herein by this reference (Parcel No. 4139300405). The legally described property includes second class shorelands of Lake Washington.
- B. Graue is the owner of certain real property located at 9422 SE 33rd Street, Mercer Island, Washington 98040, and legally described on Exhibit "B" attached hereto and incorporated herein by this reference (Parcel No. 4139300390). The legally described property includes second class shorelands of Lake Washington.
- C. The Cherberg and Graue properties are adjacent to each other on Lake Washington. The parties agree that the lateral line that delineates boundary line of the second class shorelands between the properties is uncertain and cannot be identified from existing, official recorded documentation. Cherberg and Graue desire to fully and finally resolve the uncertain boundary line by this Agreement as authorized by RCW 58.04.007(1). Cherberg and Graue agree that the lateral line identified in Exhibit C shall be the official agreed boundary line between the properties, and are each quitclaiming to the other the second class shorelands beyond that line. A record of survey has been made which delineates the agreed lateral line and that survey has been recorded under King County Recording No. 20160408900001.

NOW THEREFORE, IN AND FOR MUTUAL COVENANTS HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION WHICH HAS BEEN ACKNOWLEDGED AND RECEIVED, THE PARTIES AGREE AS FOLLOWS:

AGREEMENT AND QUIT CLAIM DEED

1. **Agreed Lateral Line.** JAMES W. CHERBERG and NAN CHOT CHERBERG, husband and wife and JAMES THOMAS GRAUE, III, as his separate estate, hereby declare and agree that the boundary line delineating the second class shorelands between their properties shall be the lateral line legally described in Exhibit "C" and depicted in Exhibit "C-1" attached hereto and incorporated herein by this reference.
2. **Quit Claim.** JAMES W. CHERBERG and NAN CHOT CHERBERG, husband and wife, hereby convey and quitclaim to JAMES THOMAS GRAUE, III, as his separate estate, all interest in the second class shorelands lying southeasterly of the lateral line

legally described in Exhibit "C" and depicted in Exhibit "C-1" attached hereto and incorporated herein by this reference. JAMES THOMAS GRAUE, III, as his separate estate, hereby conveys and quitclaims to JAMES W. CHERBERG and NAN CHOT CHERBERG, husband and wife, all interest in the second class shorelands lying northwesterly of the lateral line legally described in Exhibit "C" and depicted in Exhibit "C-1" attached hereto and incorporated herein by this reference. The revised legal descriptions for each parcel including the agreed lateral line are attached hereto as Exhibits D and E.

3. **Incorporation of Survey.** A record of survey has been prepared to document the precise lateral line and has been relied upon in preparing this Agreement. The record of survey is recorded as set forth in the recital above.

4. **Continuing Duty to Complete Agreement.** Cherberg and Graue agree to take all steps necessary to complete this Agreement. In particular, if it is determined that an application is required to for a boundary line adjustment, then Graue agrees to execute the application and any other necessary documents. However, Cherberg shall have full responsibility for all costs related to the completion of this Agreement including survey and recording fees and the cost of an application for boundary line adjustment, if necessary.

DATED THIS 23rd day of March, 2016


JAMES W. CHERBERG


NAN CHOT CHERBERG


JAMES THOMAS GRAUE III

STATE OF WASHINGTON)
)ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that JAMES W. CHERBERG and NAN CHOT CHERBERG are the persons who appeared before me, and 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.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 25 day of March 2016.

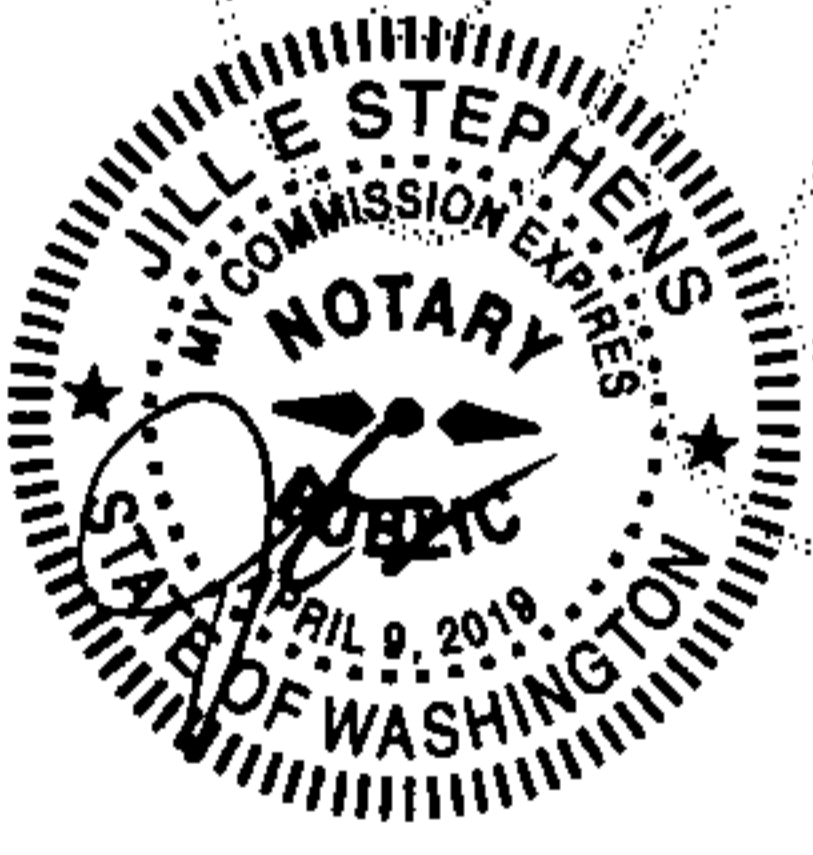


Jill E. Stephens
Print Name: Jill E. Stephens
NOTARY PUBLIC in and for the State of
Washington residing in Kirkland

STATE OF WASHINGTON)
)ss.
COUNTY OF)

I certify that I know or have satisfactory evidence that JAMES THOMAS GRAUE III is the persons who appeared before me, and said persons 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.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 5th day of April 2016.



Jill E. Stephens
Print Name: Jill E. Stephens
NOTARY PUBLIC in and for the State of
Washington residing in Kirkland

EXHIBIT A
CHERBERG PROPERTY

That Portion of Government Lot 4, Section 7, Township 24 North, Range 5 East, Willamette Meridian, in King County, Washington, described as follows:

Beginning at a point 834 feet North and 211 feet West of the Southeast corner of said Government Lot 4;
Thence West 65 feet;
Thence North to the Shore of Lake Washington;
Thence Southeasterly on said shore line 150 Feet, more or less, to a point which is North of the Point of Beginning;
Thence South to the Point of Beginning; together with all Second Class Shore Lands in front of said Premises;
Except The South 212.60 Feet;
Except that portion lying within the following described property:

Beginning at a Point 834 feet North and 276 feet West of the Southeast corner of said Government Lot 4;
Thence North to A Point 100 feet South of the shore of Lake Washington and which point is the true Point of Beginning;
Thence continuing North 100 feet to the shore of Lake Washington;
Thence on said shoreline Southeasterly 50 Feet;
Thence Southwesterly to a point 10 feet East of the true Point of Beginning;
Thence South to a line which is 834 feet North of the South Line of said Government Lot 4;
Thence West on said Line 10 feet;
Thence North to the True Point of Beginning;

Together with all Second Class Shorelands in front of said premises.

Together with a Permanent Easement for Ingress, Egress and Utilities over the Following Tract:

Beginning at a Point 834 Feet North and 256 Feet West of the Southeast Corner of Government Lot 4, Section 7, Township 24 North, Range 5 East, Willamette Meridian, In King County, Washington;
Thence West 10 Feet;
Thence North 212.60 Feet;
Thence East 10 Feet;
Thence South 212.60 Feet to the Point of Beginning;
Except the South 20 Feet Thereof for Road.

Situate in the County of King, State of Washington.
Tax Parcel ID No.: 413930-0405-01

EXHIBIT B
GRAUE PROPERTY

THE REAL PROPERTY SITUATED IN THE COUNTY OF KING, STATE OF WASHINGTON MORE FULLY DESCRIBED AS:

PARCEL A:

THAT PORTION OF GOVERNMENT LOT 4, SECTION 7, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 834 FEET NORTH AND 156 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT 4 AND RUNNING THENCE WEST 55 FEET; THENCE NORTH TO SHORE OF LAKE WASHINGTON; THENCE SOUTHEASTERLY ALONG SAID SHORELINE TO A POINT NORTH OF THE POINT OF BEGINNING; THENCE SOUTH TO THE POINT OF BEGINNING;

TOGETHER WITH SHORELANDS OF THE SECOND CLASS IN FRONT OF AND ABUTTING THEREON, EXCEPT ANY PORTION OF SAID SHORELANDS LYING EAST OF THE EAST LINE OF ABOVE DESCRIBED TRACT PRODUCED NORTH;

(ALSO KNOWN AS A PORTION OF TRACTS C AND D, LAKEMONT, ACCORDING TO THE UNRECORDED PLAT THEREOF).

PARCEL B:

THAT PORTION OF GOVERNMENT LOT 4, SECTION 7, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 854.00 FEET NORTH AND 136.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 4; THENCE NORTH 133.00 FEET; THENCE NORTH $12^{\circ}13'22''$ EAST 23.88 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTH $12^{\circ}13'22''$ WEST 23.88 FEET; THENCE NORTH TO THE SHORE OF LAKE WASHINGTON; THENCE SOUTHEASTERLY TO A POINT NORTH $1^{\circ}19'00''$ EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH $1^{\circ}19'00''$ WEST 208.79 FEET TO THE TRUE POINT OF BEGINNING;

(ALSO KNOWN AS A PORTION OF TRACT C, LAKEMONT, ACCORDING TO THE UNRECORDED PLAT THEREOF).

EXHIBIT C

CHERBERG RESIDENCE
CHERBERG-GRAUE LATERAL
SHORELANDS LINE LEGAL DESCRIPTION:

TRIAD JOB # 15-197
MARCH 22, 2016

A LINE, BEING IN THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 834 FEET NORTH AND 211 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT 4, ALSO KNOWN AS SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SAID POINT BEING SOUTH 89°57'00" EAST FROM THE SOUTHWEST CORNER OF TRACT D, LAKEMONT (UNRECORDED) AND 65.00 FEET DISTANT;

THENCE NORTH 00°00'00" EAST, 528.31 FEET TO THE LINE OF ORDINARY HIGH WATER OF LAKE WASHINGTON, BEING 21.85' IN ELEVATION, CORPS OF ARMY ENGINEERS DATUM FOR THE HIRAM CHITTENDEN LOCKS AND THE POINT OF BEGINNING OF THIS DESCRIBED LINE;

THENCE NORTH 36°04'18" EAST TO THE OUTER LIMITS OF THE SECOND CLASS SHORELANDS OF SAID LAKE WASHINGTON AND THE TERMINUS OF THIS DESCRIBED LINE.

WRITTEN: ARJ
CHECKED: MSH



Page 1 of 1

triad

s:\projects\15197\corrspnc\lateral line resolution between cherberg and graue\16-0226 15-097 legal description for cherberg-graue

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20300 Woodinville Snohomish Rd NE
Suite A | Woodinville, WA 98072
p: 425.415.2000
f: 425.486.5059
triadassociates.net
shorelands lateral line agreement.docx

PROPERTY EXHIBIT C-1

TRIAD JOB #15-197
MARCH 22, 2016

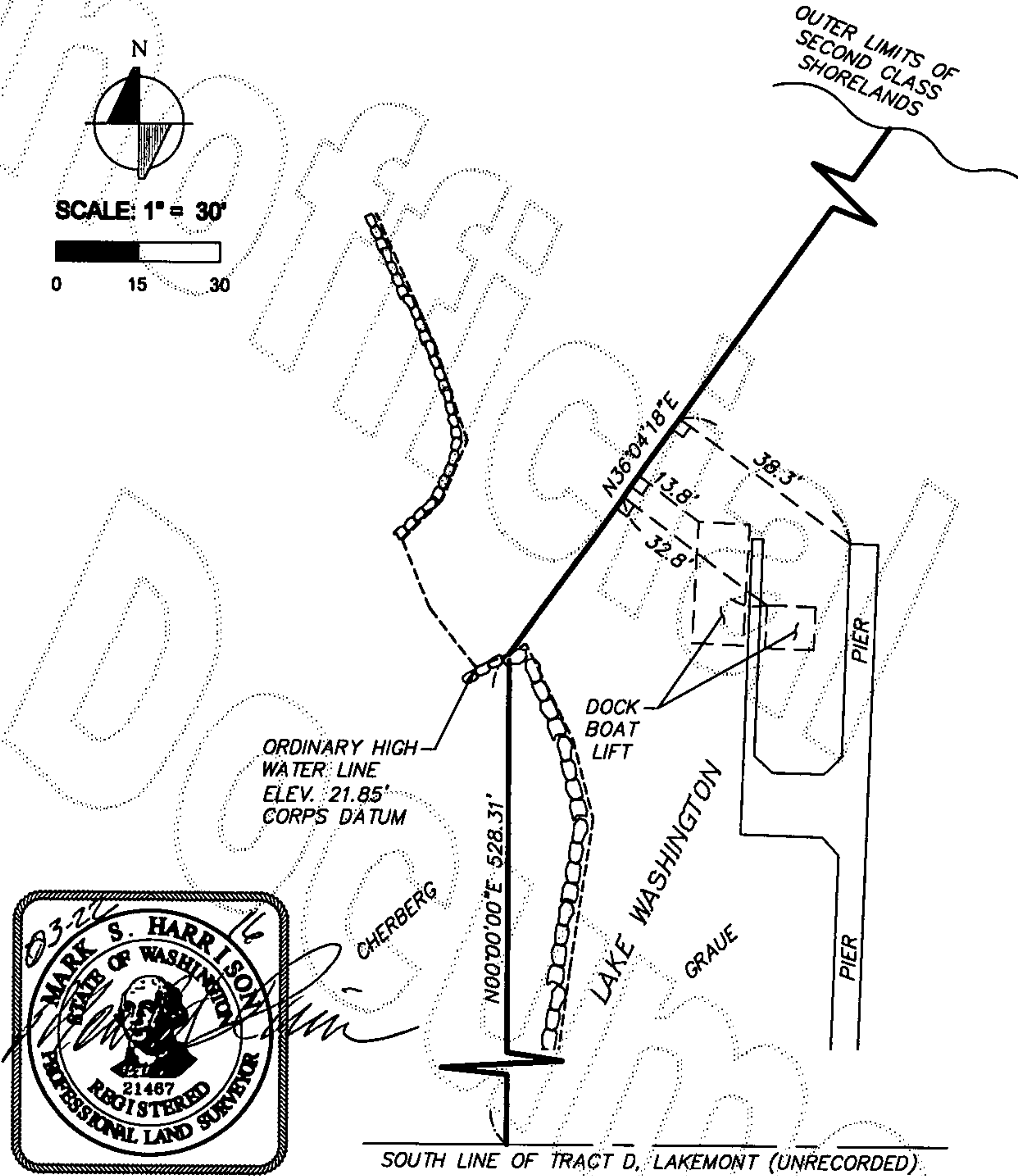
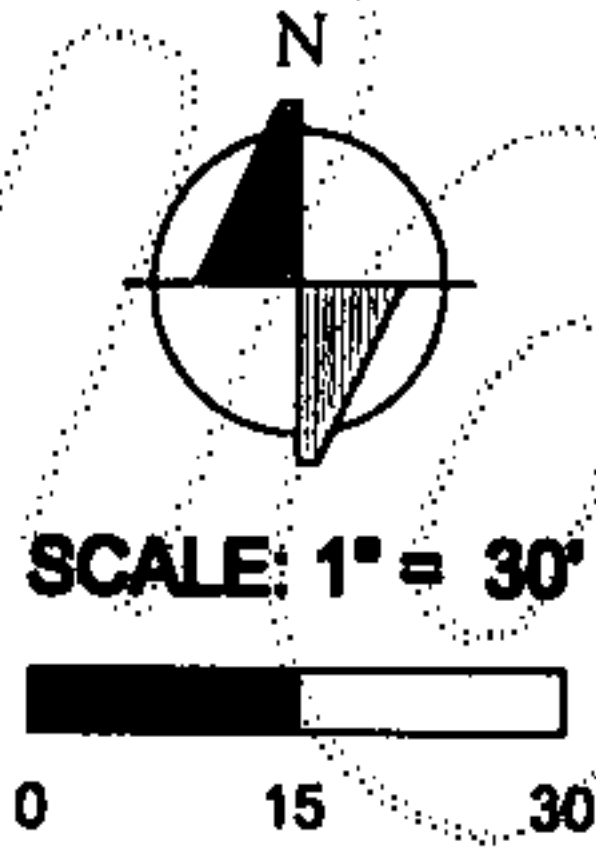


EXHIBIT D: REVISED LEGAL DESCRIPTION FOR CHERBERG PROPERTY
TAX PARCEL NO. 4139300405

That Portion of Government Lot 4, Section 7, Township 24 North, Range 5 East, Willamette Meridian, in King County, Washington, described as follows:

Beginning at a point 834 feet North and 211 feet West of the Southeast corner of said Government Lot 4;
Thence West 65 feet;
Thence North to the Shore of Lake Washington;
Thence Southeasterly on said shore line 150 Feet, more or less, to a point which is North of the Point of Beginning;
Thence South to the Point of Beginning; together with all Second Class Shore Lands in front of said Premises;
Except The South 212.60 Feet;
Except that portion lying within the following described property:

Beginning at a Point 834 feet North and 276 feet West of the Southeast corner of said Government Lot 4;
Thence North to A Point 100 feet South of the shore of Lake Washington and which point is the true Point of Beginning;
Thence continuing North 100 feet to the shore of Lake Washington;
Thence on said shoreline Southeasterly 50 Feet;
Thence Southwesterly to a point 10 feet East of the true Point of Beginning;
Thence South to a line which is 834 feet North of the South Line of said Government Lot 4;
Thence West on said Line 10 feet;
Thence North to the True Point of Beginning;

Together with all Second Class Shorelands in front of said premises;

Excepting therefrom the Shorelands lying southeasterly of the Agreed Lateral Line as described in Exhibit C of Lateral Line Agreement and Quit Claim Deed instrument recorded

under King County Recording Number 20160408000135;

Together with a Permanent Easement for Ingress, Egress and Utilities over the Following Tract:

Beginning at a Point 834 Feet North and 256 Feet West of the Southeast Corner of Government Lot 4, Section 7, Township 24 North, Range 5 East, Willamette Meridian, In King County, Washington;
Thence West 10 Feet;
Thence North 212.60 Feet;
Thence East 10 Feet;
Thence South 212.60 Feet to the Point of Beginning;
Except the South 20 Feet Thereof for Road.

Situate in the County of King, State of Washington.

Tax Parcel ID No.: 413930-0405

**EXHIBIT E: REVISED LEGAL DESCRIPTION FOR GRAUE PROPERTY
TAX PARCEL NO. 4139300390**

THE REAL PROPERTY SITUATED IN THE COUNTY OF KING, STATE OF WASHINGTON
MORE FULLY DESCRIBED AS:

PARCEL A:

THAT PORTION OF GOVERNMENT LOT 4, SECTION 7, TOWNSHIP 24 NORTH, RANGE 5
EAST, W.M., IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 834 FEET NORTH AND 156 FEET WEST OF THE SOUTHEAST
CORNER OF GOVERNMENT LOT 4 AND RUNNING THENCE WEST 55 FEET; THENCE NORTH
TO SHORE OF LAKE WASHINGTON; THENCE SOUTHEASTERLY ALONG SAID SHORELINE
TO A POINT NORTH OF THE POINT OF BEGINNING; THENCE SOUTH TO THE POINT OF
BEGINNING;

TOGETHER WITH SHORELANDS OF THE SECOND CLASS IN FRONT OF AND ABUTTING
THEREON, EXCEPT ANY PORTION OF SAID SHORELANDS LYING EAST OF THE EAST LINE
OF ABOVE DESCRIBED TRACT PRODUCED NORTH;

EXCEPTING THEREFROM THE SHORELANDS LYING NORTHWESTERLY OF THE AGREED
LATERAL LINE AS DESCRIBED IN EXHIBIT C OF LATERAL LINE AGREEMENT AND QUIT
CLAIM DEED INSTRUMENT RECORDED
UNDER KING COUNTY RECORDING NUMBER 20160408000135;

(ALSO KNOWN AS A PORTION OF TRACTS C AND D, LAKEMONT, ACCORDING TO THE
UNRECORDED PLAT THEREOF).

PARCEL B:

THAT PORTION OF GOVERNMENT LOT 4, SECTION 7, TOWNSHIP 24 NORTH, RANGE 5
EAST, W.M., IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 854.00 FEET NORTH AND 136.00 FEET WEST OF THE SOUTHEAST
CORNER OF SAID GOVERNMENT LOT 4; THENCE NORTH 133.00 FEET; THENCE NORTH
12°13'22" EAST 23.88 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN
DESCRIBED; THENCE SOUTH 12°13'22" WEST 23.88 FEET; THENCE NORTH TO THE SHORE
OF LAKE WASHINGTON; THENCE SOUTHEASTERLY TO A POINT NORTH 1°19'00" EAST
FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 1°19'00" WEST 208.79 FEET TO
THE TRUE POINT OF BEGINNING;

(ALSO KNOWN AS A PORTION OF TRACT C, LAKEMONT, ACCORDING TO THE
UNRECORDED PLAT THEREOF).

Tax Parcel ID No.: 413930-0390