

WAIVER AND COVENANT NOT TO SUE  
ON CONSTRUCTION FOR  
STEEP SLOPE SLIDE PRONE AREAS

STEVEN GILLIS and ANNE GILLIS, hereinafter referred to as covenantors, of Mercer Island, in King County, Washington, being the owners of that certain property commonly known as ~~3225~~ 4311 FOREST AVENUE and legally described as:

See ATTACHED!

(address)  
REC'D 08 #0278 D  
REC'D F 6.00  
REC'FEE 2.00  
CASHSL \*\*\*\*\*8.00

have applied to the City of Mercer Island for a permit to construct a building and/or reconstruct, make addition to, or alter an existing structure on the above described property which is in an area where steep slopes and/or slide prone soils have been identified.

Covenantors acknowledge that the City of Mercer Island has accumulated certain factual information concerning the presence of steep slopes and/or slide prone soils on Mercer Island which information is available for the covenantors' review and study; that covenantors and/or their architect, engineer, or agent have examined such data and have provided such additional data as was required by the Building Official for the purpose of determining the suitability of such construction site for residential, multi-residential, or commercial construction in view of any hazard presented by the steep slope and/or slide prone soils in the area; that such data may not accurately reflect or represent all unstable soil conditions in any particular area but is supplied by the City as a public service to serve as a general guide for use by landowners to evaluate land conditions; and that based upon such examination and/or other independent study, covenantors have independently determined that the subject property is suitable for residential, multi-residential or commercial construction notwithstanding the steep slope and/or slide prone soils in the area.

Now, therefore, in consideration of the City's issuance of Building Permit # 90-125, receipt of which is hereby acknowledged, covenantors, do hereby covenant with the City of Mercer Island, their elected or appointed officials, employees or agents, or anyone acting by or through the City of Mercer Island, that they will never at any future time sue said City or said designated persons for or on account of any claim for injuries, property damages, loss of services or support, expenses, costs, general damages, or in any manner whatsoever arising out of any occurrence, accident, or incident, that may hereafter occur on or about said premises, due to an incident of any and every description, on or in the vicinity of the subject premises related to, caused by, or an incident of steep slope and/or unstable soils or sliding in the area, including but not limited to subsistence of the ground or loss of lateral support.

The covenants hereby granted to the City of Mercer Island shall run with the title to the land and be binding on covenantors, their heirs, devisees, successors and assigns and all owners now or hereafter of the land described above.

Covenantors further covenant that after execution of this document the same shall be recorded with the King County Auditor at covenantors' expense and that notice of such recording will be supplied the City of Mercer Island within thirty (30) days after the date of this document.

DATED this 27th day of JANUARY, 1990.

RECEIVED  
SIGNED  
JAN 30 1990

[Signature]

Anne E. Gillis

NORMAN ARCHITECTS A.I.A.

STATE OF WASHINGTON)

COUNTY OF KING )ss

On this 27th day of January, 1990, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared STEVEN GILLIS and ANNE GILLIS to me known to be the individuals described in and who executed the 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 27th day of January, 1990

[Signature]  
NOTARY PUBLIC in and for the State of Washington  
residing at Snohomish

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EXHIBIT "A"

THAT PORTION OF VACATED KIRSE'S ADDITION TO EAST SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 52, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

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BEGINNING AT THE QUARTER SECTION CORNER ON THE EAST BOUNDARY OF SECTION 13, TOWNSHIP 24 NORTH, RANGE 4 EAST, IN KING COUNTY, WASHINGTON;  
THENCE RUNNING AT NORTH 89°54'07" WEST ALONG THE NORTH BOUNDARY LINE OF HERRINGMONT ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 24 OF PLATS, PAGE 37, RECORDS OF KING COUNTY, WASHINGTON, A DISTANCE OF 1040.05 FEET;  
THENCE 0°02'56" WEST PARALLEL TO THE EAST BOUNDARY LINE OF THE NORTH HALF OF SAID SECTION 13, A DISTANCE OF 224.61 FEET TO A POINT ON THE NORTHERLY LINE OF "K" STREET  
SOUTHEAST (FORMERLY KNOWN AS "M" STREET);  
THENCE ALONG SAID NORTHERLY LINE NORTH 85°17'28" WEST 452.64 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 13°13'48" WEST 92.54 FEET;  
THENCE NORTH 35°54'48" WEST 60.59 FEET;  
THENCE NORTH 84°06'18" WEST 47.00 FEET;  
THENCE S4°13'48" WEST 133 FEET TO THE UNITED STATES GOVERNMENT BEAVER LINE OF LAKE WASHINGTON;  
THENCE SOUTH 18°24'00" EAST ALONG SAID BEAVER LINE TO A POINT ON THE NORTHERLY LINE OF SAID "K" STREET SOUTHEAST;  
THENCE EASTERLY ALONG SAID LINE TO THE TRUE POINT OF BEGINNING;

TOGETHER WITH ALL SHORELANDS OF THE SECOND CLASS IN FRONT THEREOF OR ABUTTING THEREON.

PARCEL B:

THAT PORTION OF SOUTHEAST 43RD PLACE IN SECTION 13, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESIGNATED PARCEL "A", DESCRIBED IN INSTRUMENT RECORDED UNDER KING COUNTY RECORDING NO. 4233261, RECORDS OF KING COUNTY, WASHINGTON;  
THENCE SOUTH 13°13'48" EAST 18.18 FEET TO THE CENTER LINE OF ROAD DESIGNATED FOREST AVENUE EXTENSION - COUNTY ROAD NO. 13-24-4-1 IN KING COUNTY SUPERIOR COURT CASE NO. 860678;  
THENCE NORTH 83°13'18" WEST ALONG SAID CENTER LINE 30.10 FEET TO AN ANGLE POINT THEREIN;

THENCE SOUTH 77°14'50" WEST ALONG SAID CENTER LINE AND THE SAME PRODUCED TO THE UNITED STATES GOVERNMENT BEAVER LINE OF LAKE WASHINGTON;  
THENCE NORTH 18°24' WEST ALONG SAID BEAVER LINE TO THE SOUTH LINE OF SAID PARCEL "A";  
THENCE SOUTH 85°17'28" EAST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING;

TOGETHER WITH SECOND CLASS SHORELANDS IN FRONT OF SAID PARCEL.

BOTH SITUATE IN THE CITY OF BECKER ISLAND, COUNTY OF KING, STATE OF WASHINGTON.

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FILED for Record at Request of  
Phoda Lawrence c/o  
Sandler Architects  
1000 Lenora # 402  
Seattle Wa. 98121  
482-5211