

8906220521

HOLD HARMLESS AND COVENANT NOT TO SUE

THE UNDERSIGNED, being the OWNERS of the property described below, hereinafter referred to as "the Owners" are seeking permission from the City of Mercer Island, hereinafter referred to as "the City", to construct Plat Improvements, including but not limited to storm drainage, water and sewer systems, roadways and trails, slope cuts and fill and slope support or stabilization facilities and temporary erosion and sedimentation control facilities all associated with the Plat of Whitman Boundary Line Revision, File No. RI-88-06-23(J-4) as recorded under Recording No. 8808299046, records of King County, Washington.

The Owners acknowledge that they are responsible for the completion of all of the Plat Improvements and have entered into Contractual Agreement(s) with contractor(s) for the construction of same with the full knowledge that all construction is to be completed in accordance with all City, State and Federal Regulations and Ordinances, the accepted Engineering Improvement Plans, the Soils Reports recommendations and any subsequent revisions of additions thereto reviewed and accepted by the City, all of which are on file with the City Engineer. The Owners further agree to comply with the conditions contained in said regulations, ordinances, improvement plans, soils reports and with the requirements and conditions of the City permits issued for the work and do hereby covenant not to sue and agree to indemnify and hold harmless the City of Mercer Island, their elected and appointed officials, employees or agents, or anyone acting by or through the City of Mercer Island against any and all claims, damages, losses and expenses including attorneys' fees arising out of or resulting from the construction or the performance of the work, and shall, after reasonable notice, defend and pay the expense of defending any suit and will pay any judgment, including punitive awards due to an incident of any and every description, on or in the vicinity of the subject plat related to, caused by, or resulting from said construction regardless of whether or not it is caused in part by the Owner, his contractor(s), any subcontractor(s), or any employees, agents or representatives thereof, it being understood that the obligations of the Owners shall not include the sole negligence of the City, its officials, employees or agents.

89/06/22 #0521 D  
RECD F 7.00  
CRSHSL \*\*\*\*7.00  
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The covenants hereby granted to the City of Mercer Island shall run with the title to the land and shall be binding on the Owners, their heirs, devisees, successors and assigns and all owners now or hereafter of the land described above.

MERCER CONSTRUCTION & DEVELOPMENT CO., INC.

By [Signature]

8906220521

STATE OF WASHINGTON )  
                                  )ss  
COUNTY OF KING      )

On this 15th day of March, 19 89, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Grant Beck and \_\_\_\_\_, the President and \_\_\_\_\_ respectively of Mercer Construction & Development Co., Inc. a Washington Corporation, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed same as their free and voluntary act and deed, for the uses and purposes therein mentioned and on oath stated that they were authorized to execute said instrument and the seal affixed (if any) is the corporate seal of said corporation.

WITNESS my hand and official seal the day and year first written above.

Charles A. Raddy  
NOTARY PUBLIC in and for the State  
of Washington, residing at:  
Bremerton  
Expires: 12/10/92

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

David Syford  
David Syford  
\_\_\_\_\_

8906220521

STATE OF WASHINGTON)  
                                  )ss  
COUNTY OF KING          )

On this 29<sup>th</sup> day of March, 1989, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared David Syford, and David Syford, the \_\_\_\_\_ and \_\_\_\_\_ respectively of \_\_\_\_\_, a Washington Corporation, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed same as their free and voluntary act and deed, for the uses and purposes therein mentioned and on oath stated that they were authorized to execute said instrument and the seal affixed (if any) is the corporate seal of said corporation.

WITNESS my hand and official seal the day and year first written above.

S. E. Piazza  
NOTARY PUBLIC in and for the State  
of Washington, residing at:  
Seattle Washington

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MAY 19 1989  
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FBI - KING  
KING ISLAND, WA 98040-1440