



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**  
Peter Goldmark - Commissioner of Public Lands

## Application for Use of State-owned Aquatic Lands

**Applicant Name:** Ivar's Real Estate Associates  
**County:** King County  
**Water Body:** Lake Union  
**Type of Authorization - Use:** Lease – Temporary Dock used by Restaurant patrons and moored barge for outdoor restaurant seating.  
**Authorization Number:** 20-A12742  
**Term:** 12 years, with option for 12 year renewal

**Description:** This agreement will allow the use of State-owned aquatic lands for the sole purpose of dock/float temporarily used by restaurant patrons for moorage and a moored barge for outdoor restaurant seating. It is located in Lake Union, in King County, Washington.

The dock is a water-dependent use and the barge is a non-water dependent use.



WASHINGTON STATE DEPARTMENT OF **Natural Resources**

Doug Sutherland - Commissioner of Public Lands

Application for Authorization to use State Owned Lands for Easements, Rights of Way and Rights of Entry

update to app filed out on 12/6/99.

Fee paid then.

APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN

This application is to be used for the following Department of Natural Resources (DNR) uses on state-owned land. Please check the use you are applying for below: Multi-Region projects complete both Upland and Aquatic sections and survey specifications for Multi-Region projects.

**Upland Uses:** Please complete sections I, III, and IV, below for the following uses.

- Temporary Road Use Permit - Used for hauling valuable materials across DNR managed land (Upland use only, timber, crops, rock, etc).
Urban/Rural Easement - For crossings in an urban or rural upland area (Homesite and non-forestry uses).
Resource Management Easement - For crossings in areas where resources are managed (Removal of timber, crops, rock, etc.)
Utility Line Easement - For utility line crossing uplands (Power, water, sewer, telephone, etc.)
Public Highway - For local government and state agencies crossing state lands.

**Aquatic Land Uses:** Please complete sections I, II, and IV, below for the following uses.

- Aquatic Easement - For crossing state-owned aquatic land (Pacific Ocean, Puget Sound, navigable rivers and lakes, waterways, harbor areas).
Aquatic Right-of-Entry - For uses on aquatic land which will be for a term of less than a year.

I SUBMISSION OF APPLICATION

PLEASE NOTE: NO WORK CAN BE STARTED WITHIN THE PROJECT AREA UNTIL A USE AUTHORIZATION AGREEMENT HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES.

This application will be reviewed by the Department of Natural Resources upon receipt at one of the DNR offices shown below. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before execution of a use authorization granted by DNR.

- 4/4/00

For Aquatic Land applications, please include a \$25.00 non-refundable application processing fee (this fee is not required for local, state, and other government agencies).

Completion of this application form and notice of acceptance of the application should not be considered approval of your project. A use authorization agreement allows the applicant to use state-owned land. It is a legal real estate agreement which will be signed by both parties and in most cases recorded with the appropriate county.

DNR REGION OFFICES AND COUNTIES SERVED

<b>Northeast Region -</b>	225 South Silke Road P.O. Box 190 Colville, WA 99114	<b>Counties -</b> Lincoln**, Spokane, Stevens, Pend Oreille, Ferry Okanogan
<b>Northwest Region -</b>	919 North Township Street Sedro Woolley, WA 98284	<b>Counties -</b> Whatcom, Island, San Juan, Skagit, Snohomish
<b>Olympic Region -</b>	411 Tillicum Lane Forks, WA 98331	<b>Counties -</b> Clallam, Jefferson, north half of Grays Harbor
<b>South Puget Sound Region -</b>	950 Farman Ave North Enumclaw, WA 98022-9282	<b>Counties -</b> Pierce, King, Kitsap Mason; parts of Lewis, Thurston* and Snohomish
<b>Southeast Region -</b>	713 Bowers Road Ellensburg WA 98926	<b>Counties -</b> Adams, Benton, Douglas, Chelan, Franklin, Grant, Kittitas, Yakima, Klickitat, Walla Walla, Columbia, Whitman, Garfield, Asotin, parts of Lincoln**
<b>Pacific Cascade Region -</b>	601 Bond Road P.O. Box 280 Castle Rock, WA 98611	<b>Counties -</b> Wahkiakum, Cowlitz, Clark, Skamania, Thurston*, Lewis, Pacific, south half of Grays Harbor

\* Jurisdiction in these counties is shared by two regions

\*\* Jurisdiction in these counties is shared by two regions

**GENERAL APPLICATION INFORMATION**

Date of Application:		2/21/08			
(NOTE: This application will expire two (2) years from this date.)					
Easement to be Issued To (how name will appear on contract) Ivar's Real Estate Associates					
Address including City, State and Zip Code 1001 Alaskan Way, Seattle, WA 98104					
Telephone Number	206 587 6500	Fax Number	206 624 4895		
Applicant's Representative	James Seaver of Frank Madigan	Relationship to Applicant	Employee(s)		
Address including City, State and Zip Code SAME AS ABOVE					
Telephone Number	SAME AS ABOVE		Fax Number	SAME AS ABOVE	
If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax *Registration Number (Unified Business Identifier) is <b>REQUIRED</b> :					
Which of the following applies to Applicant (Check One and Attach written authority to sign - by laws, power of attorney, etc):					
Corporation:	<input type="checkbox"/>	(State of Registration):	<input type="checkbox"/>	Governmental Agency:	<input type="checkbox"/>
General Partnership:	<input type="checkbox"/>	Limited Partnership:	<input checked="" type="checkbox"/>	(State of Registration):	<input type="checkbox"/>
Sole Proprietorship:	<input type="checkbox"/>	Marital Community:	<input type="checkbox"/>	(Spouse):	<input type="checkbox"/>
Other:	<input type="checkbox"/>	(Please Explain):			
Has the site use been authorized before or is it currently under an easement? <b>Check One</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Don't Know <input type="checkbox"/>	If yes	Agreement # 20-012742

**USE OF STATE PROPERTY**

Describe the proposed use of the property and identify any additional proposed use:	Temporary dock and seating and eating area.		
Estimate volume of timber and/or rock to be hauled.	N/A	Mbf	Cu.Yds.
Who will the project ultimately serve?	Guests and others wishing to view Lake Union		
How many people will benefit from this project?	unknown		
What is the legal description of the benefiting property?	See attached description		
Length of time requested for the easement?	From March 1, 2008	To February 29, 2012	
Proposed construction starting date and completion date	N/A	Estimated cost of construction	N/A
Length of the project in feet or miles	N/A		
Width of the proposed R/W in feet	N/A		
If the project is for utilities (telephone, sewer lines, outfall, power, water, natural gas, etc.), what are the dimensions of the material to be used? (e.g., six inch doubled walled pipe, or six fiber optic conduits)	N/A		
What is the use capacity of the utility?	N/A		
If the project is a bridge, what is the anticipated life span of the bridge?	N/A		
Will utilities be a part of the bridge?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	<input type="checkbox"/>
If utilities are a part of the bridge, please list which utilities (include company name and address if known)	N/A		
Will the easement, or any portion thereof, be assigned to another party?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	<input checked="" type="checkbox"/> (If yes, submit a copy of the conveyance agreement.)
What are the current and past uses of the site?	Same as above		

Do you have any knowledge of contamination of the site by toxic or hazardous substances? Any past uses or practices that might have led to contamination by such substances? If so, please explain:	None - Storm Sewer Outfall is just west of the property
---	---

**IMPROVEMENTS**

PHYSICAL IMPROVEMENTS ARE STRUCTURES PLACED ON THE LAND THAT CANNOT BE REMOVED WITHOUT DAMAGE TO THE LAND. EXAMPLES OF SUCH STRUCTURES INCLUDE PILINGS, DOLPHINS, PIERS, WHARVES, PILING-SUPPORTED BUILDINGS, STRUCTURES BUILT ON FILL OR CONCRETE FOUNDATIONS, BURIED PIPELINES AND CABLES, AND SUPPORT STRUCTURES FOR BRIDGES. NEW CONSTRUCTION WILL REQUIRE SUBMISSION OF SURVEY.

What physical improvements currently exist on the site? (Photos may be required.)	Barge, Dock and Ramps
If there are physical improvements currently on the site, who holds ownership to them?	Ivar's Real Estate Associates
If there are physical improvements currently on the site, describe their condition:	Good
Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed?	N/A
Describe any physical improvements that the applicant is proposing to construct on the site:	None
Has any fill material been placed on the site? If Yes, please describe:	No

**II AQUATIC LOCATION**

THE AUTHORIZATION TO USE AQUATIC LANDS IS OFTEN SUBJECT TO PREFERENCE RIGHTS. APPLICANTS AND SURVEYORS SHOULD CAREFULLY DETERMINE THE DIRECTION, AND SHOW DETAIL OF, THE PRORATION OF COVES AND IRREGULAR SHORELINES.

The Body of Water on which the state property is located:	Lake Union, Seattle King County
---	---------------------------------

County in which the state property is located:

Government Lot,	Section,	Township,	Range,	East/West
Government Lot,	Section,	Township,	Range,	East/West
Government Lot,	Section,	Township,	Range,	East/West
Government Lot,	Section,	Township,	Range,	East/West
Government Lot,	Section,	Township,	Range,	East/West
Government Lot,	Section,	Township,	Range,	East/West

**A LEGAL PROPERTY SURVEY INCLUDING THE LEGAL DESCRIPTION AND OTHER INFORMATION ABOUT THE PROPERTY IS REQUIRED TO OBTAIN AN EASEMENT. THE SURVEY REQUIREMENTS ARE DESCRIBED BELOW IN PROPERTY SURVEY (AQUATIC EASEMENT), PROPERTY SURVEY OF THIS FORM. THE SURVEY PLAT WILL BE ATTACHED TO THE EASEMENT DOCUMENT AS EXHIBIT A. ENGINEERING DRAWINGS ARE NOT ACCEPTABLE. (THE SURVEY CAN BE COMPLETED AFTER YOU HAVE BEEN NOTIFIED IN WRITING THAT THE APPLICATION HAS BEEN ACCEPTED. HOWEVER, THE EASEMENT AGREEMENT CANNOT BE COMPLETED UNTIL A SURVEY IS APPROVED BY OUR DEPARTMENT.)**

Lake Union

Physical description of Project Area (For example, Marsh, Tideflat adjacent to the Chehalis River, etc.):

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:

Name	Ivar's Real Estate Associates	Address	1001 Alaskan Way		
City	Seattle	State	WA	Zip Code	98104
		Phone Number	206 587 6500		

County Parcel No(s). for adjacent properties, upland, and /or adjacent tideland properties (NOTE: You may attach copies of county assessors information relating to parcel numbers. Please verify that the section, township and range is identified in the assessors information.)

**EXCEPT FOR PROPERTY LOCATED WITHIN ESTABLISHED HARBOR AREAS, PROOF OF OWNERSHIP, OR AUTHORIZATION TO USE THE ADJACENT TIDELAND, SHORELAND, OR UPLAND PROPERTY MAY BE REQUIRED. IF THE APPLICANT IS THE OWNER OF THE ADJACENT LAND, ATTACH A COPY OF THE DEED OR CONTRACT OF SALE.**

**LOCAL, STATE, AND FEDERAL REGULATORY PERMITS (AQUATIC EASEMENTS ONLY)**

**COPIES OF ALL GOVERNMENT REGULATORY PERMITS ARE REQUIRED BEFORE ISSUANCE OF A DNR EASEMENT. YOUR PROJECT MAY REQUIRE SOME OR ALL OF THESE PERMITS. (WAC 332.30.122 (1)(c))**

**PLEASE INCLUDE THE FOLLOWING PERMIT APPLICATIONS, PERMITS, LETTERS OF CONCURRENCE OR WAIVERS WITH THE APPLICATION:**

JARPA (Joint Aquatic Resources Permit Application) This one form is used to apply for all of the following permits:

Section 10 Permit - Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.

Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption - Issued by Local Government, and is required for work or activity in the 100-year flood plain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filing, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.

Hydraulic Project Approval - Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.

Section 404 Permit - Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.

Section 401 Water Quality Certification - Required by the Department of Ecology if a Section 404 permit is required.

NPDES (National Pollutant Discharge Elimination System Permit) - Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

SEPA (State Environmental Policy Act) Checklist and Environmental Review - When you submit a permit application to any agency, you will be asked to fill out an environmental checklist (unless your project is categorically exempt per WAC 197-11-800 through 890). Based on checklist answers and the reviewers knowledge of the project site, the "lead agency's" SEPA responsible official will determine the types of impacts the project may have on the environment. ("lead agency" is defined in WAC 197-11-050).

The lead agency will make a determination as to the environmental impact of this proposal and will issue one of the following:

- Determination of Non-significance (DNS)
- Mitigated Determination of Non-significance (MDNS), which will require mitigation measures to reduce the environmental impact.
- Determination of Significance (DS), which will trigger a requirement to produce an environmental impact statement (EIS)
- The lead agency's determination of non-significance will not automatically cause DNR's approval of this proposal for right of way on the lands it manages.

N/A

Describe any habitat mitigation required by any of the permitting agencies identified above and identify in detail where such mitigation is proposed to occur:

**PROPERTY SURVEY (AQUATIC EASEMENT)**

A survey of the easement area is required for each application. A third order survey is required and a Record of Survey shall be submitted showing the results of the survey and the location of the easement site applied for. A copy of the final proposed survey must be submitted directly to the land manager who will pass on to the department's State Land Survey Unit, for preliminary review prior to submission of the final survey. The final survey shall be filed with the county auditor and a copy that includes the auditor's recording information shall be submitted to the department's land manager. The final recorded copy should include the departments easement number which will be given at the time of application acceptance.

**THE AUTHORIZATION TO USE AQUATIC LANDS IS OFTEN SUBJECT TO PREFERENCE RIGHTS. APPLICANTS AND SURVEYORS SHOULD CAREFULLY DETERMINE THE DIRECTION, AND SHOW DETAIL OF, THE PRORATION OF COVES AND IRREGULAR SHORELINES.**

**AQUATIC EASEMENT LEGAL DESCRIPTION**

Lake Union				
The Body of Water on which the state property is located:				
King				
County in which the state property is located:				
Government Lot,	Section,	Township,	Range,	East/West <input type="checkbox"/> <input type="checkbox"/>
Government Lot,	Section,	Township,	Range,	East/West <input type="checkbox"/> <input type="checkbox"/>
Government Lot,	Section,	Township,	Range,	East/West <input type="checkbox"/> <input type="checkbox"/>
Government Lot,	Section,	Township,	Range,	East/West <input type="checkbox"/> <input type="checkbox"/>
Government Lot,	Section,	Township,	Range,	East/West <input type="checkbox"/> <input type="checkbox"/>
Government Lot,	Section,	Township,	Range,	East/West <input type="checkbox"/> <input type="checkbox"/>
Government Lot,	Section,	Township,	Range,	East/West <input type="checkbox"/> <input type="checkbox"/>
Government Lot,	Section,	Township,	Range,	East/West <input type="checkbox"/> <input type="checkbox"/>

### **III UPLAND EASEMENTS**

**COPIES OF ALL GOVERNMENT REGULATORY PERMITS ARE REQUIRED BEFORE ISSUANCE OF A DNR AGREEMENT. YOUR PROJECT MAY REQUIRE THE FOLLOWING PERMITS OR OTHER PERMITS.**

**For all new construction, consultation with a DNR field representative is required prior to submitting an application. In addition, a site visit may also be required prior to submitting an application.**

**Note: A survey plat will be required to accompany the application. Contact the Region representative for the appropriate plat specifications.**

**For non-exempt projects, applicant must complete a SEPA checklist and include any additional information requires by SEPA before DNR will offer an agreement**

SEPA (State Environmental Policy Act) Checklist and Environmental Review - When you submit a permit application to any agency, you will be asked to fill out an environmental checklist (unless your project is categorically exempt per WAC 197-11-800 through 890). Based on checklist answers and the reviewers knowledge of the project site, the "lead agency's" SEPA responsible official will determine the types of impacts the project may have on the environment. ("lead agency" is defined in WAC 197-11-050). The lead agency will make a determination as to the environmental impact of this proposal and will issue one of the following:

- Determination of Nonsignificance (DNS)
- Mitigated Determination of Non-significance (MDNS), which will require mitigation measures to reduce the environmental impact.
- Determination of Significance (DS), which will trigger a requirement to produce an environmental impact statement (EIS)
- The lead agency's determination of non-significance will not automatically cause DNR's approval of this proposal for right of way on the lands it manages.

**Must be in place before work can be started:**

FPA (Forest Practices Application): Required for activities conducted on forest lands related to growing, harvesting or processing timber and are regulated by the Forest Practices Act. Activities include road construction and maintenance, thinning and salvage of trees, harvesting, reforestation, brush control, and using fertilizers or pesticides.

HPA (Hydraulic Project Approval) - Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.

### **UPLAND LOCATION INFORMATION**

*For longer location information descriptions, please use the attached supplemental page.*

County (s)

**1) Legal description of new construction (road, utility)**

Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
and will be        feet wide,        miles/feet long and consists of        acres of land.							

**2) Legal description of Existing Road**

Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
and will be        feet wide,        miles/feet long and consists of        acres of land.							

**3) Legal description of land from which materials (products) will be removed**

Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	

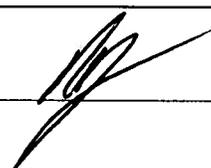
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	

Tax Parcel Numbers, tract numbers, lot names and physical address numbers:

**IV APPLICATION VERIFICATION AND AUTHORIZATION**

**All answers and statements are true and correct to the best of my knowledge.**

Applicant Ivar's Real Estate Associates  
(Please Print)

Signed  \_\_\_\_\_  
(Applicant or Authorized Signature)

Title Secretary/Treasurer

Company Ivar's, Inc as General Partner of Ivar's Real Estate Associates

Date 02/26/2008

*NOTE: If you have any questions concerning surveys, please call Department of Natural Resources, State Land Survey Unit at (360) 902-1182.*

NOT TO SCALE

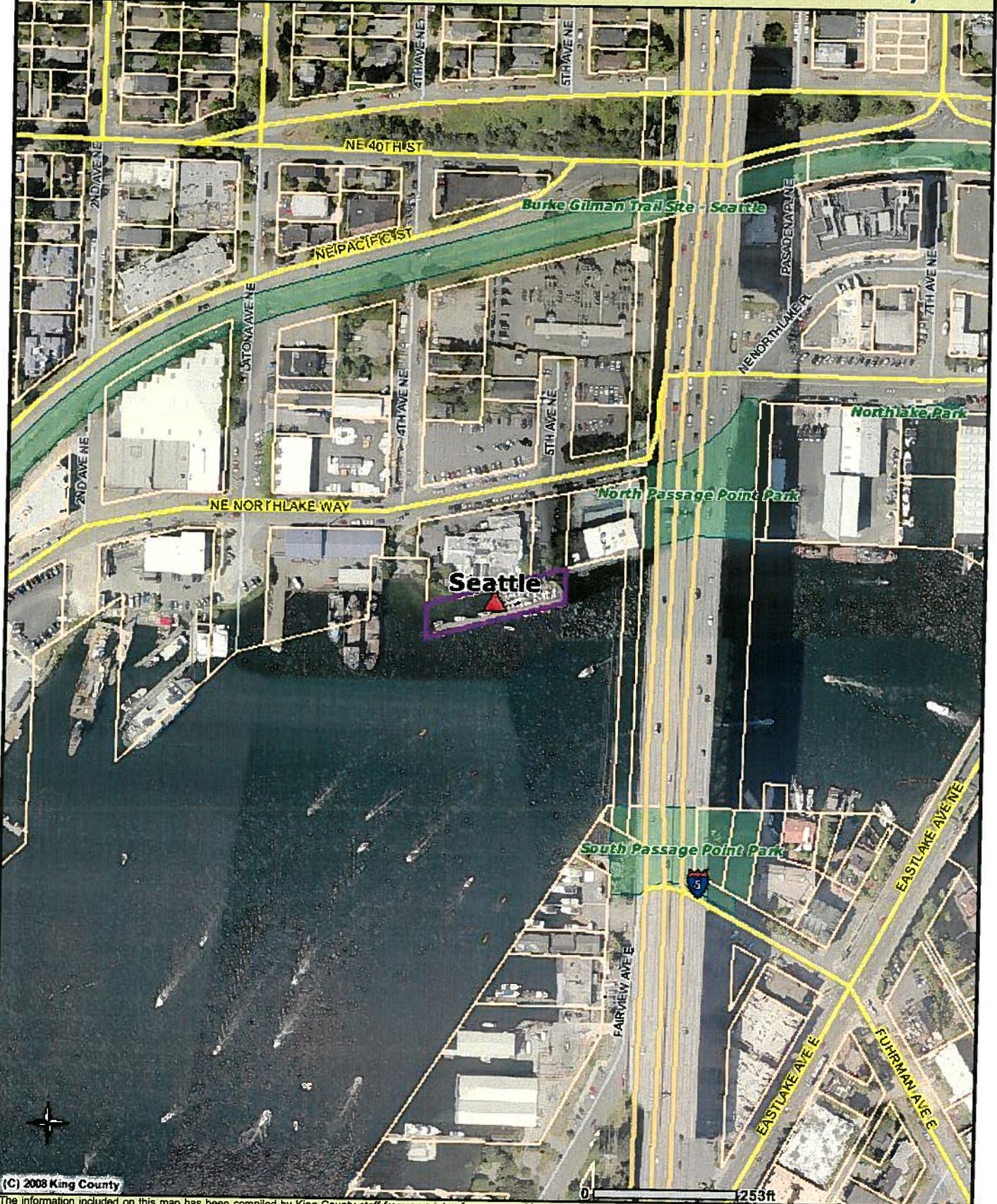
### LEASE LEGAL DESCRIPTION

COMMENCING AT THE CAVED MONUMENT AT THE INTERSECTION OF 5TH AVENUE NE AND NE NORTHLAKE WAY; THENCE SOUTH 78°17'56" WEST A DISTANCE OF 267.40 FEET TO A PK NAIL AT THE INTERSECTION OF 4TH AVENUE NE AND NE NORTHLAKE WAY; THENCE SOUTH 14°55'28" EAST A DISTANCE OF 174.46 FEET TO THE SOUTHERLY MOST POINT OF LOT 5 OF BLOCK 33 OF LAKE UNION SHORELANDS ALSO KNOWN AS POINT 96 OF THE STATE OF WASHINGTON DEPARTMENT OF NATURAL RESOURCES SURVEY RECORDED UNDER AUDITOR'S FILE NUMBER 20050810900004 SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 33 AND THE PROJECTION THEREOF NORTH 74°58'48" EAST A DISTANCE OF 250.92 FEET TO THE EASTERLY MARGIN OF 5TH AVENUE NE; THENCE SOUTH 15°01'12" EAST A DISTANCE OF 67.28 FEET; THENCE SOUTH 77°04'24" WEST A DISTANCE OF 268.33 FEET; THENCE NORTH 01°40'30" EAST A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

### NOTES:

1. INSTRUMENT DATA -  
TOTAL STATION - LIETZ 4 (5" DIRECT READING)  
GPS - LEICA SYSTEM 500  
PROCESSING SOFTWARE - LEICA SKI-PRO VERSION 2.1
2. FIELD METHOD USED - TRAVERSE & GPS OBSERVATIONS
3. METHOD OF ADJUSTMENT - NONE
4. MONUMENTS VISITED - 1/6/08
5. BASIS OF BEARING - N74°58'48"E - HARBOR LINE  
WASHINGTON STATE PLANE NORTH COORDINATES NAD 83/91.  
BASED ON SURVEY (R)
6. PRECISION OF TRAVERSE CLOSURE MEETS OR EXCEEDS  
STANDARDS REQUIRED BY WAC-332-130-090
7. REFERENCE MATERIALS -  
STATE OF WASHINGTON DEPARTMENT OF NATURAL  
RESOURCES RECORD OF SURVEY RECORDED UNDER AF  
NO 20050810900004  
DEPARTMENT OF NATURAL RESOURCES RECORD OF  
SURVEY OF LAKE UNION SHORELANDS WATERWAY 15  
RECORDED UNDER AF NO 9506309003

# Ivars Real Estate Associates (Lease #20-A12742)



(C) 2008 King County

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 9/4/2009

Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)



