



200806180108

Skagit County Auditor

6/18/2008 Page

1 of

3 3:10PM

When recorded return to:
City of Anacortes
P.O. Box 547
Anacortes, WA 98221

CHICAGO TITLE CO.

ACCOMMODATION RECORDING

108 3097

This Agreement is made and entered into by and between the City of Anacortes, a municipal corporation and Janice and Craig Leary, hereinafter referred to as "OWNERS".

Whereas, OWNERS, Janice and Craig Leary, the owner of the following described real estate located within the City of Anacortes, Skagit County, Washington, also known as 2705 Morton Avenue, Anacortes, WA.

Parcel P58976 - Lots 14 and 15, Portion of Lot 16, Block 10, "First Plat of Ship Harbor".

Whereas, the Owners has placed certain improvements in the right of way adjacent to said property consisting of:

To encroach into ROW, a triangular shaped area 40 feet by 35 feet by 24 feet adjacent to the south west corner of the applicant's property line. This area will be used for landscaping with rockery, plantings and possible paving.

Now, therefore, parties hereby agree as follows:

Whereas, the City is agreeable to allowing said encroachment on certain terms and standard conditions:

1. The enclosed agreement must be signed and notarized by each property owner(s) and returned to Cherri Kahns, Executive Secretary.

2. The Owner(s) agree to comply with all applicable ordinances, laws and codes in constructing the encroachment and further agree to remove the said encroachment within a reasonable time upon request by the City of Anacortes or a duly franchised public utility. The Owner(s) understand and agree that all costs incurred in removing said improvements shall be at the Owner's sole expense.
3. The Owner(s) agree to indemnify and hold the City harmless from any claims for damages resulting from construction, maintenance or existence of those improvements encroaching into said right-of-way.
4. The Owner(s) shall not obstruct water meters or other public or private facilities except as approved in this agreement.
5. The Owner(s) shall ensure that any public or private utilities are not impacted or damaged by construction or use.
6. The Owner(s) shall leave a minimum of 48 inches of clearance between the curb or edge of street and any above grade construction.
7. The construction and use shall not create clear view obstructions at intersections or private property access.
8. Landscaping may not exceed 7 feet in height. If the applicant/property owners fail to maintain the landscaping to seven feet or less, the city is authorized to remove the landscaping at the applicant/property owner's expense.

Special Conditions

The encroached area shall not impact any existing parking along Morton Avenue.

DATED this 16th day of MAY, 2008

OWNER: By: _____

Janice R. Leary
Janice R. Leary

OWNER: By: _____

Craig S. Leary
Craig S. Leary

APPROVED By: _____

H. Dean Maxwell
H. Dean Maxwell, Mayor



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STATE OF WASHINGTON)) ss
 COUNTY OF SKAGIT)

On this day personally appeared before me, Janice R. Leary, to me known to be the individual described in and who executed the foregoing agreement and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 16th day of June, 2008.



Cherril L. Kahns
 (Signature)
 Notary Public in and for the State of Wash
Cherril L. Kahns
 Print Name)
 Residing in Mount Vernon, Washington.
 My commission expires: 10-19-10

STATE OF WASHINGTON)) ss
 COUNTY OF SKAGIT)

On this day personally appeared before me, Craig S. Leary, to me known to be the individual described in and who executed the foregoing agreement and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 16th day of June, 2008.



Cherril L. Kahns
 (Signature)
 Notary Public in and for the State of Wash
Cherril L. Kahns
 Print Name)
 Residing in Mount Vernon, Washington.
 My commission expires: 10-19-08



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