



201506120010

Skagit County Auditor

\$76.00

6/12/2015 Page

1 of

5 10:35AM

**When recorded return to:**

**City of Anacortes**

**P.O. Box 547**

**Anacortes, WA 98221**

ACCOMMODATION RECORDING

CHICAGO TITLE 620024489-M

This Agreement is made and entered into by and between the City of Anacortes, a municipal corporation and Kevin M Otnes and Lori G Otnes hereinafter referred to as "OWNER".

Whereas, OWNERS, Kevin M Otnes and Lori G Otnes owner of the following described real estate located within the City of Anacortes, Skagit County, Washington, also known as Parcel # 132498 in Anacortes, WA.

**Encroachment Agreement.** Parcel # 132498 LOT 2 OF BLA NO. 2014-0001, RECORDED UNDER AF#201402130045 BEING A PORTION OF LOTS 6 TO 10, BLOCK 195, CITY OF ANACORTES, RECORDED IN VOLUME 2 OF PLATS, PAGE 4, RECORDS OF SKAGIT COUNTY, TOGETHER WITH THE SOUTH 1/2 OF VACATED ALLEY ADJACENT THERETO.

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

**Encroachment Description:** Proposed encroachment is for a 2' x 70' strip of 12th street right away for a fence just south of his south property line. See attached drawing for exact measurements. Must follow City of Anacortes Municipal Code Chapter 17.52 Fence, Walls, and Hedges, attached.

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.

DATED this 14 day of May, 2015

OWNER: By: *Kevin M Otnes*  
 Kevin M Otnes

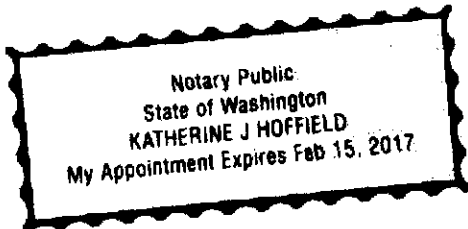
OWNER: By: *Lori G Otnes*  
 Lori G Otnes

APPROVED BY: *Laurie M. Gere*  
 Laurie M. Gere, Mayor

STATE OF WASHINGTON )  
 ) ss  
 COUNTY OF SKAGIT )

On this day personally appeared before me, Kevin M Otnes and Lori G Otnes known to be the individual(s) 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 14 day of May, 2015.



*Katherine J Hofffield*  
 (Signature)  
 Notary Public in and for the State of Washington  
Katherine J Hofffield  
 Print Name)  
 Residing in Encore, Washington.

My commission expires: February 15, 2017

"D" AVENUE

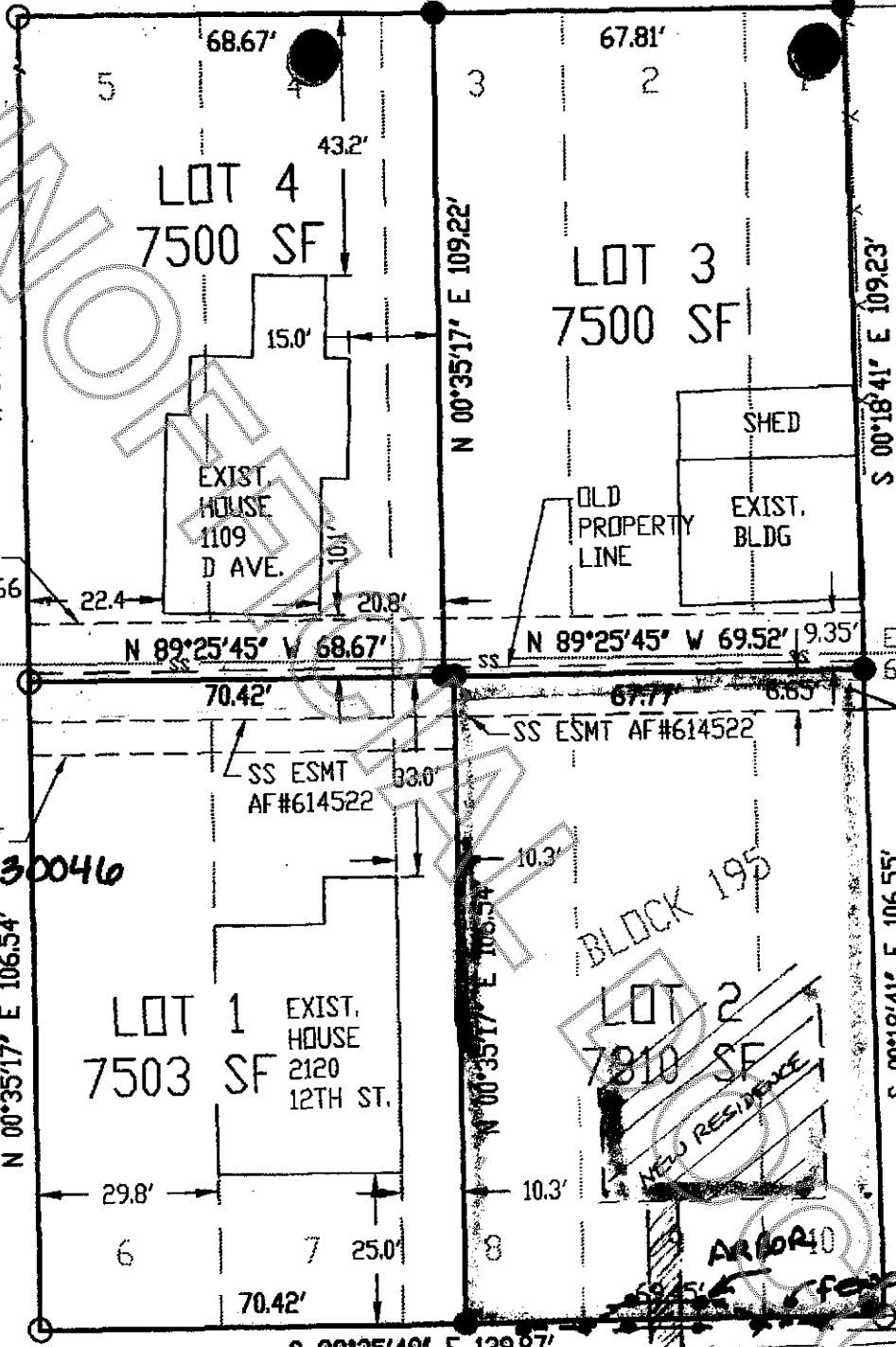
1109 D AVE

N 00°35'17" E 109.22'

ACCESS ESMT # 201402130046 LOT 2

N 00°35'17" E 106.54'

- FOUND BRASS TOP CONCRETE MONUMENT IN CASE WITH COVER



SEE RDS AF # ADJOINING LOT

Alley vacated by Ord. #

SUBJECT PROPERTY

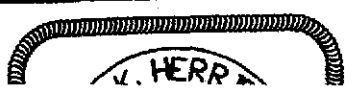
GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A



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**Chapter 17.52 FENCES, WALLS, AND HEDGES**

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**Sections:**

17.52.010 General requirements.

17.52.020 Fences, walls, and hedges which create potential safety hazards.

17.52.030 Electric fences.

17.52.040 Barbed wire fences.

17.52.050 Retaining walls.

**17.52.010 General requirements.**

Regardless of other provisions of this chapter, fences, walls, and hedges may be permitted in any yard or along the edge of any yard. In residential zones, no solid fence, wall, or hedge within or along the sides or front edge of any front yard, to the required depth of that yard, shall be over two feet six inches in height. Non-sight obscuring fences, walls or hedges in this required front yard setback area shall not exceed four feet six inches in height. Fences, walls or hedges in side and rear yards shall not exceed seven feet in height. In the nonresidential zones fences, walls or hedges in any yard shall not exceed seven feet in height. (Ord. 2557 (part), 2001; Ord. 2528 Att. A § 14, 2000; Ord. 2482 Att. A § 16 (part), 1999; Ord. 2316 (part), 1994)

(Ord. 2794, § 1(Att. A), 12-15-2008)

**17.52.020 Fences, walls, and hedges which create potential safety hazards.**

No fence, wall, or other such structure, or hedge, over three feet in height, shall be placed within three feet of any dwelling or dwelling unit where such fence, wall, or hedge substantially interferes with access to such dwelling unit for fire and public safety purposes or substantially impairs the ability of an occupant of a dwelling unit to use windows, doors, etc., as emergency exits. Where a fence, wall, or hedge forms a complete enclosure of an area adjacent to a dwelling or dwelling unit, a gate shall be provided for emergency egress. (Ord. 2316 (part), 1994)

(Ord. 2794, § 1(Att. A), 12-15-2008)

**17.52.030 Electric fences.**

Electric fences shall be prohibited in all zones except R1 zones and shall be allowed only by special permit issued by the board of adjustment after application for the purpose of containing animals in a permitted area. No electric fence shall be allowed or maintained which does not conform to state electrical codes. (Ord. 2316 (part), 1994)

(Ord. 2794, § 1(Att. A), 12-15-2008)

**17.52.040 Barbed wire fences.**

Barbed wire and razor wire fences shall be prohibited in all zones except when barbed wire fences are pre-existing and are used to contain animals kept on a property continuously since 1999. In such cases at such time as animals are not kept in the fenced area for ninety days or more, the right to maintain these existing fences shall be considered extinguished, and these fences shall be removed within thirty days. (Ord. 2482 Att. A § 16 (part), 1999)

(Ord. 2794, § 1(Att. A), 12-15-2008)

#### 17.52.050 Retaining walls.

- A. **Building Permit.** A building permit is required for retaining walls or rockeries not exempted from permit by Section 105.2 of the International Building Code or the International Residential Code, Chapter 15.04 AMC.
- B. **Engineer.** Any rockery requiring a building permit shall be designed and inspected by a licensed engineer.
- C. **Drainage Control.** Drainage control shall be provided for the area behind the rockery.
- D. **Maximum Height in Required Yard—Cut Slopes.** No retaining walls or rockeries, or any combination of retaining walls or rockeries, to the extent used to protect a cut or cuts into existing grade within any required yard, shall exceed a total of twelve feet in height. All retaining walls and/or rockeries within a required yard shall be included in calculating the maximum height of twelve feet. Such retaining walls or rockeries, or combination of retaining walls or rockeries within a required side or rear yard, may be topped by a fence up to six feet in height or, if within any required front yard, by a fence up to four feet six inches in height per Section 17.52.010
- E. **Maximum Height in Required Yard—Fill Slopes.** No retaining walls or rockeries, or any combination of retaining walls or rockeries, to the extent used to raise grade and protect a fill slope, shall exceed a total of seven feet in height within any required side or rear yard. All retaining walls and/or rockeries within any required side or rear yard shall be included in calculating the maximum height of seven feet. A fence or guardrail may be placed on top of such retaining wall or rockery, but in no event shall the height of the fence exceed four feet above the finished grade behind the retaining wall or rockery; provided, rockeries, retaining walls, fences, or any combination thereof in all residential zones, are limited to a maximum height of four feet six inches when within any required front yard.
- F. In the commercial district, central business district, and all residential districts, retaining walls are prohibited from being constructed of "ecology blocks," "Jersey barriers," and similar large-scale manufactured blocks generally used for highway and industrial construction.  
(Ord. 2528 Att. A § 15, 2000)

(Ord. 2794, § 1(Att. A), 12-15-2008)