



200409010145

Skagit County Auditor

9/1/2004 Page

1 of

7

3:36PM

Chicago Title Company has placed
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When recorded return to:

City of Anacortes

P.O. Box 547

Anacortes, WA 98221

ACCOMMODATION RECORDING

12B 2556v

ENCROACHMENT AGREEMENT

This Agreement is made and entered into by and between the City of Anacortes, a municipal corporation, hereinafter referred to as "CITY" and Mark E. and Ramona Anne Ortman, hereinafter referred to as "OWNER".

Whereas, OWNERS, Mark E. and Ramona Anne Ortman, the owner's of the following described real estate located within the City of Anacortes, Skagit County, Washington, also known as 2408 11th Street.

See parcel A, B & C in Exhibit "A" Attached with quit claim deed

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

To encroach on a 26 foot by 68 foot by 60 foot triangle shaped easement to maintain and enclose with a portable fence to stop animal intrusion.

Now, therefore, parties hereby agree as follows:

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

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.

Special Conditions

None

DATED this 23 day of August, 2004

OWNER: By: _____

Mark E. Ortman

OWNER: By: _____

Ramona Anne Ortman

APPROVED By: _____

H. Dean Maxwell, Mayor



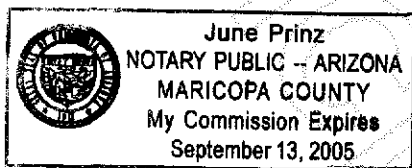
200409010145

Skagit County Auditor

ARIZONA
STATE OF ~~WASHINGTON~~
MARICOPA^{SS}
COUNTY OF ~~SKAGIT~~)

On this day personally appeared before me, Mark E. Ortman, 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 23 day of August, 2004.

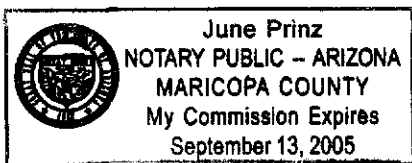


(Signature) June Prinz
Notary Public in and for the State of ARIZONA
JUNE PRINZ
Print Name)
Residing in Phoenix, Washington ARIZONA
My commission expires: 9-13-05

ARIZONA
STATE OF ~~WASHINGTON~~
MARICOPA^{SS}
COUNTY OF ~~SKAGIT~~)

On this day personally appeared before me, Ramona Anne Ortman, 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 23 day of August, 2004.



(Signature) June Prinz
Notary Public in and for the State of ARIZONA
JUNE PRINZ
Print Name)
Residing in Phoenix, Washington ARIZONA
My commission expires: 9-13-05



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Skagit County Auditor

When recorded mail to:

Mark E. Ortman
319 W. Gleneagles
Phoenix, AZ 85023



200311130042
Skagit County Auditor

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ACCOMMODATION RECORDING ONLY

- ① 3772-243-010-0004 (P56382)
- ② 350113-0-012-0009 (P31488)
- ③ 350113-0-051-0100 (P31535)

Quit-Claim Deed

FIRST AMERICAN TITLE CO.

A73176

For the consideration of WAC NO. 458-61-375(1)

Mark E. Ortman and Ramona Anne Ortman, as Trustees of the Ortman Family Trust Agreement dated April 27, 1993 as amended January 27, 1997 hereby Quit-Claim to Ortman Family, L.L.C., an Arizona limited liability company all right, title, or interest in the following described real property situate in Skagit County, Washington:

Lots 7-10, Block 243 Anacortes together with Tideland & RR Right of Way, P56382, P31488 & P31535 as further described on Exhibit "A" attached hereto and made a part hereof.

DATED: October 1, 2003

Mark E. Ortman and Ramona Anne Ortman,
As Trustees of the Ortman Family Trust Agreement dated April 27, 1993,
as amended January 27, 1997

Mark E. Ortman, Trustee

Ramona Anne Ortman, Trustee

5868
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

NOV 1 2003

Amount Paid \$ 0
By Skagit Co. Treasurer
Deputy



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Skagit County Auditor

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STATE OF ARIZONA)
) ss.
County of Maricopa)

On October 1, 2003, before me, the undersigned Notary Public, personally appeared Mark E. Ortman and Ramona Anne Ortman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:

Robyn Broyles
Notary Public



Notary Public State of Arizona
Maricopa County
Robyn Broyles
Expires September 30, 2004



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EXHIBIT "A"

Parcel "A":

Lots 7 through 10, Block 243, "MAP OF THE CITY OF ANACORTES", according to the plat thereof recorded in Volume 2 of Plats, pages 4 through 7, records of Skagit County, Washington.

Parcel "B":

That portion of those certain strips, parcels or tracts of land in Section 24 and Government Lot 5 of Section 13, Township 35 North, Range 1 East, W.M., shown and designated on the original Plat of the City of Anacortes, as "Seattle and Northern Railway Company's Station Ground", and as "Reserved right-of-way for Company's right-of-way for the Seattle and Northern Railway, according to a certain paper in writing in escrow with John P. Hoyt, dated May 28, 1889", described as follows:

Commencing at the intersection of the centerline of "B" Avenue and Eleventh Street; thence North 0 degrees 37'11" East along the centerline of "B" Avenue, a distance of 40.00 feet to the South line of Block 242 extended Easterly; thence North 0 degrees 37'11" East, a distance of 177.32 feet to a point on curve which lies 30 feet Southerly (and radially) from the centerline of the railroad, as now located and constructed, the radius point of said curve being North 20 degrees 49'23" West; a distance of 985.37 feet from the above described "point on curve"; thence Westerly on a curve to the right, through a central angle of 3 degrees 01'28", an arc distance of 52.01 feet; thence South 72 degrees 12'05" West, parallel with the 30 feet distant (Southeasterly) from the center of said Railroad, a distance of 13.19 feet to the beginning of a curve to the left having a radius of 925.37 feet; thence along said curve to the left through a central angle of 5 degrees 04'10", an arc distance of 81.88 feet, said point being 30 feet Southerly, (as measured radially) from the centerline of the railroad, said point also being the true point of beginning; thence South 9 degrees 13'41" East, a distance of 128.45 feet to the point on curve on the original Railroad right-of-way line, said curve having a radius of 7,789.44 feet, the radius point of said curve being North 24 degrees 48'57" West, a distance of 7,789.44 feet from the above described "point on curve"; thence Southwesterly along said curve to the right having a radius of 7,789.44 feet, through a central angle of 1 degree 48'44", an arc distance of 246.37 feet to the Northwestern corner of Lot 10, Block 243, City of Anacortes, according to plat thereof recorded in Volume 2 of Plats, page 4, records of Skagit County, Washington, and the Easterly margin of "A" Avenue, according to said Plat; thence North 0 degrees 37'11" East, along the Northerly extension of said Easterly margin of "A" Avenue, 115.00 feet to a point on a line that is parallel with and 30 feet distant Southeasterly from the centerline of said Railroad (as measured at right angles); thence North 58 degrees 51'30" East, along said parallel line, 98.64 feet to a point of curvature in said parallel line; thence along the arc of said curve to the right having a radius of 925.37 feet, through a central angle of 8 degrees 16'25" an arc



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EXHIBIT "A" CONTINUED

point of beginning.

Parcel "C":

That portion of the Burlington Northern Railroad designated as reserve right-of-way for the Seattle and Northern Railroad as shown on the Plat "Map of the City of Anacortes, Skagit County, Washington", as per plat recorded in Volume 2 of Plats, page 4, records of Skagit County, Washington;

TOGETHER WITH a portion of Tract 14 of Plate No. 8 of the Tide and Shorelands of Section 13, Township 35 North, Range 1 East, W.M., Anacortes Harbor, all being more particularly described as follows:

Beginning at the Southwest corner of Block 243 of said Plat; thence North 0 degrees 33'46" East along a projection of the West edge of said Block, a distance of 308.10 feet to the true point of beginning; thence North 0 degrees 33'46" East, a distance of 102.32 feet; thence North 70 degrees 44'00" East, a distance of 130.63 feet; thence North 62 degrees 14'00" East, a distance of 77.28 feet; thence South 8 degrees 56'58" East, a distance of 70.47 feet to an intersection with a curve having a radius point bearing South 22 degrees 52'05" East, a radial distance of 925.36 feet; thence Westerly along the arc of said curve to the left through a central angle of 8 degrees 16'25", an arc distance of 133.62 feet; thence South 58 degrees 51'30" West, a distance of 98.98 feet to the true point of beginning.



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