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Skagit County Auditor

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ACCOMMODATION RECORDING

12B-2563

After Recording Please Return:

City of Anacortes

P.O. Box 547

Anacortes, WA 98221

LATECOMERS AGREEMENT NO. 2004-1

PS6262, P104525, PS6330, P99307, P103723
P100535, PS6328

This Agreement is made and entered into this 13th day of October, 2004
by and between the **CITY OF ANACORTES**, a municipal corporation, hereinafter
referred to as "City," and **WINDWARD DEVELOPMENT**, the membership of which is
listed on the attached Exhibit A, hereinafter referred to as "Developer".

4th Blocks 209, 232 & 231 map of the city of Anacortes.
WHEREAS, the Developer has installed certain improvements which consist of
the following:

Street/Road and Water improvements along 18th Street and
along 19th Street and "C" Avenue.

WHEREAS, the improvements have been accepted by the City; and

WHEREAS, the Developer is desirous of entering into a Latecomers Agreement
with the City, and;

WHEREAS, the City has calculated the proportionate share of the cost of the
extensions that should be paid by other properties to be served by the improvements; and

WHEREAS, the City has agreed to collect said proportionate share of the cost of
the extension before any services are installed and return said share to the Developer;

NOW, THEREFORE, it is agreed that:

1. The Developer will provide the City with the documentation of costs associated with the construction of the improvements;
2. It is the Developer's duty to notify the City in writing of any change in address of the official representative;
3. If any assignment of the right of refund is made, the City may require proof of said assignment;
4. After ten (10) years from the date of this Agreement, the City shall be under no obligation to collect and/or refund any money connected with the extension;
5. If payment is made and any check is not cashed within five (5) years from the date of mailing, then the City may place said sum in the appropriate utility or street fund;
6. No refund shall be collected for any property owned by the Developer and abutting the improvements;

7. It is agreed by the Developer that any existing dwelling unit abutting the right-of-way where the improvement is made which was previously served by the improvements may be connected thereto without payment;
8. It shall be the responsibility of the Beneficiary of any Latecomer Agreement to record a notice thereof, including the legal description of all properties, as determined herein, subject to the charge in the records of the Auditor of Skagit County, Washington. In addition, a copy of each Latecomer Agreement is to be mailed to each owner of record of all property subject to the latecomer charge authorized hereunder;
9. The improvements and the parcels subject to the Latecomers charge, are shown on attached map Schedule A;
10. The Latecomers charges are calculated and shown on attached Schedule B.

Dated at Anacortes, Washington this 13 day of October, 2004.

Developer's Representative:

Charles Davidson
Island Development, LLC
P.O. Box 1304
Anacortes, WA 98221

Developer's Signature: _____

This Agreement was accepted by the City Council at its regular meeting of

June 16, 200³.

CITY OF ANACORTES

H. Dean Maxwell
H. Dean Maxwell, Mayor

ATTEST:

Wanda Johnson
Wanda Johnson, City Clerk Treasurer

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February 17, 2003

LEGAL DESCRIPTIONS FOR: City of Anacortes

Windward Village Latecomers Legal Descriptions

Jesus A. Alexander Tract – P56262

The East half of Lot 13 and all of Lots 14 and 15, Block 209, "Map of the City of Anacortes", according to the plat thereof recorded in Volume 2 of Plats at pages 4 through 7, records of Skagit County, Washington, said tract being shown as Tract D, Block 209, on that certain Record of Survey recorded in Volume 11 of Surveys at page 55, records of said County and State.

Richard R. Ekern Tract – P104525

All of Lots 11 and 12 and the West half of Lot 13, Block 209, "Map of the City of Anacortes", according to the plat thereof recorded in Volume 2 of Plats at pages 4 through 7, records of Skagit County, Washington, said tract being shown as Tract E, Block 209, on that certain Record of Survey recorded in Volume 11 of Surveys at page 55, records of said County and State.

Davis Trust Tract – P56330

The East half of Lot 18 and all of Lots 19 and 20, Block 232, "Map of the City of Anacortes", according to the plat thereof recorded in Volume 2 of Plats at pages 4 through 7, records of Skagit County, Washington, said tract being shown as Tract E, Block 232, on that certain Record of Survey recorded in Volume 11 of Surveys at page 55, records of said County and State.

Flath/Pfeffer Tract – P99307

All of Lots 16 and 17 and the West half of Lot 18, Block 232, "Map of the City of Anacortes", according to the plat thereof recorded in Volume 2 of Plats at pages 4 through 7, records of Skagit County, Washington, said tract being shown as Tract F, Block 232, on that certain Record of Survey recorded in Volume 11 of Surveys at page 55, records of said County and State.



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Veronica R. Salazar Tract – P103773

The East half of Lot 13 and all of Lots 14 and 15, Block 232, "Map of the City of Anacortes", according to the plat thereof recorded in Volume 2 of Plats at pages 4 through 7, records of Skagit County, Washington, said tract being shown as Tract G, Block 232, on that certain Record of Survey recorded in Volume 11 of Surveys at page 55, records of said County and State.

Ronald G. Peterson Tract – P100535

All of Lots 11 and 12 and the West half of Lot 13, Block 232, "Map of the City of Anacortes", according to the plat thereof recorded in Volume 2 of Plats at pages 4 through 7, records of Skagit County, Washington, said tract being shown as Tract H, Block 232, on that certain Record of Survey recorded in Volume 11 of Surveys at page 55, records of said County and State.

Harold A. Koch Tract – P56328

All of Lots 11 through 15, inclusive, Block 231, "Map of the City of Anacortes", according to the plat thereof recorded in Volume 2 of Plats at pages 4 through 7, records of Skagit County, Washington.



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ATTACHMENT A



Windward Latecomer
Location Map

REVISED:
10/5/2004
CREATED BY:
JMM

COMPUTER NAME: Parcel Map.dwg
CITY OF ANACORTES GIS
904 6TH STREET
ANACORTES, WA 98221



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Attachment B

Road Cost				
Description	Item Quantity	Unit	Unit Price	Total Cost
Street Signs		Each		\$1,200.00
Roadway Excavation	51,954	SF	\$0.25	\$12,988.50
Asphalt	51,954	SF	\$1.22	\$63,383.88
Gravel Borrow	51,954	SF	\$0.64	\$33,250.56
Curb and Gutter	3,570	LF	\$4.50	\$16,065.00
Sidewalk	17,774	SF	\$2.50	\$44,435.00
Blasting	1	LS	20%	\$11,560.00
Clearing, grubbing, erosion control	1	LS	90%	\$25,650.00
Construction Staking	1	LS	70%	\$3,500.00
Engineering	1	LS	40%	\$8,000.00
Permits	1	LS	50%	\$5,000.00
Misc.	1	LS	50%	\$5,000.00
Total				\$230,032.94

Street Improvements

The cost of 18th Street was separated from the cost of C Avenue and 19th Street. The lots fronting on 18th Street will pay for the street improvements on this street and the lots accessing off of C Avenue and 19th will pay for the street improvements on these streets. Corner lots were out into one category or another, they were not charged in both categories.

Cost Allocation Breakdown

\$230,032.94 / 1,469 LF of total road = \$156.60 per LF of Rd

18th Street = (700 LF x \$156.60) / 14 Lots = \$7,830.00 Per Lot

19th Street & C Ave = (\$230,032 - \$109,620) / 17 Lots = \$7,083.00 Per Lot

With these revisions, the following calculations have been made:

Utilities Cost				
Description	Item Quantity	Unit	Unit Price	Total Cost
Trenching	2,000	LF	\$12.00	\$24,000.00
Storm Sewer Main	1,586	LF	\$45.00	
Storm Sewer on D Ave	730	LF	\$55.00	
Watermains	1,505	LF	\$30.00	\$45,150.00
Water Services	373	LF	\$15.00	\$5,625.00
Blasting	1	LS	55%	\$31,790.00
Clearing, Grubbing and Erosion Control	1	LS	7%	\$1,995.00
Construction Staking	1	LS	20%	\$1,000.00
Engineering	1	LS	40%	\$8,000.00
Permits	1	LS	35%	\$3,500.00
Misc	1	LS	35%	\$3,500.00
Total				\$124,560.00

Water and Utility Improvements



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All of the lots will equally share the cost of the water and utility improvements. No storm water connections were provided for lots A through G, so no Storm Sewer charges can be assessed.

Cost Allocation Breakdown

\$124,560 (total cost of improvements) / 31 lots = \$4,018.06

Based upon these changes, lots A-G will be assessed as follows:

<i>Summary</i>				
Lot	Parcel Number	Water, Utility Assessment	Road Assessment	Total Assessment
A	P56262	\$4,018.00	\$7,830.00	\$11,848.00
B	P104525	\$4,018.00	\$7,830.00	\$11,848.00
C	P56330	\$4,018.00	\$7,830.00	\$11,848.00
D	P99307	\$4,018.00	\$7,830.00	\$11,848.00
E	P103773	\$4,018.00	\$7,830.00	\$11,848.00
F	P100535	\$4,018.00	\$7,830.00	\$11,848.00
G	P56328	\$4,018.00	\$7,083.00	\$11,101.00
Total				\$82,189.00



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