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## COVENANT AND AGREEMENT REGARDING ACCESSORY DWELLING UNIT

### I. PARTIES

The parties to this covenant and agreement regarding accessory dwelling unit (Agreement) are:

1. The Grantor, the City of Mount Vernon, Washington, a municipal corporation of the State of Washington (City); and
2. The Grantee, Samuel Rocha (Owner).

### II. RECITALS

**WHEREAS** Owner is the owner and occupant of real property in the City of Mount Vernon, Washington, more particularly described as follows:

Legal Description: ROSEWOOD PUD PHASE 2 DIVISION 1, LOT 98, ACRES 0.12, AF#200312030041, BEING A PORTION OF THE SW1/4 OF THE SE1/4 OF SECTION 9. 3420 Rosewood Street

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Situate in the City of Mount Vernon, County of Skagit, State of Washington.

**WHEREAS**, Owner desires to locate an accessory dwelling unit on the premises, and

**WHEREAS**, the City of Mount Vernon specifically provides for and authorizes accessory dwelling units pursuant to Ordinance 2593, and

Accessory Dwelling Unit Agreement

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Applicant/Site Address of ADU:

3420 Rosewood Street

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**WHEREAS,** Section 1(M) of Ordinance 2593 specifically provides that the applicant shall provide a covenant regarding owner-occupancy of the premises and removal of the accessory dwelling in the event owner-occupancy ceases, and

**WHEREAS,** the City is prepared to issue a special use permit for an accessory dwelling unit on the premises on the condition that his covenant be executed by Owner, and

**WHEREAS,** the Owner acknowledges that the granting of a special use permit constitutes adequate consideration for the agreement and covenant herein contained,

**NOW, THEREFORE,**

FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED IN THIS AGREEMENT, AND THE MUTUAL BENEFITS DERIVED THEREFROM, THE PARTIES DO AGREE AS FOLLOWS:

### **III. AGREEMENT**

1. City agrees to issue to Owner a permit to allow an accessory dwelling unit upon the premises described above, provided that the owner complies with all other conditions and obligations set forth in Ordinance 2593.
2. Owner specifically covenants on behalf of himself and all subsequent purchasers of the premises that the existence of the accessory dwelling unit or the principal dwelling unit by the owner. Owner further covenants that at such time as the owner of the property no longer occupies either the principal dwelling unit or the accessory dwelling unit, then the accessory dwelling unit shall be removed and all improvements added to convert the premises to an accessory dwelling unit shall be removed and the site shall be restored to single family dwelling.

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Applicant/Site Address of ADU: 5420 Reswood St.

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3. This Agreement shall run with the land and shall be binding upon the heirs, successors, and assigns of the parties hereto.

4. This agreement shall be recorded in the Office of the Skagit County Auditor immediately following issuance by the City of a special use permit for an accessory dwelling unit on the premises. In the event such permit is not issued by the City, this Agreement shall be null and void.

DATED THIS 18 DAY OF January, 2007

**CITY OF MOUNT VERNON**

BY: [Signature]

JANA HANSON, Development Service Director

ATTEST: [Signature]

ALICIA HUSCHKA, Finance Director

APPROVED AS TO FORM:

[Signature]  
KEVIN ROGERSON, City Attorney

**OWNER**

BY: [Signature]

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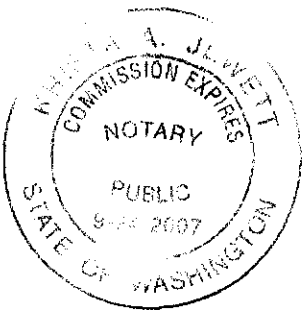
STATE OF WASHINGTON )

) ss.

COUNTY OF SKAGIT )

On this 18<sup>th</sup> day of January 2007 before me personally appeared Samuel Rocha and acknowledged said instrument to be the free and voluntary act and deed of said persons for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument.

Given under my hand and official seal, the day and year last above written.



Krista A. Jewett  
Notary Public in and for the State of Washington  
residing at Skagit Co.  
My appointment expires 9-24-07

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