



200804180126
Skagit County Auditor

4/18/2008 Page 1 of 3 11:11AM

ACCOMMODATION RECORDING

Chicago Title Company has placed this document for recording as a customer courtesy and accepts no liability for its accuracy or validity

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

CHICAGO TITLE CO. 19B3081

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

Whereas, OWNERS, Robert and Berte McComas, the owner of the following described real estate located within the City of Anacortes, Skagit County, Washington, also known as 518 38th Street, Anacortes, WA.

Parcel P123068 - Lots 11, 12 and the West 1/2 of Lot 13, Block 23, "Beales Maple-Grove Addition to the Cit of Anacortes", as per Plat recorded 2 of Plats, page 19, records of Skagit County, Washington. Also know as Parcel A of that survey recorded July 8, 2005, under Skagit County Auditor's File No. 200507080010.

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

To encroach 30 feet by 100 feet into the city right on the east side of T Avenue between 38th Street and the alley.

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.

Special Conditions

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.

DATED this 10 day of April, 2008

OWNER: By: Robert McComas
Robert McComas

OWNER: By: Berte McComas
Berte McComas

APPROVED By: H. Dean Maxwell
H. Dean Maxwell, Mayor

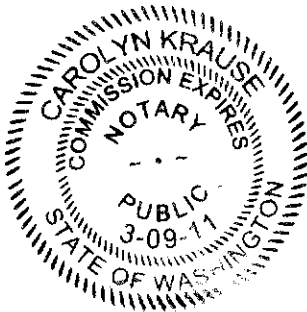


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STATE OF WASHINGTON)) ss
COUNTY OF SKAGIT)

On this day personally appeared before me, Robert McComas, 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 10 day of April, 2008.

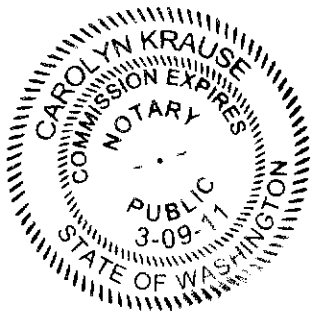


Carolyn Krause
(Signature)
Notary Public in and for the State of Washington
Carolyn Krause
Print Name)
Residing in Anacortes, Washington.
My commission expires: 3-9-11

STATE OF WASHINGTON)) ss
COUNTY OF SKAGIT)

On this day personally appeared before me, Berte McComas, 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 10 day of April, 2008.



Carolyn Krause
(Signature)
Notary Public in and for the State of Washington
Carolyn Krause
Print Name)
Residing in Anacortes, Washington.
My commission expires: 3-9-11



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