



200807110044

Skagit County Auditor

7/11/2008 Page 1 of 4 11:19AM

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

**ACCOMMODATION RECORDING CHICAGO TITLE CO.  
1083103**

This Agreement is made and entered into by and between the City of Anacortes, a municipal corporation and Brian and Mary Beth VanBaush, hereinafter referred to as "OWNER".

Whereas, OWNER, Brian and Mary Beth VanBaush, the owner of the following described real estate located within the City of Anacortes, Skagit County, Washington, also known as 1804 C Avenue, Anacortes, WA.

Encroachment Agreement – Parcel P121677 Lot 20 "Plat of Windward Village per plat recorded June 14, 2004, Auditor File # 200406140129, records of Skagit County, Washington.

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

To encroach 16 inches by 25 feet into the city right of way. Encroachment is to construct a cement retaining wall, under 4 feet in height.

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 clearview obstructions at intersections or private property access.

Special Conditions

The end of the proposed wall must remain at one foot from the edge of the sidewalk.

DATED this 8th day of May, 2008.

OWNER: By: \_\_\_\_\_

Brian VanBaush  
Brian VanBaush

OWNER: By: \_\_\_\_\_

Mary Beth VanBaush  
Mary Beth VanBaush

APPROVED By: \_\_\_\_\_

H. Dean Maxwell  
H. Dean Maxwell, Mayor



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NOTARY ACKNOWLEDGEMENT

STATE OF WASHINGTON )  
COUNTY OF SKAGIT ) ss.

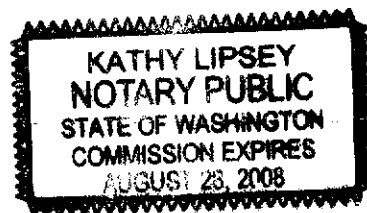
On this 8th day of May 2008 before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Brian VAN BAUSH to be known to be the individual described in and who executed the within and foregoing instrument and acknowledged that He signed the same as his her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 8th day of May 2008

Kathy Lipsey  
Notary Signature

Notary Seal

KATHY LIPSEY  
Notary's Printed Name



Notary Public in and for the State of Washington  
Residing at Hamilton

My Commission Expires: Aug 28, 2008

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NOTARY ACKNOWLEDGEMENT

STATE OF WASHINGTON )  
COUNTY OF SKAGIT ) ss.

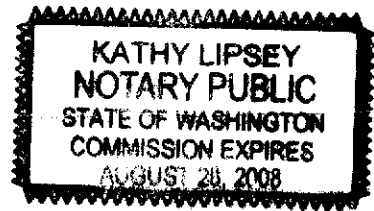
On this 8th day of May 2008 before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared MARY BETH VAN BAUSH to be known to be the individual described in and who executed the within and foregoing instrument and acknowledged that SHE signed the same as his (her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 8th day of May 2008

Kathy Lipsey  
Notary Signature

Notary Seal

KATHY LIPSEY  
Notary's Printed Name



Notary Public in and for the State of Washington  
Residing at Harleton

My Commission Expires: Aug 28, 2008



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