



200906150160

Skagit County Auditor

6/15/2009 Page 1 of 3 11:20AM

When recorded return to:

**City of Anacortes
P.O. Box 547
Anacortes, WA 98221**

CHICAGO TITLE CO.

10B3179

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This Agreement is made and entered into by and between the City of Anacortes, a municipal corporation and the Fourness Family Trust; James A. Fourness, Trustee and Marcia J. Fourness, Trustee hereinafter referred to as "OWNER(S)".

Whereas, OWNER(S), Fourness Family Trust; James A. Fourness, Trustee and Marcia J. Fourness, Trustee, owner of the following described real estate located within the City of Anacortes, Skagit County, Washington, also known as 4213 Marine Heights Way, Anacortes, WA.

Lot 43, "PLAT OF MARINE HEIGHTS", According to the Plat thereof recorded in Volume 16 of Plats, Pages 173 through 175, records of Skagit County, Washington.

P111781

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

To encroach 10 feet by 167 feet into the city right of way of off the applicants North East property for the purpose of landscaping.

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.
8. This encroachment is for landscaping only. No concrete work may be done within the area of this encroachment.

DATED this 9TH day of JUNE, 2009.

OWNERS: By: _____

James A. Fourness
Fourness Family Trust
James A. Fourness, Trustee

By: _____

Marcia J. Fourness
Fourness Family Trust
Marcia J. Fourness, Trustee

APPROVED By: _____

H. Dean Maxwell
H. Dean Maxwell, Mayor



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On this day personally appeared before me, James A. Fourness, Trustee to the Fourness Family Trust and is 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.

A circular notary seal for Valarie K. Glosson, a Notary Public in the State of Washington. The seal features the text "VALARIE K. GLOSSON" around the top inner edge, "COMMISSION EXPIRES" at the top, "NOTARY PUBLIC" in the center, and "STATE OF WASHINGTON" around the bottom inner edge. The date "12-31-2012" is printed at the bottom.

STATE OF WASHINGTON)) ss
COUNTY OF SKAGIT)

On this day personally appeared before me, Marcia J. Fourness, Trustee to the Fourness Family Trust and is 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.

A circular notary seal for Valarie K. Closson, a Notary Public in the State of Washington. The seal features the text "VALARIE K. CLOSSON" around the top inner edge, "COMMISSION EXPIRES" at the top, "NOTARY" in the center, "PUBLIC" below it, and "STATE OF WASHINGTON" around the bottom inner edge. The expiration date "12-31-2012" is at the bottom.



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