



200907270018

Skagit County Auditor

7/27/2009 Page 1 of 3 9:37AM

When recorded return to:

City of Anacortes

P.O. Box 547

Anacortes, WA 98221

CHICAGO TITLE CO.

1983196

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

Whereas, OWNERS, Claude and Marilyn Flagg, the owner of the following described real estate located within the City of Anacortes, Skagit County, Washington, also known as 214 V Avenue, Anacortes, WA.

Encroachment Agreement - Parcel Number 56472 Anacortes Lots 19 and 20, Block 285, Map of the City of Anacortes, according to the plat thereof recorded in Volume 2 of Plats, pages 4 and 7, records of Skagit County, Washington; together with the west 10 feet of "V" Avenue adjacent to said lot 20 vacated under Ordinance No 1462 as would attach by the operation of law.

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

To install a 10 foot pergola over their existing encroachment that encroaches 28 feet by 52 feet into the city ROW on the N.E. side of the property. The existing encroachment consists of a small patio (paving blocks) wooden steps and 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.

Special Conditions

Must obtain a Variance and Building permit for the pergola.

DATED this 20TH day of JULY, 2009

OWNER: By: _____

Claude A. Flagg
Claude A. Flagg

OWNER: By: _____

Marilyn Flagg
Marilyn Flagg

APPROVED By: _____

H. Dean Maxwell
H. Dean Maxwell, Mayor



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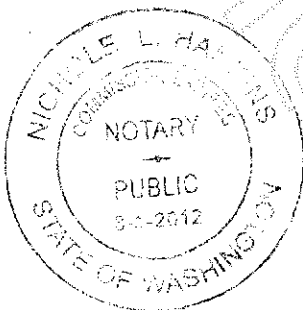
STATE OF WASHINGTON)

) ss

COUNTY OF SKAGIT)

On this day personally appeared before me, Claude A. Flagg, 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 20th day of July, 2009.



Nichole L. Hankins
(Signature)

Notary Public in and for the State of WA

Nichole L. Hankins
Print Name)

Residing in Anacortes, Washington.

My commission expires: 8/1/2012

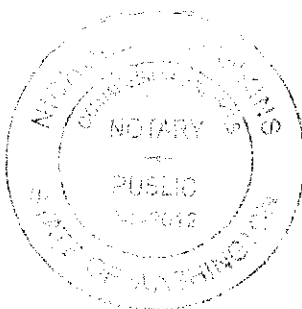
STATE OF WASHINGTON)

) ss

COUNTY OF SKAGIT)

On this day personally appeared before me, Marilyn Flagg, 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 20th day of July, 2009.



Nichole L. Hankins
(Signature)

Notary Public in and for the State of WA

Nichole L. Hankins
Print Name)

Residing in Anacortes, Washington.

My commission expires: 8/1/2012



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