



200911300173

Skagit County Auditor

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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, Mikeal Hessler (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: ACREAGE ACCOUNT, ACRES 0.64, TRACT 4 MV S/P 1-79 AF#895203, BEING A PORTION OF SW1/4 SW1/4. EXCEPT ROAD RIGHT-OF-WAY TO CITY OF MOUNT VERNON PER AF# 200009060028 AND AF# 200009060029. TRACT 4 MV S/P 1-79 AF#895203, BEING A PORTION OF SW1/4 SW1/4. EXCEPT ROAD RIGHT-OF-WAY TO CITY OF MOUNT VERNON PER AF# 200009060028 AND AF# 200009060029.

Situate in the County of Skagit, State of Washington.

2410 Francis Road, Mount Vernon, WA **P24377**

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

WHEREAS, Section 1(M) of Ordinance 2593 specifically provides that the applicant shall provide a covenant regarding owner-occupancy of the premises and

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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 this 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 develop an accessory dwelling unit upon the premises described above, provided that all other conditions and obligations set forth in Ordinance 2593 are complied with by Owner.
2. 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.
3. This Agreement shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.



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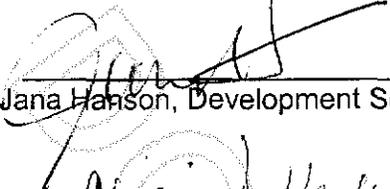
Skagit County Auditor

4. This Agreement shall run with the land and shall be binding upon the heirs, successors, and assigns of the parties hereto.
5. This agreement shall be recorded in the Office of the Skagit County Auditor immediately following issuance 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 30 DAY OF November, 2009

CITY OF MOUNT VERNON

BY:



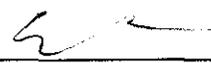
Jana Hanson, Development Services Director

ATTEST:



Alicia D. Huschka, Finance Director

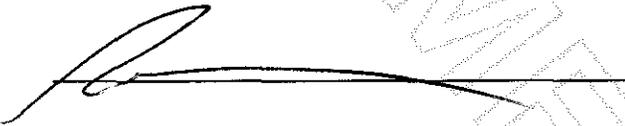
APPROVED AS TO FORM:



Kevin Rogerson, City Attorney

OWNER

BY:





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Skagit County Auditor

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this 30 day of November, 2009 before me personally appeared Michael Hester known to me to be the same person whose name is subscribed within the instrument and acknowledged that he voluntarily executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Krista A Jewett
Notary Public in and for the State of Washington
residing at Skagit
My appointment expires 9-24-2011



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