



201101210045

Skagit County Auditor

1/21/2011 Page

1 of

4 1:25PM

When recorded return to:

City of Anacortes

P.O. Box 547

Anacortes, WA 98221

ACCOMMODATION RECORDING

CHICAGO TITLE 620012619

This Agreement is made and entered into by and between the City of Anacortes, a municipal corporation and Samish Indian Nation, hereinafter referred to as "OWNER(S)".

Whereas, OWNER(S), Samish Indian Nation, owner of the following described real estate located within the City of Anacortes, Skagit County, Washington, also known as 1618 D Avenue, Anacortes, WA.

Lot 16 through 20, inclusive, Block 208, "Map of the City of Anacortes, according to plat thereof recording in Volume 2 of plats, pages 4 through 7, records of Skagit County, Washington" Parcel # 3772-208-020-0005.

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

To encroach 7 feet by 56 feet into the city right of way along the south property line to construct a 4 foot high fence. The fence will comply with the general requirement WAC 170.295.2130.

Now, therefore, parties hereby agree as follows:

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

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

None

DATED this 12th day of Jan, 2010.

OWNERS: By: _____

Samish Indian Nation

APPROVED By: _____

H. Dean Maxwell, Mayor



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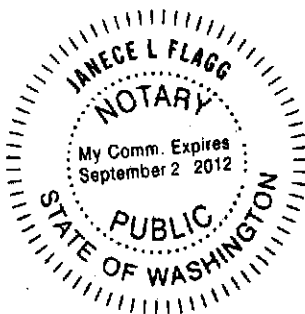
STATE OF WASHINGTON)

) ss

COUNTY OF SKAGIT)

On this day personally appeared before me, Samish Indian Nation 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.

Given under my hand and official seal this 14th day of January 2011 2010.



Janece L. Flagg
(Signature)

Notary Public in and for the State of Washington

Janece L. Flagg
(Print Name)

Residing in Mt Vernon, Washington.

My commission expires: 9-2-12



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Skagit County Auditor

Samish Indian Nation
OF WASHINGTON

Motion: 2011-01-015

Resolution No: 2011-01-009

Date Approved: January 7, 2011

Subject: Encroachment

Agreement with City of Anacortes

WHEREAS, the Samish Indian Nation was Federally re-acknowledged by the Assistant Secretary of the Department of the Interior of the United States of America on April 26, 1996; and

WHEREAS, the Samish Tribal Council is empowered to act on behalf of the Samish Indian Nation pursuant to Article VI, Section 2, of the Samish Tribal Constitution, approved November 14, 2003, by Resolution of the Samish Tribal Council and adopted and ratified by Vote of the Samish General Council on March 2, 2004 and recognized by the Assistant Secretary for Indian Affairs, David W. Anderson on April 20, 2004; and

WHEREAS, the health, safety, welfare and education of the Indian people of the Samish Indian Nation is the responsibility of the Samish Indian Nation Tribal Council; and

WHEREAS, The Samish Indian Nation Tribal Council has reviewed the attached Encroachment Agreement between the City of Anacortes and the Samish Indian Nation for the Samish Longhouse fence; and

WHEREAS, The Samish Indian Nation Tribal Council feels it is in the best interest of the Samish Indian Nation Tribal members to enter into the Agreement to facilitate the construction of a 4 foot high fence along the south property line.

NOW THEREFORE BE IT RESOLVED the Samish Tribal Council approves the adoption of the attached Encroachment Agreement between the City of Anacortes and the Samish Indian Nation.

BE IT FURTHER RESOLVED that the Samish Tribal Council hereby authorizes the Chairman and/or his designee to sign, negotiate, modify and amend the Encroachment Agreement between the Samish Indian Nation and the City of Anacortes.

SAMISH TRIBAL COUNCIL

By: 

Thomas D. Wooten
Tribal Chairman

CERTIFICATION

The above resolution was duly adopted by the Samish Tribal Council at a regular Council meeting held on the 7th day of January 2011 at which time a quorum was present by a vote of:
 5 FOR; 0 AGAINST; 0 ABSTAIN.

Certified by: 

Dana M. Matthews
Tribal Council Secretary



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