



201804180082

Skagit County Auditor

\$77.00

4/18/2018 Page

1 of

4 1:20PM

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

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

Whereas, OWNER, Steven and Susan Schwalb, the owner of the following described real estate located within the City of Anacortes, Skagit County, Washington, also known as 3602 West 10th Street, Anacortes, WA. 98221

Encroachment Agreement – - Parcel # 113581 – Cranberry Heights Phase II, Lot 40

Tax Parcel Number: P113581 4717-000-040-0000

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

Encroachment Description - Proposed encroachment is for driveway purposes. Additional encroachment includes a pathway to the detached ADU. See attached drawing.

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), recorded with the Skagit County Auditors Office and the recorded document 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 consent that in the event the City is required to take enforcement actions to enforce the terms and conditions of the permit, that the City shall be entitled to recover its costs, disbursements, and expenses including Attorney's fees, which sums may be filed as a lien against applicants's premises and enforceable in the manner provided for the enforcement of mortgages on real property.
7. The construction and use shall not create clear view obstructions at intersections or private property access.
8. Drawing of Record (As-builts) are provide to the Public Works Engineering Department, Steven Lange, of infrastructure installed.

DATED this 9th day of April, 2018

OWNER: By: _____

Steven B Schwalb
Steven B Schwalb

OWNER: By: _____

Susan M Schwalb
Susan M Schwalb

APPROVED By: _____

Laurie M Gere
Laurie M Gere, Mayor

STATE OF WASHINGTON)

) ss

COUNTY OF SKAGIT)
Snohomish

On this day personally appeared before me, Steven B Schwalb and Susan M Schwalb, to me 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 9th day of April, 2018.

Jacob H Menashe
(Signature)

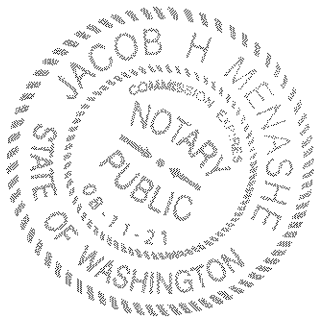
Notary Public in and for the State of _____

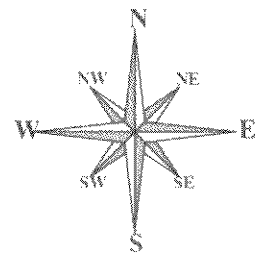
Washington

Print Name)

Residing in Seattle, Washington.

My commission expires: 8/11/21





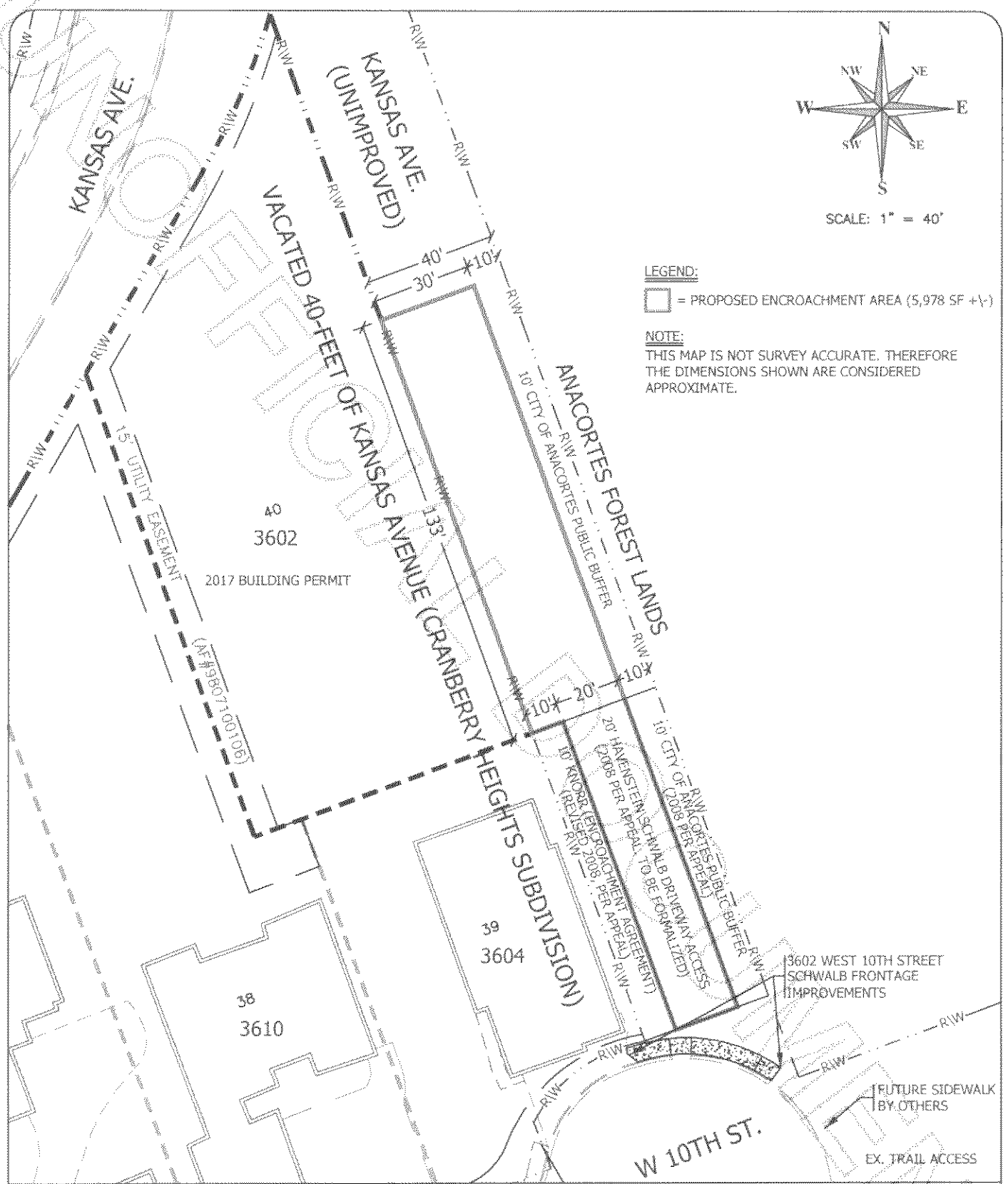
SCALE: 1" = 40'

LEGEND:

= PROPOSED ENCROACHMENT AREA (5,978 SF +/-)

NOTE:

THIS MAP IS NOT SURVEY ACCURATE. THEREFORE THE DIMENSIONS SHOWN ARE CONSIDERED APPROXIMATE.



SCALE: 1" = 40'		ADDRESS: 3602 WEST 10TH STREET
DRAWN BY: S.L. VIA APPLICANT DESCRIPTION		ENCROACHMENT AGREEMENT APPLICATION
FILE: ENCROACH MAP 3602 WEST 10TH STREET		
EFFECTIVE DATE: TO BE DETERMINED		