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Skagit County Auditor

**When Recorded
Return Copy to:**

City of Anacortes
Attn: Emily Morgan
P.O. Box 547
Anacortes, WA 98221

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AFFORDABLE HOUSING COVENANT

Grantor(s): City of Anacortes

Grantee(s): Anacortes Family Center

Assessor's Tax Parcel Number(s): P57344

THIS AFFORDABLE HOUSING COVENANT is made and entered into as of the 14 day of December, 2021, by and between the Anacortes Family Center, (the "Owner") and the City of Anacortes, a Municipal Corporation of the State of Washington (the "City") for the express purpose of identifying partial impact fee reductions and general facility charge waivers received for development on the below described parcel(s) of property within the City of Anacortes, and according to the provisions set forth below:

LOTS 10, 11 AND 12, BLOCK 6, PLAT OF HENSLERS FIRST ADDITION TO THE CITY OF ANACORTES, SKAGIT CO., WASH., AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 46, RECORDS OF SKAGIT COUNTY, WASHINGTON. (the "Property").

RECITALS

1. Owner is the owner of the above-described and as referenced in Exhibit A, Property located at 1017 26th Street, Anacortes, Washington.
2. Owner intends to develop said Property by constructing a 21-unit multifamily residential building, subject to City approval and such other approvals by State and local agencies, as required.
3. **All 21-units will qualify as low-income units** in accordance with the Anacortes Municipal Code Chapter (AMC) 3.93.060 and AMC Section 13.44.010.
4. The Anacortes City Council adopted Ordinance 3022 on May 14, 2018, creating Anacortes Municipal Code Section 3.93.060, which Section provides a partial fee exemption for construction of low-income housing, and creating Anacortes Municipal Code Section 13.44.010, which Section provides a waiver of sewer, stormwater, and water general facility charges for building permits for low-income housing.

For the 21-total units, the Owner has requested partial exemption of impact fees allowed in AMC Section 3.93.060 and waiver of general facility fees allowed in AMC Section 13.44.010.

NOW, THEREFORE, it is hereby covenanted as follows:

- a) The 21-units developed under this Covenant must be affordable to and occupied by households with an income (as defined by HUD) of 80 percent or less of the area median income (as determined by HUD) as adjusted by family size for Skagit County. "Affordable" means that the total housing costs, including basic utilities as determined by the city, must not exceed 30 percent of the household income.
- b) Use of the 21-units for any purpose other than for low-income housing, as defined above, is prohibited.
- c) If any of the 21-units are converted to a use other than for low-income housing, the property owner must pay the applicable impact fees for the unit(s) in effect at the time of conversion.
- d) Prior to the building permit issuance for any of the 21-units, this Affordable Housing Covenant must be recorded with the Skagit County Auditor's office as a Covenant running with the land and binding on the applicant, property owner, assigns, heirs and successors.
- e) Except as otherwise provided herein, neither this Covenant, nor any part hereof, can be amended, modified or released other than as provided herein by an instrument in writing executed by a duly authorized official of the City, and by a duly authorized representative of Owner. Any amendment to this Covenant that alters the terms and conditions set forth herein shall be recorded Skagit County Assessor before it shall be deemed effective.

DATED this 14 day of December, 2021.

CITY OF ANACORTES

By: 

Laurie Gere
Mayor

OWNER

By: 

Dustin Johnson, Executive Director
Anacortes Family Center

STATE OF WASHINGTON)
) ss.
 COUNTY OF SKAGIT)

On this day personally appeared before me Lawrie Gese, representing the City of Anacortes (City), to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary acts and deeds for the purposes therein mentioned.

Given under my hand and official seal on this 1 day of December, 2021.



[Signature]
 (signed name of notary)

Jennifer G. Tottenham
 (printed name of notary)
 Notary Public in and for the
 State of Washington
 Residing at Skagit County, WA.
 My appointment expires 9/28/2024

STATE OF WASHINGTON)
) ss.
 COUNTY OF SKAGIT)

On this day personally appeared before me Dylan J. Jorgensen, representing the Anacortes Family Center (Owner), to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary acts and deeds for the purposes therein mentioned.

Given under my hand and official seal on this 13 day of December, 2021.



[Signature]
 (signed name of notary)

Jennifer G. Tottenham
 (printed name of notary)
 Notary Public in and for the
 State of Washington
 Residing at Skagit County, WA
 My appointment expires 9/28/2024

EXHIBIT A

Legal Description of Property, per Statutory Warranty Deed recorded July 1, 2019 under AFN:
201907010108

Lots 10, 11 and 12, Block 6, "PLAT OF HENSLER'S FIRST ADDITION TO THE CITY OF
ANACORTES, SKAGIT CO., WASH.," as per plat recorded in Volume 3 of Plats, page 46, records
of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.