

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

ENCROACHMENT AGREEMENT

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

Whereas, the County intends to place certain improvements in the City right of way consisting of the entire east half of the right of way north of 5th Street on K Avenue, and this encroachment will consist of a biofiltration swale for treatment of storm water for the Guemes Ferry Anacortes parking lot and for future adjacent property development.

Whereas, the City is agreeable to allowing said encroachment on certain terms and conditions;

Now, therefore, parties hereby agree as follows:

1. The County agrees to construct said biofiltration swale in accordance with City of Anacortes Code requirements and remove said encroachment within a reasonable time upon request by the City of Anacortes or a duly franchised public utility and further understands and agrees that all costs incurred in removing said improvements shall be at the County's sole expense.
2. The County shall insure that a 5-foot pathway is constructed and installed adjacent and to the west of the biofiltration swale. Said pathway construction will be a "no frill" installation, that will cover clearing and grubbing, grading and seeding (with the same mix as biofiltration swale).
3. The County shall be solely responsible for maintenance of the encroached area including but not limited to the biofiltration swale and pathway, to a level approved by the City of Anacortes Public Works Department.

4. Final design for proposed work within the encroachment area shall be approved by the City of Anacortes City Engineer and Director of Parks and Recreation.
5. The County agrees to indemnify and hold the City harmless from any claims for damages resulting from the construction, maintenance or existence of those improvements encroaching into said right-of-way. Construction of said biofiltration swale and pathway within the right-of-way shall be completed by Skagit County Public Works Department. All work shall comply with applicable standards and be approved by the City of Anacortes Public Works Department.
6. No grading or re-contouring shall result in an increase in surface water drainage to neighboring property.

Dated this _____ day of _____, 2000.

OWNER: By: _____

OWNER: By: _____

APPROVED BY: _____

H. Dean Maxwell, Mayor

IN WITNESS WHEREOF, the parties have executed this Agreement this

_____ day of _____ 2000.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

HARVEY WOLDEN, Chair

ROBERT HART, Commissioner

TED W. ANDERSON, Commissioner

Approved as to Content:

Chal A. Martin, P.E.
Director/County Engineer

Approved as to Indemnification:

Vincent Clay
Risk Manager

Approved as to Form:

Hilary A. Thomas
Civil Deputy

ATTEST: _____
Patti J. Chambers
Clerk of the Board