

APPLICATION NO. 167, A, B, C & D

760872

OPEN SPACE TAXATION AGREEMENT

Prepare in Triplicate
with one completed copy
to each of the following:
Applicant
Legislative Body
County Assessor

This Agreement between NORMAN W. NELSON and JEANNE NELSON

hereinafter called the "owner",

and (insert city or county) SKAGIT COUNTY

P.O. Box 444, Burlington, Wa 98233

Whereas the owner of the following described real property having made application for classification of that property under the provisions of RCW 84.34,

And whereas, both the owner and legislative authority desire to limit the use of said property, recognizing that such land has substantial public value as open space and that the preservation of such land constitutes an important physical, social, esthetic and economic asset to the public, and both parties agree that the classification of the property during the life of this Agreement shall be for:

Farm and Agricultural

(Open Space, Farm and Agricultural, Timber Land)

Now, therefore, the parties, in consideration of the mutual covenants and conditions set forth herein, do agree as follows:

- (1) During the term of this Agreement, the land shall only be used in accordance with the preservation of its classified use.
- (2) No structures shall be erected upon such land except those directly related to, and compatible with the classified use of the land, or except those residence buildings for such individuals as are engaged in the care, use, operation or management of said land.
- (3) This Agreement shall be effective commencing on the date the legislative body receives the signed Agreement from the property owner, and shall remain in effect for a period of at least ten (10) years.
- (4) This Agreement shall run with the land described herein and shall be binding upon the heirs, successors and assigns of the parties hereto.
- (5) Withdrawal: The land owner may withdraw from this Agreement if after a period of seven years the land owner makes a withdrawal request which request is irrevocable, to the assessor. Three years from the date of that request the assessor shall withdraw the land from the classification, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070.
- (6) Breach: After land has been classified and an Agreement executed, any change of the use of the land, except through compliance with items (5), (7) or (8) of this Agreement, shall be considered a breach of this Agreement, and subject to applicable taxes, penalties and interest as provided in RCW 84.34.080.
- (7) A breach of Agreement shall not occur if the change in use results from the sale of land classified under this Act within two years after the death of the owner of at least fifty percent of such land.
- (8) Eminent Domain: When any permissible action in eminent domain for the condemnation of the fee title of the land under agreement is filed or when such land is acquired as a result of a sale to a public body, this Agreement shall be null and void as of the date the action is filed and thereafter the Agreement shall not be binding on any party to it.
- (9) The County Assessor may require reports from classified land owners. If the owner fails to return a required report within ninety days, the Assessor may declare the Agreement in breach.

Legal Description of classified land: 256.15 Acres:

EXHIBIT "A"

760872

Units

All parcels situated in the County of Skagit, State of Washington.

A

1. The East one-half ($E\frac{1}{2}$) of the West one-half ($W\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section twenty-six (26), Township thirty-five (35) North, Range 3 East of the Willamette Meridian.
NOTE: Tax Rolls state 34.32 acres.

B

2. The North half ($N\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) and the North half ($N\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section 9, Township 35 North, Range 3, East of the Willamette Meridian.
NOTE: Tax Rolls state 99.15 acres.

C

3. The $SE\frac{1}{4}$ of the $NE\frac{1}{4}$, Section 9, Township 35 N, Range 3, East of the Willamette Meridian.
NOTE: Tax Rolls state 39.60 acres.

D

4. (a). That portion of the $NE\frac{1}{4}$ of section 16, Township 35 North, Range 3 East, W.M., described as follows:

Beginning at a point on the North line of said sub-division 1990.5 feet west of the Northeast corner thereof; thence East along the North line of said subdivision 668.7 feet; thence South $0^{\circ}06'30''$ East along the center line of an existing ditch, 1715.0 feet, more or less, to the Northerly bank of the Samish River; thence Northwesterly along the Northerly bank of said river to a point that is South $0^{\circ}06'30''$ East from the point of beginning; thence North $0^{\circ}06'30''$ West 1500.0 feet, more or less, to the point of beginning, EXCEPT roads and EXCEPT that portion thereof, if any, lying within the boundaries of the west half of the West half of said $NE\frac{1}{4}$.

- (b). The South half of the $SW\frac{1}{4}$ of the $SE\frac{1}{4}$ and the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 9, Township 35 North, Range 3 East, W.M. EXCEPT roads and EXCEPT the following described tract; Beginning at the Southeast corner of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$, said Section 9; thence North along the East line of said subdivision 112 feet; thence WEST parallel to the South line of said subdivision 83 feet; thence South to the South line of said subdivision; thence East along the South line of said subdivision to the point of beginning, EXCEPT road.

This portion also includes two bunker silos, barn and rest shed.

NOTE: Tax Rolls state 83.08 acres.

TOTAL ACRES EXHIBIT "A": 256.15 ACRES

This Agreement shall be subject to the following conditions:

SKAGIT COUNTY
ASSESSOR'S OFFICE

REQUEST OF

NOV 19 AM 11:38

SKAGIT COUNTY
ANN ROSS

760872
L.R.

It is declared that this Agreement contains the classification and conditions as provided for in RCW 84.34 and the conditions imposed by this Legislative Authority.

Dated October 29th, 1971

Legislative Authority:

SKAGIT COUNTY

City or County

By Arnold M. Hansen

Title

Chairman
Board of County Commissioners

As owner(s) of the herein described land I (we) indicate by my (our) signature(s) that I (we) are aware of the potential tax liability and hereby accept the classification and conditions of this Agreement.

Dated NOV 18 1971

Norman W. Nelson
Owner(s)

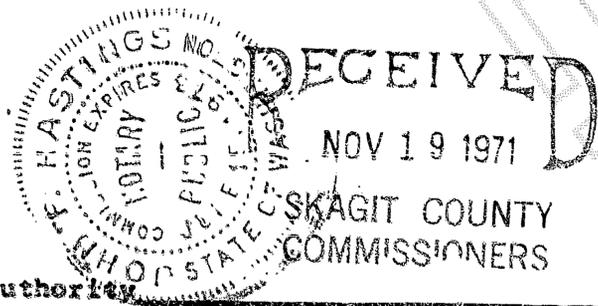
Jeanne Nelson

(Must be signed by all Owners)

Subscribed and sworn to before me this

18 day of Nov., 19 71

John F. [Signature]
Notary Public



Date signed Agreement received by Legislative Authority