

OPEN SPACE TAXATION AGREEMENT
RCW 84.34

~~8104200061~~ #55

RECEIVED

APR 13 1981

~~8105190015~~

TO BE USED FOR "OPEN SPACE" OR "TIMBER LAND" CLASSIFICATION ONLY)

This Agreement between Landry and Susan Corkery
450 Cove Road, Bellingham, Washington 98225
hereinafter called the "Owner", and Skagit County

Skagit County Planning Dept.

hereinafter called the "Granting Authority".

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

Assessor's Parcel or Account Numbers: 283602-0-001-0201; 283602-0-018-0004; 283602-0-015-0007

Legal Description of Classified Land: See Attached O/S 55-82

SKAGIT COUNTY
ASSESSOR'S OFFICE

And whereas, both the owner and granting 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:

☐ OPEN SPACE LAND ☒ 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.
- (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 eight years the land owner makes a withdrawal request, which request is irrevocable, to the assessor. Two 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 use of the land, except through compliance with items (5) or (7) 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 and 84.34.108.
- (7) A breach of Agreement shall not occur and the additional tax shall not be imposed if the removal of designation resulted solely from:
 - (a) Transfer to a government entity in exchange for other land located within the State of Washington;
 - (b) A taking through the exercise of the power of eminent domain, in anticipation of the exercise of such power;
 - (c) Sale or transfer of land within two years after the death of the owner of at least fifty percent interest in such land.
 - (d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
 - (e) Official action by an agency of the State of Washington or by the county or city within which the land is located which disallows the present use of such land.
 - (f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020.

- (8) The county assessor may require classified land owners to submit pertinent data regarding the use of the land, and such similar information pertinent to continued classification and appraisal of the land.

~~8104200061~~

8105190015

VOL

439

PAGE

582

VOL 439 PAGE 473

This Agreement shall be subject to the following conditions:

See Attached

Commissioners recommended additional
conditions may be posted

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

Granting Authority:

Dated March 24, 1981

Harold Miller
City or County

Chairman, Board of County Commissioners
Title

As owner(s) of the herein described land I (we) indicated 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

4/15/81

Leahy Connor
Owner(s)

Richard M. Conkey
(Must be signed by all owners)

Subscribed and sworn to before me this

15th

day of

April

19 81

Enelle M. Jeffers
Notary Public

Date signed Agreement received by Legislative Authority

Prepare in triplicate with one completed copy to each of the following:

Owner(s)
Legislative Authority
County Assessor

8105190015

FORM REV 64 0022 (3-75)

8104260061

Official Record

VOL 439 PAGE 583

Official Record

VOL 436 PAGE 47A

#1

Land acquired from P.U.D.

LEGAL DESCRIPTION FOR: Sanish Properties

Job No. 80129

Tract 3

That portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., described as follows:

Commencing at the East quarter corner of said Section 28, which is a 3/4-inch iron pipe; thence North 0°30'00" West along the East line of said Government Lot 2 a distance of 264.03 feet to a 1/2-inch iron pipe; thence continue North 0°30'00" West a distance of 1055.97 feet; thence North 89°34'30" West a distance of 1214.90 feet to the TRUE POINT OF BEGINNING; thence South 46°30'00" East a distance of 200.00 feet; thence East 614.07 feet; thence South 923.82 feet; thence South 89°34'30" East parallel to the South line of said Government Lot 2 a distance of 25.00 feet; thence South 0°25'30" West a distance of 264.00 feet to said South line of Government Lot 2; thence North 89°34'30" West along said South line a distance of 165.00 feet; thence North 0°25'30" East a distance of 264.00 feet; thence North 89°34'30" West a distance of 627.00 feet; thence North 0°25'30" East a distance of 198.00 feet; thence North 89°34'30" West a distance of 82.50 feet; thence South 0°25'30" West a distance of 264.00 feet; thence North 89°34'30" West a distance of 82.50 feet; thence North 0°25'30" East a distance of 111.24 feet; thence North 89°34'30" West a distance of 125 feet more or less to the line of ordinary high tide; thence in a Northwesterly and Northerly direction along the line of ordinary high tide to a point which bears North 89°34'30" West from the true point of beginning; thence South 89°34'30" East to the TRUE POINT OF BEGINNING.

EXCEPT the following described portion thereof:

Beginning at a post established at the Southwest corner of said Lot 2, running thence East along the South line of Lot 2, 247.5 feet; thence North 528.00 feet to the TRUE POINT OF BEGINNING; thence North 792 feet more or less to the North line of Lot 2; thence West along the said North line 165.00 feet; thence South 792 feet; thence East 165.00 feet.

ALSO EXCEPT that portion of Government Lot 2, Section 28, Township 36 North, Range 2 East, W.M., described as follows:

Beginning at the Northwest corner of tract conveyed to J. M. Baldwin by Deed recorded in Volume 17 of Deeds, Page 731; thence West to water's edge; thence North along water line 15 rods; thence East 23 2/3 rods; thence South 15 rods; thence West to the point of beginning.

8105190015

8104200001

VOL 436 PAGE 475

VOL 439 PAGE 584

portion of the Real Estate with respect to which this policy is issued:

IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON

PARCEL (A)

#2

(5 acres previously owned)

✓ THAT PORTION OF GOVERNMENT LOT 2, SECTION 28, TOWNSHIP 36 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT CONVEYED TO J.M. BALDWIN BY DEED RECORDED IN VOLUME 17 OF DEEDS, PAGE 731; THENCE WEST TO WATERS EDGE; THENCE NORTH ALONG WATER LINE 15 RODS; THENCE EAST 23 2/3 RODS; THENCE SOUTH 15 RODS; THENCE WEST TO THE POINT OF BEGINNING, EXCEPT ANY PORTION THEREOF LYING BELOW THE MEANDER LINE OR THE LINE OF ORDINARY HIGH TIDE, WHICHEVER IS FURTHEST OUT.

283602-0-015-00 ✓

PARCEL (B)

THAT PORTION OF GOVERNMENT LOT 2, SECTION 28, TOWNSHIP 36 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS:

✓ BEGINNING AT A POINT THAT IS 32 RODS NORTH OF A POINT THAT IS 15 RODS EAST OF THE MEANDER POST, AT THE WATERS EDGE, DUE WEST FROM THE ONE-QUARTER CORNER ON THE EAST LINE OF THE SECTION; THENCE FROM SAID POINT OF BEGINNING, RUN WEST 10 RODS; THENCE NORTH 48 RODS; THENCE EAST 10 RODS; THENCE SOUTH 48 RODS TO THE PLACE OF BEGINNING.

283602-0-018-01 ✓

TOGETHER WITH A PERPETUAL 30 FOOT WIDE EASEMENT FOR ROADWAY PURPOSES AND FOR UTILITY LINES THROUGH AND ACROSS SUCH PORTIONS OF GOVERNMENT LOTS 1 AND 2, SECTION 28, TOWNSHIP 36 NORTH, RANGE 2 EAST, W.M. SAID EASEMENT BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

1ST PART:

BEGINNING AT A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 2 THAT IS 274.0 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG THE CENTER LINE OF EXISTING ROAD A DISTANCE OF 875 FEET, MORE OR LESS, TO A ROAD INTERSECTING FROM THE WEST; THENCE WESTERLY A DISTANCE OF 1200 FEET, MORE OR LESS, TO THE EAST LINE OF PARCEL (B).

2ND PART:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL (A); THENCE EAST 82 FEET, MORE OR LESS, TO THE WEST LINE OF PARCEL (B); THENCE SOUTH 30 FEET; THENCE WEST 82 FEET, MORE OR LESS, TO THE EAST LINE OF PARCEL (A); THENCE NORTH 30 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT SHALL EXTEND 15 FEET ON EACH SIDE OF THE CENTER LINE OF THE EXISTING ROADWAY FROM THE POINT OF BEGINNING TO WHERE IT CONNECTS WITH PARCEL (B) AND SHALL CONNECT PARCELS (A) AND (B) WITH A 30 FOOT WIDE STRIP AS PRESENTLY STAKED.

8105190015

81042000C1

~~Official Record~~
VOL 436 PAGE 476

~~Official Record~~
VOL 439 PAGE 585

Leonard and Boudinot
INCORPORATED
PROFESSIONAL ENGINEERS and LAND SURVEYORS

JOHN E. LEONARD, JR., P.E. & L.S.
ROBERT C. BOUDINOT, JR., P.E.

(#3) Exceptions to Open Space application

December 23, 1980

A.) "orchard" holdout

LEGAL DESCRIPTION FOR: Landry Corkery

Open Space Exception

That portion of Tract 3 of record of survey filed in Book 3 of Surveys at Pages 82 and 83, under Auditor's File No. 8011100073, records of Skagit County, Washington, being also a portion of Government Lot 2 of Section 28, Township 36 North, Range 2 East, W.M., being more particularly described as follows:

Commencing at the East quarter corner of said Section 28; thence North $89^{\circ}34'30''$ West along the South line of said Government Lot 2 a distance of 764.50 feet; thence North $0^{\circ}25'30''$ East a distance of 389.00 feet to the TRUE POINT OF BEGINNING of said description; thence continue North $0^{\circ}25'30''$ East a distance of 250.00 feet; thence North $89^{\circ}34'30''$ West a distance of 350.00 feet; thence South $0^{\circ}25'30''$ East a distance of 250.00 feet; thence South $89^{\circ}34'30''$ East a distance of 350.00 feet to the TRUE POINT OF BEGINNING.

(THIS LEGAL DESCRIPTION FIRST FILED IN 1980)

(#3) Exception to Open Space

December 23, 1980

B.) S.W. Corner

LEGAL DESCRIPTION FOR: Landry Corkery to Mizell

That portion of Tract 3 of record of survey filed in Book 3 of Surveys at Pages 82 and 83, under Auditor's File No. 8011100073, records of Skagit County, Washington, being also a portion of Government Lot 2 of Section 28, Township 36 North, Range 2 East, W.M., more particularly described as follows:

Commencing at the East quarter corner of said Section 28; thence North $89^{\circ}34'30''$ West along the South line of said Government Lot 2 a distance of 1318.00 feet; thence North $0^{\circ}25'30''$ East a distance of 198.00 feet to the South boundary of said Tract 3, being the TRUE POINT OF BEGINNING; thence continue North $0^{\circ}25'30''$ East a distance of 66.00 feet; thence North $89^{\circ}34'30''$ West a distance of 82.50 feet; thence South $0^{\circ}25'30''$ West a distance of 66.00 feet; thence South $89^{\circ}34'30''$ East a distance of 82.50 feet to the TRUE POINT OF BEGINNING.

8105190015

Official Record
VOL 439 PAGE 586

Post Office Box 327 812 East Fairhaven Burlington, Washington 98233
Telephone 755-0431

EXHIBIT "A"

LEGAL DESCRIPTION FOR: Samish Properties

Job No. 80129

60-Foot Wide Easement

A 60-foot wide strip of land for ingress, egress, roadway and utilities over, under and across portions of Government Lot 5, Section 27, Township 36 North, Range 2 East, W.M., and Government Lots 1 and 2, Section 28, Township 36 North, Range 2 East, W.M., lying 30 feet on each side of the following described centerline:

Commencing at a 3/4-inch pipe at the quarter corner between said Sections 27 and 28; thence North $0^{\circ}30'00''$ West along the section line common to said Sections 27 and 28 a distance of 294.03 feet; thence South $89^{\circ}34'30''$ East a distance of 20.00 feet to the TRUE POINT OF BEGINNING of said centerline; thence North $89^{\circ}34'30''$ West a distance of 513.98 feet; thence North a distance of 1056.82 feet to the terminus of said easement.

Official Record

VOL 439 PAGE 587

Official Record

VOL 436 PAGE 477

8105190015

~~8104200061~~