

RETURN TO:

Sidney DeBoer

9803230080

843 District Line Road

Burlington, WA 98233

SKAGIT KATHY HILL

98 MAR 23 A10:39

RECORDED FILED
REQUEST OF

DOCUMENT TITLE(S) (or transactions contained herein):

Open Space Taxation Agreement between Mr. DeBoer & Skagit County

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

Board of County Commissioners Resolution # 16429

[] ADDITIONAL REFERENCE NUMBERS ON PAGE ____
OF DOCUMENT.

GRANTOR(S) (Last name, first name and initials):

1. Skagit County

2.

3.

4.

[] ADDITIONAL NAMES ON PAGE ____ OF DOCUMENT.

GRANTEE(S) (Last name, first name and initials):

1. DeBoer, Sidney

2.

3.

4.

[] ADDITIONAL NAMES ON PAGE ____ OF DOCUMENT.

LEGAL DESCRIPTION (Abbreviated: Lc., lot, block, plat or quarter, quarter, section, township and range):

Assessor's Account # 350417-2-006-0006

Lot 2, Skagit County Short Plat # 3-88, approved January 29, 1988
and recorded January 29, 1988 in Volume 8 of Short Plats, page 16

[] ADDITIONAL LEGAL(S) ON PAGE ____ OF DOCUMENT.

ASSESSOR'S PARCEL/TAX I.D. NUMBER: 350417-2-006-0006

[] TAX PARCEL NUMBER(S) FOR ADDITIONAL LEGAL(S) ON PAGE ____ OF DOCUMENT.

9803230080

BK1785PG0013

OPEN SPACE TAXATION AGREEMENT

RCW 84.34

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

16429

This Agreement between SIDNEY DEBOER

hereinafter called the "Owner", and SKAGIT COUNTY

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: 350417-2-006-0006

Legal Description of Classified Land: See Attachment "A"

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 as 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.
 - (g) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 84.04.130 (See RCW 84.34.108 (5g)).
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.

This Agreement shall be subject to the following conditions:

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.

Dated 1-13-97

Granting Authority:

Henry Weber TWA
City or County

Skagit County Board of 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 hereby accept the classification and conditions of this Agreement.

Dated January 21, 1997

John DeBoer
Owner(s)

John DeBoer
(Must be signed by all owners)

Date signed Agreement received by Legislative Authority JANUARY 22, 1997

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

Owner(s)
Legislative Authority
County Assessor

9803230080

BK1785PG0015

SB-8567

Attachment "A"

EXHIBIT "A"

Lot 2, SKAGIT COUNTY SHORT PLAT NO. 3-88, approved January 29, 1988, and recorded January 29, 1988, in Volume 8 of Short Plats, page 16, under Auditor's File No. 8801290022, records of Skagit County, Washington; being a portion of the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter in Section 17, Township 35 North, Range 4 East of the Willamette Meridian;

EXCEPT that portion lying South of the following described parcel:

Beginning at the Northwest corner of the Northwest Quarter of the Southwest Quarter of said Section 17;
thence South $00^{\circ}17'35''$ East, 42.88 feet along the West line of said section;
thence South $89^{\circ}28'41''$ East, 60.00 feet to the East right-of-way line of Green County Road;
thence South $89^{\circ}28'41''$ East, 604.68 feet along a fence line;
thence South $00^{\circ}10'39''$ East, 329.63 feet along a fence line;
thence South $88^{\circ}26'03''$ East, 666.87 feet along a fence line to the East line of said subdivision;
thence North $00^{\circ}18'32''$ East, 375.79 feet along the East line of said subdivision;
thence North $89^{\circ}05'55''$ West, 1,334.70 feet along the North line of said subdivision to the Northwest corner of said subdivision and the point of beginning.

Situated in Skagit County, Washington.

- END OF EXHIBIT "A" -