

When Recorded Return to:

9903120125

SKAGIT COUNTY

99 MAR 12 P2:12

RECORDED \_\_\_\_\_ FILED \_\_\_\_\_  
REQUEST OF \_\_\_\_\_

# OPEN SPACE TAXATION AGREEMENT CH. 84.34 RCW

(To be used for "Open Space", "Timber Land" Classification or "Reclassification" Only)

Grantor(s) SKAGIT COUNTY 17.2.37  
Grantee(s) FRED HERMANN (97-0472)  
Legal Description See Attachment "A"  
Pth Lt 2 Stp# 95-007 in Sec 13 Twp 35 Rge 5 as desc on  
pg 3  
Assessor's Property Tax Parcel or Account Number 3505B-2-002-0100; P107941  
Reference Numbers of Documents Assigned or Released \_\_\_\_\_  
This agreement between FRED HERMANN  
hereinafter called the "Owner", and SKAGIT COUNTY  
hereinafter called the "Granting Authority".

Whereas the owner of the above described real property having made application for classification of that property under the provisions of CH 84.34 RCW.

And whereas, both the owner and granting authority agree 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 be used only 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.
4. This agreement shall apply to the parcels of land described herein and shall be binding upon the heirs, successors and assignees of the parties hereto.
5. Withdrawal: The land owner may withdraw from this agreement if, after a period of eight years, he or she files a request to withdraw classification with the assessor. Two years from the date of that request the assessor shall withdraw classification from the land, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070 and 84.34.108.

REV 64 0022-1 (01-06-97)

9903120125

BK 1957 PG 0567

- 17237
6. Breach: After the effective date of this agreement, any change in use of the land, except through compliance with items (5), (7), or (9), shall be considered a breach of this agreement, and shall be subject to removal of classification and liable for applicable taxes, penalties, and interest as provided in RCW 84.34.080 and RCW 84.34.108.
  7. A breach of agreement shall not have occurred and the additional tax shall not be imposed if removal of classification resulted solely from:
    - (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.
    - (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power in anticipation of the exercise of such power and having manifested its intent in writing or by other official action.
    - (c) 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.
    - (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallowing the present use of such land.
    - (e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020.
    - (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(5)(f)).
    - (g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).
  8. The county assessor may require an owner to submit data relevant to continuing the eligibility of any parcel of land described in this agreement.
  9. Reclassification as provided in Chapter 84.34 RCW.

This agreement shall be subject to the following conditions:

1. Applicant shall comply with Forest Management Plan as submitted
2. At time of harvest, applicant shall comply with all requirements of the Department of Natural Resources regarding harvest of timber.

It is declared that this agreement specifies the classification and conditions as provided for in CH.84.34 RCW and the conditions imposed by this Granting Authority. This agreement to tax according to the use of the property may be annulled or canceled at any time by the Legislature.

Dated 2/23/99

Granting Authority:

Ledell Anderson  
City or County  
Chairman, Skagit County Board of Commissioners

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

Dated 3/4/99

Jeff P. Hemm  
Owner(s)  
(Must be signed by all owners)  
MARCH 8, 1999

Date signed agreement received by Legislative Authority

Prepare in triplicate with one completed copy to each of the following: Owner, Legislative Authority, County Assessor

REV 64 0022-2 (01-06-97)

To inquire about the availability of this form in an alternate format for the visually impaired, please call (360) 753-3217. Teletype (TTY) users may call (800) 451-7985.

9903120125

BK 1957 PG 0568



"A" 0472

SKAGIT COUNTY PROPERTY ID:

P107941

TAX ACCOUNT NO:

17337

350513-2-002-0100

Lot 2 Short Plat 95-007  
(Portion of Tract 5 of Bacus Hill Survey)

situated in  
Section 13  
Township 35 North, Range 5 East of the Willamette Meridian  
consisting of  
11.44+/- Acres

except following described homesite:

A one (1) acre homesite has been developed and a single family home maybe constructed at some time in the future. The location of the homesite discription is as follows: Beginning at the northwest corner of Section 13, thence South 89 degrees 51 minutes 51 seconds East 371.11 feet to the northwest corner of Lot 2 Short Plat 95-007, thence South 34 degrees 47 minutes 23 seconds East 490.31 feet to the True Point Of Beginning; thence South 46 degrees West 180 feet, thence South 21 degrees East 220 feet, thence Due East 85 feet, thence North 9 degrees 30 minutes East 254.79 feet, thence North 44 degrees West 110 feet to the True Point Of Beginning, containing 1.0+/- acres, all in Section 13, Township 35 North, Range 5 East, W.M., Skagit County

Pg 3