

When Recorded Return to:

Assessor

SKAGIT COUNTY

9904210047

'99 APR 21 11:00

OPEN SPACE TAXATION AGREEMENT

CH. 84.34 RCW

RECORDED FILED REQUEST OF 17364

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

Grantor(s) SKAGIT COUNTY
Grantee(s) Michael Stortroen
Legal Description see attachment "A"

Assessor's Property Tax Parcel or Account Number P 38848

Reference Numbers of Documents Assigned or Released

This agreement between MICHAEL STORTROEN

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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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.

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BK 1977 PG 0458

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 84.34108(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.

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This agreement shall be subject to the following conditions:

1. Applicant shall comply with Forest Management Plan prepared by Anderson Forestry Consultants, Inc. for this property.
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 MARCH 16, 1999

Granting Authority:

Lee W Anderson *HW*
 City or County
 CHAIRMAN,
 SKagit COUNTY BOARD OF COMMISSIONERS
 Title

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 3-25th '99

Michael A. Norton
 Owner(s)
Elizabeth M. Cook
 (Must be signed by all owners)

Date signed agreement received by Legislative Authority

3/31/99

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.

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BK 1977 PG 0459

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"A"

Skagit County Property ID: P38848
Tax Account Number: 350511-0-001-0024

Michael A. Stortroen & Elizabeth M. Cook purchased Tract 63 of Bacus Hill Survey described as the W1/2 NW1/4 NE1/4 of Section 11, Township 35 North, Range 5 East, W.M., Skagit County, containing 20+/- acres in 1990. The property address is 2661 West Elk Run Drive, Sedro Woolley, WA 98284. A mobile home is currently located on a 1 acre homesite. There are 19 acres growing a stand of merchantable native tree species. This acreage was logged about 1988 and has reforested naturally with Red Alder with scattered older native Maple and Red Cedar.

The goal of the owner is to retain the integrity of the property by maintaining a stand of trees. This will provide for wildlife habitat, watershed management and recreational activities. The object is to provide for a future return on the investment through good forest management.

The current Skagit County Zoning for the property is Secondary Forest. This means that one (1) single family home can be constructed on the property.

A one (1) acre homesite has been developed and a mobile home is located on the 1 acre homesite. The Homesite is described as follows: Beginning at the southeast corner of Tract 63 Bacus Hill Survey (W1/2 NW1/4 NE1/4), thence North 29 degrees 15 minutes 20 seconds West 310.6 feet to the True Point Of Beginning; thence North 21 degrees 9 minutes 9 seconds East 109.66 feet, thence North 17 degrees 7 minutes 2 seconds West 199.73 feet, thence South 68 degrees West 192 feet, thence South 22 degrees East 200 feet, Thence South 73 degrees 41 minutes 29 seconds East 127.44 feet to the True Point Of Beginning, containing 1.0 +/- acres, all in Section 11, Township 35 North, Range 5 East, W.M., Skagit County.

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BK 1977 PG 0460