



199911190024

Kathy Hill, Skagit County Auditor

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OPEN SPACE TAXATION AGREEMENT

CH. 84.34 RCW

17613

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

Grantor(s) SKAGIT COUNTY
Grantee(s) DONALD CALDWELL
Legal Description A portion of the Northeast 1/4 of the Southwest 1/4
of Section 14, Township 34 North, Range 1 East, W.M.
SKAGIT COUNTY, WASHINGTON
See Attachment "A"
Assessor's Property Tax Parcel or Account Number P19411 & P19426
Reference Numbers of Documents Assigned or Released _____
This agreement between DONALD CALDWELL
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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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 assigns 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.

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. The applicant shall comply with the Timber Management Plan as submitted.
2. At the time of harvesting, the applicant shall comply with all requirements of the Department of Natural Resources in regard to harvesting 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 October 25, 1999

Granting Authority:

John J. Hill
Commissioner 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 am/we are aware of the potential tax liability and hereby accept the classification and conditions of this agreement.

Donald Caldwell
Owner(s)

Dated 11/3/99

(Must be signed by all owners)

Date signed agreement received by Legislative Authority

November 8, 1999

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



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Kathy Hill, Skagit County Auditor

March 12, 1999

Attachment "A"

**DESCRIPTION FOR ASSESSOR'S PURPOSES
PARCEL P-19411 AND P-19426**

17613

PARCEL "A" (P-19411)

That portion of the Northeast 1/4 of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M., described as follows:

BEGINNING at the Southwest corner of the Northwest 1/4 of said Northeast 1/4 of the Southwest 1/4 of Section 14;
thence South 89° 03' 50" East along the North line of the West 1/2 of the Southwest 1/4 of said Northeast 1/4 of the Southwest 1/4 of Section 14, a distance of 333.95 feet to the Northeast corner of said West 1/2;
thence South 00° 17' 40" East along the East line of said West 1/2, a distance of 355.41 feet to the TRUE POINT OF BEGINNING;
thence North 76° 28' 01" East 473.90 feet;
thence South 38° 42' 10" East 555.29 feet to the South line of said Northeast 1/4 of the Southwest 1/4 of Section 14;
thence North 89° 26' 34" West along said South line, a distance of 806.34 feet to the Southeast corner of said West 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 14;
thence North 00° 17' 40" West along the East line of said West 1/2, a distance of 314.62 feet to the TRUE POINT OF BEGINNING.

PARCEL "B" (P-19426)

All that portion of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M., described as follows:

BEGINNING at the Southwest corner of Lot 10 as shown on Survey filed August 5, 1976, under Auditor's File No. 840303 at Page 197, in Book 1 of Surveys, records of Skagit County, Washington;
thence South 89° 26' 34" East along the South line of said Lot 10 for 269.46 feet;
thence South 0° 33' 26" West for 161.66 feet;
thence North 89° 26' 34" West for 269.46 feet;
thence North 0° 33' 26" East for 161.66 feet to the POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens and other instruments of record.

Situate in the County of Skagit, State of Washington.



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