

When Recorded Return to:



200108160010
Skagit County Auditor

8/16/2001 Page 1 of 3 9:17:19AM

OPEN SPACE TAXATION AGREEMENT

Chapter 84.34 RCW

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

Grantor(s) SKAGIT COUNTY
Grantee(s) Roy and Bernice Hensler
Legal Description Ptr Gov. Lts 2 & 3 in Sec. 6, Twp. 36 Rge 5 as described on pg 3

Assessor's Property Tax Parcel or Account Number P117586, P117624, P117626

Reference Numbers of Documents Assigned or Released _____

This agreement between Roy and Bernice Hensler

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 Chapter 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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 landowner 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 land owner 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).
 - h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
 - i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
 - j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.
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:

It is declared that this agreement specifies the classification and conditions as provided for in Chapter 84.34 RCW and the conditions imposed by this Granting Authority. This agreement to tax according to the use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Dated

7/2/01

Granting Authority:

Tom W Anderson, Chairman
 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.

Dated

7/23/01

Raf J. Jensen
 Owner(s)
Bernice V Jensen
 (Must be signed by all owners)

Date signed agreement received by Legislative Authority

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

To inquire about the availability of this notice in an alternate format for the visually impaired or in a language other than English, please call (360) 753-3217. Teletype (TTY) users may call (800) 451-7985.

REV 64 0022-2 (1/03/00)



200108160010
 Skagit County Auditor

CONSERVATION EASEMENT FROM HENSLER FAMILY TRUST

THAT PORTION OF GOVERNMENT LOTS 2 AND 3, SECTION 6, TOWNSHIP 36 NORTH, RANGE 5 EAST, W.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 36 NORTH RANGE 5 EAST, W.M., AS SHOWN ON DEPARTMENT OF NATURAL RESOURCES SURVEY MAP NO. 302, DATED APRIL 1978;

THENCE SOUTH $88^{\circ}56'52''$ EAST 117.68 FEET ALONG THE NORTH LINE OF SAID SECTION 6 TO THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 5 EAST, W.M., AS SHOWN ON DEPARTMENT OF NATURAL RESOURCES SURVEY MAP NO. 193, DATED APRIL 1974;

THENCE CONTINUE SOUTH $88^{\circ}56'52''$ EAST 2484.25 FEET ALONG SAID NORTH LINE OF SECTION 6, ALSO BEING THE SOUTH LINE OF SAID SECTION 31, TO THE NORTHWEST CORNER OF GOVERNMENT LOT 2 (NORTH 1/4 CORNER) OF SAID SECTION 6;

THENCE CONTINUE SOUTH $88^{\circ}56'52''$ EAST 145.68 FEET ALONG SAID NORTH LINE OF SECTION 6 TO THE MONUMENTED SOUTH 1/4 CORNER OF SAID SECTION 31, PER SAID DEPARTMENT OF NATURAL RESOURCES SURVEY MAP NO. 193;

THENCE CONTINUE SOUTH $88^{\circ}56'52''$ EAST 382.84 FEET ALONG SAID NORTH LINE OF SECTION 6 TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH $23^{\circ}53'33''$ WEST 319.08 FEET;

THENCE SOUTH $26^{\circ}51'03''$ WEST 170.99 FEET;

THENCE SOUTH $61^{\circ}00'21''$ WEST 522.81 FEET;

THENCE SOUTH $10^{\circ}40'08''$ WEST 397.39 FEET;

THENCE SOUTH $70^{\circ}41'25''$ EAST 88.36 FEET;

THENCE SOUTH $22^{\circ}35'15''$ EAST 66.86 FEET;

THENCE SOUTH $17^{\circ}47'53''$ EAST 311.27 FEET;

THENCE SOUTH $12^{\circ}24'16''$ EAST 170.0 FEET, MORE OR LESS, TO AN INTERSECTION WITH AN EXISTING EAST-WEST FENCE LINE;

THENCE SOUTH $88^{\circ}42'28''$ EAST 1224.4 FEET, MORE OR LESS, ALONG SAID EAST-WEST FENCE LINE, OF FENCE LINE PROJECTED, TO THE WESTERLY MARGIN OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY;

THENCE NORTH $0^{\circ}30'40''$ EAST 1655.6 FEET, MORE OR LESS, ALONG SAID WESTERLY MARGIN TO THE NORTH LINE OF SAID GOVERNMENT LOT 2,

SECTION 6, TOWNSHIP 36 NORTH, RANGE 5 EAST, W.M. AT A POINT BEARING SOUTH $88^{\circ}56'52''$ EAST FROM THE TRUE POINT OF BEGINNING;

THENCE NORTH $88^{\circ}56'52''$ WEST 742.41 FEET ALONG SAID NORTH LINE TO THE TRUE POINT OF BEGINNING;

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, LIENS, LEASES, COURT CAUSES AND OTHER INSTRUMENTS OF RECORD INCLUDING BUT NOT LIMITED TO THOSE MENTIONED ON SCHEDULE B-1 OF FIRST AMERICAN TITLE COMPANY REPORT ORDER NO. 58937, DATED JULY 26, 2000.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.



200108160010
Skagit County Auditor