

When Recorded Return to:



200109240079

Skagit County Auditor

9/24/2001 Page 1 of 6 9:59:09AM

**NOTICE OF CONTINUANCE**  
**LAND CLASSIFIED AS CURRENT USE OR FOREST LAND**  
Chapter 84.34 And 84.33 Revised Code of Washington

Grantor(s) David Hasselberg + Karen Hasselberg  
Grantee(s) Lyle W. Garrits + Deborah L. Clough  
Legal Description Attached  
22-36-3

Assessor's Property Tax Parcel or Account Number 360322-3-001-0300/P117489  
Reference Numbers of Documents Assigned or Released 360322-4-002-0200/P177488

If the new owner(s) of land that is classified or designated as current use or forest land wish(es) to continue the classification or designation of this land, the new owner(s) must sign below. All new owners must sign. If the new owner(s) do(es) not desire to continue the classification or designation, all additional or compensating tax calculated pursuant to RCW 84.34.108 or RCW 84.33.120, 140 shall be due and payable by the seller or transferor at the time of sale. To determine if the land qualifies to continue classification or designation, the county assessor may be consulted.

Name of New Owner(s) Lyle W Garrits  
Deborah L. Clough  
Address 202 N. 8th St.  
Mount Vernon WA 98273

Phone No. \_\_\_\_\_ Excise Tax No. \_\_\_\_\_  
File No. \_\_\_\_\_ Taxing District \_\_\_\_\_

Date of Sale or Transfer / / Date of Notice / /

Interest in Property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other

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

A. CLASSIFICATION UNDER CHAPTER 84.34 RCW. I/we request that this land retains the current use classification as ☐ Open Space Land, ☒ Farm and Agricultural Land, ☐ Timberland, and I am/we are aware of the following use classification of the land:

1. OPEN SPACE LAND MEANS EITHER:

- a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or
- b) any land area, the preservation of which in its present use would: (i) conserve and enhance natural or scenic resources; (ii) protect streams or water supply; (iii) promote conservation of soils, wetlands, beaches, or tidal marshes; (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space; (v) enhance recreation opportunities; (vi) preserve historic sites; (vii) preserve visual quality along highway, road, and street corridors or scenic vistas; or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification; or
- c) any land that meets the definition of farm and agricultural conservation land. "Farm and agricultural conservation land is either: (i) land that was previously classified as open space farm and agricultural land that no longer meets the criteria of farm and agricultural land, and that is reclassified as open space and under RCW 84.34.020(1); or (ii) land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

2. FARM AND AGRICULTURAL LAND MEANS EITHER:

- a) any land in contiguous ownership of twenty or more acres devoted: (i) primarily to the production of livestock or agricultural commodities, for commercial purposes; or (ii) enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or (iii) other similar commercial activities as may be established by rule; or
- b) any parcel of land at least five acres but less than twenty acres devoted primarily to agricultural uses and produces a gross income equal to two hundred dollars or more per acre per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- d) any parcel of land that is less than five acres devoted primarily to agricultural uses and produces a gross income equal to fifteen hundred dollars or more per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- d) any land on which the principal place of residence of the farm operator or owner of land or housing for employees is sited if the classified farm and agricultural land is classified pursuant to subsection (a) of this section, if the residence or housing is on or contiguous to the classified parcel, and the use of the residence or housing is integral to the use of the classified land for agricultural purposes.

Agricultural land also includes (i) land on which appurtenances necessary for the production, preparation, or sale of commercial agricultural products are situated when the appurtenances are used in conjunction with the land(s) producing agricultural products, (ii) land incidentally used for an activity or enterprise that is compatible with commercial agricultural purposes as long as the incidental use does not exceed twenty percent of the classified land, and (iii) any noncontiguous parcel of land from one to five acres in size that constitutes an integral part of the commercial agricultural operations of a classified parcel of farm and agricultural land.



3. **TIMBER LAND MEANS** any land in contiguous ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes and not classified as reforestation land pursuant to Chapter 84.28 RCW. Timber land means the land only.

I/we declare that I am/we are aware of the liability of withdrawal or removal of this land from classification to the following extent:

1. If the owner has filed the proper notice of request to withdraw the classified land and the land has been classified for a minimum of ten years he/she shall pay an amount equal to the difference between the tax computed on the basis of "current use" and the tax computed on the basis of true and fair value plus interest at the same statutory rate charged on delinquent property taxes. The additional tax and interest shall be paid for the preceding seven years.
2. If land is removed from classification because of a change to a non-conforming use, land is removed prior to the minimum ten year period, or land is removed because the owner(s) failed to comply with the two year notice of withdrawal he/she shall be liable to pay the additional tax and interest described in 1 above plus a penalty of twenty percent of the additional tax and interest. The additional tax, interest, and penalty shall be paid for the preceding seven years.
3. The additional tax, interest, and/or penalty shall not be imposed if the withdrawal or removal from classification 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, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent in writing or by other official action;
  - c) a natural disaster such as a flood, windstorm, earthquake, or other calamity rather than by virtue of the act of the landowner changing the use of the classified land;
  - d) official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present classified use of the land;
  - e) transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;
  - f) acquisition of property interests by a state or federal agency, county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association as defined in RCW 84.34.250;
  - g) removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees;
  - 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; or
  - 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.

**B CLASSIFICATION UNDER CHAPTER 84.33 RCW.** I/we request that this land retain its ☐ classification or ☐ designation as forest land and I am/we are aware of the following definition of forest land:

**FOREST LAND** means and is synonymous with timber land and means all land in contiguous ownership of at least twenty acres that is primarily devoted to and used for growing and harvesting timber. Forest land means the land only.

- a) **CLASSIFIED FOREST LAND** is land whose highest and best use is the growing and harvesting of timber.
- b) **DESIGNATED FOREST LAND** is land that is primarily devoted to and used for growing and harvesting timber but whose value for other purposes may be greater than its value for use as forest land.

REV 64 0047-3 (1/03/00)



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I/we declare that I am/we are aware of the liability of removal of this land from classification or designation and upon removal a compensating tax shall be imposed that shall be equal to the difference between the amount of tax last levied on the land as forest land and an amount equal to the new assessed valuation of the land multiplied by the mileage rate of the last levy extended against the land, multiplied by a number, not greater than ten, equal to the number of years the land was classified or designated as forest land.

The compensating tax shall not be imposed if the removal of classification or designation resulted solely from:

- a) transfer to a government entity in exchange for other forest 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 of eminent domain in anticipation of the exercise of this power;
- c) a donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in Chapter 79.70 RCW;
- d) the sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;
- e) official action by an agency of the State of Washington or by the county or city within which the land is located that disallows the present use of such land;
- f) the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or
- g) the creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

Agreement to tax according to use shall not be considered to be a contract and can be abrogated at any time by the legislature in which event no additional tax or penalty shall be imposed. (RCW 84.34.070).

Deborah L. Clough  
Property Owner

9/20/01  
Date

202 N. 8th St. Mount Vernon WA 98273  
Address

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Property Owner

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  /  /    
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  /  /    
Date

Address

REV 64 0047-4 (1/03/00)



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## Exhibit A

That portion of the Northwest 1/4 of the Southeast 1/4 and of the Northeast 1/4 of the Southwest 1/4 of Section 22, Township 36 North, Range 3 East, W.M., described as follows:

Beginning at the Northwest corner of said Northwest 1/4 of the Southeast 1/4 (center of Section 22);  
thence South 89 degrees 34'13" East 1,331.33 feet along the North line of said Northwest 1/4 of the Southeast 1/4 to the Northeast corner of said Northwest 1/4 of the Southeast 1/4;  
thence South 45 degrees 36'24" West 878.00 feet on a line run between the Northeast corner of said Northwest 1/4 of the Southeast 1/4 to the Southwest corner of said Northwest 1/4 of the Southeast 1/4, being the Southeasterly line of that certain Parcel "A" described on Quit Claim Deed to Gail M. Anderson, Kim T. Zackariasen and David C. Hasselberg, recorded under Skagit County Auditor's File No. 9808260087 to the true point of beginning;  
thence North 44 degrees 23'36" West 300.00 feet;  
thence South 45 degrees 36'24" West 770.08 feet to the toe of the hill which defines the uplands to the Northeast, identified on Skagit County Comprehensive Plan dated November 1, 1999, as Rural Reserve (RRV) and the lowlands to the Southwest, identified on Skagit County Comprehensive Plan dated November 1, 1999, as Natural Resource Land (AG-HRL) Agriculture-NRL;  
thence along said toe of the hill, also being the land use boundary line as follows:  
thence North 43 degrees 35'15" West 122.06 feet;  
thence North 56 degrees 04'10" West 27.82 feet;  
thence North 66 degrees 52'17" West 74.69 feet;  
thence North 43 degrees 23'01" West 49.86 feet;  
thence North 12 degrees 45'24" West 137.84 feet;  
thence North 7 degrees 52'52" East 41.42 feet;  
thence North 41 degrees 08'40" West 59.17 feet;  
thence North 76 degrees 34'16" West 57.00 feet;  
thence North 80 degrees 10'05" West 20.15 feet;  
thence North 30 degrees 36'18" West 40.69 feet;  
thence North 64 degrees 26'26" West 64.64 feet;  
thence North 81 degrees 20'36" West 76.90 feet;  
thence North 19 degrees 08'20" West 72.80 feet;  
thence North 64 degrees 30'34" East 74.20 feet;  
thence North 23 degrees 37'20" West 46.76 feet, more or less, to the Northwesterly line of that certain Parcel "B" described on Quit Claim Deed to Gail M. Anderson, Kim T. Zackariasen and David C. Hasselberg, recorded under Skagit County Auditor's File No. 9808260087 and being more particularly shown on that certain record of survey map recorded in Volume 20 of Surveys, pages 141-142, records of Skagit County and bearing South 58 degrees 49'33" West from said Northwest corner of the Northwest 1/4 of the Southeast 1/4;  
thence South 58 degrees 49'33" West along said Northwesterly line 604.84 feet, more or less, to the top of the Northeasterly bank of McElroy's Slough;  
thence along the said top of the Northeasterly bank of McElroy's Slough, more or less, as follows:  
South 11 degrees 00'06" East 14.09 feet;  
thence South 41 degrees 17'10" East 68.30 feet;  
thence South 33 degrees 34'13" East 98.23 feet;  
thence South 50 degrees 33'59" East 76.26 feet;  
thence South 72 degrees 59'25" East 75.78 feet;  
thence South 76 degrees 37'45" East 47.24 feet;  
thence South 63 degrees 32'47" East 33.27 feet;  
thence South 61 degrees 09'58" East 99.16 feet;  
thence South 56 degrees 47'35" East 93.66 feet;  
thence South 17 degrees 56'27" East 92.76 feet;  
thence South 11 degrees 56'27" East 138.04 feet;  
thence South 59 degrees 50'33" East 56.80 feet;  
thence South 80 degrees 51'36" East 50.10 feet;  
thence North 69 degrees 51'28" East 65.02 feet;  
thence North 58 degrees 50'35" East 50.98 feet;  
thence North 79 degrees 17'22" East 39.80 feet;  
thence North 69 degrees 29'22" East 57.13 feet;  
thence North 64 degrees 52'52" East 63.17 feet;  
thence North 65 degrees 02'10" East 42.88 feet;  
thence North 77 degrees 01'49" East 39.06 feet;  
thence North 88 degrees 43'14" East 65.33 feet;  
thence South 71 degrees 39'32" East 36.97 feet, more or less, to the West line of said Northwest 1/4 of Southeast 1/4;  
thence South 0 degrees 25'37" East along said West line 167.76 feet, more or less, to the North line of that certain tract conveyed to Wendell P. Morrison by deed dated December 16, 1925, and recorded January 11, 1926, in Volume 138 of Deeds, page 445, records of Skagit County, Washington;  
thence North 89 degrees 34'23" East along said North line of the Morrison tract parallel with the South line of said Northwest 1/4 of the Southeast 1/4, 16.69 feet,



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more or less, to said Southeasterly line of Parcel "A" Auditor's File No. 9808260087 at a point bearing South 45 degrees 36'24" West from the true point of beginning; thence North 45 degrees 36'24" East along said Southeasterly line 948.32 feet, more or less, to the true point of beginning;

SUBJECT TO and TOGETHER WITH a 60.00-foot wide non-exclusive mutually beneficial easement for ingress, egress and utilities described as follows:

A 60.00-foot wide easement for ingress, egress and utilities over, under and across a portion of the Northwest 1/4 of the Southeast 1/4 and a portion of the Northeast 1/4 of the Southwest 1/4 of Section 22, Township 36 North, Range 3 East, W.M., said easement being 30.00 feet right and 30.00 feet left of the following described centerline:

Beginning at the Northwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 22 (center of section);  
thence South 0 degrees 25'37" East 1,303.90 feet along the West line of said Northwest 1/4 of the Southeast 1/4 to the Southwest corner of said Northwest 1/4 of the Southeast 1/4 of Section;  
thence North 45 degrees 36'24" East 248.72 feet along a line run from said Southwest corner of the Northwest 1/4 of the Southeast 1/4 to the Northeast corner of said Northwest 1/4 of the Southeast 1/4 to the true point of beginning;  
thence North 19 degrees 09'39" West 8.36 feet;  
thence North 29 degrees 22'51" West 263.33 feet;  
thence North 40 degrees 28'05" West 218.24 feet;  
thence North 34 degrees 00'24" West 232.82 feet;  
thence North 56 degrees 13'26" West 70.68 feet;  
thence North 73 degrees 49'42" West 267.96 feet;  
thence North 61 degrees 15'34" West 48.63 feet;  
thence North 27 degrees 37'35" West 41 feet, more or less, to the Northeasterly line of that certain Parcel B described in Quit Claim Deed to Gail Marine Andersen, Kim T. Zackariasen and David C. Hasselberg, recorded under Skagit County Auditor's File No. 9808260087 and being the terminus of said centerline.

Situate in the County of Skagit, State of Washington.

