

When Recorded Return to:



200110090040

Skagit County Auditor

10/9/2001 Page 1 of 3 10:16:28AM

### 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) Simon and Rena Wester  
 Legal Description Pth N1/2 Sec. 13 Twp 34, Rge 4  
Described on exhibit A

Assessor's Property Tax Parcel or Account Number P24649  
 Reference Numbers of Documents Assigned or Released \_\_\_\_\_  
 This agreement between Simon and Rena Wester  
 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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:

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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

9-10-01

Granting Authority:

DM

Lee W Anderson <sup>R.A.</sup>

City or County

Skagit Co. 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

9-27-001

Simon Water

Owner(s)

Rens Westera

(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

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



200110090040

Skagit County Auditor

"A"

P24649  
340413-2-001-0006

(CONSERVATION EASEMENT) O/S#243B AF#763792 1973 TRNSF#813394 DR 21 THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY WHICH LIES WITHIN TRACT X. LOCATED UNDER AND ACROSS PORTIONS OF THE E1/2 OF THE NW1/4 AND THE NE1/4 AND THE SE1/4 OF SECTION 13 AND ALSO IN A PORTION OF TRACT B SHORT PLAT#46-84 AF#8501070029 BEING A PORTION OF GOVERNMENT LOTS 1 AND 2 IN SECTION 18, TOWNSHIP 34, RANGE 5 SAID CONSERVATION EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 13; THENCE SOUTH 84-26-18 EAST, 1,321.36 FEET ALONG THE NORTH LINE OF THE NW1/4 OF SAID SECTION 13 TO THE NW CORNER OF THE NE1/4 OF THE NW1/4 AND BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUE SOUTH 84-26-18 EAST, 1,321.35 FEET ALONG SAID NORTH LINE OF THE NE CORNER OF SAID NE1/4 OF THE NW1/4 (N1/4 CORNER); THENCE SOUTH 89-34-22 EAST, 938.16 FEET ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 13; THENCE SOUTH 10-28-00 EAST, 520.10 FEET; THENCE SOUTH 02-57-35 EAST, 358 FEET; THENCE SOUTH 85-49-49 EAST, 866.73 FEET; THENCE NORTH 08-24-52 EAST, 92.30 FEET; THENCE NORTH 29-48-52 WEST, 260.53 FEET; THENCE NORTH 62-20-46 EAST, 330.22 FEET; THENCE SOUTH 47-35-53 EAST, 107.18 FEET; THENCE SOUTH 57-53-28 EAST, 197.46 FEET; THENCE SOUTH 58-42-36 EAST, 226.67 FEET; THENCE SOUTH 71-03-24 EAST, 209.48 FEET; THENCE SOUTH 58-37-48 EAST, 243.53 FEET; THENCE SOUTH 01-19-31 WEST, 1,366.23 FEET; THENCE NORTH 76-55-19 WEST, 559.60 FEET; THENCE NORTH 05-20-07 EAST, 265.15 FEET; THENCE NORTH 12-41-19 WEST, 306 FEET; THENCE NORTH 37-21-56 WEST, 365.94 FEET; THENCE NORTH 65-51-56 WEST, 182.87 FEET; THENCE NORTH 69-43-51 WEST, 239.78 FEET; THENCE SOUTH 65-49-15 WEST, 205.11 FEET; THENCE SOUTH 00-30-39 EAST, 385.94 FEET; THENCE SOUTH 01-44-29 EAST, 416.27 FEET; THENCE SOUTH 53-36-15 EAST, 302.64 FEET; THENCE SOUTH 01-18-25 WEST, 380.27 FEET; THENCE SOUTH 89-47-03 WEST, 498.21 FEET; THENCE NORTH 00-10-57 EAST, 375.91 FEET; THENCE SOUTH 88-52-58 WEST, 665.75 FEET; THENCE SOUTH 21-15-51 WEST, 483.08 FEET; THENCE SOUTH 32-39-15 WEST, 118.97 FEET; THENCE NORTH 58-05-20 WEST, 321.35 FEET; THENCE NORTH 41-07-09 WEST, 484.80 FEET; THENCE NORTH 34-33-04 WEST, 506.66 FEET; THENCE NORTH 33-17-02 WEST, 441.07 FEET; THENCE NORTH 31-21-14 WEST, 216.96 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID NE1/4 OF THE NW1/4 OF SECTION 13; THENCE NORTH 89-39-46 WEST, 456.25 FEET ALONG SAID SOUTH LINE TO THE SW CORNER OF SAID NE1/4 NW1/4; THENCE NORTH 00-05-02 EAST, 1,325.07 FEET ALONG THE WEST LINE OF SAID SUBDIVISION TO THE TRUE POINT OF BEGINNING. DESCRIPTION OF TRACT X: THE NE1/4 OF THE NW1/4; THAT PORTION OF THE SE1/4 OF THE NW1/4 AND OF THE SW1/4 NE1/4 OF SECTION 13, LYING NELY OF THE CENTER LINE OF THE NOOKACHAMPS SLOUGH. ALSO THAT PORTION OF THE N1/2 OF THE SE1/4 OF SECTION 13 LYING NELY OF THE CENTER LINE OF THE NOOKACHAMPS SLOUGH.



200110090040

, Skagit County Auditor