

When Recorded Return to:



200111140133  
Skagit County Auditor

11/14/2001 Page 1 of 7 12:33:31PM

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

Grantor(s) James M. Clark and Darlene Clark, as tenants in common  
Grantee(s) Larry Clark, a married man and Leo Clark, an unmarried man  
Legal Description a ptn of Gov. Lots 5 & 6 & SE1/4 of NW1/4, 17-35-11 E W.M.  
(See attached)

Assessor's Property Tax Parcel or Account Number P46105, P46108, P46129, P46130  
Reference Numbers of Documents Assigned or Released \_\_\_\_\_

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) Larry Clark  
Leo Clark

Address 5710 61st Avenue S.E.  
Snohomish, WA 98290

Phone No. \_\_\_\_\_ Excise Tax No. \_\_\_\_\_  
File No. P-99078-E Taxing District \_\_\_\_\_

Date of Sale or Transfer 11/ / 2001 Date of Notice 10 / 7 / 1987

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)



200111140133

, Skagit County Auditor

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).

Property Owner [Signature] Date 11/14/01

Address 5712 61ST AVE S.E.  
SWO, WA 98290

Property Owner [Signature] Date 11/12/01

Address 1215 126 S.E.  
Everett Wash 98208

Property Owner \_\_\_\_\_ Date 1 1

Address \_\_\_\_\_

Property Owner \_\_\_\_\_ Date 1 1

Address \_\_\_\_\_

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



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DESCRIPTION:

An undivided one-third interest in the following described Parcels "A", "B" and "C":

PARCEL "A":

The Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 17, Township 35 North, Range 11 East, W.M.,

EXCEPT that portion conveyed to Skagit County for road purposes by deed recorded July 28, 1915, under Auditor's File No. 109045 in Volume 101 of Deeds, page 42, records of Skagit County, Washington,

AND EXCEPT the following described tracts:

Beginning at a point on the West line of said Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , 660 feet North of the Southwest corner thereof; thence East 660 feet; thence North 360 feet; thence Westerly to a point on the West line of said Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  that is 210 feet North of the point of beginning; thence South along the said West line of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , 210 feet to the point of beginning,

EXCEPT road.

ALSO, beginning at a point 330 feet North of the Southwest corner of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 17, Township 35 North, Range 11 East, W.M.; thence North 330 feet; thence East 660 feet; thence South 330 feet; thence West 660 feet to the point of beginning.

ALSO, beginning at the Southwest corner of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 17, Township 35 North, Range 11 East, W.M.; thence North 20 rods; thence East 40 rods; thence South 20 rods; thence West 40 rods to the point of beginning.

Situate in the County of Skagit, State of Washington.

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## DESCRIPTION CONTINUED:

PARCEL "B":

Government Lot 6 in Section 17, Township 35 North, Range 11 East, W.M., EXCEPT the South 160 feet of the West 990 feet, EXCEPT road rights of way AND EXCEPT the following described tracts:

1. That portion of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 17, lying West and Northerly from the right of way of a truck logging road built by Bradsberry Timber Company which may now be a County road as said road existed on August 26, 1941, together with any rights in said roadway not owned by Skagit County or Bradsberry Timber Company.

2. Government Lot 6, lying North of Clark Road, in Section 17, Township 35 North, Range 11 East, W.M.

ALSO the following described area South of Clark Road:

Beginning at the South end of Cascade River Bridge, using centerline of bridge as backside, turn deflection angle of  $11^{\circ}56'$  right going Southerly 244.0 feet to a point in the center of the Old Bradsberry Log Road, also known as O'Brian Road or Rockport-Cascade Road;  
thence Easterly  $69^{\circ}25'$  left for a distance of 254.10 feet, continue East 78.85 feet and a definite angle left  $20^{\circ}54\frac{1}{2}'$ ;  
thence Northerly 58.55 feet with a definite angle left of  $23^{\circ}49\frac{1}{2}'$ ;  
thence Northerly  $18^{\circ}0'$  right for a distance of 202.20 feet which brings you to the center of Clark Road from here it is Westerly 572 feet to the intersection of Clark and O'Brian Roads.

Said tract being bounded by Clark Road on the North, O'Brian Road on the West, and the bank formed by the Old Cascade River channel on the South and East.

Situate in the County of Skagit, State of Washington.

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, Skagit County Auditor

DESCRIPTION CONTINUED:

PARCEL "C":

That portion of Government Lot 5 of Section 17, Township 35 North, Range 11 East, W.M., described as follows:

Beginning at the Southwest corner of said Lot 5;  
thence North 209 feet;  
thence at right angles East 224 feet;  
thence South at right angles 209 feet;  
thence West at right angles 224 feet to the point of beginning,

EXCEPT that portion thereof conveyed to Skagit County for road purposes by deed recorded July 28, 1915, under Auditor's File No. 109044 in Volume 101 of Deeds, page 40, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

EXCEPT from the above described Parcels, those portions conveyed to Skagit County for road purposes by deeds recorded March 30, 1948 and June 28, 1972, under Auditor's File Nos. 416256 and 770325.



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