

When Recorded Return to:



200207310042

Skagit County Auditor

7/31/2002 Page 1 of 3 9:10AM

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) Christy Garlinghouse

Legal Description See "Attachment A"

Ptn Sec. 26 Twp 33 Rge 1

Assessor's Property Tax Parcel or Account Number 111678

Reference Numbers of Documents Assigned or Released 832536

This agreement between Christy Garlinghouse

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:

XX 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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 July 10, 2002

Granting Authority: R.D. Don Murb
City or County
Skagit County 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.

Christy Lynn Earlinghaus
Owner(s)

Dated 7-18-02

(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.



P111678
330426-1-001-0300

O/S#181 AF#832536 1975 PORTION OF LOT 3 OF SHORT PLAT#95-019
AF#9608220061 LOCATED IN NE1/4 NE1/4 DEFINED AS FOLLOWS:
BEGINNING AT THE NW CORNER OF SAID LOT 3; THENCE SOUTH
00-39-16 EAST, ALONG THE WEST LINE OF SAID LOT 3 TO AN
INTERSECTION WITH AN EXISTING FENCE AS SHOWN ON THE FACE OF
SAID SHORT PLAT; THENCE SOUTHEASTERLY ALONG SAID EXISTING
FENCE, TO ITS INTERSECTION WITH THE WEST LINE OF LOT 4 OF
SAID SHORT PLAT; THENCE NORTH 01-14-07 WEST, ALONG THE WEST
LINE OF SAID LOT 4 TO THE NW CORNER THEREOF; THENCE NORTH
88-45-58 EAST, 466.69 FEET TO THE NE CORNER OF SAID LOT 4;
THENCE SOUTH 01-14-02 EAST, 442.52 FEET TO THE SE CORNER OF
SAID LOT 4; THENCE NORTH 88-45-58 EAST ALONG THE EASTERLY
EXTENSION OF THE SOUTH LINE OF SAID LOT 4, TO THE EAST LINE
OF SAID LOT 3; THENCE NORTH 00-40-05 WEST, ALONG THE EAST
LINE OF SAID LOT 3 TO THE NE CORNER THEREOF; THENCE SOUTH
87-02-04 WEST, ALONG THE NORTH LINE OF SAID LOT 3, 1303.96
FEET TO THE POINT OF BEGINNING. ALSO INCLUDING FOLLOWING
DESCRIBED PARCEL: BEGINNING AT THE MOST NORTHERLY SE CORNER
OF LOT 4 OF SAID SHORT PLAT#95-019; THENCE SOUTH 88-45-58
WEST, ALONG THE SOUTH LINE OF SAID LOT 4, 197.10 FEET;
THENCE SOUTH 17-34-29 WEST, 427.66 FEET TO THE TRUE POINT OF
BEGINNING; THENCE CONTINUING SOUTH 17-34-29 WEST, 124.80
FEET TO THE NORTH MARGIN OF STATE HIGHWAY #534; THENCE NORTH
46-43-45 WEST ALONG SAID NORTH MARGIN, 61.97 FEET; THENCE
NORTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NW
WHOSE RADIUS POINT BEARS NORTH 43-16-15 EAST, 25 FEET
THROUGH A CENTRAL ANGLE OF 115 DEGREES 41 FEET 46 INCHES AN
ARC LENGTH OF 50.48 FEET; THENCE NORTH 17-37-29 EAST, 115.68
FEET; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE
TO THE NE WHOSE RADIUS POINT BEARS SOUTH 75-25-31 EAST, 50
FEET THROUGH A CENTRAL ANGLE OF 47-59-28 AN ARC LENGTH OF
41.88 FEET; THENCE SOUTH 30-25-00 EAST, 4.68 FEET TO THE
TRUE POINT OF BEGINNING



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