

When Recorded Return to:



200304170002
Skagit County Auditor

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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) Diana Davis PL99-0725

Legal Description See Attachment "A"

Aptn in Sec 11, Twp 34, Rge 4

Assessor's Property Tax Parcel or Account Number P115489, 340411-4-007-0100

Reference Numbers of Documents Assigned or Released Trans from 982 752016

This agreement between Diana Davis

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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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 3/25/03

Granting Authority: Kenneth A. Dahlstedt
City or County Skagit County
Title Commissioner

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.

Diana Davis
Owner(s)

Dated 4/9/03

(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.



Property Description Summary

ATTACHMENT "A"

PROPERTY ID..... R115489
XREF.ID..... 340411-4-007-0100

LEGAL DESCRIPTION... D/S#307 AF#752016 1973 (A PORTION OF A CONSERVATION EASEMENT) THOSE PORTIONS OF LOT 2 OF SHORT PLAT#65-88 AF#9107250026 AND OF THE E1/2 SW1/4 AND OF THE SE1/4 DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID E1/2 OF THE SW1/4 (SOUTH QUARTER CORNER) OF SECTION 11; THENCE 01-34-02 EAST, 358.32 FEET ALONG THE EAST LINE OF SAID SW1/4 TO THE NORTHERLY MARGIN OF THE BURLINGTON NORTHERN RAILWAY RIGHT OF WAY AND THE TRUE POINT OF BEGINNING; THENCE CONTINUE NORTH 01-34-02 EAST, 60 FEET ALONG SAID EAST LINE; THENCE NORTH 43-25-58 WEST, 29.03 FEET TO THE LEFT BANK (LINE OF VEGETATION AS THE SAME EXISTED SEPTEMBER 1998) OF NOOKACHAMPS CREEK; THENCE DOWNSTREAM ALONG SAID LEFT BANK FOLLOWS: THENCE SOUTH 42-37-49 WEST, 112.15 FEET; THENCE SOUTH 77-54-04 WEST, 69.71 FEET; THENCE NORTH 71-29-06 WEST, 44.92 FEET; THENCE NORTH 78-30-13 EAST, 101.01 FEET; THENCE SOUTH 77-39-12 WEST, 58.60 FEET; THENCE SOUTH 41-13-09 WEST, 104.42 FEET; THENCE SOUTH 83-59-53 WEST, 70.53 FEET; THENCE SOUTH 78-48-13 WEST, 55.34 FEET; THENCE NORTH 40-44-41 WEST, 51.67 FEET; THENCE NORTH 56-31-41 WEST, 197.04 FEET; THENCE SOUTH 88-47-04 WEST, 150.06 FEET; THENCE SOUTH 87-44-46 WEST, 65.44 FEET; THENCE NORTH 67-31-02 WEST, 155.06 FEET; THENCE NORTH 84-38-37 WEST, 40.35 FEET; THENCE SOUTH 34-41-36 WEST, 64.81 FEET; THENCE 58-05-21 WEST, 61.30 FEET; THENCE 75-39-14 WEST, 85.27 FEET TO THE WEST LINE OF SAID E1/2 OF THE SW1/4; THENCE NORTH 00-56-57 EAST, 192.50 FEET ALONG SAID WEST LINE; THENCE NORTH 81-56-08 EAST, 244.79 FEET; THENCE NORTH 87-08-53 EAST, 173.75 FEET; THENCE SOUTH 88-50-21 EAST, 142.96 FEET; THENCE SOUTH 75-41-19 EAST, 213.35 FEET; THENCE NORTH 86-33-17 EAST, 128.25 FEET; THENCE NORTH 65-26-08 EAST, 149.38 FEET; THENCE NORTH 39-00-32 EAST, 1068.06 FEET; THENCE NORTH 04-27-28 WEST, 176.10 FEET; THENCE NORTH 22-44-14 WEST, 179.25 FEET; THENCE NORTH 11-02-44 WEST, 101.36 FEET; THENCE THENCE NORTH 21-19-04 EAST, 138.38 FEET; THENCE NORTH 20-11-36 EAST, 163.32 FEET; THENCE NORTH 23-56-44 EAST, 95.40 FEET; THENCE NORTH 42-27-35 EAST, 223.53 FEET; THENCE NORTH 04-50-58 EAST, 156.73 FEET; THENCE NORTH 28-12-59 EAST, 16.02 FEET; THENCE NORTH 59-49-38 EAST, 41.10 FEET TO THE SOUTHERLY RIGHT OF WAY MARGIN OF BABCOCK ROAD; THENCE ALONG SAID SOUTHERLY MARGIN OF BABCOCK ROAD (BEING 30 FEET FROM THE ROAD CENTERLINE) SOUTH 74-16-18 EAST, 297.11 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,115.92 FEET, A CENTRAL ANGLE OF 08-52-00, AN ARC DISTANCE OF 172.69 FEET TO A POINT OF TANGENCY; THENCE SOUTH 65-24-18 EAST, 85.80 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1,939.86 FEET, A CENTRAL ANGLE OF 05-52-30, AN ARC DISTANCE OF 198.91 FEET TO A POINT OF TANGENCY; THENCE SOUTH 71-16-48 EAST, 230 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 848.15 FEET, A CENTRAL ANGLE OF 14-53-00, AN ARC DISTANCE OF 220.41 FEET TO A POINT OF

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