



200306030027

Skagit County Auditor

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**NOTICE OF CONTINUANCE**

LAND CLASSIFIED AS CURRENT USE OR FOREST LAND

Chapter 84.34 and 84.33 Revised Code of Washington

Oscar Lagerlund, Ron Kesselring, Bertil J.E. Westling and  
Grantor(s) Nils A. Lindberger, Trustee, & Sambel, Inc.Grantee(s) Miles Sand and Gravel Co., Inc.

Legal Description an Easement on:

a ptn of NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  & of E  $\frac{1}{2}$  of NW  $\frac{1}{4}$ , 18-35-4 E W.M.

	350418-1-005-0008 P36854
	350418-2-001-0000 P36858
Assessor's Property Tax Parcel or Account Number	350418-0-008-0007 P36842
Reference Numbers of Documents Assigned or Released	815520

If the new owner(s) of land that is classified as current use or designated as forest land wish 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 84.33.140, 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) Miles Sand and Gravel Co., Inc.Address P.O. Box 280  
Mount Vernon, WA 98273

Phone No. \_\_\_\_\_ Excise Tax No. \_\_\_\_\_

File No. \_\_\_\_\_ Levy Code \_\_\_\_\_

Date of Sale or Transfer \_\_\_\_\_ Date of Notice \_\_\_\_\_

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

For tax assistance, visit <http://dor.wa.gov> or call (800) 647-7706. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 486-2342. Teletype (TTY) users may call (800) 451-7985.

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

**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, wetland, 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 parcel of land or contiguous parcels of land in the same ownership of twenty or more acres: (i) devoted 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 or contiguous parcels of land in the same ownership of at least five acres but less than twenty acres devoted primarily to agricultural uses which has produced 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
- c. any parcel of land that is less than five acres devoted primarily to agricultural uses which has produced 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 farm and agricultural land is classified pursuant to RCW 84.34.020 (e) 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 parcels 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 parcel or contiguous parcels of land in the same ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes. 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;
  - 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;
  - k. the sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 continuously since 1993;
  - l. the sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place within two years after July 22, 2001, and the death of the owner occurred after January 1, 1991; or
  - m. the date of death shown on a death certificate is the date used.



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

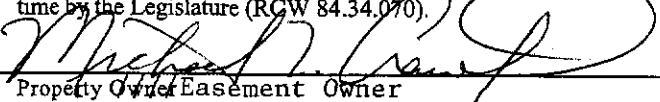
**FOREST LAND** is synonymous with designated forest land and means all contiguous land in the same ownership of at least twenty acres that is primarily devoted to and used for growing and harvesting timber and means the land only.

I/we declare that I am/we are aware of the liability of removal of this land from designated forest land 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 dollar rate of the last levy extended against the land, multiplied by a number, not greater than nine, equal to the number of years the land was designated as forest land.

The compensating tax shall not be imposed if the removal of 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. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;
- 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;
- 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;
- h. the sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under chapter 84.34 continuously since 1993;
- i. the sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place within two years after July 22, 2001, and the death of the owner occurred after January 1, 1991; or
- j. the date of death shown on the death certificate is the date used.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

  
\_\_\_\_\_  
Property Owner/Easement Owner  
P.O. Box 280 , Mount Vernon, WA 98273  
\_\_\_\_\_  
Address

6/2/03  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address



When Recorded Return to:

Elliott W Johnson Inc PS  
711 S. First St  
Mount Vernon, WA 98273

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## Easement Deed

**Grantor(s):**

☐ Additional names on page  
\_\_\_ of document

Ron Kesselring,  
Oscar Lagerlund,  
Bertil J.E. Westling,  
Nils A. Lindberger,  
SAMBEL, Inc.

**Grantee(s):**

☐ Additional names on page  
\_\_\_ of document

Miles Sand and Gravel, Inc.

**Legal Description (abbreviated):**

☒ Additional legal description  
on pages 2 & 3

a ptn of NW¼ of NE¼ and of E½ of NW¼, 18-35-4  
E.W.M.

**Assessor's Tax Parcel Number:**

350418-0-008-0007  
350418-2-001-0000  
350418-1-005-0008

**Reference (Auditor File Numbers of  
Documents assigned, released or  
amended:**

n/a

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Easement Deed

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Elliott W. Johnson Inc. P.S.  
711 South First Street  
Mount Vernon, WA 98273  
(360) 336-6502 Fax 336-5616  
Email elliotjtj@ncia.com



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For and in consideration of Four Hundred Twenty Five Thousand and no/100 Dollars (\$425,000), the adequacy of which is hereby acknowledged, **Ron Kesselring**, husband of Frances H. Kesselring, as his separate property; **Oscar Lagerlund**, husband of Joyce E. Lagerlund, as his separate property; **Bertil J. E. Westling**, husband of Karen Westling, as his separate property; and **Nils A. Lindberger**, a single man, as Trustee under the Living Trust Declaration of Nils Arne Lindberger, dated June 7, 1989, as partners and **SAMBEL, Inc.**, a corporation as to a leasehold estate, ("Grantor") bargains, sells, conveys and quit claims to **Miles Sand and Gravel, Inc.**, a corporation ("Grantee"), including any after acquired title of the Grantor, the following described real estate, situated in the County of Skagit, State of Washington:

A perpetual, non-exclusive, 200 foot wide easement for ingress, egress, roadway and utilities generally over, under, across and through the South 100 feet of Parcels A & B of the above Servient Estate and generally bisecting Parcel C of the Servient Estate from the Dominant Estate to Primary State Highway No. 1 (I-5) including such additional property along Highway 99 as will allow for the construction of any required acceleration lane or other roadway construction required by the government. The exact location of the easement parcel shall be determined by survey and engineering and may be moved to accommodate governmental setback requirements from streams and water courses. The exact location will further accommodate location of new or reconstructed bridge over the Samish River at a location as required by the applicable governmental agencies and further as required to accommodate access to Highway 99, it being understood that access to Highway 99 will need to be located to provide County and State required distance from the existing bridge. This easement shall attach to and run with the dominant estate real property. In addition, Seller shall grant to Purchaser the temporary use of such additional land during construction of the roadway and bridge as is reasonably necessary for construction purposes.

**Servient Estate:** The Servient Estate is described as:

**Parcel A (350418-1-005-0008):** The Northwest 1/4 of the Northeast 1/4 of Section 18, Township 35 North, Range 4 East, W.M., EXCEPT that portion thereof lying within the boundaries of State Road 1 (now known as the Burlington-Alger Road), as condemned in Skagit county Superior Court Cause Nos. 14548 and 14930, and as conveyed to the State of Washington by Deed recorded July 14, 1932, under Auditor's File No. 251669, in Volume 161 of Deeds, page 227, records of Skagit County, Washington, AND ALSO EXCEPT the right of way of Drainage District No. 14, as condemned in Skagit County Superior Court Cause No. 3604, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

**Parcel B (350418-2-001-0000):** That portion of the Northeast 1/4 of the Northwest 1/4 of Section 18, Township 35 North, Range 4 East, W.M., lying Easterly of the East line of Primary State Highway No. 1, as condemned in Skagit County Superior Court Cause Nos. 26636 and 26703; EXCEPT the right-of-way of Drainage District No. 14, as condemned in Skagit County Superior Court Cause No. 3604, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

**Parcel C (350418-0-008-0007):** That portion of the North 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 18, Township 35 North, Range 4 East, W.M., lying Westerly of the Samish River and lying Easterly of the Easterly line of Primary State Highway No. 1, (I-5) as condemned in Skagit County Superior Court Cause No. 26636; EXCEPT any portion lying within the boundaries of the South 660 feet of said Southeast 1/4 of the Northwest 1/4, AND ALSO EXCEPT the

Easement Deed

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Elliott W. Johnson Inc. P.S.  
711 South First Street  
Mount Vernon, WA 98273  
(360) 336-6502 Fax 336-5616  
Email [elliottj@ncia.com](mailto:elliottj@ncia.com)



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right of way of Drainage District No. 14, as condemned in Skagit County Superior Court Cause No. 3604, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

**Dominant Estate:** The Dominant Estate is described as follows:

**Parcel A:** All that part of the Northeast 1/4 of the Southeast 1/4 and of the Southeast 1/4 of the Northeast 1/4 and of the South 580 feet of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 35, North, Range 3 East, W.M., lying Northerly of the 100 foot wide right of way of the Burlington Northern Railroad Company.

**Parcel B:** The South 660 feet of the Southeast 1/4 of the Northwest 1/4 of Section 18, Township 35 North, Range 3 East W.M., lying Northerly of the Burlington Northern Railroad Company and lying westerly and Southerly of primary State Highway No. 1

**SUBJECT TO:**

Order on Special Use Permit SU 99 0132 dated April 4, 2003 and recorded April 22, 2003 under Skagit County Auditor's File No. 200304330008.

Exceptions contained on Schedule "B-1" of Land Title Company Preliminary Commitment for title insurance no. P-84540-E, dated March 6, 1998 and a copy of which is attached hereto.

Dated: June \_\_\_\_, 2003.

\_\_\_\_\_  
Ron Kesselring

\_\_\_\_\_  
*Oscar Lagerlund*  
Oscar Lagerlund

\_\_\_\_\_  
Bertil J. E. Westling

\_\_\_\_\_  
Nils A. Lindberger, trustee

SAMBEL, Inc.,  
a corporation

By

Its

\_\_\_\_\_  
*Oscar Lagerlund*  
*Vice-president*

Easement Deed

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Skagit County Auditor

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State of Washington)

) ss.

County of Skagit )

I certify that I know or have satisfactory evidence that Ron Kesselring appeared before me and acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

Notary Public

My appointment expires: \_\_\_\_\_

State of Washington)

) ss.

County of Skagit )

I certify that I know or have satisfactory evidence that Oscar Lagerlund appeared before me and acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for uses and purposes mentioned in the instrument.

Dated: June 2, 2003

Notary Public

My appointment expires: 12-31-03



Easement Deed

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Elliott W. Johnson Inc. P.S.

711 South First Street

Mount Vernon, WA 98273

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Skagit County Auditor

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State of Washington)  
 ) ss.  
County of Skagit )

I certify that I know or have satisfactory evidence that Bertil J. E. Westling appeared before me and acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
My appointment expires: \_\_\_\_\_

State of Washington)  
 ) ss.  
County of Skagit )

I certify that I know or have satisfactory evidence that Nils A. Lindberger, appeared before me and acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for uses and purposes mentioned in the instrument and that he was the existing trustee and authorized to make this transaction under the terms and conditions of the Nils Arne Lindberger Trust dated June 7, 1989 as amended December 3, 1997.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
My appointment expires: \_\_\_\_\_

Easement Deed

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P.O. BOX 280 • MOUNT VERNON, WASHINGTON 98273-0280  
(360) 757-3121 • FAX (360) 757-3816

June 2, 2003

Skagit County Auditor  
County Administration Building  
Mount Vernon, WA 98273

Attn: Linda White

Re: Road Easement of parcels 350418-1-005-008, 350418-2-001-000 and  
350418-0-008-0007

Dear Ms. White:

Miles Sand and Gravel Co. through it's Concrete NorWest Division is purchasing a road easement across the above referenced Skagit County property parcels. The road does not change the land use of the parcels referenced above. The road use will allow vehicles to pass from Old Highway 99 on the east to other properties to the west of the parcels referenced.

Sincerely,  
Concrete NorWest  
Division of Miles Sand & Gravel

  
Michael T. Crawford  
Vice President

MTC:tv



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