

When Recorded Return to:



200308190043
Skagit County Auditor

8/19/2003 Page 1 of 3 9:12AM

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) PAUL WARE, SUZANNE WARE, ADAM WARE, KATHY WARE, JARED WARE and LEVI WARE

Legal Description A portion of the NW 1/4 of the NE 1/4 and the SE 1/4 of Section 3, Township 33 North,
Range 4 East, W.M., Skagit County, Washington

See attached

Assessor's Property Tax Parcel or Account Number P116280 and 16243, P119995, P119996, P119687

Reference Numbers of Documents Assigned or Released Transfer from CF P119686

This agreement between PAUL WARE, SUZANNE WARE, ADAM WARE, KATHY WARE,

JARED WARE and LEVI WARE

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body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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

1. The applicants shall comply with the Timber Management Plan as submitted.
2. At the time of harvesting, applicants shall comply with all requirements of the Washington Department of Natural Resources in regard to the harvesting of timber.

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 84.34.080).

Dated 6-3-02

Granting Authority: R.D. TWA

Don Mills

City or County

Charman, King of Concessions

Date

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 6/24/2002

John Fred Wore Peter

Owner(s)

Melvin P. Ware Peter S. Swine

(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.



P116280
330403-1-001-0200

CF-75 LOT 1 SHORT PLAT#P00-0376 AF#200210160141 EXCEPT FOR THE FOLLOWING DESCRIBED PARCEL: THAT PORTION OF THE SE1/4 OF THE NW1/4 DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID SUBDIVISION; THENCE SOUTH 87-15-24 WEST ALONG THE SOUTH LINE THEREOF, 786.79 FEET; THENCE NORTH 02-44-36 WEST, 32.63 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 50-43-57 WEST, 348.48 FEET; THENCE NORTH 39-16-03 EAST, 125 FEET; THENCE SOUTH 50-43-57 EAST, 348.48 FEET; THENCE SOUTH 39-16-03 WEST, 125 FEET TO THE POINT OF DESCRIPTION.

P119995
330403-1-001-1100

ACREAGE ACCOUNT, ACRES 18.87, CF-75 LOT 2 SHORT PLAT#P00-0376 AF#200210160141 EXCEPT FOR THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE SE CORNER OF SAID SUBDIVISION; THENCE SOUTH 87-15-24 WEST ALONG THE SOUTH LINE THEREOF, 440.40 FEET; THENCE NORTH 02-44-36 WEST, 291.41 FEET TO THE POINT OF BEGINNING; THENCE NORTH 09-10-30 WEST, 363 FEET; THENCE NORTH 80-49-30 EAST, 120 FEET; THENCE SOUTH 09-10-30 EAST, 363 FEET; THENCE SOUTH 80-49-30 WEST, 120 FEET TO THE POINT OF BEGINNING.

P119996
330403-1-001-1200

ACREAGE ACCOUNT, ACRES 18.70, CF-75 A PORTION LOT 4 SHORT PLAT#P00-0376 AF#200210160141 EXCEPT FOR FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE SW CORNER OF SAID SUBDIVISION; THENCE NORTH 87-15-24 EAST ALONG THE SOUTH LINE THEREOF, 475.85 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 23-54-22 EAST, 166.33 FEET; THENCE NORTH 52-56-02 EAST, 122.09 FEET; THENCE NORTH 84-57-32 EAST, 141.43 FEET; THENCE SOUTH 37-03-58 EAST, 15 FEET; THENCE SOUTH 28-23-18 WEST, 246.25 FEET TO THE SOUTH LINE OF SAID SW1/4 OF THE NE1/4; THENCE SOUTH 87-15-24 WEST ALONG SAID SOUTH LINE, 197.90 FEET TO THE POINT OF BEGINNING.

P16243
330403-1-001-0019

CF-75 A PORTION OF LOT 3 SHORT PLAT#P00-0376 AF#200210160141 EXCEPT FOR THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE SE CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 3; THENCE SOUTH 87-15-24 WEST ALONG THE SOUTH LINE THEREOF, 65.71 FEET; THE NORTH 02-44-36 WEST, 192.23 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 12-53-42 WEST, 363 FEET; THENCE NORTH 77-06-18 EAST, 120 FEET; THENCE SOUTH 12-53-42 EAST, 363 FEET; THENCE SOUTH 77-06-18 WEST, 120 FEET TO THE POINT OF BEGINNING.

P119686
330403-1-001-0900

ACREAGE ACCOUNT, ACRES 19.08, CF-75 A PORTION OF LOT 1B SHORT PLAT#P02-0368 AF#200210160145 EXCEPT THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE NW CORNER OF SAID SUBDIVISION; THENCE NORTH 87-15-24 EAST ALONG THE NORTH LINE THEREOF, 290.34 FEET; THENCE SOUTH 02-44-36 EAST, 39.58 FEET TO THE POINT OF BEGINNING; THENCE EAST, 130 FEET; THENCE SOUTH, 335.08 FEET; THENCE WEST, 130 FEET; THENCE NORTH, 335.08 FEET TO THE POINT OF BEGINNING.

P119687
330403-1-001-1000

ACREAGE ACCOUNT, ACRES 19.05, CF-75 LOT 2B SHORT PLAT#P02-0368 AF#200210160145 EXCEPT THE FOLLOWING DESCRIBED PORTION: COMMENCING AT THE NW CORNER OF SAID SUBDIVISION; THENCE NORTH 87-15-24 EAST ALONG THE SOUTH LINE THEREOF, 583.42 FEET; THENCE SOUTH 02-44-36 EAST, 79.79 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 61-01-55 EAST, 294.67 FEET; THENCE SOUTH 38-44-14 WEST, 200 FEET; THENCE NORTH 41-29-37 WEST, 294.67 FEET; THENCE NORTH 38-44-14 EAST, 100 FEET TO THE POINT OF BEGINNING



200308190043

Skagit County Auditor