

When Recorded Return to:



200504210099

Skagit County Auditor

4/21/2005 Page 1 of 4 3:03PM

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 A portion of Lots 3 and 4 of Short Plat 95-019, within Section 26,

Township 33 North, Range 4 East, W.M., Skagit County, Washington.

See attached

Transfer from o/s # 181 832536 1975

Assessor's Property Tax Parcel or Account Number P111683, 121162

Reference Numbers of Documents Assigned or Released CLUTROS # 5-2004

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:

☒ **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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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 3/22/2005

Granting Authority: R.D. LWA

Don Munk

City or County

Skagit County Board of 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.

Dated 4-21-05

Owner(s)

Christy Garvinhouse

(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.

REV 64 0022-2 (1/03/00)



200504210099

Skagit County Auditor

4/21/2005 Page

2 of

4 3:03PM

Property Description Summary

PROPERTY ID..... P121162
XREF.ID..... 330426-1-001-0500

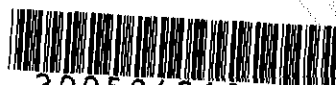
LEGAL DESCRIPTION... ACREAGE ACCOUNT, ACRES 6.37, O/S#181 AF#832536 1975 THAT PORTION OF LOT 3, SHORT PLAT NO. 95-019, APPROVED AUGUST 2, 1996, RECORDED AUGUST 2, 1996, IN BOOK 12 OF SHORT PLATS, PAGES 134 AND 135, AS AUDITOR'S FILE NO. 9608220061, RECORDS OF SKAGIT COUNTY, WASHINGTON, AND BEING A PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 26 AND OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 33 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 00 DEGREES 39'36" 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 AND THE TRUE POINT OF BEGINNING; THENCE SOUTHEASTERLY, ALONG SAID EXISTING FENCE, TO ITS INTERSECTION WITH THE WEST LINE OF LOT 4 OF SAID SHORT PLAT; THENCE SOUTH 01 DEGREES 14'02" EAST, ALONG THE WEST LINE OF SAID LOT 4, TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88 DEGREES 45'58" EAST, ALONG A SOUTH LINE OF SAID LOT 4, A DISTANCE OF 248.46 FEET TO A CORNER OF SAID LOT 4; THENCE SOUTH 17 DEGREES 34'29" WEST, ALONG A WESTERLY LINE OF SAID LOT 4 AND THE SOUTHWESTERLY EXTENSION THEREOF, A DISTANCE OF 496.25 FEET TO A NON-TANGENT CURVE; THENCE SOUTHWESTERLY ALONG SAID NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST WHOSE RADIUS POINT BEARS NORTH 43 DEGREES 16'15" WEST A DISTANCE OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 115 DEGREES 41'46" AN ARC LENGTH OF 50.48 FEET TO THE NORTH MARGIN OF STATE HIGHWAY NO. 534; THENCE NORTHWESTERLY, ALONG SAID NORTH MARGIN, TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 00 DEGREES 39'36" WEST, ALONG THE WEST LINE OF SAID LOT 3, TO THE TRUE POINT OF BEGINNING. ALSO INCLUDES THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE MOST NORTHERLY SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 88 DEGREES 45'58" WEST, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 197.10 FEET TO A CORNER OF SAID LOT 4; THENCE SOUTH 17 DEGREES 34'29" WEST, ALONG AN EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 387.38 FEET TO A POINT HEREINAFTER CALLED "POINT A"; THENCE CONTINUING SOUTH 17 DEGREES 34'29" WEST TO THE NORTH MARGIN OF STATE HIGHWAY NO. 534, AND THE TRUE POINT OF BEGINNING; THENCE NORTH 17-34-29 EAST TO THE AFOREDESCRIBED POINT A; THENCE SOUTHWESTERLY ON SAID LINE OF LOT 4, ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 30.00 FEET THROUGH A CENTRAL ANGLE OF 47 DEGREES 59'28" AN ARC DISTANCE OF 25.13 FEET; THENCE SOUTH 30 DEGREES 25'00" EAST, ALONG SAID LINE OF LOT 4, A DISTANCE OF 168.13 FEET; THENCE SOUTH 69 DEGREES 57'49" WEST, ALONG SAID LINE OF LOT 4, A DISTANCE OF 20.34 FEET TO THE INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS POINT OF SOUTH 59 DEGREES 35' WEST; THENCE SOUTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 30.00 FEET THROUGH A CENTRAL ANGLE OF 62 DEGREES 54'24" AN ARC LENGTH OF 32.94 FEET; THENCE SOUTH 42 DEGREES 52'13" WEST A DISTANCE OF 10.78 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 30.00 FEET THROUGH A CENTRAL

ANGLE OF 90 DEGREES 24'02" AN ARC LENGTH OF 47.33 FEET TO THE NORTH MARGIN OF STATE HIGHWAY NO. 534; THENCE NORTH 46 DEGREES 43'45" WEST ALONG SAID NORTH MARGIN TO THE TRUE POINT OF BEGINNING.

SITUS ADDRESS.....

OWNER NAME..... GARLINGHOUSE CHRIS
OWNER ADDR 2..... P O BOX 553
CITY, STATE ZIP..... CONWAY WA 98238

1 records listed.



200504210099

Skagit County Auditor

4/21/2005 Page

3 of

4 3:03PM

Property Description Summary

PROPERTY ID..... P111683
XREF.ID..... 330426-1-001-0400

LEGAL DESCRIPTION... O/S#181 AF#832536 1975 THAT PORTION OF LOT 4 SHORT
PLAT#95-019 AF#9608220061 DESCRIBED AS FOLLOWS: BEGINNING AT
THE SW CORNER OF SAID LOT 4; THENCE NORTH 01-14-02 WEST,
ALONG THE WEST LINE OF SAID LOT 4, TO AN INTERSECTION WITH
THE MOST SOUTHERLY EXISTING FENCE AS SHOWN ON THE FACE OF
SAID SHORT PLAT; THENCE SOUTHEASTERLY, ALONG SAID FENCE TO
ITS INTERSECTION WITH THE SOUTH LINE OF SAID LOT 4; THENCE
SOUTH 88-45-58 WEST, ALONG SAID SOUTH LINE, TO THE POINT OF
BEGINNING. ALSO THAT PORTION OF LOT 4 DEFINED AS FOLLOWS:
BEGINNING A THE MOST NORTHERLY SE CORNER OF SAID LOT 4;
THENCE SOUTH 88-45-58 WEST, ALONG THE SOUTH LINE OF SAID LOT
4, 197.10 FEET; THENCE SOUTH 17-34-29 WEST, 387.38 FEET TO
THE TRUE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG THE
ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 30.00 FEET
THROUGH A CENTRAL ANGLE OF 47-59-28 AN ARC DISTANCE OF 25.13
FEET; THENCE SOUTH 30-25-00 EAST, 168.13 FEET; THENCE SOUTH
69-57-49 WEST, 20.34 FEET; THENCE NORTH 30-25-00 WEST,
159.80 FEET; THENCE NORTH 17-34-29 EAST, 40.28 FEET TO THE
TRUE POINT OF BEGINNING.

SITUS ADDRESS.....

OWNER NAME..... GARLINGHOUSE CHRIS
OWNER ADDR 2..... P O BOX 553
CITY, STATE ZIP.... CONWAY WA 98238

1 records listed.



200504210099
Skagit County Auditor

4/21/2005 Page

4 of

4 3:03PM