

When Recorded Return to:



200512150068

Skagit County Auditor

12/15/2005 Page 1 of 3 2:15PM

200110240068

Skagit County Auditor

0/24/2001 Page 1 of 3 11:37:43AM

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) NORETEP

Legal Description A portion of Section 11 Township 35 North, Range 5 East, W.M., Skagit County,
Washington

Tract 61 Bacus Hill Survey except exhibit "A"
Re-record to correct 1 acre home site legal

Assessor's Property Tax Parcel or Account Number P38865

Reference Numbers of Documents Assigned or Released _____

This agreement between NORETEP

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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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:
- Transfer to a governmental entity in exchange for other land located within the State of Washington.
 - 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.
 - 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.
 - 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.
 - Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020.
 - 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)).
 - Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).
 - 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.
 - The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
 - 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:

- Applicant shall comply with the Timber Management Plan as submitted.
- At the time of harvest, applicant shall comply with all requirements of the Washington Department of Natural Resources in regard to 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 84.34.070).

Dated

10/8/01

Granting Authority:

Don Murb

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

October 15, 2001

Signature of owner(s)

(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



Exhibit
"A"



806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

**LEGAL DESCRIPTION
FOR
MMAK, LLC
OF
ONE ACRE TRACT FOR
OPEN-SPACE TAXATION PURPOSES**

November 30, 2005

That portion the east half of the southwest quarter of the northwest quarter of Section 11, Township 35 North, Range 5 East, W.M., also known as Tract 61 of survey filed under AF#8910230031, records of Skagit County, Washington, described as follows:

Commencing at the northeast corner of the southwest quarter of the northwest quarter of said Section 11; thence N 89°21'48"W along the north line of said subdivision, a distance of 100.00 feet; thence south, a distance of 100.00 feet to the point of beginning of this description; thence west, a distance of 208.71 feet; thence south, a distance of 208.71 feet; thence east, a distance of 208.71 feet; thence north, a distance of 208.71 feet to the point of beginning of this description.

Containing 1 acre.

Situate in Skagit County, Washington.



12/7/2005



200512150068
Skagit County Auditor