

When Recorded Return to:



200604200002

Skagit County Auditor

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8 8:48AM

**NOTICE OF CONTINUANCE**  
**LAND CLASSIFIED AS CURRENT USE OR FOREST LAND**  
Chapter 84.34 And 84.33 Revised Code Of Washington

Grantor(s) Terminal Cold Storage, A Washington general partnership

Grantee(s) G & D Wallace Inc.

Legal Description

See attached Exhibit "A" for detailed legal description

S 34

T 34

R 3

Assessor's Property Tax Parcel or Account Number P118489, P48639, P48650, P48649, P48646, P48657

Reference Numbers of Documents Assigned or Released 792143 753988

If the new owner(s) of land that is classified or designated as current use or forest land wish(es) 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 84.33.120, 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) G & D Wallace, Inc.

Address P O Box 405  
Burlington WA 98233

Phone No. 360-757-0981

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

File No. \_\_\_\_\_

Taxing District \_\_\_\_\_

Date of Sale or Transfer   /  /  

Date of Notice   /  /  

Interest in Property: ☐ Fee Owner ☐ Contract Purchaser ☐ Other

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 use classification of the land:

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, wetlands, 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 land in contiguous ownership of twenty or more acres devoted: (i) 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 at least five acres but less than twenty acres devoted primarily to agricultural uses and produces 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 and produces 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 classified farm and agricultural land is classified pursuant to subsection (a) of this section, 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 parcel 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 land in contiguous ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes and not classified as reforestation land pursuant to Chapter 84.28 RCW. 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; or
  - g) removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees.

(B) **CLASSIFICATION UNDER CHAPTER 84.33 RCW.** I/we request that this land retain its ☐ classification or ☐ designation as forest land and I am/we are aware of the following definition of forest land:

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

- a) **CLASSIFIED FOREST LAND** is land whose highest and best use is the growing and harvesting of timber.
- b) **DESIGNATED FOREST LAND** is land that is primarily devoted to and used for growing and harvesting timber but whose value for other purposes may be greater than its value for use as forest land.



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

The compensating tax shall not be imposed if the removal of classification or 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; or
- d) the sale or transfer of fee title to the parks and recreation commission for park and recreation purposes.

Property Owner

G & D WALLACE, INC

Date

4/20/06

Address

P.O. BOX 405, Burlington, Wa. 98233

Property Owner

Date

Address

Property Owner

Date

Address

Property Owner

Date

REV 64 0047-4 (01-06-97)



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### Legal description

The land referred to in this report/policy is situated in the State of Washington, County of Skagit, and is described as follows:

#### PARCEL "A":

Tract 1 of Short Plat No. 35-80, approved March 17, 1981 and recorded March 19, 1981 under Auditor's File No. 8103190003 in Volume 5 of Short Plats, page 38, records of Skagit County, Washington; being a portion of the Southeast  $\frac{1}{4}$  and of the Northeast  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M., EXCEPT mineral rights as reserved in instrument recorded January 18, 1979 under Auditor's File No. 894954.

#### PARCEL "B":

Portions of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M., described as follows:

The North ten acres of the South twenty-five acres of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M., more particularly described as follows:

Beginning at a point on the West line of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section, Township and Range, 30 rods North of the Southwest corner of said Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; thence East 80 rods; thence North 20 rods; thence West 80 rods; thence South 20 rods to the place of beginning.

TOGETHER WITH the following described parcel of land:

Commencing at a stake situated in the center of Section 34 in Township 36 North of Range 3 East, W.M. in said Skagit County, running thence East 80 rods; thence South 30 rods; thence West 80 rods; thence North 30 rods to the place of beginning, all in the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M.,

TOGETHER WITH the following described parcel of land:

Beginning at a post 24 rods East of the center of the Southwest  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M.; thence North 80 rods; thence East 56 rods; thence South 60 rods; thence West 40 rods; thence South 20 rods; thence West 16 rods to the place of beginning.

TOGETHER WITH the following described parcel of land:

Beginning at the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 34; thence running East on the subdivision line 80 rods; thence North 30 rods; thence West 80 rods; thence South 30 rods to the place of beginning.

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EXCEPTING therefrom all that portion lying South and West of the following described line:

Commencing at the Southeast corner of said Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 34; thence North  $89^{\circ}53'42''$  West along the South line thereof a distance of 828.00 feet to the true point of beginning of the aforementioned line; thence North  $00^{\circ}58'16''$  East a distance of 294.18 feet; thence North  $85^{\circ}10'08''$  West a distance of 140.67 feet; thence North  $04^{\circ}25'22''$  East a distance of 36.68 feet; thence North  $84^{\circ}17'44''$  West a distance of 29.62 feet; thence North  $05^{\circ}27'07''$  East a distance of 4.11 feet; thence North  $89^{\circ}53'42''$  West a distance of 339.75 feet to the West line of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 34 and the end of this line.

ALSO EXCEPT from all of the above, rights-of-way of Drainage District No. 18,

TOGETHER WITH and subject to access and utility easements described as follows:

All that portion of the Southeast  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M., described as follows:

Commencing at the Southwest corner of said Southeast  $\frac{1}{4}$  of Section 34; thence North  $00^{\circ}42'54''$  East along the West line thereof a distance of 65.37 feet to the North line of the Bow Hill County Road, said point being the true point of beginning; thence continuing North  $00^{\circ}42'54''$  East a distance of 1265.83 feet; thence South  $89^{\circ}53'42''$  East a distance of 6.47 feet; thence North  $01^{\circ}05'49''$  East a distance of 315.33 feet to the beginning of a tangent curve to the right having a radius of 65.00 feet; thence Northeasterly along the arc of said curve passing through a central angle of  $93^{\circ}48'11''$  for an arc distance of 106.42 feet; thence South  $85^{\circ}06'00''$  East a distance of 263.28 feet; thence South  $04^{\circ}54'00''$  West a distance of 20.00 feet; thence North  $85^{\circ}06'00''$  West a distance of 81.53 feet; thence South  $02^{\circ}46'24''$  West a distance of 10.01 feet to Reference Point "A"; thence North  $85^{\circ}06'00''$  West a distance of 182.12 feet to the beginning of a tangent curve to the left having a radius of 35.00 feet; thence Southwesterly along the arc of said curve passing through a central angle of  $93^{\circ}48'11''$  for an arc distance of 57.30 feet; thence South  $01^{\circ}05'49''$  West a distance of 199.78 feet; thence South  $89^{\circ}53'42''$  East a distance of 0.25 feet; thence South  $00^{\circ}42'54''$  West a distance of 115.01 feet; thence North  $89^{\circ}53'42''$  West a distance of 12.50 feet; thence South  $00^{\circ}42'54''$  West a distance of 1273.45 feet to a point on said North line of the Bow Hill County Road, said point lying on a non-tangent curve to the right having a radius of 1061.35 feet the center of which bears North  $16^{\circ}23'36''$  East; thence Northwesterly along the arc of said curve passing through a central angle of  $01^{\circ}24'24''$  for an arc distance of 26.06 feet to the true point of beginning;

AND ALSO the following described parcel of land:

Beginning at Reference Point "A"; thence South  $02^{\circ}46'24''$  West a distance of 51.30 feet; thence South  $07^{\circ}13'26''$  East a distance of 47.57 feet; thence South  $07^{\circ}10'59''$  West a distance of 83.51 feet; thence North  $87^{\circ}33'42''$  West a distance of 179.80 feet to the beginning of a tangent curve to the left having a radius of 35.00 feet; thence Southwesterly along the arc of said curve passing through a central angle of  $91^{\circ}20'29''$  for an arc distance of 55.80 feet; thence North  $01^{\circ}05'49''$  East a distance of 65.84 feet; thence South  $87^{\circ}33'42''$  East a distance of 151.90 feet to the beginning of a tangent curve to the left having a radius of 40.00 feet; thence Northeasterly along the arc of said curve passing through a central angle of  $85^{\circ}15'19''$  for an arc distance of 59.52 feet; thence North  $07^{\circ}10'59''$  East a distance of 15.29 feet; thence North  $07^{\circ}13'26''$  West a distance of 46.40 feet; thence North  $02^{\circ}46'24''$  East a distance of 55.04 feet; thence South  $85^{\circ}06'00''$  East a distance of 30.02 feet to the point of beginning.

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PARCEL "C":

All that portion of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M., described as follows:

Commencing at the Southeast corner of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M.; thence North 20 rods; thence West 40 rods; thence South 20 rods; thence East 40 rods to the place of beginning.

TOGETHER WITH the West 37.50 feet of the South 115.00 feet of said Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 34.

TOGETHER WITH the West 25 feet of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 34, EXCEPT that portion thereof lying within the boundaries of the Bow Hill County Road.

EXCEPT from all of the above, rights-of-way of Drainage District No. 18.

SUBJECT TO AND TOGETHER WITH access and utility easements over, under and across the following described tracts of land:

All that portion of the Southeast  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M., described as follows:

Commencing at the Southwest corner of said Southeast  $\frac{1}{4}$  of Section 34; thence North  $00^{\circ}42'54''$  East along the West line thereof a distance of 65.37 feet to the North line of the Bow Hill County Road, said point being the true point of beginning; thence continuing North  $00^{\circ}42'54''$  East a distance of 1265.83 feet; thence South  $89^{\circ}53'42''$  East a distance of 6.47 feet; thence North  $01^{\circ}05'49''$  East a distance of 315.33 feet to the beginning of a tangent curve to the right having a radius of 65.00 feet; thence Northeasterly along the arc of said curve passing through a central angle of  $93^{\circ}48'11''$  for an arc distance of 106.42 feet; thence South  $85^{\circ}06'00''$  East a distance of 263.28 feet; thence South  $04^{\circ}54'00''$  West a distance of 20.00 feet; thence North  $85^{\circ}06'00''$  West a distance of 81.53 feet; thence South  $02^{\circ}46'24''$  West a distance of 10.01 feet to Reference Point "A"; thence North  $85^{\circ}06'00''$  West a distance of 182.12 feet to the beginning of a tangent curve to the left having a radius of 35.00 feet; thence Southwesterly along the arc of said curve passing through a central angle of  $93^{\circ}48'11''$  for an arc distance of 57.30 feet; thence South  $01^{\circ}05'49''$  West a distance of 199.78 feet; thence South  $89^{\circ}53'42''$  East a distance of 0.25 feet; thence South  $00^{\circ}42'54''$  West a distance of 115.01 feet; thence North  $89^{\circ}53'42''$  West a distance of 12.50 feet; thence South  $00^{\circ}42'54''$  West a distance of 1273.45 feet to a point on said North line of the Bow Hill County Road, said point lying on a non-tangent curve to the right having a radius of 1061.35 feet the center of which bears North  $16^{\circ}23'36''$  East; thence Northwesterly along the arc of said curve passing through a central angle of  $01^{\circ}24'24''$  for an arc distance of 26.06 feet to the true point of beginning;

AND ALSO the following described parcel of land:

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Beginning at Reference Point "A"; thence South  $02^{\circ}46'24''$  West a distance of 51.30 feet; thence South  $07^{\circ}13'26''$  East a distance of 47.57 feet; thence South  $07^{\circ}10'59''$  West a distance of 83.51 feet; thence North  $87^{\circ}33'42''$  West a distance of 179.80 feet to the beginning of a tangent curve to the left having a radius of 35.00 feet; thence Southwesterly along the arc of said curve passing through a central angle of  $91^{\circ}20'29''$  for an arc distance of 55.80 feet; thence North  $01^{\circ}05'49''$  East a distance of 65.84 feet; thence South  $87^{\circ}33'42''$  East a distance of 151.90 feet to the beginning of a tangent curve to the left having a radius of 40.00 feet; thence Northeasterly along the arc of said curve passing through a central angle of  $85^{\circ}15'19''$  for an arc distance of 59.52 feet; thence North  $07^{\circ}10'59''$  East a distance of 15.29 feet; thence North  $07^{\circ}13'26''$  West a distance of 46.40 feet; thence North  $02^{\circ}46'24''$  East a distance of 55.04 feet; thence South  $85^{\circ}06'00''$  East a distance of 30.02 feet to the point of beginning.

PARCEL "D":

The South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M., EXCEPT Drainage District No. 18 rights-of-way.

PARCEL "E":

The Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M.,

EXCEPT Drainage District No. 18 rights-of-way,

ALSO EXCEPT the following described parcel of land:

Beginning at a post 24 rods East of the center of the Southwest  $\frac{1}{4}$  of Section 34, Township 36 North, Range 3 East, W.M.; thence North 80 rods; thence East 56 rods; thence South 60 rods; thence West 40 rods; thence South 20 rods; thence West 16 rods to the place of beginning.



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