

When Recorded Return to:



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Skagit County Auditor

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Open Space Taxation Agreement Chapter 84.34 RCW

(To be used for "Open Space", "Timber Land" Classification or "Reclassification" Only)

Property Owner A. J. Kuntze and Elizabeth Mills
Property Address 10645 Bayview Edison Road, Mount Vernon, WA 98273
Legal Description A portion of government lot 3 and SE1/4 Section 30, Township 35, Range 3 E.W.M.
Skagit County, Washington
as described on attached
Assessor's Property Tax Parcel or Account Number P35030 (ptn)
Reference Numbers of Documents Assigned or Released Quols# 2-2006
This agreement is between A.J. Kuntze and Elizabeth Mills

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:

XX ☒ 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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. 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. 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 84.34.108(6)(f)).
 - g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e).
 - 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 forest land under chapter 84.33 RCW, or under chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
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. The owner may apply for 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 1-23-07 Granting Authority: P.O. Sharon B. Dillon
City or County Skagit County 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 1-24-07 Elizabeth A. Mulls
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

For tax assistance, visit <http://dor.wa.gov> or call 1-800-647-7706. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.

SKAGIT COUNTY
Resolution # R200700

REV 64 0022e (w) (7/27/05)

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DESCRIPTION:

That portion of Government Lot 3 and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30, Township 35 North, Range 3 East, W.M., described as follows:

Beginning at a point 465 feet North of the Southwest corner of Government Lot 3 in Section 30, Township 35 North, Range 3 East, W.M.;
thence East to a point 465 feet North of the Southeast corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 30;
thence North 417 feet;
thence West to the meander line of Padilla Bay;
thence along said meander line in a Southerly direction to the place of beginning.

EXCEPT that portion of said premises conveyed to Skagit County for road purposes by deed recorded under Auditor's File No. 555711;

AND EXCEPT that portion of said premises, if any, lying within the North $26\frac{1}{2}$ rods of said Government Lot 3 and within the North $26\frac{1}{2}$ rods of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$;

AND ALSO EXCEPT any portion of said premises lying South of a line running South $89^{\circ}32'10''$ East and South $89^{\circ}14'30''$ West from a point North $0^{\circ}07'20''$ East a distance of 1798.74 feet from the South $\frac{1}{4}$ of said Section 30.

AND ALSO EXCEPT that portion thereof lying within Tract "A", Short Plat 78-76 located in Section 30, Township 35 North, Range 3 East, W.M., approved January 31, 1977, and recorded in Volume 2 of Short Plats, page 27, Auditor's File No. 850312, records of Skagit County, Washington.

(All of the above being a portion of Tract 2, Short Plat No. 72-78, approved September 6, 1978, recorded September 8, 1978, in Volume 3 of Short Plats, page 9, records of Skagit County, Washington.)

Situate in the County of Skagit, State of Washington.

Also except portion on exhibit "A"



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Exhibit "A"

Separate legal description of home site to be excluded from Open Space Application

That portion of Government Lot 3 of Section 30, Township 35 North, Range 3 East, W.M. described as follows:

Begin at a point 465 feet North of the Southwest corner of said Lot 3; thence east parallel with the South line of said Lot 3 to the Southeast corner of Lot A of Skagit County Short Plat No. 78-76, approved January 31, 1977, said point being the True Point of Beginning; thence continue East parallel with the South line of said Lot 3, a distance of 180 feet; thence North parallel with the East line of said Lot 3, a distance of 345 feet; thence West parallel with the South line of said Lot 3 to the Easterly line of the Bayview-Edison Road; thence Southerly along said Easterly line to the Westerlymost corner of said Lot "A"; thence North $52^{\circ}51'34''$ East along the Northerly line of Lot "A", a distance of 137.63 feet to an angle point; thence North $85^{\circ}08'34''$ E, a distance of 69.38 feet; thence South $16^{\circ}53'02''$ E along the Easterly line of said Tract "A" to the True Point of Beginning.

Situate in the County of Skagit, State of Washington.



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