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200710250067

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 BENJAMIN and PAMELA THOMAS  
Property Address 3412 W. Second Street, Anacortes, WA 98221  
Legal Description A portion of Lot 1, Short Plat #95-008, East of SR 9, west of Lake Cavanaugh Road within  
Sec 17, T33N, R5E, W.M., Skagit County, Washington.  
See attached  
Assessor's Property Tax Parcel or Account Number P125976  
Reference Numbers of Documents Assigned or Released CLUTRMB# 2-2007  
This agreement is between BENJAMIN and PAMELA THOMAS

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body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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

At the time of harvesting, the applicant shall comply with the requirements

of the 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 84.34.070).

Dated October 1, 2007

Granting Authority: K.B.

Shagit County

City or County

Shagit 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 oct 8, 2007

Benjamin Thomas

Owner(s)

Pamela K. Thomas

(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 # R20070469

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

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BEGINNING at a point in the Southwest 1/4 of Section 17, Township 33 North, Range 5 East, W.M., which is 1,154.0 feet East and 655.2 feet South of the Northwest corner of the Southwest 1/4 of said Section. This point being South 58°21'50" East, 1,327.0 feet from said Northwest corner of the Southwest 1/4 using the West line of Section 17 as a base which bears South 2°03' West;

thence North 59°47' East, 119.5 feet;

thence South 77°23' East, 171.8 feet;

thence South 53°23' West, 138.7 feet;

thence South 60°15' West, 47.3 feet;

thence North 15°34' West, 138.5 feet to the POINT OF BEGINNING.

ALSO, that portion of a 30-foot road being and lying within that portion of the Northwest 1/4 of the Southwest 1/4 of Section 17, Township 33 North, Range 5 East, W.M., not included in the property owned by School District #67 and more particularly described as follows:

BEGINNING at the aforesaid point, which is South 58°21'50 East 1,327.0 feet from the Northwest corner of the Southwest 1/4 of Section 15;

thence North 65°15' West, 180.8 feet;

thence North 49°15' West, 225.5 feet;

thence North 18°44' West, 190.9 feet;

thence North 55°43' West, 138.8 feet;

thence North 1°34' West, 110.9 feet to a point on the center line of Montborne-McMurray Road which point is the P.C. of a 5° curve to the right.

AND ALSO TOGETHER WITH that portion of Lot 1, Short Plat No. 95-008 recorded in Volume 13 of Short Plats, pages 20-21 (inclusive), under Skagit County Auditor's File No. 9707150040, being in portions of the Northwest 1/4 and the Southwest 1/4 of Section 17, Township 33 North, Range 5 East, W.M. lying Southeasterly of the following described line:

Commencing at the Easterly most corner common to Lots 1 and 4 of said Short Plat No. 95-008, also being a point on the Westerly margin of the Northern Pacific Railroad right-of-way and being on the East-West center line of said Section 17, Township 33 North, Range 5 East, W.M.;

thence South 89°23'42" West along said line common to said Lots 1 and 4, also being the East-West centerline of said Section 17 for a distance of 409.92 feet and being the TRUE POINT OF BEGINNING of said line description;

thence South 57°24'07" West for a distance of 744.49 feet, more or less, to the Southwesterly line of said Lot 1, Short Plat No. 95-008 being on the agreement line between Thomas and Lindquist per Boundary Line Adjustment Deeds recorded under Skagit County Auditor's File Numbers. 9410050066 and 9410050067 and being the terminus of said line description.



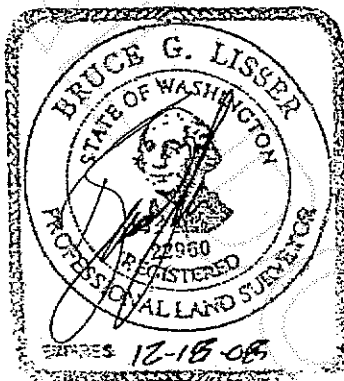
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ALL BEING SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

All situate in the County of Skagit, State of Washington.

except (1) acre homesite



2-2-07



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### **One (1) Acre Homesite Description**

A one (1) acre homesite contains the original Parcel P18124 which has 0.53 acres and 0.47 acre that is being withdrawn from the Open Space Farm & Ag Tax Program. The 1.0+/- acre homesite is described as follows:

Beginning at a point in the Southwest 1/4 of Section 17, Township 33 North, Range 5 East, W.M., which is 1,154.0 feet East and 655.2 feet South of the Northwest corner of the Southwest 1/4 of said Section. This point is the True Point Of Beginning being South 58 degrees 21 minutes 50 seconds East, 1,327.0 feet from said Northwest corner of the Southwest 1/4 using the West line of Section 17 as a base which bears South 2 degrees 3 minutes West; thence South 56 degrees 50 minutes 15 seconds East, 123.13 feet, thence North 51 degrees 21 minutes 21 seconds East, 186.0 feet, thence North 45 degrees 30 minutes East, 17.0 feet, thence South 43 degrees 35 minutes 19 seconds East, 25.0 feet, thence North 43 degrees East, 160.0 feet, thence North 43 degrees 35 minutes 19 seconds West, 30.0 feet, thence South 43 Degrees West, 100.0 feet, thence South 83 degrees 30 minutes West, 160.0 feet, thence North 56 degrees 30 minutes West, 153.0 feet, thence South 35 degrees West, 100.0 feet, thence South 26 degrees 23 minutes 29 seconds East, 103.41 feet to the True Point Of Beginning, containing 1.0+/- acre.



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