

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 DAVID and GEORGIA LANG
Property Address 40352 Cape Horn Road, Concrete, WA 98237
Legal Description Ptn Government Lot 3, Section 14, Township 35, Range 7 East, W.M.,
Skagit County, Washington. See attached
Assessor's Property Tax Parcel or Account Number P128047
Reference Numbers of Documents Assigned or Released CluTMB# 1-2008
This agreement is between DAVID and GEORGIA LANG

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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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 all the requirements of the 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 July 29, 2008 Granting Authority: Skagit County Commissioners
City or County
Don Mumb
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 August 5, 2008 Georgia Lang
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.

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ACREAGE ACCOUNT, ACRES 10.93, (TAX 14) THAT PORTION OF GOVERNMENT LOT 3 AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 7 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF VACATED BLOCK 17 OF MAP OF BESSEMER, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 79, RECORDS OF SKAGIT COUNTY, WASHINGTON; THENCE NORTH ALONG THE EAST LINE OF SAID GOVERNMENT LOT 3 AND SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 928 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF VACATED BLOCK 1 IN SAID PLAT; THENCE WEST A DISTANCE OF 440 FEET TO THE NORTHWEST CORNER OF VACATED BLOCK 2 IN SAID PLAT; THENCE SOUTH A DISTANCE OF 296 FEET TO THE CENTER OF VACATED THIRD STREET AS SHOWN IN SAID PLAT; THENCE WEST ALONG THE CENTER OF SAID STREET A DISTANCE OF 110 FEET; THENCE SOUTH A DISTANCE OF 632 TO THE SOUTHWEST CORNER OF VACATED LOT 20 IN BLOCK 19 SAID PLAT; THENCE EAST TO THE POINT OF BEGINNING. EXCEPT THAT PORTION LYING EASTERLY OF THE CAPE HORN ROAD AND NORTHERLY AND EASTERLY OF PRESSENTIN ROAD. TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 3, SECTION 14, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, WHICH LIES SOUTHERLY OF THE FOLLOWING DESCRIBED PROPERTY AND NORTHERLY OF SKAGIT RIVER AS IT EXISTED ON SEPTEMBER 2, 1997; AND THE EAST AND WEST LINES BEING PRODUCED SOUTHERLY FROM THE EAST AND WEST LINES OF THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE SOUTHEAST CORNER OF VACATED BLOCK 17 OF MAP OF BESSEMER, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 79, RECORDS OF SKAGIT COUNTY, WASHINGTON; THENCE NORTH ALONG THE EAST LINE OF SAID GOVERNMENT LOT 3 AND SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 928 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF VACATED BLOCK 1 IN SAID PLAT; THENCE WEST A DISTANCE OF 440 FEET TO THE NORTHWEST CORNER OF VACATED BLOCK 2 IN SAID PLAT; THENCE SOUTH A DISTANCE OF 296 FEET TO THE CENTER OF VACATED THIRD STREET AS SHOWN IN SAID PLAT; THENCE WEST ALONG THE CENTER OF SAID STREET A DISTANCE OF 110 FEET; THENCE SOUTH A DISTANCE OF 632 FEET TO THE SOUTHWEST CORNER OF VACATED LOT 20 IN BLOCK 19 OF SAID PLAT; THENCE EAST TO THE POINT OF BEGINNING. EXCEPT FOLLOWING DESCRIBED TRACT: THE N1/2 OF VACATED 4TH STREET FROM ITS EAST TERMINUS TO THE CENTERLINE OF VACATED ADAMS STREET, EXCEPT THAT PORTION LYING IN THE RIGHT OF WAY OF CAPE HORN ROAD, ALL AS SET FORTH IN THE MAP OF BESSEMER. ALSO EXCEPT THE WEST 15 FEET OF VACATED LOT 1 AND VACATED LOT 20 OF VACATED BLOCK 19 OF THE MAP OF BESSHER.

except following described:

The 1.29+/- acre homesite is described as follows; Beginning at the Southeast corner of Vacated Block 17 of Map of Bessemer, according to the plat thereof Recorded in Volume 2 of Plats, Page 79, Records of Skagit County, Washington; thence South 87 degrees 57 minutes 35 seconds West 543.91 feet, thence North 1 degree 2 minutes 25 seconds West 266.04 feet to the True Point Of Beginning; thence North 87 degrees 57 minutes 35 seconds East along the south edge of Cape Horn Road Right-of-Way 280 feet, thence South 1 degree 2 minutes 25 seconds East 200 feet, thence South 87 degrees 57 minutes 35 seconds West and parallel to Cape Horn Road 280 feet, thence North 1 degree 2 minutes 25 seconds West 200 feet to the True Point Of Beginning, containing 1.29+/- acres



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