



200812310002
Skagit County Auditor

12/31/2008 Page 1 of 8 9:08AM

When Recorded Return to:
Jack R. Wallace, Attorney
P.O. Box 372
Burlington, WA 98233

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

Grantor(s) Hulbert Farms, Inc.
Grantee(s) LaConner Flats Properties, LLC
Legal Description See Exhibit "A" S 31 30, 19
J 34
R 3

Assessor's Property Tax Parcel or Account Number See Exhibit A P 22984
Reference Numbers of Documents Assigned or Released 97103140045, 970240047
9802180062, 751808

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) LaConner Flats Properties, LLC
Address 17297 Hulbert Road
Mount Vernon, WA 98273

Phone No. 360/466-3191 Excise Tax No. _____
File No. _____ Taxing District _____

Date of Sale or Transfer 12 / 23 / 08 Date of Notice 12 / 23 / 08

Interest in Property: Fee Owner Contract Purchaser Other

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 call (800) 451-7985

A. CLASSIFICATION UNDER CHAPTER 84.34 RCW. I/we request that this land retains 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
- d) 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;
 - g) removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees;
 - 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; or
 - 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.

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 timber land 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 mileage 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;
- d) the sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;
- e) 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 use of such land;
- f) the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or
- g) the creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Property Owner LaConner Flats Properties, LLC Date 12/23/08

Address 17297 Hulbert Road, Mount Vernon, WA 98273

Property Owner _____ Date / /

Address _____

Property Owner _____ Date / /

Address _____

Property Owner _____ Date / /

Address _____

REV 64 0047-4 (1/03/00)



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Skagit County Auditor

LEGAL DESCRIPTION
EXHIBIT 'A'

PARCEL 1: (JHH HOUSE)

P22984 340331-0-015-0003

Lot 1 of Skagit County Short Plat No. 18-90, approved October 10, 1990, and recorded November 1, 1990 as Auditor's File No. 9011010030 in Book 9 of Short Plats, at pages 277 and 278, being a portion of Government Lot 7 of Section 31, Township 34 North, Range 3 East, W.M.

PARCEL 2: (FARMSTEAD)

P22987 340331-0-018-0000

Note: Transfer does not include leasehold improvements (greenhouses) which are specifically excluded from this deed and which are, and will remain, the property of Hulbert Farms, Inc.

That portion of Government Lot 8, in Section 31, Township 34 North, Range 3 East W.M., more particularly described as follows:

Beginning at the Southeast corner of said Government Lot 8; thence WEST running along the South line of said subdivision a distance of 410 feet; thence North 358 feet; thence West to the Easterly boundary of Sullivan's Slough; thence Southwesterly along the Easterly boundary of said Sullivan's Slough to the South line of said Government Lot 8; thence Easterly along the southerly boundary of said Government Lot 8 to the true point of beginning, EXCEPTING therefrom any portion of said property lying West of the Easterly base of the existing dike upon said premises, EXCEPT county road and EXCEPT dike right of way.

(Also known as a portion of Lot 4, Short Plat No. 18-90, recorded November 1, 1990, under Auditor's File No. 9011010030.)

Situate in the County of Skagit, State of Washington.



PARCEL 3: (FIR ISLAND PROPERTY)

P15858 330314-1-008-0002

That portion of the Southeast 1/4 of the Northeast 1/2 of Section 14, Township 33 North, Range 3 East, W.M., described as follows: Commencing at the Southeast corner of the Northeast Quarter of said Section 14 (East 1/4 corner); thence North 89 degrees 19'14" West along the South line of said Northeast Quarter a distance of 1319.34 feet to the Southwest corner of said Southeast Quarter of the Northeast Quarter and the true point of beginning; thence North 00 degrees 50'08" East along the West line of said subdivision, a distance of 262.89 feet; thence South 89 degrees 19'14" East parallel with the South line of said subdivision a distance of 250.50 feet; thence South 00 degrees 50'08" West a distance of 262.89 feet to said South line of said subdivision; thence North 89 degrees 19'14" West along said South line of said subdivision, a distance of 250.50 feet to the true point of beginning, situate in the County of Skagit, State of Washington. Basis of bearing: Short Plat PL-03-0661 filed under Auditor's File Number 200311200115.

PARCEL 4: (SMYTH FARM)

P22956 340330-2-002-0005
P22918 340330-0-013-0006
P22156 340319-0-012-0002

That portion of the SW 1/4 of the SE 1/4 and the South 1/2 of the SW 1/4 of Sec 19, Twp 34 North, Range 3 E.W.M., described as follows:

Beginning at a point on the west right of way line of the County road, 817.00 feet South of the NE corner of said SW 1/4 of the SE 1/4; thence South 89°44'21" West parallel to the North line of said subdivision, a distance of 2631.11 feet; thence South 0°44'26" East, a distance of 60.00 feet to the true point of beginning; thence continuing South 0°44'26" East, a distance of 439.74 feet to a point on the South line of Section 19, which bears South 89°57'18" East, a distance of 62.26 feet from the SW corner of said SE 1/4 of the SW 1/4 of said Sec 19; thence South 89°57'18" East along the South line of Sec 19, a distance of 873.08 feet to a point on said South line of Sec 19, which bears North 89°57'18" West, a distance of 399.51 feet from the SE corner of the SW 1/4 of said Section 19; thence North 0°44'26" West, a distance of 444.39 feet; thence South 89°44'21" West, a distance of 873.03 feet to the true point of beginning.

Quit Claim Deed 4 of 6



200812310002
Skagit County Auditor

12/31/2008 Page

6 of

8 9:08AM

ALSO, the West 935.26 feet to the NE 1/4 of the NW 1/4 measured at right angles to the West line of said NE 1/4 of the NW 1/4, EXCEPTING the West 62.26 feet thereof; AND ALSO, the West 935.26 feet of Government Lot 7 (measured at right angles to the West line of said Government Lot 7), EXCEPTING the South 185 feet thereof; all being in Sec 30, Twp 34 North, Range 3 E.W.M., and being more particularly described as follows:

Beginning at the NW corner of said Sec 30; thence South 0°18'54" East along the West line of said Sec 30, a distance of 1328.64 feet to the SW corner of Government Lot 1; thence South 89°59'25" East along the South line of said Government Lot 1 to the SE corner thereof, a distance of 1351.39 feet to the true point of beginning; thence South 0°44'26" East along the West line of said Government Lot 7, a distance of 1142.89 feet to a point which bears North 0°44'26" West, a distance of 185.01 feet from the SW corner of said Government Lot 7; thence North 89°59'30" East along a line which is parallel to and 185.00 feet North of (measured at right angles to) the South line of said Government Lot 7, a distance of 935.33 feet; thence North 0°44'26" West along a line which is parallel to and 935.26 feet East of (measured at right angles to) the West line of Government Lot 7, a distance of 2469.67 feet to a point on the North line of Section 30, which point bears North 89°57'18" West a distance of 399.51 feet from the NE corner of said NE 1/4 of the NW 1/4 of Sec 30; thence North 89°57'18" West along the North line of said Sec 30, a distance of 873.08 feet to a point on said North line of Sec 30, which bears South 89°57'18" East, a distance of 62.26 feet from the NW corner of said NE 1/4 of the NW 1/4 of Sec 30; thence South 0°44'26" East along a line which is parallel to and 62.26 feet of (measured at right angles to) the West line of said NE 1/4 of the NW 1/4 of Sec 30, a distance of 1327.87 feet to a point on the North line of Government Lot 7, thence North 89°59'25" West along said North line of Government Lot 7 of said Section 30, a distance of 62.26 feet to the true point of beginning.

TOGETHER WITH a nonexclusive easement for ingress, egress and utility purposes across the following described tract of land:

That portion of the SW 1/4 of the SE 1/4 and the south 1/2 of the SW 1/4 of Sec 19, Twp 34 North, Range 3 E.W.M., described as follows:

Beginning at a point on the West right of way line of the County road, 817.00 feet South of the Northeast corner of said SW 1/4 of the SE 1/4; thence South 89°44'21" West parallel to the North line of said subdivision, a distance of 2631.11 feet; thence South 0°44'26" East a distance of 60.00 feet; thence North 89°44'21" East parallel to the North line of said subdivision, a distance of 2630.71 feet to a point on the West right of way line



of said County Road; thence North along the West right of way line of said County road, a distance of 60.00 feet to the point of beginning.

Parcels 1, 2, 3 and 4 are all subject to matters of record.

END OF LEGAL DESCRIPTION

