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201412010110
Skagit County Auditor
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$76.00

Open Space Taxation Agreement

Chapter 84.34 RCW

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

Property Owner: Sauk Suiattle Indian Tribe

Property Address: 22197 State Route 530, Darrington, WA 98241

Legal Description: PORTIONS OF SECTION 20, TOWNSHIP 33 N RANGE 10 E, AND PORTIONS OF SECTION 29, TOWNSHIP 33 N RANGE 10 E, W.M.
SEE ATTACHED LEGAL FOR PARCEL A AND PARCEL B

Assessor's Property Tax Parcel or Account Number: P18771, P18752, P18705, P18700, P18782

Reference Numbers of Documents Assigned or Released: _____

This agreement between Sauk Suiattle Indian Tribe 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 – RCW 84.34.020(1)(a) or (b)**

☐ **Farm and Agricultural Conservation Land (a sub classification of open space land) – RCW 84.34.020(1)(c)**

☐ **Timber Land – RCW 84.34.020(3)**

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 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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)(f);
   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 of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species 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; or
   l) The discovery that the land was classified in error through no fault of the owner.
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 of the land if reclassification is permissible under RCW 84.34.070.

The parcel(s) of land described in this agreement is subject to the following conditions:

The parcel(s) of land described in this agreement may be used in the following manner:

The parcel(s) of land described in this agreement may be removed if the land is used in the following manner:

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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 11/6/14

Ron Wesen
Signature(s) of County and/or City Legislative Authority

Chair
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.

Sauk-Suiattle Indian Tribe
Owner(s)

Dated 11-12-14

Chairman
(Must be signed by all owners)

Date signed agreement received by Legislative Authority 11-10-14

Prepare in triplicate with one copy to each of the following: Owner, Granting Authority, and County Assessor

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PARCEL "A":

THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 33 NORTH, RANGE 10 EAST, W.M., AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 33 NORTH, RANGE 10 EAST, W.M., EXCEPT THE 8 FOLLOWING DESCRIBED TRACTS:

TRACT 1: THAT PORTION OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED RECORDED FEBRUARY 24, 1958 AS AUDITOR'S FILE NO. 562146.

TRACT 2: THAT PORTION OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED RECORDED SEPTEMBER 17, 1937 AS AUDITOR'S FILE NO. 294530.

TRACT 3: THAT PORTION OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED RECORDED JANUARY 17, 1964 AS AUDITOR'S FILE NO. 645609.

TRACT 4: AS-BUILT AND EXISTING COUNTY ROAD RIGHTS-OF-WAY, IF ANY OTHER THAN THOSE SHOWN HEREINABOVE.

TRACT 5: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 33 NORTH, RANGE 10 EAST, W.M.; THENCE NORTH ALONG THE WEST LINE THEREOF, 776.3 FEET; THENCE EAST, 470 FEET TO THE POINT OF BEGINNING; THENCE EAST, 850 FEET TO RIVER BANK; THENCE NORTH, 200 FEET; THENCE NORTH 26 WEST, 382 FEET; THENCE WEST 684 FEET; THENCE SOUTH 543.7 FEET TO THE POINT OF BEGINNING.

TRACT 6: A TRIANGULAR TRACT OF LAND IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 33 NORTH, RANGE 10 EAST, W.M., BOUNDED ON THE NORTH BY THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, BOUNDED ON THE EAST BY THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND ON THE SOUTHWEST BY THE NORTHEASTERLY LINE OF THE ABOVE DESCRIBED TRACT 5 AND SAID LINE EXTENDED.

TRACT 7: BEGINNING AT A POINT ON THE SOUTH SECTION LINE OF SECTION 20, TOWNSHIP 33 NORTH, RANGE 10 EAST, W.M., WHERE THE EAST LINE OF THE COUNTY ROAD (AS SAID ROAD EXISTED ON FEBRUARY 17, 1958) INTERSECTS SAID SOUTH SECTION LINE; THENCE EAST ALONG SAID SECTION LINE A DISTANCE OF 485 FEET; THENCE NORTHWESTERLY A DISTANCE OF 500 FEET TO A POINT ON THE EAST LINE OF SAID COUNTY ROAD WHICH IS 390 FEET NORTH OF THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID COUNTY ROAD TO THE POINT OF BEGINNING.

TRACT 8: BEGINNING AT THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND EAST LINE OF COUNTY ROAD; THENCE EAST ALONG SECTION LINE A DISTANCE OF 162 FEET; THENCE SOUTHERLY A DISTANCE OF 260 FEET; THENCE WESTERLY A DISTANCE OF 216 FEET; THENCE NORTHERLY ALONG EAST BOUNDARY OF COUNTY ROAD, A DISTANCE OF 242 FEET TO THE POINT OF BEGINNING.

PARCEL "B":

GOVERNMENT LOT 10 OF SECTION 20, TOWNSHIP 33 NORTH, RANGE 10 EAST, W.M.; GOVERNMENT LOTS 2 AND 3 AND THE NORTH 1/2 OF GOVERNMENT LOT 6 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, ALL IN SECTION 29, TOWNSHIP 33 NORTH, RANGE 10 EAST, W.M.; EXCEPT THE FOLLOWING DESCRIBED TRACT:

THE SOUTH 60 FEET OF GOVERNMENT LOT 3 OF SECTION 29, TOWNSHIP 33 NORTH, RANGE 10 EAST, W.M., CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED DATED OCTOBER 17, 1913 AND RECORDED DECEMBER 6, 1913 UNDER AUDITOR'S FILE NO, 99634 IN VOLUME 95 OF DEEDS, PAGE 456, RECORDS OF SKAGIT COUNTY, WASHINGTON.

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