



201612290079

When Recorded Return to:

Skagit County Auditor

\$77.00

12/29/2016 Page

1 of

5 2:32PM

Open Space Taxation Agreement**Chapter 84.34 RCW**

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

Property Owner EMILY EGBERSProperty Address N/ALegal Description SEE ATTACHED EXHIBIT 'A'
SECTION 5, TOWNSHIP 34 NORTH, RANGE 3 EAST, W.M.Assessor's Property Tax Parcel or Account Number P126549, P21137, P21140Reference Numbers of Documents Assigned or Released C/U O/S APP#11-2016

This agreement between EMILY EGBERS TRANSEER FROM C/U F&A AF#761960 & AF#761959
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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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. This provision will not apply if there is a pending merger of a county's timber land classification and designated forest land program and the merger will occur prior to the date of withdrawal. If this occurs, the owner can choose to: (1) request immediate removal of the land from the timber land classification, (2) request immediate removal, after the merger, of the land from the designated forest land program, or (3) request the assessor to remove the land from the designated forest land program once two assessment years have passed following the receipt of the notice to withdraw. These removals will still be subject to the additional tax, interest, and penalty, or compensating tax.
6. After the effective date of this agreement, any change in use of the land, except through compliance with items (5), (7), (9), or (10), shall be considered a **breach** of this agreement, and shall be subject to removal of classification and liable for additional tax, interest, and penalty 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 for the purposes enumerated in those sections (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.
10. Changes to the conditions of this agreement could result in the re-rating of the parcel by the granting authority, subject to a public hearing, and may result in a change in assessed value. If the granting authority approves the changes in conditions, a revised agreement may be required.

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:

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 11-29-2016

Olisa Janich
Chair, Signature(s) of County and/or City Legislative Authority
Snohomish County Board of Commissioners
Title

Dated 11-29-2016

Ben Wesen
Commissioner, Signature(s) of County and/or City Legislative Authority
Snohomish County Board of Commissioners
Title

Dated 11-29-2016

Kenneth A. Dahlstedt
Commissioner, Signature(s) of County and/or City Legislative Authority
Snohomish County Board of 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 12-13-16

Emily Ellen Egbers
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, Granting Authority, and County Assessor

To ask about the availability of this publication in an alternate format for the visually impaired, please call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711. For tax assistance, call (360) 534-1400.

EXHIBIT 'A'

R126549 - SE1/4 OF NW1/4 LESS RD & TR & TAX 9 & SW1/4 NE1/4 LESS RD & RT#0-01 6& 2-002-01 LY NELY OF BASE OF HILL KNOWN AS BAYVIEW RIDGE EXCEPT THE FOLLOWING TWO PARCELS: (1) THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING NORTHEASTERLY OF THE BASE OF THE HILL COMMONLY KNOWN AS "BAYVIEW RIDGE," IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 ALL IN SECTION 5, TOWNSHIP 34 NORTH, RANGE 3 EAST, W.M.: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 5; THENCE SOUTH 89-17-40 EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 157.14 FEET; THENCE SOUTH 00 DEGREES 41'15" WEST, A DISTANCE OF 449.15 FEET; THENCE SOUTH 75-58-16 WEST, A DISTANCE OF 781.74 FEET, MORE OR LESS, TO THE BASE OF THE HILL COMMONLY KNOWN AS "BAYVIEW RIDGE"; THENCE NORTHWESTERLY ALONG THE BASE OF THE HILL ON THE FOLLOWING COURSES AND DISTANCES: NORTH 18-01-55 WEST, 58.66 FEET NORTH 34-10-46 WEST, 721.81 FEET, MORE OR LESS, TO THE INTERSECTION THEREOF WITH THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 5; THENCE SOUTH 89-18-45 EAST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4, DEPARTING FROM THE BASE OF THE HILL, A DISTANCE OF 1030.41 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EASTERLY MARGIN OF A 60 FOOT WIDE COUNTY ROAD, KNOWN AS THE BAYVIEW AND SKAGIT RIVER ROAD, SAID POINT BEING 1680.42 FEET SOUTH AND 688.48 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 5 (THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION 5 BEARS SOUTH 89-15-00 WEST); THENCE SOUTH 31-14-00 EAST, ALONG SAID EASTERLY MARGIN, 250.00 FEET; THENCE NORTH 58-46-00 EAST 185.00 FEET; THENCE NORTH 75-00-00 EAST 565.00 FEET; THENCE NORTH 15-00-00 WEST 240.54 FEET; THENCE SOUTH 89-58-38 WEST 341.59 FEET; THENCE SOUTH 58-46-00 WEST 502.56 FEET TO THE POINT OF BEGINNING. (2) PTN SE1/4 NW1/4 & PTN SW1/4 NE1/4 DAF BAAP ON ELY MRG OF BAYVIEW & SKAGIT RIV RD SD PT BEING 1680.42FT S & 688.48FT W OF NE C OF SD NW1/4 SEC 5 TH S 31-14-00 E 250.00FT TH N 58-46-00 E 185.00FT TH N 75-00-00 E 565.00FT TH N 15-00-00 W 240.54FT TH S 89-58-30 W 341.59FT TH S 58-46-00 W 502.56FT TPOB EXCEPT THE FOLLOWING DESCRIBED PARCEL: BEGINNING ON THE EASTERLY LINE OF A 60 FEET ROAD KNOWN AS BAY VIEW SKAGIT RIVER ROAD, SAID POINT IS 1680.42FT S & 688.48FT W OF NE C NW1/4 TH N 58-46 E PLT ELY LI SD CO RD 185FT TH S 31-14 E PLW ELY LI SD RD 250FT TH S 58-46 W 185 FT TO ELY LI SD RD TH N 31-14 W ALG ELY LI SD RD 250FT TPB EXCEPT THE FOLLOWING DESCRIBED PARCEL: THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING NORTHEASTERLY OF THE BASE OF THE HILL COMMONLY KNOWN AS "BAYVIEW RIDGE," IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 ALL IN SECTION 5, TOWNSHIP 34 NORTH, RANGE 3 EAST, W.M.: BEGINNING AT THE

NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 5; THENCE SOUTH 89-17-40 EAST ALONG THE NORTH LINE THEREOF A DISTANCE OF 237.58 FEET; THENCE SOUTH 0-41-15 WEST, A DISTANCE OF 632.53 FEET; THENCE NORTH 89-18-45 WEST A DISTANCE OF 778.75 FEET, TO THE APPROXIMATE CENTERLINE OF THAT COUNTY ROAD COMMONLY REFERRED TO AS THE EGBERS-KALSO ROAD AS CONSTRUCTED; THENCE SOUTH 75-58-16 WEST, A DISTANCE OF 59.75 FEET, MORE OR LESS, TO THE BASE OF THE HILL COMMONLY KNOWN AS "BAYVIEW RIDGE;" THENCE NORTHWESTERLY ALONG THE BASE OF THE HILL ON THE FOLLOWING COURSES AND DISTANCES: NORTH 18-01-55 WEST, 58.66 FEET; NORTH 34-10-48 WEST, 721.81 FEET, MORE OR LESS, TO THE INTERSECTION THEREOF WITH THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 5; THENCE SOUTH 89-18-45 EAST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4, DEPARTING FROM THE BASE OF THE HILL, A DISTANCE OF 1030.41 FEET MORE OR LESS, TO THE POINT OF BEGINNING, AND CONTAINING 15.23 ACRES, MORE OR LESS, INCLUDING ROAD. EXCEPT THEREFROM ALL AS-BUILT AND EXISTING COUNTY ROADS; AND EXCEPT THE COUNTY ROAD, IF ANY, PURSUANT TO PETITION DATED MARCH 26, 1880 PRESENTED TO THE WHATCOM COUNTY BOARD OF COMMISSIONERS FOR THE ESTABLISHMENT OF THE BAY VIEW AND SKAGIT RIVER ROAD, AND ALSO EXCEPT THE EGBERS-KALSO ROAD IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 5 FORMERLY KNOWN AS THE BAY VIEW AND SKAGIT RIVER ROAD NO. 31230; AND ALSO EXCEPT DIKING DISTRICT NO. 8 RIGHT-OF-WAY AS CONDEMNED IN SKAGIT COUNTY SUPERIOR COURT CAUSE NO. 2865; AND ALSO EXCEPT DRAINAGE DISTRICT NO. 19 RIGHT-OF-WAY AS CONDEMNED IN SKAGIT COUNTY SUPERIOR COURT CAUSE NO. 8889. SECTION 5, TOWNSHIP 34 NORTH, RANGE 3 EAST, W.M.

P21137 - N1/2 OF SE1/4 LYING EASTERLY AND NORTHERLY THE BASE OF THE HILL KNOWN AS BAYVIEW RIDGE. LESS COUNTY ROAD. SECTION 5, TOWNSHIP 34 NORTH, RANGE 3 EAST, W.M.

P21140 - N 200' OF SE1/4 OF SE1/4 LYING EASTERLY OF THE BASE OF THE HILL KNOWN AS BAYVIEW RIDGE. SECTION 5, TOWNSHIP 34 NORTH, RANGE 3 EAST, W.M.

ALSO EXCEPTING ANY PORTION LOCATED IN SHORT PLAT #40-82 PER AF#8301310020, FROM ALL ABOVE DESCRIBED LEGAL DESCRIPTIONS.