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Skagit County Auditor

When Recorded Return to:

Open Space Taxation Agreement Chapter 84.34 RCW

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

Property Owner BRIAN ARBOGAST AND VALERIE TARICO
Property Address N/A
Legal Description SEE ATTACHED EXHIBIT 'A'
SECTION 9, TOWNSHIP 36 NORTH, RANGE 1 EAST, W.M.

Assessor's Property Tax Parcel or Account Number P126069 AND PORTION OF P123517
Reference Numbers of Documents Assigned or Released C/U OPEN SPACE LAND #2-2019
This agreement between BRIAN ARBOGAST AND VALERIE TARICO
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 built 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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. A request may be filed with the assessor to withdraw from the program after the land has been classified for 10 or more years. No 20% penalty will be imposed. The applicable taxes and interest shall be imposed as provided in RCW 84.34.070.

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, wildfire or other such calamity rather than by virtue of the act of the landowner 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 April 9, 2019

Olivia Janich
Signature(s) of County and/or City Legislative Authority
Chair of the Board of County Commissioners
Title

Dated April 9, 2019

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

Dated April 9, 2019

Kennet A. Dahlstedt
Signature(s) of County and/or City Legislative Authority
County Commissioner
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 April 11, 2019

Valerie Jaros
Owner(s)
(Must be signed by all owners)

Date signed agreement received by Legislative Authority

April 24, 2019

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

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EXHIBIT "A"**Legal Description of the Property**

Parcel P126069 / 360109-4-004-0100 (Parcel "A")

That portion of the Southeast 1/4 of the Southeast 1/4 of Section 9, Township 36 North, Range 1 East, W.M. lying West of the West line of the following described tract, said West line running parallel with the West line of said subdivision:

The East 660 feet of that portion of said Southeast 1/4 of the Southeast 1/4 lying both Northerly of the right-of-way commonly known as the Jackson Road along the south line of said subdivision and lying Westerly of the right-of-way known both as the Jackson Road and the Munnings Road along the East line of said subdivision.

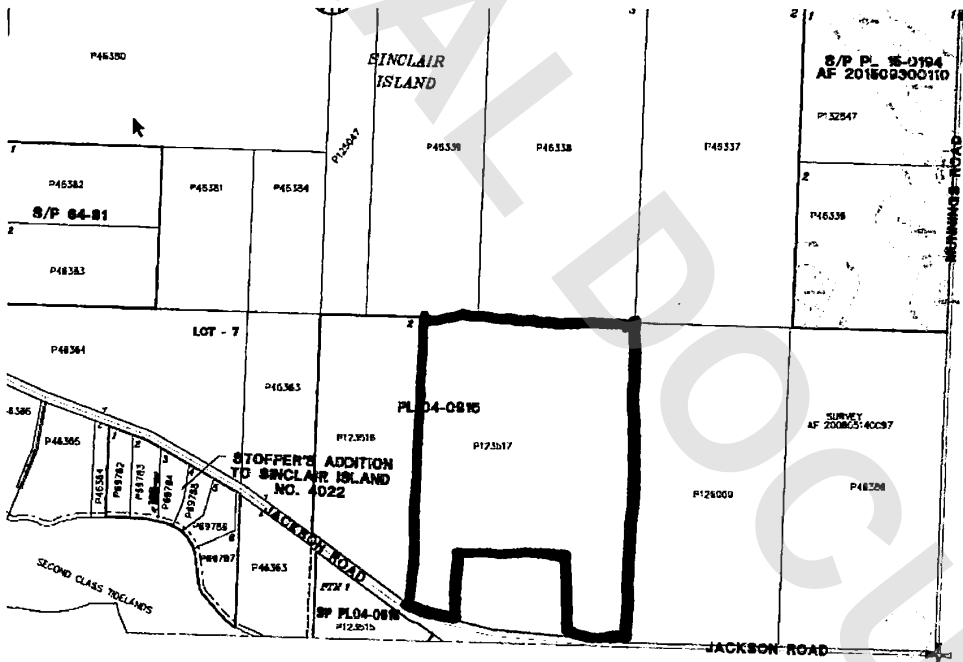
SUBJECT TO easements and restrictions of record.

Parcel P123517 / 360109-4-003-0300 (Parcel "B")

Lot 3, Skagit County Short Plat No. PL04-0915, recorded October 18, 2005, under Auditor's File No. 200510180053, records of Skagit County, Washington, and being located in the Southeast Quarter of Section 9, Township 36 North, Range 1 East, W.M. and in Government Lot 1 in Section 16, Township 36 North, Range 1 East, W.M., EXCEPT that portion more particularly described as follows:

Commencing at the Southwesterly corner of said Lot 3; thence South 56 Degrees 26'23" East along the southerly line of said Lot 3 a distance of 41.24 feet; thence South 78 Degrees 04'34" East continuing along the South line of said Lot 3, a distance of 67.35 feet to the TRUE POINT OF BEGINNING; thence North 0 Degrees 24'26" West parallel to the West line of said Lot 3 a distance of 391.11 feet; thence North 89 Degrees 35'34" East, a distance of 500.00 feet; thence South 0 Degrees 24'26" East a distance of 459.49 feet to the South line of said Lot 3; thence North 87 Degrees 19'46" West along the South line of said Lot 3 a distance of 248.63 feet; thence North 78 Degrees 04'34" West, continuing along the South line of said Lot 3, a distance of 257.67 feet to the TRUE POINT OF BEGINNING. Containing 20.76 acres, more or less.

SUBJECT TO easements and restrictions of record.



Section 9
T 36 N R 01 E

