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Skagit County Auditor



Form 64 0022

Open Space Taxation Agreement

Chapter 84.34 RCW

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

When recorded, return to:

Property owner: **MARK AND EUGENIE FAIRHART**

Property address: **774 OLD HIGHWAY 99 NORTH ROAD**

Legal description: **SEE ATTACHED EXHIBIT 'A' AND MAP**

TRANSFER FROM AF#790138 AND AF#800226

Assessor's property tax parcel or account number: **PORTION P48951, P47560 AND P111693**

Reference numbers of documents assigned or released: **C/U O/S #3-2022**

This agreement between: **MARK AND EUGENIE FAIRHART**

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, aesthetic, 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

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Open Space Taxation Agreement



- agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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 one of the following:
 - 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.
 - 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.

Open Space Taxation Agreement



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: 2-7-2023 Signature(s) of County and/or City Legislative Authority: Pon M. Esen
 Title: Chair, Skagit County Board of Commissioners

Dated: 2-7-2023 Signature(s) of County and/or City Legislative Authority: ABSENT
 Title: Commissioner, Skagit County Board of Commissioners

Dated: 2-7-2023 Signature(s) of County and/or City Legislative Authority: [Signature]
 Title: Commissioner, Skagit County Board of Commissioners

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: 2/12/23 Owner(s): Mrs. E. P. [Signature]

(Must be signed by all owners) Eugene M. [Signature]

Date signed agreement received by Legislative Authority: Feb. 14, 2023

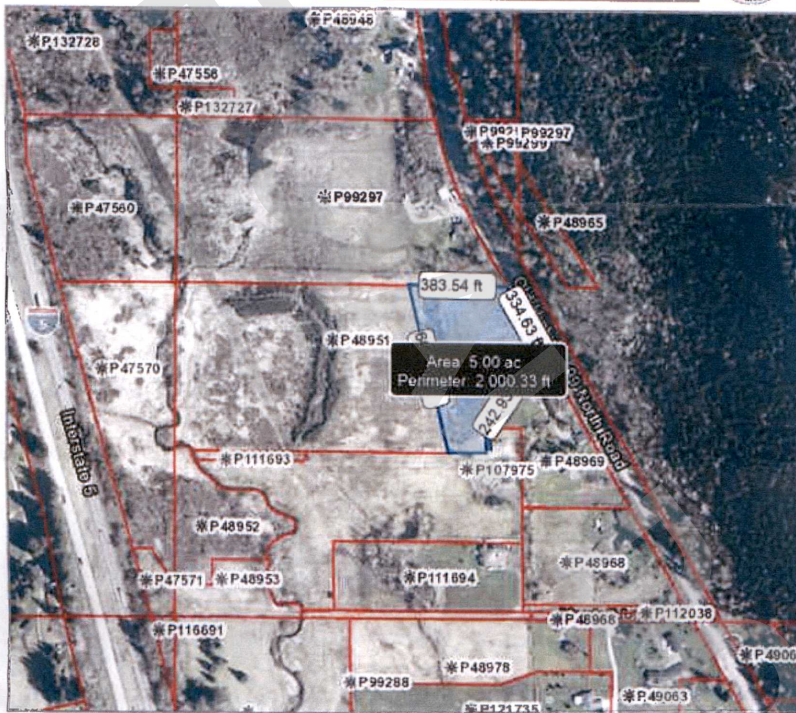
Make three copies with one copy to each of the following: Owner, Granting Authority, and County Assessor

EXHIBIT 'A'

PORTION OF P48951 - 13.09 ACRES OF N1/2 OF GOVERNMENT LOT 7, SECTION 6, TOWNSHIP 36 NORTH, RANGE 4 EAST, W.M., LESS RD. EXCEPT FOLLOWING DESCRIBED TRACT: BEGINNING AT THE SE CORNER OF SAID N1/2 OF GOVERNMENT LOT 7; THENCE NORTH 01-26-54 EAST, ALONG THE EAST LINE OF SAID GOVERNMENT LOT 7, 100 FEET; THENCE NORTH 87-45-26 WEST, 140 FEET; THENCE SOUTH 01-26-54 WEST, 100 FEET; THENCE SOUTH 87-45-26 EAST, 139.9 FEET; TO THE POINT OF BEGINNING. ALSO EXCEPT BEGINNING AT A POINT ON THE EAST LINE OF GOVERNMENT LOT 7, SECTION 6, TOWNSHIP 36 NORTH, RANGE 4 EAST, W.M., NORTH 01-26-54 EAST A DISTANCE OF 301.06 FEET, OF THE SOUTHEAST CORNER OF THE NORTH 1/2 OF SAID GOVERNMENT LOT 7; THENCE SOUTH 36-33-26 WEST, 243.40 FEET; THENCE SOUTH 87-45-26 EAST, 140 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 7; THENCE NORTH 01-26-54 EAST ALONG THE EAST LINE OF SAID GOVERNMENT LOT 7, 201.06 FEET, TO THE POINT OF BEGINNING. TOGETHER WITH BEGINNING AT A POINT ON THE EAST LINE OF GOVERNMENT LOT 7, SECTION 6, TOWNSHIP 36 NORTH, RANGE 4 EAST, W.M., NORTH 01-26-54 EAST A DISTANCE OF 301.06 FEET OF THE SOUTHEAST CORNER OF THE NORTH 1/2 OF SAID GOVERNMENT LOT 7; THENCE CONTINUING ALONG SAID EAST LINE OF SAID GOVERNMENT LOT 7 NORTH 01-26-54 EAST 254.45 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT OF WAY OF STATE HIGHWAY 1; THENCE SOUTH 27-13-03 EAST ALONG SAID RIGHT OF WAY, 230.60 FEET; THENCE SOUTH 66-13-19 WEST, 122.28 FEET, TO THE POINT OF BEGINNING.

P47560 - THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING EASTERLY OF THE PRIMARY STATE HIGHWAY NO. 1, AS CONVEYED TO THE STATE OF WASHINGTON, BY DEED DATED AUGUST 22, 1962, RECORDED SEPTEMBER 25, 1962 UNDER AUDITOR'S FILE NO. 626676 IN SECTION 1, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M.

P111693 - THAT PORTION OF THE S1/2 OF GOVERNMENT LOT 7 DESCRIBED AS FOLLOWS: BEGINING AT THE NORTHEAST CORNER OF SAID SOUTH HALF OF GOVERNMENT LOT 7, THENCE NORTH 87-45-26 WEST, 849.17 FEET ALONG THE NORTH LINE OF SAID SOUTH HALF OF GOVERNMENT LOT 7 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE OF GOVERNMENT LOT 7 NORTH 87-45-26 WEST, 457.63 FEET; THENCE SOUTH 52-48-33 EAST, 14.31 FEET; THENCE SOUTH 38-07-54 EAST, 37.81 FEET; THENCE SOUTH 87-45-26 EAST, 421.40 FEET; THENCE NORTH 02-14-34 EAST, 37 FEET TO THE TRUE POINT OF BEGINNING. SECTION 6, TOWNSHIP 36 NORTH, RANGE 4 EAST, W.M. EXCEPT STATE HIGHWAY NO. 1.

**SKAGIT COUNTY ASSESSOR
CURRENT USE MAP**CU OS #3-2022 TO TRANSFER 21.94 ACRES
P47560, P111693 AND PORTION OF P489510 249 499 997
Feet

Scale 1: 5,986

SECTION 6, TOWNSHIP 36 NORTH, RANGE 3 EAST,
W.M.

Property Owner Printed Name

Property Owner Signature

Date

Map Accuracy Warning: This map was created from available public records and existing map sources not from field surveys. Map features from all sources have been adjusted to achieve a best-fit registration to the Ownership Parcels map. While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. The relative positioning of map features to one another results from combining different map sources without field ground truthing. Errors can be as great as 300 feet on this document. THIS MAP IS NOT A SUBSTITUTE FOR FIELD SURVEY. For questions about map accuracy, contact Skagit County GIS.

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