8104060005

OPEN SPACE TAXATION AGREEMENT

RCW 84.34

(TO BE USED FOR "OPEN SPACE" OR "TIMBER LAND" CLASSIFICATION ONLY)

RECEIVED

MAR 31 1981

Skagit County Planning Dept.

This Agreement between James & Janiece Pipers, 80 Cascade Key, Bellevue, Washington
Milton & Sharon Schayes, 416 Hillcrest Way, Bellingham, Washington 98225

hereinafter called the "Owner", and Skagit County

hereinafter called the "Granting Authority".

Whereas the owner of the following described real property having made application for classification of that property under the provisions of RCW 84.34:

Assessor's Parcel or Account Numbers: 283602-0-001-0300

Legal Description of Classified Land: See Attached O/S 58/82

SKAGIT COUNTY ASSESSOR'S OFFICE

And whereas, both the owner and granting authority desire 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 ☒ TIMBER LAND

Now, therefore, the parties, in consideration of the mutual convenants and conditions set forth herein, do agree as follows:

(1) During the term of this Agreement, the land shall only be used in accordance with the preservation of 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 for a period of at lease ten (10) years.

(4) This Agreement shall run with the land described herein and shall be binding upon the heirs, successors and assigns of the parties hereto.

(5) Withdrawal: The land owner may withdraw from this Agreement if after a period of eight years the land owner makes a withdrawal request, which request is irrevocable, to the assessor. Two years from the date of that request the assessor shall withdraw the land from the classification, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070.

(6) Breach: After land has been classified and an Agreement executed, any change of use of the land, except through compliance with items (5) or (7) of this Agreement, shall be considered a breach of this Agreement, and subject to applicable taxes, penalties and interest as provided in RCW 84.34.080 and 84.34.108.

(7) A breach of Agreement shall not occur and the additional tax shall not be imposed if the removal of designation 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, in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least fifty percent interest in such land.

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.

(e) Official action by an agency of the State of Washington or by the county or city within which the land is located which disallows the present use of such land.

(f) Transfer to a church and such land would quality for property tax exemption pursuant to RCW 84.36.020.

(8) The county assessor may require classified land owners to submit pertinent data regarding the use of the land, and such similar information pertinent to continued classification and appraisal of the land.

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This Agreement shall be subject to the following conditions:

SEE ATTACHED

It is declared that this Agreement contains the classification and conditions as provided for in RCW 84.34 and the conditions imposed by this Granting Authority.

Granting Authority:

Dated March 24, 1981

City or County

Chairman, Board of County Commissioners
Title

As owner(s) of the herein described land I (we) indicated by my (our) signature(s) that I (we) are aware of the potential tax liability and hereby accept the classification and conditions of this Agreement.

Janiece Lipers

Dated March 27, 1981

Owner(s)

Sharon K. Hayes

(Must be signed by all owners)

Subscribed and sworn to before me this 27 day of March, 1981

Notary Public

Date signed Agreement received by Legislative Authority _____

Prepare in triplicate with one completed copy to each of the following:

Owner(s)
Legislative Authority
County Assessor

FORM REV 64 0022 (3-75)

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Official Record

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UNOFFICIAL DOCUMENT

LEGAL DESCRIPTION FOR: Smith Properties Job No. 80129

Tract 4

Those portions of Government Lot 1, Section 21, Township 36 North, Range 2 East, and Government Lots 1 and 2, Section 28, Township 36 North, Range 2 East, W.M., described as follows:

Commencing at the East quarter corner of said Section 28, which is a 3/4-inch iron pipe; thence North 0°30'00" West along the East line of said Lot 2 a distance of 264.03 feet to a 1/2-inch iron pipe; thence continue North 0°30'00" West a distance of 1055.97 feet; thence North 89°34'30" West a distance of 1214.90 feet to the TRUE POINT OF BEGINNING; thence South 46°30'00" East a distance of 200.00 feet; thence East 614.07 feet; thence North 1179.00 feet; thence North 56°39'00" West a distance of 610 feet more or less to the line of ordinary high tide; thence in a Southwesterly direction along said line of ordinary high tide to a point which bears North 89°34'30" West from the true point of beginning; thence South 89°34'30" East to the TRUE POINT OF BEGINNING.

TOGETHER WITH second class tidelands abutting thereon.

ALSO TOGETHER WITH a 60-foot wide easement as described in Exhibit "A".

SUBJECT TO easements recorded under Auditor's File Nos. 484729 and 481467.

The above described tract is shown as "Tract 4" on record of survey map filed in Book of Surveys at Pages and under Auditor's File No. , records of Skagit County, Washington.

Add for Record Survey
AFN 8011290073 TCW 2nd of Tidelands
cd,

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UNOFFICIAL DOCUMENT

CONDITIONS OF APPROVAL

TIMBER OPEN SPACE REQUEST #58-82

JAMES & JANIECE PIPERS

MILTON & SHARON SCHAYES

1. The owner shall agree to allow reasonable public access for the purpose of recreational activities commensurate with the area, except that the owner may restrict the land from camping and motor vehicles.

2. Signs shall be posted in conspicuous locations which state that the property is designated Open Space under agreement 58-82 and is available for public access for recreational purposes.

3. A Timber Management Plan shall be prepared for the subject property and shall be filed with the Skagit County Planning Department within six months of the date of approval and that the owner shall follow said plan as a condition of the agreement. (NOTE: The Soil Conservation Service provides such plans on request by a property owner.)

4. No "keep out" or similar signs shall be posted on the property.

5. The owner may restrict the land from hunting and campfires.

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