

When Recorded Return to:



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Kathy Hill, Skagit County Auditor
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OPEN SPACE TAXATION AGREEMENT CH. 84.34 RCW

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

Grantor(s) SKAGIT COUNTY

Grantee(s) GREG BORMUTH

Legal Description a portion of the NW 1/4 of S12 T36 R3 EWM
See attachment "A"

Assessor's Property Tax Parcel or Account Number ^{PTN} P47798

17675

Reference Numbers of Documents Assigned or Released

This agreement between GREG BORMUTH

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 CH 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

Timber Land

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 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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. **Withdrawal:** The land owner 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. Breach: 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 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 (Sec RCW 84.34108(5)(f)).
 - (g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).
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. Reclassification as provided in Chapter 84.34 RCW.

This agreement shall be subject to the following conditions:

1. Applicant shall comply with Timber Management Plan prepared for the subject property by Kip Kelley.
2. At time of harvest, applicant shall comply with all requirements of the Department of Natural Resources regarding harvest of timber.

It is declared that this agreement specifies the classification and conditions as provided for in CH.84.34 RCW and the conditions imposed by this Granting Authority. This agreement to tax according to the use of the property may be annulled or canceled at any time by the Legislature.

Dated November 30, 1999

Granting Authority:

Ted W Anderson ^{SW BH}
 City or County
Chairman
 Title

SKAGIT 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 12/9/99

Amy A Barnuth
 Owner(s)
Sara Barnuth
 (Must be signed by all owners)

Date signed agreement received by Legislative Authority 12/13/99

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

REV 64 0022-2 (01-06-97)

To inquire about the availability of this form in an alternate format for the visually impaired, please call (360) 753-3217. Teletype (TTY) users may call (800) 451-7985.



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"A"

Back Portion of Bormuth's to go into Open Space "Timber Production"

That portion of the Northwest quarter of Section 12, Township 36 North, Range 3 East, W.M., being more particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of said Section 12; Thence North $1^{\circ}10'39''$ East along the West line of said Northwest quarter a distance of 320.70 feet; Thence South $88^{\circ}56'23''$ East a distance of 1200.00 feet; Thence South $1^{\circ}10'39''$ West 321.79 feet; Thence North $88^{\circ}53'14''$ West a distance of 1200.00 feet to the TRUE POINT OF BEGINNING.

Containing 8.85 acres

Front Portion of Bormuth's to go into Open Space "Timber Production"

That portion of the Northwest quarter of Section 12, Township 36 North, Range 3 East, W.M., being more particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of said Section 12; Thence North $1^{\circ}10'39''$ East along the West line of said Northwest quarter a distance of 320.70 feet; Thence South $88^{\circ}56'23''$ East a distance of 1667.51 feet; Thence North $1^{\circ}03'37''$ East a distance of 40.00 feet; Thence South $88^{\circ}56'23''$ East a distance of 150.00 feet; Thence South $1^{\circ}03'37''$ West a distance of 7.50 feet to the TRUE POINT OF BEGINNING; Thence South $88^{\circ}56'23''$ East a distance of 704.94 feet to the Westerly margin of a 40 foot wide county road (Shaw Road) and to a point on a curve to the left having a radius point bearing North $59^{\circ}48'45''$ East a radial distance of 593.00 feet; Thence along the arc of said curve to the left in a Southeasterly direction and along the West margin of said road through a central angle of $3^{\circ}46'42''$ for an arc length of 76.42 feet; Thence South $33^{\circ}57'57''$ East a distance of 115.70 feet to a point of intersection with the Northerly margin of that county road known as Barrel Springs Road and to a point on a curve to the left having a radius point bearing South $18^{\circ}13'45''$ East a radial distance of 439.28 feet; Thence along the arc of said curve to the left in a Southwesterly direction through a central angle of $40^{\circ}46'31''$ for an arc length of 312.62 feet to a point on the South line of the Northwest quarter of said Section 12; Thence North $88^{\circ}53'14''$ West a distance of 569.43 feet; Thence North $1^{\circ}03'37''$ East a distance of 354.94 feet to the TRUE POINT OF BEGINNING.

Containing 5.60 acres



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