

When Recorded Return to:



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OPEN SPACE TAXATION AGREEMENT

Chapter 84.34 RCW

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

Grantor(s) Skagit County
Grantee(s) Starbird Properties, LLC
Legal Description a portion of Section 29, Township 33 North
Range 4 East, W.M. Skagit County, Washington.
See attached exhibit "A"
Assessor's Property Tax Parcel or Account Number P 17485
Reference Numbers of Documents Assigned or Released _____
This agreement between Starbird Properties, LLC
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

☐ 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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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 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.
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 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 (See RCW 84.34108(5)(f)).
 - g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).
 - 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 for the riparian open space program under RCW 76.09.040.
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:

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

9/24/01

Granting Authority:

Red W Anderson DM
KD

City or County

Skagit County 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

10/30/01

Donna Crawford
Theresa Walker
(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, Legislative Authority, County Assessor

To inquire about the availability of this notice in an alternate format for the visually impaired or in a language other than English, please call (360) 753-3217. Teletype (TTY) users may call (800) 451-7985.

REV 64 0022-2 (1/03/00)



200110300050

Skagit County Auditor

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Property Description Summary

PROPERTY ID..... P17485
XREF.ID..... 330429-4-007-0009

LEGAL DESCRIPTION... O/S#5 AF#800393 1975 THAT PORTION LOT 4 & TRACT A SHORT
PLAT# PL-01-151 AF#200105100117 DESCRIBED AS FOLLOWS:
COMMENCING AT THE SE CORNER OF SAID LOT 4, SAID POINT BEING
ALSO THE SE CORNER OF SAID SE1/4 OF SECTION 29; THENCE NORTH
89-03-56 WEST, ALONG THE SOUTH LINE OF SAID LOT 4 AND ALONG
THE SOUTH LINE OF SAID SE1/4 OF SECTION 29, 223.84 FEET TO
THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH
89-03-56 WEST, ALONG THE SOUTH LINE OF SAID LOT 4 AND ALONG
THE SOUTH LINE OF SAID SE1/4 OF SECTION 29, 408.38 FEET TO A
CORNER OF SAID LOT 4; THENCE NORTH 0-35-02 WEST ALONG A
BOUNDARY OF SAID LOT 4, 684.24 FEET TO A CORNER OF SAID LOT
4; THENCE NORTH 89-03-56 WEST ALONG A BOUNDARY OF SAID LOT
4, 458.16 FEET; THENCE NORTH 25-40-57 WEST, 414.72 FEET TO
THE EAST LINE OF THE NORTH STARBIRD ROAD; THENCE NORTH
0-15-08 WEST ALONG SAID EAST LINE, 242.48 FEET TO THE NORTH
LINE OF THE SE1/4 OF SAID SE1/4 OF SECTION 29, A BOUNDARY OF
SAID LOT 4; THENCE SOUTH 88-46-33 EAST ALONG SAID NORTH LINE
AND BOUNDARY, 556.62 FEET TO ITS INTERSECTION WITH A CURVE
TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 46-47-29 WEST
AND IS 50 DISTANT; THENCE SOUTHERLY, FOLLOWING SAID CURVE TO
THE RIGHT THROUGH A CENTRAL ANGLE OF 23-26-24, FOR AN ARC
DISTANCE OF 20.46 FEET TO ITS INTERSECTION WITH A CURVE TO
THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 10-07-34 WEST AND
IS 50 FEET DISTANT; THENCE SOUTHERLY, FOLLOWING SAID CURVE
TO THE RIGHT THROUGH A CENTRAL ANGLE OF 104-44-24, FOR AN
ARC DISTANCE OF 91.40 FEET TO THE END OF SAID CURVE; THENCE
SOUTH 24-51-58 WEST, 33.82 FEET; THENCE SOUTH 15-56-00 EAST,
8.35 FEET; THENCE SOUTH 61-08-58 EAST, 75.78 FEET TO THE
BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A
RADIUS OF 50 FEET; THENCE SOUTHERLY, FOLLOWING SAID CURVE TO
THE RIGHT THROUGH A CENTRAL ANGLE OF 64-50-31, FOR AN ARC
DISTANCE OF 56.59 FEET TO THE END OF SAID CURVE; THENCE
SOUTH 3-41-33 WEST, 73.31 FEET; THENCE SOUTH 15-12-32 WEST
FOR A DISTANCE OF 67.10 FEET; THENCE SOUTH 20-04-04 EAST,
108.18 FEET; THENCE SOUTH 21-41-15 EAST, 296.01 FEET; THENCE
SOUTH 17-08-15 EAST, 324.10 FEET; THENCE SOUTH 29-17-17
EAST, 307.88 FEET TO THE TRUE POINT OF BEGINNING. AKA A
PORTION OF LOT 3 SHORT PLAT#93-065 AF#9310010108 EXCEPT THAT
PORTION OF BELLA VISTA LANE OF SAID SHORT PLAT LOCATED
ADJACENT TO THE NORTH LINE OF THE W1/2 SE1/4 SE1/4

SITUS ADDRESS..... NORTH STARBIRD ROAD
OWNER NAME..... STARBIRD PROPERTIES LL
C
OWNER ADDR 2..... P O BOX 817
CITY, STATE ZIP.... ANACORTES WA 98221

1 records listed.



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