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Skagit County Auditor

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### Open Space Taxation Agreement Chapter 84.34 RCW

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

Property Owner KELLY and HEATHER SCHOLS  
Property Address 10437 RIDGE PLACE, SEDRO WOOLLEY, WA 98284  
Legal Description A PORTION OF LOT 4 OF SHORT PLAT #PL01-0346 WITHIN SECTION 27,  
TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M., SKAGIT COUNTY, WASHINGTON  
See attached

Assessor's Property Tax Parcel or Account Number P108054  
Reference Numbers of Documents Assigned or Released 750702 PLUTOSH 3-2005  
This agreement is between KELLY and HEATHER SCHOLS trans from 982

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legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.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. 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. 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.

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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 84.34.108(6)(f)).
  - g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e).
  - 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.
  - 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.
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 as provided in Chapter 84.34 RCW.

This agreement shall be subject to the following conditions:

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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 February 16, 2006 March 20, 2006 Granting Authority DM Kenneth A. Dahlstedt SWA  
City or County  
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 4/10/06 [Signature] Owner(s)  
Heather L. Scholz  
(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**

For tax assistance, visit <http://dor.wa.gov> or call 1-800-647-7706. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.

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. P108054  
. 350427-2-015-0200

. O/S#152 AF#750702 1973 DK12 A PORTION OF LOT 4 SHORT PLAT#  
PL01-0346 AF#200207170088 DESCRIBED AS FOLLOWS: ALSO KNOWN  
AS A PORTION OF LOT 4 S/P#95-029 AF#951229029 PREVIOUSLY  
KNOWN AS PORTION LOT 2 S/P#12-92 AF#9207150053 LOCATED IN  
PORTION SE1/4 NW1/4 ALSO INCLUDING PORTION OF LOT 3 OF  
S/P#95-029 DEFINED AS FOLLOWS; BEGINNING AT THE MOST  
WESTERLY NW CORNER OF LOT 4, OF SAID SHORT PLAT; THENCE  
EAST ALONG THE SOUTH LINE OF SAID LOT 4, 566.01 FEET TO THE  
MOST SOUTHERLY SE CORNER THEREOF; TH SOUTH 33-35-00 WEST  
ALONG THE NW LINE OF THE DRAINAGE EASEMENT AS DELINEATED ON  
THE FACCE OF SAID SHORT PLAT TO AN ANGLE POINT IN SAID NW  
LINE 80 FEET NORTH OF THE SOUTH LINE OF SAID LOT 3; THENCE  
WEST ALONG THE NORTH LINE OF SAID DRAINAGE EASEMENT, 80 FEET  
NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 3, TO  
THE WEST LINE OF SAID LOT 3; THENCE NORTH ALONG SAID WEST  
LINE OF THE NW CORNER OF SAID LOT 3 AND THE POINT OF  
BEGINNING. ALSO INCLUDING THAT PORTION OF LOT 2-B OF SAME  
SHORT PLAT LYING WESTERLY OF FOLLOWING DESCRIBED LINE:  
COMMENCING AT THE NORTHERLY MOST CORNER OF LOT 4 OF SAID  
SHORT PLAT; THENCE NORTH 37-44- 52 EAST ALONG THE  
NORTHWESTERLY LINE OF LOT 2-B OF SAID SHORT PLAT, 170.63  
FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE  
SOUTH 5-54-52 WEST PARALLEL WITH THE WEST LINE OF SAID LOT  
2-B, 954.40 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID  
LOT 2-B AT A POINT BEARING SOUTH 82-40-05 EAST, 90.03 FEET  
FROM THE SW CORNER OF SAID LOT 2-B AND BEING THE TERMINUS OF  
SAID LINE DESCRIPTION. EXCEPT FOLLOWING DESCRIBED PORTION:  
THAT PORTION OF LOTS 3 AND 4 OF SHORT PLAT#95-029  
AF#9512290029 DESCRIBED AS FOLLOWS: BEGINNING AT THE SW  
CORNER OF LOT 4 OF SAID SHORT PLAT; THENCE NORTH 37-44-52  
EAST ALONG THE NORTHWESTERLY LINE OF SAID LOT 4, 291.99  
FEET; THENCE SOUTH 0-21-17 EAST, 36.91 FEET TO A POINT OF  
CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT,  
HAVING A RADIUS OF 70 FEET, THROUGH A CENTRAL ANGLE OF  
5-48-08, AN ARCH DISTANCE OF 7.09 FEET; THENCE NORTH  
37-44-52 EAST PARALLEL WITH SAID NORTHWESTERLY LINE OF LOT  
4, 294.39 FEET; THENCE NORTH 90-00-00 EAST, 229.63 FEET;  
THENCE SOUTH 4-29-53 WEST, 141.84 FEET; THENCE SOUTH 5-23-23  
WEST, 80.95 FEET; THENCE SOUTH 14.23-31 WEST, 107.90 FEET;  
THENCE SOUTH 53-12-44 WEST, 220 FEET; THENCE SOUTH 71-41-07  
WEST, 60.58 FEET; THENCE SOUTH 75-12-44 WEST, 20.01 FEET;  
THENCE SOUTH 84-47-14 WEST, 289.80 FEET, MORE OR LESS, TO  
THE WEST LINE OF SAID LOT 3, SHORT PLAT#95-029 AT A POINT  
BEARING SOUTH 1-21-17 EAST FORM THE POINT OF BEGINNING;  
THENCE NORTH 1-21-17 WEST ALONG SAID WEST LINE 89 FEET, MORE  
OR LESS, TO THE POINT OF BEGINNING. TO BECOME THE FUTURE  
SHORT PLAT#PL-01-246

... 10427 RIDGE PLACE  
... SEDRO WOOLLEY, WA 98284  
... SEDRO WOOLLEY, WA 98284



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