

135670

BOOK 191 PAGE 185

When Recorded Return to:

Terry Schulz
1802 Duncan creek Rd.
Skamania, wa 98648

FILED
JUL 9 10 43 AM '99
CLERK
Terry Schulz
CLERK

NOTICE OF CONTINUANCE
LAND CLASSIFIED AS CURRENT USE OR FOREST LAND
Chapter 84.34 And 84.33 Revised Code Of Washington

Grantor(s) MacSchulz Enterprises, LLCGrantee(s) SkamaniaLegal Description See Attachment Pages 5-8
A PORTION OF THE SE 1/4 OF SECTION 28
TOWNSHIP 2 N RANGE 6 E

Assessor's Property Tax Parcel or Account Number portion of 02 06 28 00 1000 00
 Reference Numbers of Documents Assigned or Released BOOK E, PAGE 876

If the new owner(s) of land that is classified or designated as current use or forest land wish(es) to continue the classification or designation of this land, the new owner(s) must sign below. All new owners must sign. If the new owner(s) do(es) not desire to continue the classification or designation, all additional or compensating tax calculated pursuant to RCW 84.34.108 or RCW 84.33.120, 140 shall be due and payable by the seller or transferor at the time of sale. To determine if the land qualifies to continue classification or designation, the county assessor may be consulted.

Name of New Owner(s) MacSchulz Enterprises, LLC

Address 1802 Duncan creek Road
Skamania, wa, 98648

Phone No. 509-427-5193

File No. _____

Excise Tax No. _____

Taxing District _____

Date of Sale or Transfer / / Date of Notice / /

Interest in Property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other

REV 64 0047-1 (01-06-97)

To inquire about the availability of this form in an alternate format for the visually impaired or a language other than English, please call (360) 753-3217.

A. CLASSIFICATION UNDER CHAPTER 84.34 RCW. I/we request that this land retain the current use classification as ☐ Open Space Land, ☐ Farm and Agricultural Land, ☐ Timberland, and I am/we are aware of the following use classification of the land:

1. OPEN SPACE LAND MEANS EITHER:

- a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or
- b) any land area, the preservation of which in its present use would: (i) conserve and enhance natural or scenic resources; (ii) protect streams or water supply; (iii) promote conservation of soils, wetlands, beaches, or tidal marshes; (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space; (v) enhance recreation opportunities; (vi) preserve historic sites; (vii) preserve visual quality along highway, road, and street corridors or scenic vistas; or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification; or
- c) any land that meets the definition of farm and agricultural conservation land. "Farm and agricultural conservation land is either: (i) land that was previously classified as open space farm and agricultural land that no longer meets the criteria of farm and agricultural land, and that is reclassified as open space and under RCW 84.34.020(1); or (ii) land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

2. FARM AND AGRICULTURAL LAND MEANS EITHER:

- a) any land in contiguous ownership of twenty or more acres devoted: (i) primarily to the production of livestock or agricultural commodities, for commercial purposes; or (ii) enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or (iii) other similar commercial activities as may be established by rule; or
- b) any parcel of land at least five acres but less than twenty acres devoted primarily to agricultural uses and produces a gross income equal to two hundred dollars or more per acre per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- c) any parcel of land that is less than five acres devoted primarily to agricultural uses and produces a gross income equal to fifteen hundred dollars or more per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- d) any land on which the principal place of residence of the farm operator or owner of land or housing for employees is sited if the classified farm and agricultural land is classified pursuant to subsection (a) of this section, if the residence or housing is on or contiguous to the classified parcel, and the use of the residence or housing is integral to the use of the classified land for agricultural purposes.

Agricultural land also includes (i) land on which appurtenances necessary for the production, preparation, or sale of commercial agricultural products are situated when the appurtenances are used in conjunction with the land(s) producing agricultural products, (ii) land incidentally used for an activity or enterprise that is compatible with commercial agricultural purposes as long as the incidental use does not exceed twenty percent of the classified land, and (iii) any noncontiguous parcel of land from one to five acres in size that constitutes an integral part of the commercial agricultural operations of a classified parcel of farm and agricultural land.

3. **TIMBER LAND MEANS** any land in contiguous ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes and not classified as reforestation land pursuant to Chapter 84.28 RCW. Timber land means the land only.

I/we declare that I am/we are aware of the liability of withdrawal or removal of this land from classification to the following extent:

1. If the owner has filed the proper notice of request to withdraw the classified land and the land has been classified for a minimum of ten years he/she shall pay an amount equal to the difference between the tax computed on the basis of "current use" and the tax computed on the basis of true and fair value plus interest at the same statutory rate charged on delinquent property taxes. The additional tax and interest shall be paid for the preceding seven years.
2. If land is removed from classification because of a change to a non-conforming use, land is removed prior to the minimum ten year period, or land is removed because the owner(s) failed to comply with the two-year notice of withdrawal he/she shall be liable to pay the additional tax and interest described in 1 above plus a penalty of twenty percent of the additional tax and interest. The additional tax, interest, and penalty shall be paid for the preceding seven years.
3. The additional tax, interest, and/or penalty shall not be imposed if the withdrawal or removal from classification 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, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent in writing or by other official action;
 - c) a natural disaster such as a flood, windstorm, earthquake, or other calamity rather than by virtue of the act of the landowner changing the use of the classified land;
 - d) official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present classified use of the land;
 - e) transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;
 - f) acquisition of property interests by a state or federal agency, county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association as defined in RCW 84.34.250; or
 - g) removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees.

(B) **CLASSIFICATION UNDER CHAPTER 84.33 RCW.** I/we request that this land retain its ☒ classification or ☐ designation as forest land and I am/we are aware of the following definition of forest land:

FOREST LAND means and is synonymous with timberland and means all land in contiguous ownership of at least twenty acres that is primarily devoted to and used for growing and harvesting timber. Forest land means the land only.

- a) **CLASSIFIED FOREST LAND** is land whose highest and best use is the growing and harvesting of timber.
- b) **DESIGNATED FOREST LAND** is land that is primarily devoted to and used for growing and harvesting timber but whose value for other purposes may be greater than its value for use as forest land.

I/we declare that I/we are aware of the liability of removal of this land from classification or designation and upon removal a compensating tax shall be imposed that shall be equal to the difference between the amount of tax last levied on the land as forest land and an amount equal to the new assessed valuation of the land multiplied by the millage rate of the last levy extended against the land, multiplied by a number, not greater than ten, equal to the number of years the land was classified or designated as forest land.

The compensating tax shall not be imposed if the removal of classification or designation resulted solely from:

- transfer to a government entity in exchange for other forest land located within the state of Washington;
- a taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power;
- a donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in Chapter 79.70 RCW; or
- the sale or transfer of fee title to the parks and recreation commission for park and recreation purposes.

Fred MacDonald 7/1/99
Property Owner Date
1802 Duncan Creek Road
Skamania, WA 98648
Address

June MacDonald 7/1/99
Property Owner Date
1802 Duncan Creek Rd
Skamania, WA 98648
Address

Terry Schulz 7/2/99
Property Owner Date
1802 Duncan Creek Rd.
Skamania, WA 98648
Address

Property Owner

Date

EXHIBIT 1

TRACT 4 (21.02 ACRES):

A portion of the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 28, Township 2 North, Range 6 East, Skamania County, Washington, described as follows:

BEGINNING at an iron pipe with brass cap marking the quarter corner between Section 28 and 33, thence North $00^{\circ} 55' 04''$ East, 1309.30 feet to the Southwest corner of the Northwest quarter of the Southeast quarter of Section 28 as shown in the "Mac Donald Short Plat" as recorded in Book 3 of Short Plats, page 253, Skamania County Auditor's Records; thence South $88^{\circ} 53' 21''$ East, along the South line of the Northwest quarter of the Southeast quarter as shown in Short Plat 3-253, for a distance of 973.00 feet to a 5/8 inch iron rod as set in a 1999 "Hagedorn, Inc. Survey" and the TRUE POINT OF BEGINNING; thence, leaving said South line, and following the centerline of a 60-foot road easement, North $59^{\circ} 00' 00''$ East, 165.00 feet; thence along the arc of a 50 foot radius curve to the left, through a central angle of $92^{\circ} 00' 00''$, for an arc distance of 90.29 feet; thence North $33^{\circ} 00' 00''$ West, 25.00 feet; thence, leaving said easement centerline, North $88^{\circ} 22' 10''$ East, 865.41 feet to a 5/8 inch iron rod (1999 "Hagedorn, Inc. Survey"); thence South $02^{\circ} 18' 51''$ East, 1533.18 feet to a 5/8 inch iron rod (1999 "Hagedorn, Inc. Survey") on the South line of the Southeast quarter of Section 28 at a point that bears North $88^{\circ} 51' 45''$ West, 550.00 feet from the Southeast corner of Section 28; thence North $88^{\circ} 51' 45''$ West, 440.00 feet to the Southeast corner of the "Nichols tract" as described in Book 143 of Deeds, page 470, Skamania County Auditor's Records; thence North $00^{\circ} 48' 20''$ East, 655.03 feet to a 5/8 inch iron rod (1999 "Hagedorn, Inc. Survey") at the Northeast corner of the "Nichols tract"; thence North $88^{\circ} 52' 33''$ West, 316.94 feet to the Northwest corner of said "Nichols tract"; thence North $00^{\circ} 51' 42''$ East, 654.3 feet to the Northeast corner of the Southwest quarter of the Southeast quarter of Section 28; thence North $88^{\circ} 53' 21''$ West, 333.29 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a 30-foot non-exclusive easement for ingress, egress, and utilities as described in Book 186 of Deeds, page 262, more particularly described as follows:

BEGINNING at a point in the center of the Duncan Creek Road that bears South $62^{\circ} 52' 11''$ East, 176.68 feet from the Northwest corner of the Southwest quarter of the Southeast quarter of Section 28; thence North $72^{\circ} 00' 00''$ East, 44.93 feet; thence along the arc of a 200 foot radius curve to the right, through a central angle of $21^{\circ} 00' 00''$, for an arc distance of 73.30 feet; thence South $87^{\circ} 00' 00''$ East, 40.00 feet; thence along the arc of a 250 foot radius curve to the left, through a central angle of $27^{\circ} 00' 00''$, for an arc distance of 117.81 feet; thence North $86^{\circ} 00' 00''$ East, 70.00 feet to the North line of the Southwest quarter of the Southeast quarter of Section 28 at a point that bears South $88^{\circ} 53' 21''$ East, 491.00 feet from the Northwest corner of the Southwest quarter of the Southeast quarter of Section 28 and the terminus of said easement centerline. (the sidelines of said easement to be extended or shortened so as to terminate on the North line of the Southwest quarter of the Southeast quarter of Section 28).

EXCEPT any portion lying within the Duncan Creek County Road.

TOGETHER WITH a 30-foot non-exclusive easement for ingress, egress, and utilities, the South line of which is described as follows:

BEGINNING at a point on the South line of the Northwest quarter of the Southeast quarter of Section 28 that is South $88^{\circ} 53' 21''$ East, 455.00 feet from the Southwest corner thereof; thence South $88^{\circ} 53' 21''$ East, along the South line of the Northwest quarter of the Southeast quarter of Section 28, for a distance of 518.00 feet to the terminus of the South easement line to be described:

TOGETHER WITH AND SUBJECT TO a 60-foot non-exclusive easement for ingress, egress, and utilities, the centerline of which is described as follows:

BEGINNING at an iron pipe with brass cap marking the quarter corner between Section 28 and 33; thence North $00^{\circ} 55' 04''$ East, 1309.30 feet to the Southwest corner of the Northwest quarter of the Southeast quarter of Section 28 as shown in the "Mac Donald Short Plat" as recorded in Book 3 of Short Plats, page 253, Skamania County Auditor's Records; thence South $88^{\circ} 53' 21''$ East, along the South line of the Northwest quarter of the Southeast quarter as shown in Short Plat 3-253, for a distance of 973.00 feet to a 5/8 inch iron rod as set in a 1999 "Hagedorn, Inc. Survey" and the TRUE POINT OF BEGINNING of the easement centerline to be described; thence, leaving said South line, and following the centerline of a 60-foot road easement, North $59^{\circ} 00' 00''$ East, 165.00 feet; thence along the arc of a 50 foot radius curve to the left, through a central angle of $92^{\circ} 00' 00''$, for an arc distance of 80.29 feet; thence North $33^{\circ} 00' 00''$ West, 25.00 feet; thence along the arc of a 100 foot radius curve to the right, through a central angle of $26^{\circ} 00' 00''$, for an arc distance of 62.83 feet; thence North $03^{\circ} 00' 00''$ East, 75.00 feet; thence along the arc of a 150 foot radius curve to the left, through a central angle of $37^{\circ} 00' 00''$, for an arc distance of 96.87 feet; thence North $34^{\circ} 00' 00''$ West, 65.00 feet; thence along the arc of a 70 foot radius curve to the right, through a central angle of $48^{\circ} 00' 00''$, for an arc distance of 38.64 feet; thence North $14^{\circ} 00' 00''$ East, 35.00 feet; thence along the arc of a 100 foot radius curve to the left, through a central angle of $53^{\circ} 00' 00''$, for an arc distance of 92.50 feet; thence North $33^{\circ} 00' 00''$ West, 40.00 feet; thence along the arc of a 35 foot radius curve to the right, through a central angle of $200^{\circ} 00' 00''$, for an arc distance of 122.17 feet; thence South $19^{\circ} 00' 00''$ East, 30.00 feet; thence along the arc of a 300 foot radius curve to the left, through a central angle of $19^{\circ} 00' 00''$, for an arc distance of 99.48 feet; thence South $38^{\circ} 00' 00''$ East, 140.00 feet to the terminus of said 60 foot easement centerline at a point hereinafter called point "A".

TOGETHER WITH and SUBJECT TO a 20-foot license for access, the centerline of which is described as follows:

BEGINNING at point "A", above described; thence South $34^{\circ} 00' 00''$ East, 785.00 feet; thence along the arc of a 330 foot radius curve to the right, through a central angle of $32^{\circ} 00' 00''$, for an arc distance of 184.31 feet; thence South $02^{\circ} 00' 00''$ East, 50.00 feet; thence along the arc of a 200 foot radius curve to the left, through a central angle of $35^{\circ} 00' 00''$, for an arc distance of 122.17 feet; thence South $37^{\circ} 00' 00''$ East, 35.00 feet; thence along the arc of a 200 foot radius curve to the left, through a central angle of $10^{\circ} 00' 00''$, for an arc distance of 55.85 feet; thence South $53^{\circ} 00' 00''$ East, 25.00 feet; thence along the arc of a 700 foot radius curve to the right, through a central angle of $10^{\circ} 00' 00''$, for an arc distance of 122.17 feet; thence South $43^{\circ} 00' 00''$ East, 90.79 feet; thence along the arc of a 156.95 foot radius curve to the left, through a central angle of $23^{\circ} 00' 00''$, for an arc distance of 63.00 feet to the terminus of said "License centerline" at a point on the East line of the above described tract that bears North $88^{\circ} 51' 45''$ West, 550.00 feet and North $02^{\circ} 18' 51''$ West, 550.00 feet from the Southeast corner of Section 28. (The sidelines of said 20-foot license shall be extended or shortened so as to terminate on the East line of the above described tract).