

AFTER RECORDING RETURN TO:

RESTRICTIVE COVENANT
2502 Marine View Drive - LOT 1

Notice is hereby given that the property, which is the subject of this Restrictive Covenant, described as, Lot 1 of City of Tacoma Short Plat recorded in the real property records of Pierce County, Washington on April 1, 1996, under Auditor's Recording No. 9604010402, (the "Property") is the subject of remedial action under Chapter 70.105D RCW. The work done to clean up the Property (hereinafter the "Cleanup Action") is described in Washington State Department of Ecology Consent Decree, Pierce County No. 93-2-10099-5, and in exhibits to the Decree. The Consent Decree is filed with the Superior Court of the State of Washington in and for Pierce County.

The restrictions and obligations described in this Restrictive Covenant are intended to run with the land and be binding on any and all persons who acquire an interest in the Property.

Potential purchasers and lessees are further put on notice that,

1. The Property may be used only for Industrial uses as defined in and allowed under the City of Tacoma's Zoning Regulations codified in the Tacoma City Code as of the date of this Restrictive Covenant, attached hereto as Exhibit A.
2. Activities on the Property that interfere with or reduce the effectiveness of the Cleanup Action or any operation, maintenance, or monitoring required by the Decree are prohibited.
3. Activities on the Property that may result in the release of a hazardous substance that was contained as a part of the Cleanup Action are prohibited, and continued maintenance of the containment system must be provided for.

The owner of the Property and owner's assigns and successors in interest reserve the right to record an instrument which provides that this Restrictive Covenant shall no longer limit the use of the Property or be of any further force or effect. However, such an instrument

may be recorded only with the consent of the Department of Ecology or of a successor agency.

Executed as of the _____ day of _____, 1996.

PROPERTY OWNER: _____

By _____
Its _____

Attachments:

Exhibit A - Applicable Zoning Regulations

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this _____ day of _____, 1996, before me, a Notary Public in and for the State of Washington, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the _____ of _____ to be the free and voluntary act and deed of said corporation for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at: _____
My appointment expires _____
Print Name _____

EXHIBIT A (CONT.)

TACOMA MUNICIPAL CODE

until the expiration of the appeal period; provided however, that a permit granted by the Hearing Examiner shall not become effective in the event there is an appeal filed within the limits prescribed.

B. Height Regulations: A building, structure or portion thereof erected shall not exceed a height of 100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.

C. Area Regulations: A building or structure hereafter built, enlarged or moved shall provide the following yards or lot areas:

1. Front Yard. Where all the frontage is located in the M-2 Heavy Industrial District no front yard is required. Where the frontage is partly in the M-2 Heavy Industrial District and partly in a Dwelling District the front yard requirement of the Dwelling District shall apply in the M-2 Heavy Industrial District.

2. Side Yard. Where the side of a lot in the M-2 Heavy Industrial District abuts the side of a lot in a Dwelling District there shall be a side yard of not less than seven and one-half feet in width. In other cases, a side yard for a commercial or industrial building shall not be required.

3. Rear Yard. Where a lot in the M-2 Heavy Industrial District abuts upon a Dwelling District there shall be a rear yard having a depth of not less than 20 feet for interior lots and 10 feet for corner lots. In other cases a rear yard is not required.

D. Parking and Loading Space Regulations. Parking space for buildings as required in Section 13.06.350.

Loading space as required in Section 13.06.350. (Ord. 25374 § 2; passed Oct. 5, 1993; Ord. 20220 § 10; passed Oct. 1, 1974; Ord. 19858 § 6; passed July 3, 1973; Ord. 19286 § 2; passed Jan. 26, 1971; Ord. 15003; passed May 3, 1954; Ord. 14793 § 26; passed May 18, 1953.)

AFTER RECORDING RETURN TO:

**RESTRICTIVE COVENANT
2502 Marine View Drive - LOT 2**

Notice is hereby given that the property, which is the subject of this Restrictive Covenant, legally described as, Lot 2 of City of Tacoma Short Plat recorded in the real property records of Pierce County, Washington on April 1, 1996, under Auditor's Recording No. 9604010402, (the "Property") was the subject of remedial action under Chapter 70.105D RCW. The work done to clean up the Property (hereinafter the "Cleanup Action") is described in Washington State Department of Ecology Consent Decree, Pierce County No. 93-2-10099-5, and in exhibits to the Decree. The Consent Decree is filed with the Superior Court of the State of Washington in and for Pierce County.

The restrictions and obligations described in this Restrictive Covenant are intended to run with the land and be binding on any and all persons who acquire an interest in the Property.

Potential purchasers and lessees are further put on notice that:

1. The Property may be used only for Industrial uses as defined in and allowed under the City of Tacoma's Zoning Regulations codified in the Tacoma City Code as of the date of this Restrictive Covenant, attached hereto as Exhibit A.

2. Activities on the Property that interfere with the continuing obligation of surface water monitoring required by the Decree are prohibited.

The owner of the Property and owner's assigns and successors in interest reserve the right to record an instrument which provides that this Restrictive Covenant shall no longer limit the use of the Property or be of any further force or effect. However, such an instrument may be recorded only with the consent of the Department of Ecology or of a successor agency.

Executed as of the ____ day of _____, 1996.

PROPERTY OWNER: MCFARLAND CASCADE HOLDINGS, INC.

By _____
Its _____

Attachment:
Exhibit A - Applicable Zoning Regulations

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this ____ day of _____, 1996, before me, a Notary Public in and for the State of Washington, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the _____ of McFarland Cascade Holdings, Inc. to be the free and voluntary act and deed of said corporation for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My appointment expires _____
Print Name _____

EXHIBIT A

TACOMA MUNICIPAL CODE

13.06.330 M-2 district.

The following are regulations of the M-2 Heavy Industrial Districts:

A. Use Regulations. A building, structure or land or a building or structure hereafter built, altered or enlarged shall be used for only the following permitted uses:

1. Any use permitted in the M-1 Light Industrial District within or outside a building or fence; provided, however, that all residential uses are prohibited in the M-2 Heavy Industrial Districts except necessary quarters for caretakers and watchmen. Automobile house trailers and mobile homes are allowed for such caretaker and watchman quarters provided a special permit has been approved in accordance with Section 13.06.375; provided further, that group care homes, day care centers and nursery schools are also prohibited from M-2 Heavy Industrial Districts.

1.5. Automobile house trailers and mobile homes as temporary office space in accordance with provisions of Section 13.06.375.

2. Alcohol manufacture or liquor distillery.

3. Asbestos products manufacture.

4. Asphalt manufacture and creosote manufacture and treatment plants.

5. Bag cleaning.

6. Brick, tile, terra cotta and pottery manufacture.

7. Carborundum and abrasive manufacture.

8. Cloth, cord, rope and thread manufacture.

9. Chemicals manufacture but excluding acid manufacture.

10. Concrete and concrete products manufacture.

11. Coke ovens.

12. Felt manufacture.

13. Fish curing, smoking and canning.

14. Flour, feed and cereal manufacture.

15. Gutta percha, tar and rubber goods manufacture.

16. Iron, steel, brass, copper and other metals, foundry and fabrication but excluding smelter and blast furnace.

17. Lampblack, paint, varnish, oil and turpentine manufacture.

18. Linoleum and oil cloth manufacture.

19. Meat and food manufacture and processing but excluding the slaughter of animals and rendering of fat.

20. Mining, rock quarry and rock, sand and gravel cleaning, crushing and processing.

21. Railroad repair and classification yard.

22. Rolling mill.

23. Petroleum and petroleum products aboveground storage in excess of 1,000 gallons.

24. Plastics manufacture.

25. Saltworks.

26. Saw and planing mill.

27. Soap manufacture.

28. Shipyard.

29. Tobacco products manufacture.

30. Wool pulling or scouring.

31. Accessory uses when located on the same lot.

32. Conditional Uses. When authorized by the Hearing Examiner after a duly advertised public hearing, the following uses shall also be permitted in an M-2 District:

a. Construction/demolition/land-clearing/debris recycling. Application for a conditional use permit shall be made to the Public Works Department, and shall include site development plans showing all existing and proposed structures,

existing and proposed drainage, existing and proposed topography circulation, access drives/fire lanes, equipment and/or material storage location and size, parking and loading areas, and natural or environmentally sensitive features. This application shall be accompanied by filing fees as set forth in Sections 13.06.471 and 13.06.473.

The intent and purpose of this section, and criteria for granting of conditional use permits by the Hearing Examiner, shall be the same as those stated in Section 13.06.375 of this chapter regarding special use permits.

In authorizing a conditional use the Hearing Examiner may attach thereto such conditions as are authorized under Section 13.03.070 of this title.

A conditional use permit so authorized shall expire as provided in Section 13.06.474 hereof if no substantial development has taken place in accordance with plans for which such conditional uses were authorized.

Conditional use permits authorized under this section shall not become effective until expiration of the appeal period following the granting thereof by the Hearing Examiner, and shall be subject to the appellate procedures set forth in Section 13.06.485 hereof, and shall not become effective

EXHIBIT A (CONT.)

TACOMA MUNICIPAL CODE

until the expiration of the appeal period; provided however, that a permit granted by the Hearing Examiner shall not become effective in the event there is an appeal filed within the limits prescribed.

B. Height Regulations. A building, structure or portion thereof erected shall not exceed a height of 100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.

C. Area Regulations. A building or structure hereafter built, enlarged or moved shall provide the following yards or lot areas:

1. **Front Yard.** Where all the frontage is located in the M-2 Heavy Industrial District no front yard is required. Where the frontage is partly in the M-2 Heavy Industrial District and partly in a Dwelling District the front yard requirement of the Dwelling District shall apply in the M-2 Heavy Industrial District.

2. **Side Yard.** Where the side of a lot in the M-2 Heavy Industrial District abuts the side of a lot in a Dwelling District there shall be a side yard of not less than seven and one-half feet in width. In other cases, a side yard for a commercial or industrial building shall not be required.

3. **Rear Yard.** Where a lot in the M-2 Heavy Industrial District abuts upon a Dwelling District there shall be a rear yard having a depth of not less than 20 feet for interior lots and 10 feet for corner lots. In other cases a rear yard is not required.

D. Parking and Loading Space Regulations. Parking space for buildings as required in Section 13.06.350.

Loading space as required in Section 13.06.350. (Ord. 25374 § 2; passed Oct. 5, 1993; Ord. 20220 § 10; passed Oct. 1, 1974; Ord. 19858 § 6; passed July 3, 1973; Ord. 19286 § 2; passed Jan. 26, 1971; Ord. 15003; passed May 3, 1954; Ord. 14793 § 26; passed May 18, 1953.)