

Spokane Co
Jeld-Wen
TOP Vcp

September 24, 2015

Via Regular USPS Mail

Mr. Mike Hibbler
Washington Department of Ecology
Toxics Cleanup Program
4601 N. Monroe
Spokane, Washington 99205-1295

RE: Impending Sale of 115 N. Sycamore Street, Spokane, WA Property – Restrictive Covenant Volume “C”, page 73

Dear Sir:

JELD-WEN, inc. is the current owner of a property at 115 N. Sycamore Street, Spokane, Washington (aka “Property”). This Property has a Restrictive Covenant (see attached) issued by the Washington Department of Ecology (October 6, 2000) and remains on file at your location. Per Section 4 of the Restrictive Covenant, JELD-WEN is providing advanced written notice ((greater than thirty (30) days) to Ecology of JELD-WEN’s intent to convey all interest in this Property to George Lawrence and/or Assigns, 10828 Highway 2, Airway Heights, WA 9901 on or before November 13, 2015.

Please consider this document as JELD-WEN giving written notice per the terms of the Restrictive Covenant. If you have any questions, do not hesitate to contact me at (541) 883-3373 x2247.

Sincerely,



Dwayne Arino
Vice President – Environmental Affairs
JELD-WEN, inc.

Attachment:

October 6, 2000 – Restrictive Covenant

RECEIVED

SEP 28 2015

Department of Ecology
Eastern Washington Office

P.O. Box 1329
3250 Lakeport Blvd.
Klamath Falls, Oregon
97601



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Page: 1 of 4
10/06/2000 02:03P
Spokane Co. WA

COVER SHEET

TITLE:
AUDITOR'S RECORDING
VOL. & PAGE NUMBER:
GRANTOR:
GRANTEE:
TRUSTEE:
LEGAL DESCRIPTION:

Restrictive Covenant

Volume "C", page 73
JELD-WEN, Inc.
To the Public
JELD-WEN, Inc.
PARCEL 1:

Lots 1 through 12, Inclusive, in Block 68 of EAST SIDE SYNDICATE ADDITION, according to Plat recorded in Volume "C" of Plats, Page 73, in the City of Spokane, Spokane County, Washington.

TOGETHER with vacated Riverside Avenue as vacated by Ordinance No. C-28382 recorded as Auditor's No. 8708120252, lying between Block 55 and 68 of said East Syndicate Addition.

PARCEL 2:

A parcel of land being the Northerly half of Block 55 of EAST SIDE SYNDICATE ADDITION, according to Plat recorded in Volume "C" of Plats, Page 73, in the City of Spokane, Spokane County, Washington, being more particularly described as follows:

BEGINNING at the intersection of the South line of Riverside Avenue with the West line of Sycamore Street; Thence along said West line, South 00°05'17" East, 110.20 feet to a point that is 30.0 feet normally distant Northerly from the centerline of the main track of the Tekoa Branch of the Oregon-Washington Railroad and Navigation Company, as now constructed and operated; Thence parallel with said centerline, South 89°54'18" West, 299.08 feet to the East line of Freya Street; Thence along said East line, North 00°08'51" West, 91.12 feet; Thence along said South line, North 89°53'20" East, 283.19 feet to the Point of Beginning.

The property is commonly referred to as 115 N. Sycamore Street, in the City of Spokane, Spokane County, Washington.

ASSESSOR'S PARCEL
NUMBERS:

35154. 4401
35154. 4301
35154. 4302
35154. 4303
35154. 4304
35154. 4305



4522878
Page: 2 of 4
10/06/2000 02:03P
Spokane Co. WA

RESTRICTIVE COVENANT

JELD-WEN, Inc.
Formerly JELD-WEN of Washington
N. 115 Sycamore Street
Spokane, Washington

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g) and WAC 173-340-440 by JELD-WEN, Inc., its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents:

1. Preliminary Data on the Closure of Underground Storage Tanks at JELD-WEN, Inc., North 115 Sycamore Street, Spokane, WA: Burlington Environmental, July 15, 1992.
2. Underground Storage Tank Closure Report, JELD-WEN, Inc., of Washington, North 115 Sycamore Street, Spokane, Washington: November 12, 1992.
3. Scope of Work/Cost Estimate, JELD-WEN, Inc. of Washington site, Spokane, Washington: SECOR, November 4, 1999.
4. Soil Boring Investigation, JELD-WEN, Inc. of Washington, Spokane, Washington: SECOR, April 14, 2000.
5. Soil Boring Investigation, JELD-WEN, Inc. of Washington, Spokane, Washington: SECOR, April 25, 2000.
6. State of Washington Department of Ecology No Further Action Letter, JELD-WEN, Inc. of Washington, Spokane, Washington: State of Washington Department of Ecology, June 8, 2000.

These documents are on file at Ecology's Eastern Regional Office (ERO). This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of pentachlorophenol (PCP) which exceed the Model Toxics Control Act Method B Residential Cleanup Level for soil established under WAC 173-340-740.

The undersigned, JELD-WEN, Inc., is the fee owner of real property (hereafter "Property") in the County of Spokane, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in attachment A of this Restrictive Covenant and made a part hereof by reference.

JELD-WEN, Inc. makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. The Property shall be used for commercial/industrial uses, as described in RCW 70.105D.020 (22) and WAC 173-340-740 (1) (c), and defined in and allowed under the County of Spokane's zoning regulations codified in the Spokane County Zoning and Land Use Regulations.



Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

Karen Olsen for JELD-WFN inc.
Karen Olsen

September 19, 2000
Date Signed

Sworn to and subscribed before me this 19 day of September, 2000

My commission expires 11/14/01 Terri Richards
Notary Public





4522878
Page: 4 of 4
10/06/2000 02:03P
Spokane Co. WA

EXHIBIT A

PARCEL 1:

Lots 1 through 12, Inclusive, in Block 68 of EAST SIDE SYNDICATE ADDITION, according to Plat recorded in Volume "C" of Plats, Page 73, in the City of Spokane, Spokane County, Washington.

TOGETHER with vacated Riverside Avenue as vacated by Ordinance No. C-28382 recorded as Auditor's No. 8708120252, lying between Block 55 and 68 of said East Side Syndicate Addition.

PARCEL 2:

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BEGINNING at the intersection of the South line of Riverside Avenue with the West line of Sycamore Street; Thence along said West line, South 00°05'17" East, 110.20 feet to a point that is 30.0 feet normally distant Northerly from the centerline of the main track of the Tekoa Branch of the Oregon-Washington Railroad and Navigation Company, as now constructed and operated; Thence parallel with said centerline, South 89°54'18" West, 299.08 feet to the East line of Freya Street; Thence along said East line, North 00°08'51" West, 93.12 feet; Thence North 43°08'02" East, 23.34 feet to a point on the South line of said Riverside Avenue; Thence along said South line, North 89°53'20" East, 283.19 feet to the Point of Beginning.

The property is commonly referred to as 115 N. Sycamore Street, in the City of Spokane, Spokane County, Washington.