



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000
August 20, 2001

Mr. Steffen Jacobson
PO Box 396
Grayland, WA 98547

Dear Mr. Jacobson

Re: Independent Remedial Action
Northpoint Apartment Site
East side of East Marine View Drive
Between 10th and 11th Street
Everett, Washington

Thank you for submitting the results of your independent remedial actions for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Northpoint Apartment Site facility located on the east side of East Marine View Drive between 10th and 11th Street in Everett, Washington:

1. Final Independent Remedial Action
Program Report
Northpoint Apartment Site
Everett, Washington
Envirocon, Inc. dated April 30, 2001

The report listed above will be kept in the Central Files of the Northwest Regional Office (NWRO) of Ecology for review by appointment only. Appointments can be made by calling Sally Perkins at the NWRO at (425) 649-7190 or -7239.

Based upon the information in the report listed above, Ecology has determined that, at this time, the release of arsenic into the soil no longer poses a threat to human health or the environment.

Therefore, Ecology is issuing this determination that no further remedial action is necessary at this site under MTCA, chapter 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

Mr. Jacobson
August 20, 2001
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Furthermore, the Restrictive Covenant filed on your property dated August 14, 2001, is a condition to maintain Ecology's no further action determination. The Restrictive Covenant is attached to this letter as Attachment A. Ecology's no further action determination automatically terminates and will have no force and effect if any portion of the Restrictive Covenant is violated. WAC 173-340-440(6) requires you to notify and seek comment from a city or county department with land use planning authority for real property subject to the Restrictive Covenant.

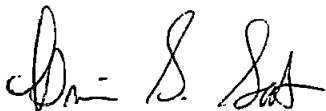
Ecology's no further action determination is made only with respect to the release identified in the report listed above. This no further action determination applies only to the area of the property affected by the release identified in the report. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Mr. Steffen Jacobson/Ann M. Stockton.

Ecology will update its database to reflect this "No Further Action" determination. Your site will not appear in future publications of the Confirmed & Suspected Contaminated Sites Report (previously known as the Affected Media and Contaminants Report.)

The state, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this determination.

If you have any questions, please contact me at (425) 649-7265.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brian S. Sato". The signature is fluid and cursive, with the first name "Brian" and last name "Sato" clearly distinguishable.

Brian S. Sato, P.E.
Toxics Cleanup Program

BSS:bs
Enclosures

CONFORMED COPY
200108140640
08/14/2001 03:51 PM Snohomish
P.0006 RECORDED County

RESTRICTIVE COVENANT

Steffen Jacobson/Ann M. Stockton-Northpoint Apt. Site

East side of East Marine View Drive between 10th and 11th Street, Everett, WA

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Steffen Jacobson/Ann M. Stockton, 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 document:

Final Independent Remedial Action Program Report
Northpoint Apartments Site
Everett, Washington
Envirocon, Inc. dated April 30, 2001

This document is on file at Ecology's Northwest Regional Office in Bellevue, Washington.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of arsenic which exceed the Model Toxics Control Act Method Residential Cleanup Level for soil established under WAC 173-340-740.

The undersigned, Steffen Jacobson/Ann M. Stockton, are the fee owners of real property (hereafter "Property") in the County of Snohomish, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described [AS FOLLOWS: (insert legal description language)] -or- [IN ATTACHMENT A OF THIS RESTRICTIVE COVENANT AND MADE A PART HEREOF BY REFERENCE (attach document containing legal description)].

Steffen Jacobson & Ann M. Stockton make 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. A 20 foot wide strip on the western side of the slope along East Marine View Drive was excavated to 4-6 feet below ground surface for a landscape strip. A demarcation fabric consisting of 4 oz. nonwoven geotextile was placed at the bottom of the excavation in the landscape area to delineate contaminant removal boundaries for future construction personnel. Soils below this fabric contain arsenic that exceeds 500 mg/kg (parts per million). This area of arsenic contaminated soils is covered with a minimum of four feet of clean fill material and serves to prevent direct contact with the contaminated soil. In addition, the demarcation fabric serves to delineate the boundaries for future site development.

Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited.

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 maintenance of the soil cover.

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,

Steffen Jacobson/Ann M. Stockton
PO Box 396
Grayland, WA 98547

RESTRICTIVE COVENANT

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f and g), and WAC 173-340-440 Name of Property Owner, it successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

Legal Description:

Tax Parcel I.D. #: 29051700100500

LEGAL DESCRIPTION

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER
AND OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SECTION 17,
TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M. IN SNOHOMISH COUNTY, WASHINGTON,
DESCRIBED AS FOLLOWS:

BEGINNING ON THE EAST LINE OF WALNUT STREET WHERE IT INTERSECTS THE
SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER;
THENCE NORTH ALONG THE EAST LINE OF WALNUT STREET 205 FEET;
THENCE EAST TO THE WEST LINE OF THE GREAT NORTHERN RAILROAD RIGHT-OF-WAY;
THENCE SOUTH ALONG SAID RIGHT-OF-WAY TO THE NORTH LINE OF 11TH STREET;
THENCE WEST ALONG THE SAID NORTH LINE OF 11TH STREET TO THE EAST LINE OF WALNUT STREET;
THENCE NORTH ALONG THE EAST LINE OF WALNUT STREET TO THE TRUE POINT OF BEGINNING.

after public notice and opportunity for comment, concurs.

Steffen Jacobson

Steffen Jacobson

13 AUGUST 2001
[DATE SIGNED]

Ann M. Stockton

Ann M. Stockton

14 AUGUST 2001
[DATE SIGNED]

NOTE: The Property Owner must have this restrictive Covenant notarized.]

Acknowledgment by Individual

State of WA.

County of King

On this 14th day of August, 2001

before me, MICHAEL P. RAINERI
Name of Notary Public

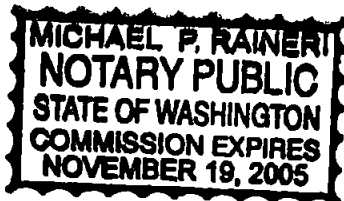
the undersigned Notary Public, personally appeared

Stetten Jacobson & Ann M. Stockton
Name of Signer(s)

- ☐ Proved to me on the oath of _____
☒ Personally known to me
☐ Proved to me on the basis of satisfactory evidence _____
(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and
acknowledged that he/she/they executed it.

WITNESS my hand and official seal.



Michael P. Raineri
(Signature of Notary Public)

(seal)

My commission expires _____

OPTIONAL

*Though the information in this section is not required by law, it may prevent fraudulent removal and reattachment of this form
to another document and could prove valuable to persons relying on the document.*

Description of Attached Document

Type or Title of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF
SIGNER
Top of thumb here