

Tavitac Bethel, LLC
c/o Robertson Properties
120 N. Robertson Blvd.
Los Angeles, CA 90048



200403030372

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Kitsap Co, WA

LAND TITLE CO

COVEN \$25.00

E-W

Document title(s): **Restrictive Covenant**

Reference number(s) of document(s) assigned or released (if applicable): **N/A**

Grantor(s): **Tavitac Bethel, LLC**

Grantee(s): **Washington State Department of Ecology
The Public**

Legal description (abbreviated):

Ptn NW 1/4 NW 1/4 S1-T23N-R1E

Assessor's Tax Parcel Number(s): **012301-2-111-2009**

LAND TITLE COMPANY
has placed this document of
record as a customer service
and accepts no liability for the
accuracy or validity of the
document.

Tavitac Bethel, LLC
c/o Robertson Properties
120 N. Robertson Blvd.
Los Angeles, CA 90048
Attn: Mr. James D. Vandever

RESTRICTIVE COVENANT

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

Legal Description:

That portion of the Northwest quarter of the Northwest Quarter of Section 1, Township 23 North, Range 1 East, W.M., in Kitsap County, Washington, described as follows:

Commencing at the Northwest corner of the Northwest quarter of the Northwest quarter of said Section 1; thence along the North line thereof 40 feet to the intersection of the Easterly right of way line of Bethel Road with said North line; thence South 01°53'41" west along said easterly right of way line 45.95 feet to the true point of beginning; thence continuing South 01°53'41" West 614.06 feet; thence South 88°26'52" East 650.02 feet; thence North 01°43'03" East 330.00 feet; thence North 01°53'41" East 290.00 feet to the Southerly right of way line of Lund Avenue being 40.00 feet normal distance South of the North line of said Section 1; thence along said Southerly right of way line and parallel to said North section line North 88°26'52" West of 634.34 feet; thence South 69°31'54" West 15.86 feet to the true point of beginning;

Except that portion conveyed to Kitsap County for Bethel Road under Auditor's File No. 9411170159.

Tax Parcel I.D. #012301-2-111-2009



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RESTRICTIVE COVENANT
for Tavitac Bethel LLC
Amy's Cleaners Property

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

An independent subsurface investigation occurred at the property that is the subject of this Restrictive Covenant. The subsurface investigations conducted at the property are described in the following documents:

1. Limited Subsurface Investigation
Amy's Cleaners
3377 Bethel Road Southeast
Port Orchard, Washington
EnviroBusiness, Inc., dated July 14, 2000
2. Limited Subsurface Investigation
Amy's Cleaners
3377 Bethel Road Southeast
Port Orchard, Washington
EnviroBusiness, Inc., dated March, 2001
3. Draft Supplemental Subsurface Investigation Report
Amy's Cleaners
3377 Bethel Road Southeast
Port Orchard, Washington
EnviroBusiness, Inc., dated October 30, 2001
4. Supplemental Subsurface Investigation Report
Amy's Cleaners
3377 Bethel Road Southeast
Port Orchard, Washington
EnviroBusiness, Inc., dated October 30, 2001

These documents are on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because residual concentrations of tetrachloroethylene (PCE) exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-740.



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The undersigned, Tavitac Bethel, LLC, is the fee owner of real property in the County of Kitsap State of Washington, that is subject to this Restrictive Covenant. The Property that is the subject of this Covenant is the portion, and unit, of tax parcel 012301-2-111-2009 that is located at #105 3377 Bethel Road Southeast in Port Orchard, and is shown in the attached diagram (hereafter "Property"). Tax parcel 012301-2-111-2009 is legally described as follows:

That portion of the Northwest quarter of the Northwest Quarter of Section 1, Township 23 North, Range 1 East, W.M., in Kitsap County, Washington, described as follows:

Commencing at the Northwest corner of the Northwest quarter of the Northwest quarter of said Section 1; thence along the North line thereof 40 feet to the intersection of the Easterly right of way line of Bethel Road with said North line; thence South $01^{\circ}53'41''$ west along said easterly right of way line 45.95 feet to the true point of beginning; thence continuing South $01^{\circ}53'41''$ West 614.06 feet; thence South $88^{\circ}26'52''$ East 650.02 feet; thence North $01^{\circ}43'03''$ East 330.00 feet; thence North $01^{\circ}53'41''$ East 290.00 feet to the Southerly right of way line of Lund Avenue being 40.00 feet normal distance South of the North line of said Section 1; thence along said Southerly right of way line and parallel to said North section line North $88^{\circ}26'52''$ West of 634.34 feet; thence South $69^{\circ}31'54''$ West 15.86 feet to the true point of beginning;

Except that portion conveyed to Kitsap County for Bethel Road under Auditor's File No. 9411170159.

Tavitac Bethel, LLC, by way of remedial action (the "Remedial Action"), makes the following declarations 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 contains PCE-contaminated soil located beneath the portion of the #105 3377 Bethel Road Southeast building in the vicinity of the dry cleaning machine and floor drain located in the southern portion of the building. The Owner shall not alter, modify, or remove the existing structure at the #105 3377 Bethel Road Southwest in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology. Any activity on the Property that may



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result in the release or exposure to the environment of the contaminated soil that is contained beneath that portion of the #105 3377 Bethel Road building, or creates a new exposure pathway, is prohibited.

Section 2. Any activity on the Property that may interfere with the integrity of the existing concrete floor 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, or creates a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the Property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any interest in the Property, except that the Owner need not give advance written notice to Ecology if the Owner leases a subunit of a building on the Property when such lease expressly prohibits any activity which is inconsistent with the terms of this Restrictive Covenant pursuant to Section 5. 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 Remedial Action.

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

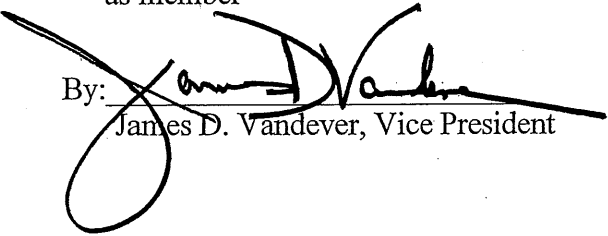
Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial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



TAVITAC BETHEL, L.L.C.,
a Delaware limited liability company

By: Tavitac Corporation, a Washington corporation,
as member

By: 
James D. Vandever, Vice President

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I certify that I know or have satisfactory evidence that James D. Vandever signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED and SWORN to before me this 19th day of December, 2003.

(Seal or stamp)


Notary Signature

LINDA SASAKI

Print/Type Name
Notary Public in and for California,
residing at Los Alamitos, California
My appointment expires 7/14/04





AUDITOR'S NOTE
LEGIBILITY FOR RECORDING AND COPYING
UNSATISFACTORY IN A PORTION OF THIS
INSTRUMENT WHEN RECEIVED.



Site Plan



January 7, 2003

not to scale

Amy's Cleaners
Port Orchard, Washington

EBI Project No: 22-2551



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Washington State Department of Ecology
Toxics Cleanup Program

Voluntary Cleanup Program Site Log

Site Name: Amy's Cleaners/Bethel Junction Shopping FS ID#: _____

SIC: J1C54 Month(s): 10 Year: 2005

Name: BRIAN SAND. Category: _____ VCP#: NW 0568

Date	Hours	Monthly Hours Subtotals	Site Manager Intls.	Unit Supervisor Intls.	Activity Description
10/19/05	1.0				VCP- NPA letter.

ENTERED
10/19/05

DATA ON THIS FORM IS IN AGREEMENT WITH EMPLOYEE TIMESHEETS

EMPLOYEE'S SIGNATURE: [Signature] DATE: 10/19/05.

SUPERVISOR'S SIGNATURE: [Signature] DATE: 10-19-05

