

RECEIVED
MAR 13 2008
DEPT. OF ECOLOGY

SIT 8.7

East

Highland

9902100823 10:22:00 AM KING COUNTY RECORDS 141 719

Return Address

Seattle Public Utilities/SWU
710 Second Avenue Room 505
Seattle, WA 98104

Document Title(s) (or transactions contained therein):	141 719
1. Restrictive Covenant	
Reference Number(s) of Documents assigned or released: (on page ___ of document(s))	141 719
Grantor(s) (Last name first, then first name and initials)	
1. The City of Seattle	
Grantee(s) (Last name first, then first name and initials)	
1. The City of Seattle	
Legal Description (Abbreviated: i.e. lot, block, plat or section, township, range)	
Portions of Enos Cooper Donation Claim in Section 15, Twp. 22 N., Rng. 4 E., W.M.; and Portions of NE¼ of SW¼ of Section 15, Twp. 22 N., Rng. 4 E., W.M.; and Portion of Govt Lot 10 of Section 15, Twp. 22 N., Rng. 4 E., W.M.; and Portions of SE¼ of NW¼ of Section 15, Twp. 22 N., Rng. 4 E., W.M.;	
☒ Additional legal is on pages <u>4 through 7</u> of document	
Assessor's Property Tax Parcel/Account Number	
Portions of Tax Parcel/Account Numbers- 000200-0004, — 000200-0012, and 152204-9066	
All of Tax Parcel/Account Numbers 152204-9007, 152204-9012, and 152204-9008	
☐ Additional legal is on page <u> </u> of document	
The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.	

9902100823

9902100823

RESTRICTIVE COVENANT KENT HIGHLANDS LANDFILL

The property that is the subject of this Restrictive Covenant has been 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 the Cleanup Action Plan for Kent Highlands Landfill dated April 19, 1993. This Restrictive Covenant is required by WAC 173-340-440 to assure the continued integrity of the Cleanup Action.

The undersigned, City of Seattle ("Seattle"), is the fee owner of real property in King County (legal description attached), hereinafter referred to as the "Site." For the purposes of this Restrictive Covenant, the Site refers to the Seattle-owned portions of the former Kent Highlands Landfill, located Northeast of the intersection of State Route 516 (AKA Kent-Des Moines Road) and Military Road in Kent, Washington. Seattle makes the following declaration as to limitations, restrictions, and uses as to which the Site may be put, and specifies that such declarations shall constitute covenants running with the land, as provided by law, and shall be binding on all parties and all persons claiming under them.

Section 1. Any activity on the Site that may interfere with the Cleanup Action is prohibited. Any activity on the Site that may result in the release of a hazardous substance that was contained as part of the Cleanup Action is prohibited. Any activity on the Site that may result in endangerment to human health or the environment by hazardous substances contained on site or by gas generated by and emitted from the Site is prohibited.

Section 2. Except for groundwater monitoring, no groundwater may be taken for any purpose from any well on the Site without Department of Ecology ("Ecology") approval.

Section 3. The owner of the Site must give written notice to Ecology, or to its successor agency, of the owner's intent to convey any fee interest in the Site. Seattle and all subsequent owners shall provide for the continued operation, maintenance and monitoring of the Cleanup Action.

9902100823

Section 4. The owner must notify and obtain approval from Ecology, or from its successor agency, prior to any use of the Site that is inconsistent with the terms of this Restrictive Covenant. Ecology or its successor agency may approve such a use only after public notice and comment.

Section 5. The owner shall restrict leases to uses and activities consistent with this Restrictive Covenant and notify all lessees of the restrictions on the use of the property.

Section 6. The owner shall allow authorized representatives of Ecology, or its successor agency, the right to enter the Site at reasonable times and with reasonable prior notice for the purpose of evaluating compliance with the Cleanup Action Plan and to inspect records that are related to the Cleanup Action.

Section 7. The owner of the Site reserves the right under WAC 173-340-720 and WAC 173-340-440 (1991 ed.), to record an instrument which provides that this Restrictive Covenant shall no longer limit use of the Site or be of any further force or effect. However, such an instrument may be recorded only with the consent of Ecology, or its successor agency. Ecology or a successor agency may consent to the recording of such an instrument only after public notice and comment.

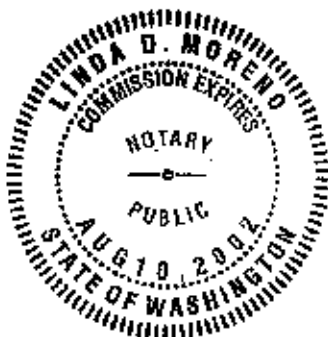
DATED this 4th day of February 1999.

Diana Gale
The City of Seattle
Diana Gale, Director, Seattle Public Utilities

STATE OF WASHINGTON)
)SS.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Diana Gale signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Director of Seattle Public Utilities of the City of Seattle to be the free and voluntary act of the City of Seattle for the uses and purposes mentioned in the instrument.

Dated: Feb. 4, 1999



Linda D. Moreno

NOTARY PUBLIC in and for the
State of Washington,

My appointment expires 8-10-02

- That portion of parcel 2, tax lot number 000200-0004-04, lying south of a line that is 350 feet north of, and parallel to the south line of said parcel. Said parcel described as:

All that portion of Enos Cooper Donation Land Claim Number 38 within Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, lying north of a line parallel with and 1944.00 feet north of the south line of said Donation Land Claim Number 38; EXCEPT the following:

Beginning at a point on the north line of said Donation Land Claim Number 38, north $88^{\circ}45'52''$ east 580.00 feet from the northwest corner thereof;

thence south 333.64 feet;

thence south $73^{\circ}41'10''$ west 150.47 feet;

thence south $25^{\circ}17'10''$ east 315.96 feet;

thence south $57^{\circ}18'20''$ east 572.23 feet;

thence south $36^{\circ}35'40''$ east 365.00 feet;

thence north $83^{\circ}00'00''$ east 365.00 feet, more or less, to the

easterly margin of said Donation Land Claim Number 38;

thence northerly and northwesterly along said east margin to the northeast corner of said Donation Land Claim Number 38;

thence south $88^{\circ}45'52''$ west 580.00 feet, more or less, to the point of beginning;

EXCEPT that portion conveyed to Thomas D. Kees and Ruth A. Kees, his wife, by deed recorded under Recording Number 4544322, described as follows:

Beginning on the west line of Enos Cooper Donation Land Claim Number 38, 1944.00 feet north of the southwest corner thereof;

thence north along the west line, a distance of 975 feet;

thence east parallel with the south line 100 feet;

thence southeasterly to a point 450 feet east of the point of beginning;

thence west, parallel with the south line of said Donation Land Claim Number 38, a distance of 450 feet to the point of beginning.

- That portion of parcel 3, tax lot number 000200-0012-04, lying south of a line that is 350 feet north of and parallel to the south line of said parcel. Said parcel described as: That portion of Enos Cooper Donation Land Claim Number 38 in Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning on the west line of said Donation Claim at a point 1944.00 feet north of the southwest corner of said Donation Claim;

thence north along said west line 975.00 feet;

thence east parallel with the south line of said Donation Claim a distance of 100.00 feet;

thence southeast-easterly in a straight line to a point 450 feet east of the point of beginning as measured parallel with the south line of said Donation Claim;

thence west parallel with said south line 450.00 feet to the point of beginning.

9902100823

9902100823

- All of parcel 4, tax lot number 000200-0001-07. Said parcel described as:

That portion of the Donation Land Claim of the heirs at law of Enos Cooper, deceased, designated as Claim Number 38, and being part of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, lying south of a line 1944 feet north of and parallel to the south line of said Claim and lying north of a line 408 feet north of and parallel to the south line of said Claim; EXCEPT that portion conveyed to King County, by deed dated July 14, 1934, recorded July 30, 1934 in Volume 1591 of Deeds, page 612, under Recording Number 2812324; EXCEPT portion west of east line of Kent-Des Moines Short Line Road Number 1288; EXCEPT portion condemned in Superior Court Cause Number 748518; AND EXCEPT that portion conveyed to the City of Kent by deed recorded under Recording Number 7105280484.

- All of parcel 6, tax lot number 152204-9007-07. Said parcel described as:

THAT PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING NORTH OF THE KENT-DES MOINES SHORT LINE ROAD NO. 1294, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER AUDITOR'S FILE NO. 2152181; EXCEPT PORTION CONDEMNED IN SUPERIOR COURT CAUSE NO. 748518.

- All of parcel 11, tax lot number 152204-9012-00. Said parcel described as:

Government Lot 10, Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington; EXCEPT that portion lying south of the north line of that portion conveyed to King County for road by Deed recorded under Recording Number 2122609; EXCEPT portion condemned in Superior Court Cause Number 748518.

- All of the West parcel, tax lot number 152204-9008-06. Said parcel described as:

That portion of the west half of the northeast quarter of the southwest quarter of section 15, Township 22 North, Range 4 East, W. M. in King County, Washington, lying north of Kent-Des Moines Highway (SR-516); EXCEPT that portion conveyed to the State of Washington by deed recorded April 29, 1959, under King County Recording number 5025699, and that portion condemned in Superior Court Cause 748518.

- That portion of parcel 28, a portion of tax lot number 152204-9066-05, lying south of a line that is 90 feet north of and parallel to the south line of said parcel. Said parcel described as:

That portion of the southeast quarter of the northwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the southwest corner of said subdivision;
thence north 88°18'20" east along the southerly line thereof 524.60

feet to the true point of beginning;
 thence north $0^{\circ}56'45''$ west 426.70 feet to the centerline of Old Logging Road;
 thence south $57^{\circ}00'$ east along said centerline 144.64 feet;
 thence south $0^{\circ}56'45''$ east 354.37 feet to the southerly line of said subdivision;
 thence south $88^{\circ}18'20''$ west along said southerly line 120.00 feet to the true point of beginning.

- That portion of parcel 29, a portion of tax lot number 152204-9066-05, lying south of a line that is 200 feet north of and parallel to the south line of said parcel. Said parcel described as:

That portion of the southeast quarter of the northwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the south line of said subdivision, distant north $88^{\circ}18'20''$ east 524.60 feet from the southwest corner thereof;
 thence south $88^{\circ}18'20''$ west 99.60 feet;
 thence north $11^{\circ}57'55''$ west along the bottom of a ravine 528.8 feet to the centerline of the Old Logging Road;
 thence north $78^{\circ}00'$ east along said centerline 59.0 feet to a "Y" point in said road;
 thence south $57^{\circ}00'$ east along said centerline 170.00 feet to a point which bears north $0^{\circ}56'45''$ west from the point of beginning;
 thence south $0^{\circ}56'45''$ east 436.7 feet to the point of beginning.

- That portion of parcel 30a, a portion of tax lot number 152204-9066-05, lying south of a line that is 280 feet north of and parallel to the south line of said parcel. Said parcel described as:

(a) That portion of the southeast quarter of the northwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the southwest corner of said subdivision;
 thence north $88^{\circ}18'20''$ east along the southerly line thereof 207.00 feet to the true point of beginning;
 thence north $0^{\circ}56'45''$ west 501.09 feet to the centerline of Old Logging Road;
 thence north $78^{\circ}00'$ east along said centerline 119.16 feet to the centerline of ravine;
 thence south $11^{\circ}57'55''$ east along said centerline of ravine 528.80 feet to the said southerly line;
 thence south $88^{\circ}18'20''$ west along said southerly line 218.00 feet to the true point of beginning.

9902100823

feet to the true point of beginning;
thence north $0^{\circ}56'45''$ west 426.70 feet to the centerline of Old Logging Road;
thence south $57^{\circ}00'$ east along said centerline 144.64 feet;
thence south $0^{\circ}56'45''$ east 354.37 feet to the southerly line of said subdivision;
thence south $88^{\circ}18'20''$ west along said southerly line 120.00 feet to the true point of beginning.

- That portion of parcel 29, a portion of tax lot number 152204-9066-05, lying south of a line that is 200 feet north of and parallel to the south line of said parcel. Said parcel described as:

That portion of the southeast quarter of the northwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the south line of said subdivision, distant north $88^{\circ}18'20''$ east 524.60 feet from the southwest corner thereof;
thence south $88^{\circ}18'20''$ west 99.60 feet;
thence north $11^{\circ}57'55''$ west along the bottom of a ravine 528.8 feet to the centerline of the Old Logging Road;
thence north $78^{\circ}00'$ east along said centerline 59.0 feet to a "Y" point in said road;
thence south $57^{\circ}00'$ east along said centerline 170.00 feet to a point which bears north $0^{\circ}56'45''$ west from the point of beginning;
thence south $0^{\circ}56'45''$ east 436.7 feet to the point of beginning.

- That portion of parcel 30a, a portion of tax lot number 152204-9066-05, lying south of a line that is 280 feet north of and parallel to the south line of said parcel. Said parcel described as:

(a) That portion of the southeast quarter of the northwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the southwest corner of said subdivision;
thence north $88^{\circ}18'20''$ east along the southerly line thereof 207.00 feet to the true point of beginning;
thence north $0^{\circ}56'45''$ west 501.09 feet to the centerline of Old Logging Road;
thence north $78^{\circ}00'$ east along said centerline 119.16 feet to the centerline of ravine;
thence south $11^{\circ}57'55''$ east along said centerline of ravine 528.80 feet to the said southerly line;
thence south $88^{\circ}18'20''$ west along said southerly line 218.00 feet to the true point of beginning.

9902100823

- That portion of parcel 31, a portion of tax lot number 152204-9066-05, lying south of a line that is 170 feet north of and parallel to the south line of said parcel. Said parcel described as:

That portion of the southeast quarter of the northwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the southwest corner of said subdivision, said corner being the true point of beginning;
thence north $0^{\circ}56'45''$ west along the westerly line thereof, 385.00 feet to the centerline of Old Logging Road;
thence north $52^{\circ}00'40''$ east along said centerline 171.05 feet;
thence north $78^{\circ}00'$ east along said centerline 71.79 feet;
thence south $0^{\circ}56'45''$ east 501.00 feet to the southerly line of said subdivision;
thence south $88^{\circ}18'20''$ west along the southerly line thereof, 207.00 feet to the true point of beginning.

9902100823

- That portion of parcel 31, a portion of tax lot number 152204-0066-05, lying south of a line that is 170 feet north of and parallel to the south line of said parcel. Said parcel described as:

That portion of the southeast quarter of the northwest quarter of Section 15, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the southwest corner of said subdivision, said corner being the true point of beginning;

thence north $0^{\circ}56'45''$ west along the westerly line thereof, 385.00 feet to the centerline of Old Logging Road;

thence north $52^{\circ}00'40''$ east along said centerline 171.05 feet;

thence north $78^{\circ}00'$ east along said centerline 71.79 feet;

thence south $0^{\circ}56'45''$ east 501.00 feet to the southerly line of said subdivision;

thence south $88^{\circ}18'20''$ west along the southerly line thereof, 207.00 feet to the true point of beginning.

9902100823