

RETURN ADDRESS:

Fidelity Title Company  
406 North Second Street  
Yakima, WA 98907

Please print or type information

<b>Document Title(s)</b> (or transactions contained therein): <i>Miss K</i>	
1. RESTRICTIVE COVENANT	
2.	
3.	
<b>Reference Number(s) of Documents assigned or released:</b> (on page of document(s))	
<b>Grantor(s)</b> (Last name first, then first name and initials)	
1. TANDRE LLC	
2.	
3.	
4. <input type="checkbox"/> Additional names on page of document.	
<b>Grantee(s)</b> (Last name first, then first name and initials)	
1. The Public	
2.	
3.	
4. <input type="checkbox"/> Additional names on page of document.	
<b>Legal description</b> (abbreviated: i.e. lot, block, plat or section, township, range) Lot 7 of Professional View West Plat, recorded under AF#3119283	
<input type="checkbox"/> Additional legal on page of document.	
<b>Assessor's Property Tax Parcel/Account Number</b> 181315-43464	
<input type="checkbox"/> Additional legal on page of document.	
<input type="checkbox"/> Emergency nonstandard document recording: I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirement may cover up or otherwise obscure some part of the text of the original document.	
<b>Signature</b> 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.	



## RESTRICTIVE COVENANT

### TANDRE LLC (CHANDLER HOUSE)

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g) and WAC 173-340-440 by Tandre LLC, 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: Report of Voluntary Remedial Action prepared by Peggy Williamson of Fulcrum Environmental Consulting, Inc. This document is on file at Ecology's Central Regional Office

This Restrictive Covenant is required by WAC 173-340-440 because the Remedial Action resulted in residual concentrations of Arsenic, Lead, and dichlorodiphenyltrichloroethane (DDT) which exceed the Model Toxics Control Act Method A unrestricted use levels for soil established under WAC 173-340-740. Accordingly, certain engineering controls have been put in place on the Property to deal with such soil

The undersigned, Tandre LLC, is the fee owner of real property (hereafter "Property") in the County of Yakima, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows:

Lot 7 of the Professional View West Plat, according to the Plat thereof recorded December 19, 1995, under Yakima County Auditor's file No: 3119283 located in Yakima, Washington.

Tandre LLC 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")

1. The Property contains Arsenic, Lead, and DDT concentrations in soil located under impermeable surfaces such as Building A and B and associated asphalt areas; or under sod and 6" of clean topsoil in permeable surface areas such as landscaped areas. The Owner shall not alter, modify, or remove the existing structure or clean top soil/sod barrier in any manner that may result in the release or exposure to the environment of soil containing Arsenic, Lead, DDT, or create a new exposure pathway without prior written approval from Ecology

Any activity on the Property that may result in the release or exposure to the environment of the soil containing Arsenic, Lead, DDT, that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited on this site include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface greater than 6" with a rod, spike, or similar item, bulldozing or earthwork

Tandre, LLC - Restrictive Covenant



7157916  
Page: 2 of 4  
82/29/2000 02:43P  
Yakima Co, WA

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
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.
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.
5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessors of the restrictions on the use of the Property. This provision shall not require notification of residents of individual beds or suites within the Property while being used essentially in its present fashion.
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.
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.
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, finds it appropriate to do so.

Executed this 28th day of February, 2000.

TANDRE LLC

By: H. Norman Hyatt

H. Norman Hyatt  
Manager

Chandler House - Restrictive Covenant



FIDELITY TITLE COMPANY

COV

\$11.00

7157916

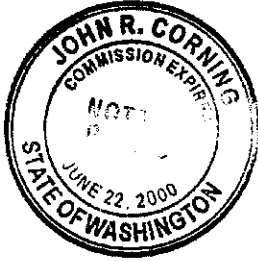
Page: 3 of 4


02/29/2000 02:43P

Yakima Co, WA

COUNTY OF YAKIMA

Given under my hand and official seal this 28th day of February, 2000



  
Notary Public in and for the  
State of Washington  
Residing at Yakima  
My appointment expires: 6/22/00



7157916  
Page: 4 of 4  
82/29/2000 02:43P  
Yakima Co, WA