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MAY 09 1997

COUNTY AUDITOR  
SPOKANE COUNTY WN

*Recording File # 4101372*

RESTRICTIVE COVENANT

on the GENERAL FIRE APPARATUS PROPERTY at  
3904 E. Trent Avenue  
Spokane, WA 99202

I, the Grantor,

Darrell L. Siria  
12023 N. Hemlock Ct.  
Spokane, WA 99218-3501

owner of the property that is the subject of this restrictive covenant here state that it has been the subject of remedial action under Chapter 70.105RCW and is legally described as follows:

Spokane County Real Estate Parcel Number 35151.1001  
East Side Syndicate L1to12 B195 INC VAC 37.5FT STP  
E OF&ADJ L1&12 INC VAC 37.5FT STP S OF&ADJ L7TO12  
&ADJ STP

The remedial actions undertaken to clean up the property (hereafter the "Cleanup Action") are described in 1.) Phase III Environmental Site Assessment Report, Cummins Northwest, Inc., 3904 East Trent Avenue, Spokane, WA: SECOR, January 7, 1994, 2.) Remedial Stabilization Fieldwork, Cummins Northwest, INC., 3904 E. Trent Avenue, Spokane, WA: SECOR, December 13, 1994, 3.) Confirmation Soil Sample Data: Oil/Water Separator Excavation, Cummins Northwest, Inc. Facility, 3904 E. Trent Avenue, Spokane, WA: SECOR, July 4, 1996, 4.) Response to Initial Screening Comments for the former Cummins Northwest site at 3904 E. Trent Avenue in Spokane, WA: SECOR, September 16, 1996, 5.) Groundwater Monitoring Events dated as follows: March, 1995, August, 1995, December, 1995, December 1996, March, 1997: SECOR. These documents are on file at the State of Washington DEpartment of Ecology ("Ecology") Eastern Regional Office. This Restrictive Covenant is required under the Department of Ecology's (Ecology) rule WAC 173-340-440 because the cleanup action on the Site resulted in residual concentrations of Petroleum Hydrocarbons contaminated

soil which exceed Ecology's method A cleanup levels for soil established under WAC 173-340-740.

The undersigned, Darrell L. Siria, is the fee owner of real property in Spokane County, State of Washington, hereinafter referred to as the "Site". The property owner makes the following declaration as to limitation, restrictions, and uses to which the Site 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, including all current and future owners of any portion of or interest in the Site.

Section 1. A portion of the property shown on Phase III Environmental Site Assessment Report contains Petroleum Hydrocarbons contaminated soil, located just East of the building noted on the Phase III Environment Site Assessment Report as "Cummins Building" approximately at the MW-2 area on the Groundwater Gradient Map, Figure 4. Remediation or removal of the contaminated soil must be addressed before the owner or a successor owner alters, modifies or removes the existing structures or buildings. Any plans for alteration, modification or removal shall be submitted to Ecology for approval.

Section 2. The owner or successor owner of the Site must give written notice to Ecology, or to a successor agency, of the owner's or successor owner's intent to convey any interest in the Site, and shall, prior to conveyance of title, easement, lease or other interest in the Site, provide to the new owner or lessee of any interest in the Site a copy of the Phase III Environmental Site Assessment Report as referenced before, this covenant. No conveyance of title, easement, lease, or other interest in the property shall be consummated by the owner with adequate and complete provision for continued compliance with this restrictive covenant. Copies of this Restrictive Covenant shall be furnished to any transferee of such real property.

Section 3. The owner or successor owner must notify and obtain approval from Ecology, or from a successor agency, prior to any use of the Site that is inconsistent with the terms of this restrictive dovenant. Ecology or its successor agency may approve such a use only after public notice and comment.

Section 4. The owner or successor owner shall grant Ecology, or successor agency, and its designated representatives the right to enter the site at reasonable times for the purpose of carrying out its duties under Chapter 70.105D RCW, including the right to take samples, inspect records.

Section 5. The owner of the Site and any successor owners reserve the right under WAC 173-340-440 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 of a successor agency. Ecology, or a successor agency may consent to the recording of such an instrument only after public notice and comment, and only if a restrictive covenant is no longer required by law at this site.

Darrell L. Siria  
12023 N. Hemlock Ct.  
Spokane, WA 99218-3501



Darrell L. Siria

5-9-97  
Date

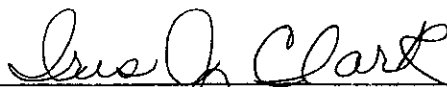
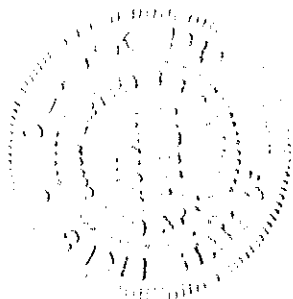
STATE OF WASHINGTON

:SS

COUNTY OF SPOKANE

On this 9th day of May, 1997, before me personally appeared DARRELL L. SIRIA to me known to the individual described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their own free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first above written.



NOTARY PUBLIC IN AND FOR THE STATE  
OF WASHINGTON, residing in Spokane.