

## Environmental Covenant

**Grantor:** Wenatchee School District – Foothills Middle School  
**Grantee:** State of Washington, Department of Ecology  
**Legal:** Lot 2, Short Plat #1930  
**Tax Parcel No.:** 232033783272  
**Cross Reference:** 1410 Maple Street

Grantor, Wenatchee School District, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this 12<sup>th</sup> day of August, 2008 in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

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

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following document[s]:

Site Hazard Assessment for Foothills Middle School, Washington State Department of Ecology, February 22, 1995. These documents are on file at Ecology's Central Region Office.

This Covenant is required because the Remedial Action resulted in residual concentrations of lead and arsenic which exceed the Model Toxics Control Act Method A Cleanup Level(s) for soil established under WAC 173-340-900.

The undersigned, Wenatchee School District, is the fee owner of real property (hereafter "Property") in the County of Chelan, State of Washington, that is subject to this Covenant. The Property is legally described AS FOLLOWS: Those portions as recorded in Book 710 at Pages 122 and 123 under Auditor's file number 721938; Book 944 at Pages 1834, 1835 and 1836 under Auditor's file number 9103010023; Book 948 at Page 1347 under Auditor's file number 9105160041; and Lot 2 of Chelan County Short Plat number 1930 as recorded in Book SP-7 of Short Plats at Page 22, records of Chelan County, Washington. Except Book 771 at Page 976 under Auditor's file number 807024. All situate in Section 33, Township 23 North, Range 20 East, of the Willamette Meridian.

Wenatchee School District 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").

Section 1. Any activity on the Property that may result in the significant 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. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, bulldozing or earthwork. This does not include normal maintenance activities, including: soil aeration and irrigation system repair.

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 monitoring, operation, and maintenance of the Remedial Action.

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

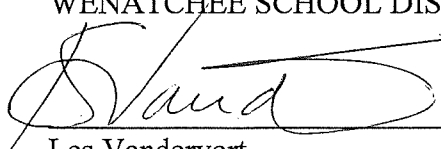
Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Covenant. Ecology may approve any inconsistent use only after public notice and comment.

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, to determine compliance with this Covenant, 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 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.

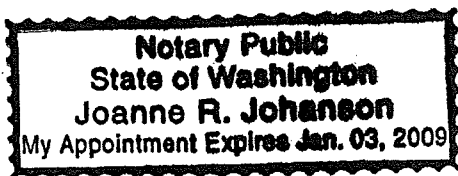
WENATCHEE SCHOOL DISTRICT

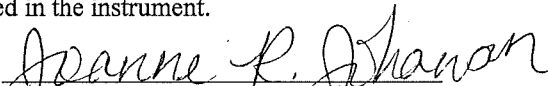
  
Les Vandervort  
CFO

Dated: 8/13/08

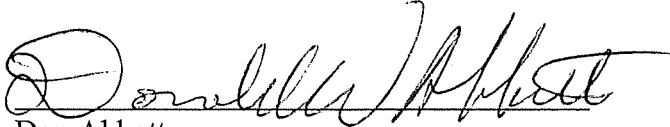
STATE OF Washington  
COUNTY OF Chelan

On this 13th day of August, 2008, I certify that Les Vandervort personally appeared before me, acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument, and acknowledged it as the Chief Financial Officer of Wenatchee School District to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.



  
Notary Public in and for the State of Washington  
Residing at Wenatchee, WA.  
My appointment expires 1/03/2009.

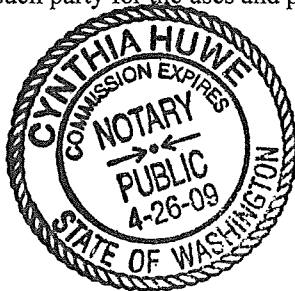
STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

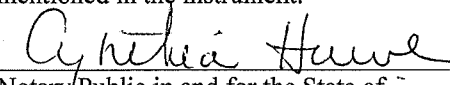
  
Don Abbott  
Section Manager

Dated: Aug 13 2008

STATE OF Washington  
COUNTY OF Yakima

On this 18 day of August, 2008 I certify that Don Abbott personally appeared before me, acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument, and acknowledged it as the Section Manager of WA Ecology to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.



  
Notary Public in and for the State of  
Washington, residing at Yakima  
My appointment expires 4/26/09

