

Environmental Covenant

Grantor: Wenatchee School District – John Newbery Elementary School
Grantee: State of Washington, Department of Ecology
Legal: Lot 2, Short Plat #2699
Tax Parcel No.: 222005142200
Cross Reference: 850 N. Western

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 12th 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 John Newberry Elementary School, Washington State Department of Ecology, June 29, 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 590 at Page 483, under Auditor's file number 545502; Book 954 at Pages 997 thru 1006 inclusive, under Auditor's file number 9108280018, records of Chelan County, Washington. Except Book 978, Pages 402 to 404, Auditor's file number 9209140011: except Book 978, Pages 1499 and 1500, Auditor's file number 9209170003; except Book 969, Pages 1478 and

1479, Auditor's file number 9303100041. All situated in Section 5, Township 22 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.

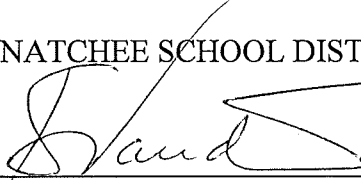
Section 5. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.

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.

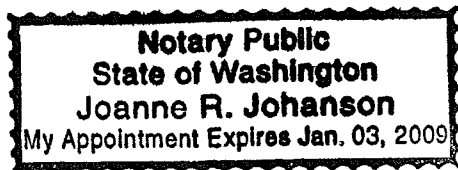
WENATCHEE SCHOOL DISTRICT

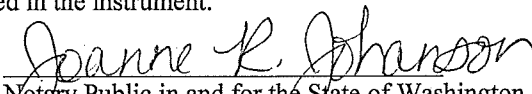

Les Vandervort
CFO

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.

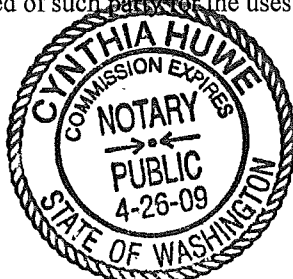
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

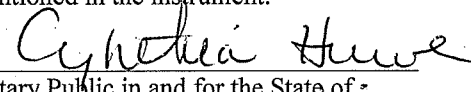

Don Abbott
Section Manager

Dated: Aug 18 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

