



WHEN RECORDED RETURN TO:

**William F. Almon, P.S.
218 East "A" Street
Yakima WA 98901-2692**

**FILE# 7691187
YAKIMA COUNTY, WA
05/12/2010 10:24:11AM
COVENANT
PAGES: 5
FIDELITY TITLE COMPANY**

Recording Fee: 66.00

DOCUMENT TITLE: Environmental Covenant

MISC

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED: None

GRANTOR: Hyattcenters-Landmark, Inc.

GRANTEE: State of Washington, Department of Ecology

**LEGAL DESCRIPTION: Lots 1 and 2 of the Plat of Professional View West,
according to the Plat thereof recorded December 19, 1995,
under Yakima County Auditor's File No. 3119283.**

TAX PARCEL NUMBER: 181314-43475

RECEIVED

APR 21 2010

DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

After Recording Return to:
Jason Shira
Department of Ecology
15 W. Yakima Avenue
Yakima WA 98902

Environmental Covenant

Grantor: HYATTCENTERS-LANDMARK, INC.
Grantee: State of Washington, Department of Ecology
Legal: Lot 1 & 2, plat of Professional View West, according to plat filed AF 3119283
Tax Parcel Nos.: 181315-43475
Cross Reference: N/A

Grantor, HYATTCENTERS-LANDMARK, INC., a Washington corporation, 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 9th day of April, 2010 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 HYATTCENTERS-LANDMARK, INC., 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 documents:

AGRICULTURAL CHEMICAL SOIL OPERATIONS AND MAINTENANCE PLAN
LANDMARK CARE CENTER, dated February 11, 2000, issued as Project Number Y96530
by Fulcrum Environmental Consulting, Inc.

These documents are on file at Ecology's Yakima Office.

This Covenant is required because the Remedial Action resulted in residual concentrations of Arsenic, Lead and DDT which exceed the Model Toxics Control Act Method Cleanup Level(s) for SOIL established under WAC 173-340-440.

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

Lots 1 and 2 of the plat of Professional View West, according to the Plat thereof recorded December 19, 1995, under Yakima County Auditor's File No. 3119283.

HYATTCENTERS-LANDMARK, INC., 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.

a. A portion of the Property contains Arsenic, Lead and dichlorodiphenyltrichloroethane (DDT) contaminated soil located Under impermeable surfaces such as a building 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 structures in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology nor create a new exposure pathway without prior written approval from Ecology.

b. Any activity on the Property that may result in the 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, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

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

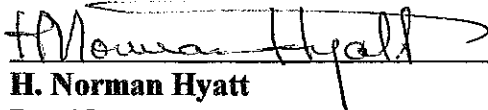
Section 5. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Covenant. Ecology may approve any inconsistent use only after public notice and comment.

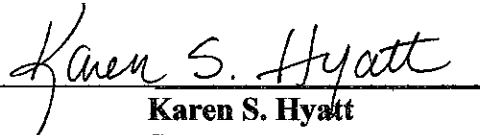
Section 6. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, to determine compliance with this Covenant, and to inspect records that are related to the Remedial Action.

Section 7. 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.

HYATTCENTERS-LANDMARK, INC.


H. Norman Hyatt
President

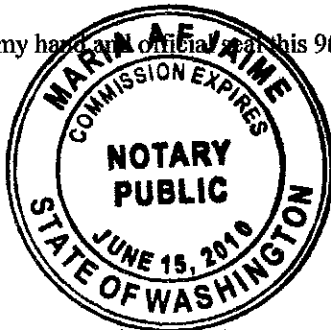

Karen S. Hyatt
Secretary

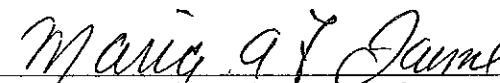
Dated: April 9, 2010

STATE OF WASHINGTON)
) ss.
County of Yakima)

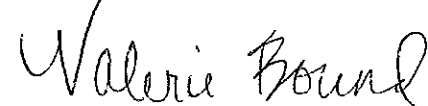
I certify that I know or have satisfactory evidence that H. NORMAN HYATT and KAREN S. HYATT signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the President and Secretary, respectively, of HYATTCENTERS- LANDMARK, INC., a Washington corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this 9th day of April, 2010.

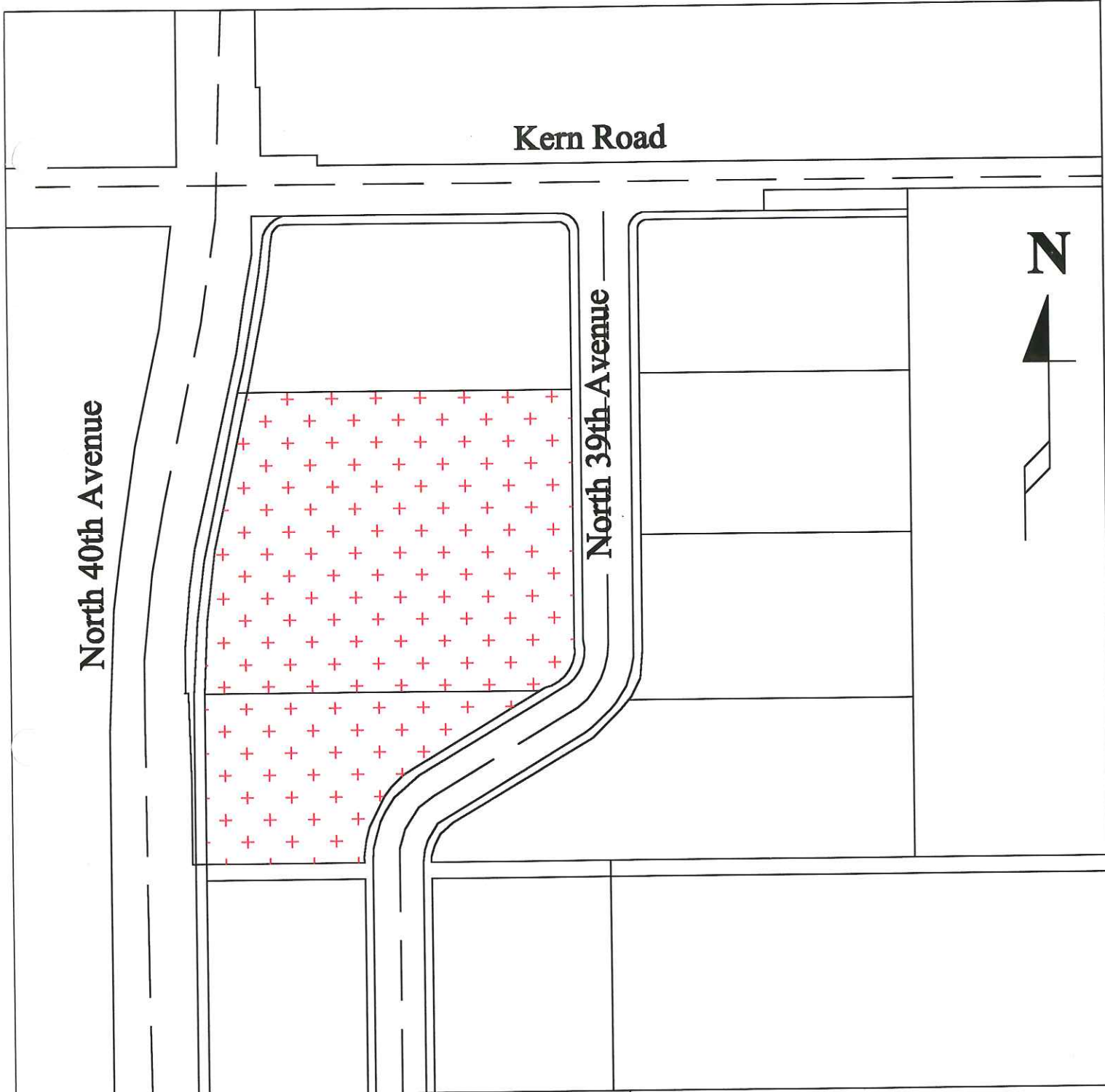



NOTARY PUBLIC in and for the State of
Washington, residing at Yakima.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY


Valerie Bound
Section Manager

Dated: 5-10-10



LEGEND

Subject Site (Lots 1 & 2): 

Roads: — — — — —

Scale: NTS

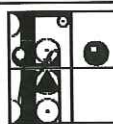
Map provided by Traho Architects

FIGURE 2

Subject Site Map

Landmark Care Center

Yakima, Washington



Fulcrum Environmental Consulting, Inc.
122 South Third Street
Yakima, Washington 98901
509-574-0839

DRAWN BY: CRH

PROJECT NUMBER: 96530

DATE: 02/08/2000

FILE NAME: Landmark Care Center