



PERIODIC REVIEW

**Eastside Jeep and Eagle (former)
Facility Site ID#: 2497**

**400 116th Avenue N.E.,
Bellevue, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

September 2009

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup site conditions and monitoring data to ensure that human health and the environment are being protected at the former Eastside Jeep and Eagle Dealership (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program and the Independent Remedial Action Program. The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
 - 1. Institutional controls or financial assurance are required as part of the cleanup
 - 2. Where the cleanup level is based on a practical quantitation limit
 - 3. Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site;
- (b) New scientific information for individual hazardous substances or mixtures present at the site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The department shall publish a notice of all periodic reviews in the site register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site Description and History

This site was historically utilized as a car dealership with an automotive service and repair facility since approximately 1964. These operations utilized below grade hydraulic hoists in the service bay area and two waste oil tanks on the north and south sides of the building. The property encompasses approximately 1.72 acres and is bounded by 116th Avenue NE on the west, the Bellevue Lincoln Mercury dealership to the north, the Performance Dodge dealership to the south, and a Burlington Northern, Inc. Railroad right-of-way to the east. There is currently a building at 200 116th Ave. NE which also formerly housed the Eastside Jeep and Eagle Dealership, but that is not the property at 400 116th Ave. NE, now a parking lot several lots north, which is the subject of this review.

The site slopes gently from the east down to the west. The property to the north is also several feet higher in elevation than the subject property resulting in a ground gradient to the south at the subject property's north side. The dealership building consisted of a one-story concrete masonry unit exterior wall, slab-on-grade structure.

A Phase I Environmental Site Audit was conducted by Northwest Geotech, Inc. in 1993 to identify the presence and/or historical usage of hazardous materials. In addition, a Phase II Site investigation, and testing of subsurface soils and groundwater was conducted also by Northwest Geotech in 1994 to evaluate conditions at several locations within the site.

The developed site slopes gradually from its eastern edge down to the western property boundary with an estimated fifteen feet of relief. The north boundary of the property is several feet higher in ground elevation than the remainder of the property. A small retaining wall was present along the eastern half of the northern property boundary and there was a slight slope from the north property boundary down to the building on the property's western half. The property's surface had been covered in its entirety with asphaltic and concrete pavements and building structures. No mounding was evident within the property boundaries during the environmental assessment.

Subsurface boring explorations indicate that the property is underlain by a very hard, dense, gravelly, sandy silt/silty sand also called Vashon till or commonly known as hardpan. Borings completed within the building and at former tank locations encountered a silty sand fill above the Vashon till. Thin sand lenses were encountered at various depths within the Vashon till.

No surficial ponding of water was observed on the site. The property is covered with asphalt and all surficial drainage within the property appears to be directed to a public storm water collection system. Surficial drainage as indicated from available topographic information would appear to be in an overall westerly direction. Some localized surficial drainage in a southerly direction also exists at the property's northern border. Based on the United States Geological Survey topographic map, and general topographic relief, it appears reasonable to assume groundwater flow is in a southwesterly direction.

2.2 Site Investigations and Cleanup

Soil borings were taken at selected areas throughout the property and within the service bay area. These borings encountered native sandy silts and fill deposits of silty sands containing gravel. Four groundwater monitoring wells were installed along the property's north side. More wells have been installed over the years subsequent to the initial investigation. Visual observation and analytical testing of the soil and groundwater that was accomplished during the course of this investigation identified soil and groundwater contamination in two areas of the property. Soil contamination was identified in the service bay area at the vaulted hoist locations. Groundwater contamination was also identified along the north property boundary in an area south of where soil remediation had taken place on the Bellevue Lincoln Mercury property. Four localized monitoring wells have been constructed on the northern section of the property by Northwest Geotech, Inc. during this investigation. Three of these wells were subsequently surveyed for relative top of casing elevations and groundwater elevations. Based upon this information, the groundwater flow appears to be in a southwesterly direction.

The Lincoln Mercury property to the north has undergone some remediation of the soil along its southern boundary. To the south, the Performance Dodge has had a waste oil tank removed and several monitor wells were also observed. The site reconnaissance also identified approximately thirty 55 gallon drums deposited within the railroad right-of-way to the northeast of the subject site. The information regarding the disposition of these drums has not been readily available, but were not observed during the Site visit.

The results of the independent remedial action of petroleum hydrocarbons in soil and groundwater associated with the hydraulic lifts and a trench drain in the service bay at the former Eastside Jeep Eagle (EJE) dealership is documented in a December 20, 1996 Dames and Moore report. This property was owned by Chrysler Realty Corporation. The soil cleanup and associated subgrade equipment removal was conducted by Dames & Moore and a subcontractor CET Environmental, Inc. Northwest Geotech, Inc. (NGI) conducted an Environmental Site Assessment, Phase II Site Characterization, and Groundwater Monitoring at the EJE property between 1993 and 1996. The results of these investigations indicated that petroleum hydrocarbons and volatile organic compounds were detected in subsurface soil and groundwater near several former underground hydraulic lifts and the trench drains within the service bays. Because the concentrations of total petroleum hydrocarbons (TPH) detected in the soil and groundwater exceeded the Washington Model Toxics Control Act (MTCA) cleanup level of 200 mg/kg for oil range hydrocarbons, this independent remedial action was implemented to remove subsurface soil adversely affected by the confirmed hydrocarbon releases.

The building on the property was demolished in March 1996 and existing concrete pavement cut and removed. Approximately 2,600 cubic yards (4,360 tons) of petroleum affected soil were excavated and removed in August 1996 for off-site treatment at a low temperature thermal desorption facility (TPS Technologies, Inc.) in Tacoma, Washington. In addition, seven hydraulic lifts and their associated hardware and the surface and subsurface trench drains were excavated and transported to an appropriate recycling/disposal facility. The excavation was

primarily backfilled with clean fill soil and a limited portion of the excavation was backfilled with crushed concrete.

Following the completion of the soil remediation, Dames & Moore installed and sampled four additional monitoring wells as well as five existing monitoring wells to evaluate the potential lateral and vertical extent of volatile organic compounds (VOCs) and TPH in groundwater and to provide additional information regarding the subsurface hydrogeological conditions.

Laboratory analytical results indicate TPH and 1,4-dichlorobenzene (1,4-DCB) concentrations detected in monitoring well (MW)-13 on the southern property boundary exceed the MTCA cleanup levels. TPH was also detected at concentrations below the MTCA cleanup level in MW-15 and MW-16 which are located within 20 feet east and west of MW-13 respectively. 1,4-DCB was not detected in MW-15 or MW-16 indicating the occurrence is limited. The source of the TPH and 1,4-DCB in MW-13 is unknown and TPH was not detected in a soil sample collected from the boring at a depth of 7½ feet below ground surface (bgs). A groundwater mound was identified in the area of MW-13 and the presence of these compounds may be associated with a localized recharge source either directly influencing TPH concentrations or indirectly contributing to TPH levels (i.e. leakage from the storm drain contacting low levels of TPH in soil). Therefore, groundwater affected by TPH and VOCs (1,4-DCB) appears to be limited the vicinity of MW-13.

Bis-(2-ethylhexyl)phthalate concentrations exceeding the MTCA cleanup level were detected in monitoring well MW-20S located west of the excavation. Bis-(2-ethylhexyl)phthalate is a common laboratory contaminant and its detection in the MW-20S sample appears to be anomalous.

TPH, ethylene glycol, VOCs, and semi-VOCs and were either undetected or detected at concentrations below the MTCA cleanup levels in other monitoring wells sampled as part of the post-excavation groundwater characterization including monitoring wells located both laterally and vertically downgradient of the remedial excavation. This indicates the potential sources of TPH and VOCs appear to have been effectively removed from the site and no offsite migration of contaminants from the former lifts, trench drain and UST areas is occurring.

The shallow groundwater at the EJE property is not currently used as a drinking water source. Physical testing of the saturated zone combined with observations during the soil excavation indicates it is unlikely that the shallow groundwater could be a future drinking water source due to the shallow depth and low yield of the groundwater occurrence. It is unlikely that this shallow groundwater is hydraulically connected to the regional groundwater aquifer which occurs at a depth of approximately 100 feet.

The cleanup reports regarding the EJE property concluded soil containing TPH and VOCs at concentrations exceeding the MTCA Method A and B soil cleanup levels was removed from the EJE property. Dames & Moore's opinion was that TPH and VOC concentrations in EJE property soil did not exceed MTCA cleanup levels and that further investigation or remedial action of soil was not warranted.

Groundwater affected by TPH and VOCs (1,4-DCB) appears to be limited to the vicinity of MW-13. Documentation supports that: (1) the TPH/VOC sources have been removed, (2) the occurrence of TPH and 1,4-DCB in groundwater is limited to the immediate vicinity of MW-13, (3) the low permeability of the glacial till beneath the site restricts lateral and vertical groundwater movement, (4) the depth to regional groundwater is approximately 100 feet, (5) potential receptors including surface water bodies and drinking water wells are not present within a ½-mile radius of the EJE property, and (6) natural biodegradation processes will likely reduce TPH concentrations in groundwater over time. Thus, there is a very low to remote potential for significant future migration of the residual TPH. Consequently, it was Dames & Moore's opinion that: (1) the cleanup action implemented at the EJE property and the current site conditions are protective of the present and future human health and environment from potential impacts of the remaining limited amounts of residual TPH in groundwater, and (2) further investigation, remedial actions or monitoring are not warranted.

Summarizing, environmental investigations were performed at the site beginning in 1993 by Northwest Geotech, Inc. and continued by Dames & Moore in 1995 through 1997. In addition, remediation of gasoline in soil and groundwater on the site was accomplished by Nowicki and Associates in 1996. The results of the site remediation were submitted to Ecology under the Independent Remedial Action Program in November and December 1996. Ecology reviewed the remedial action and provided review comments and a request for additional information in a letter dated March 12, 1997. Dames & Moore provided the additional information in a letter dated May 12, 1997. The results of additional groundwater sampling were presented in a report entitled "Final Supplemental Groundwater Monitoring Report" dated September 9, 1997. In addition, Nowicki and Associates has submitted quarterly groundwater monitoring reports for the Chrysler property through 1998 which indicate gasoline concentrations in groundwater are well below MTCA cleanup levels on the 400 116th property, although the off-property source of the gasoline to the north has not been completely remediated. A barrier wall was constructed to prevent recontamination from the off-property source. Ecology issued a letter of 'No Further Action' in May 1999 after sufficient groundwater monitoring. Since the off-property source of gasoline is not cleaned up, this letter should be considered a property only 'No Further Action' for the gasoline related contamination. Contamination originating on the subject property was fully addressed except for residual TPH in the groundwater at MW-13. A conditional point of compliance for groundwater was assumed and a restrictive covenant was recorded for this exceedance to allow a property transaction to proceed, even though the level of contamination was rapidly improving due to the successful soil cleanup.

2.3 Sample Results

The previous section contains sampling information. Please also see references (Section 5.0) consultants' reports for additional sampling data.

2.4 Cleanup Levels

MTCA Method A was used to determine cleanup levels for the Site, although some calculations for a Method B approach were made in the planning reports.

2.5 Restrictive Covenant

Based on parking lot property use, surface cover and cleanup levels, it was determined that the property was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 1999 which imposed the following limitations:

Section 1. No groundwater may be taken for domestic uses from the Property. Domestic groundwater uses include, but are not limited to, water used for drinking, bathing, swimming, washing dishes, preparing foods, or watering gardens in which produce intended for human consumption is grown.

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 Restrictive 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 Restrictive 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, 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 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, concurs.

The Restrictive Covenant is available as Appendix 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy. The adjacent property's gasoline contamination is not reported as having been cleaned up except for that which impacted the subject property.

Based upon the site visit conducted on September 24, 2009, the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The asphalt appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still a completely paved parking lot. A photo log is available as Appendix 6.5.

Groundwater with TPH concentrations higher than MTCA cleanup levels may be still present at the Site. However, the remedy prevents human exposure to this contamination by ingestion and direct contact with soils, and a conditional point of compliance for the groundwater was accepted by Ecology. The remedy prevents surface water infiltration. It should be noted that no long-term monitoring of groundwater was required unless the property owner wished to remove the covenant. The Restrictive Covenant for the property will ensure that any contamination remaining is contained and controlled.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new scientific information for the contaminants related to the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

The cleanup at the site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the site above the new MTCA

Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH-Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500
NL = None listed				

3.4 Current and projected site use

The site is currently used for a parking lot purposes. There have been no changes in current or projected future site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels for contamination originating on EJE property at 400 116th Ave. NE have been met at the standard point of compliance for the Site, and groundwater levels are met at a conditional point of compliance. The cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the site to assure that the integrity of the remedy is maintained. It should be noted that the original 1999 'No Further Action' letter issued by Ecology is not clear regarding the separation of the gasoline contamination of the adjacent property from the hydraulic lift contamination of the subject property. These are two separate Sites and letters may need to be rescinded and re-issued by Ecology's Voluntary Cleanup Program to more adequately explain the situation.

4.1 Next Review

The next review for the site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

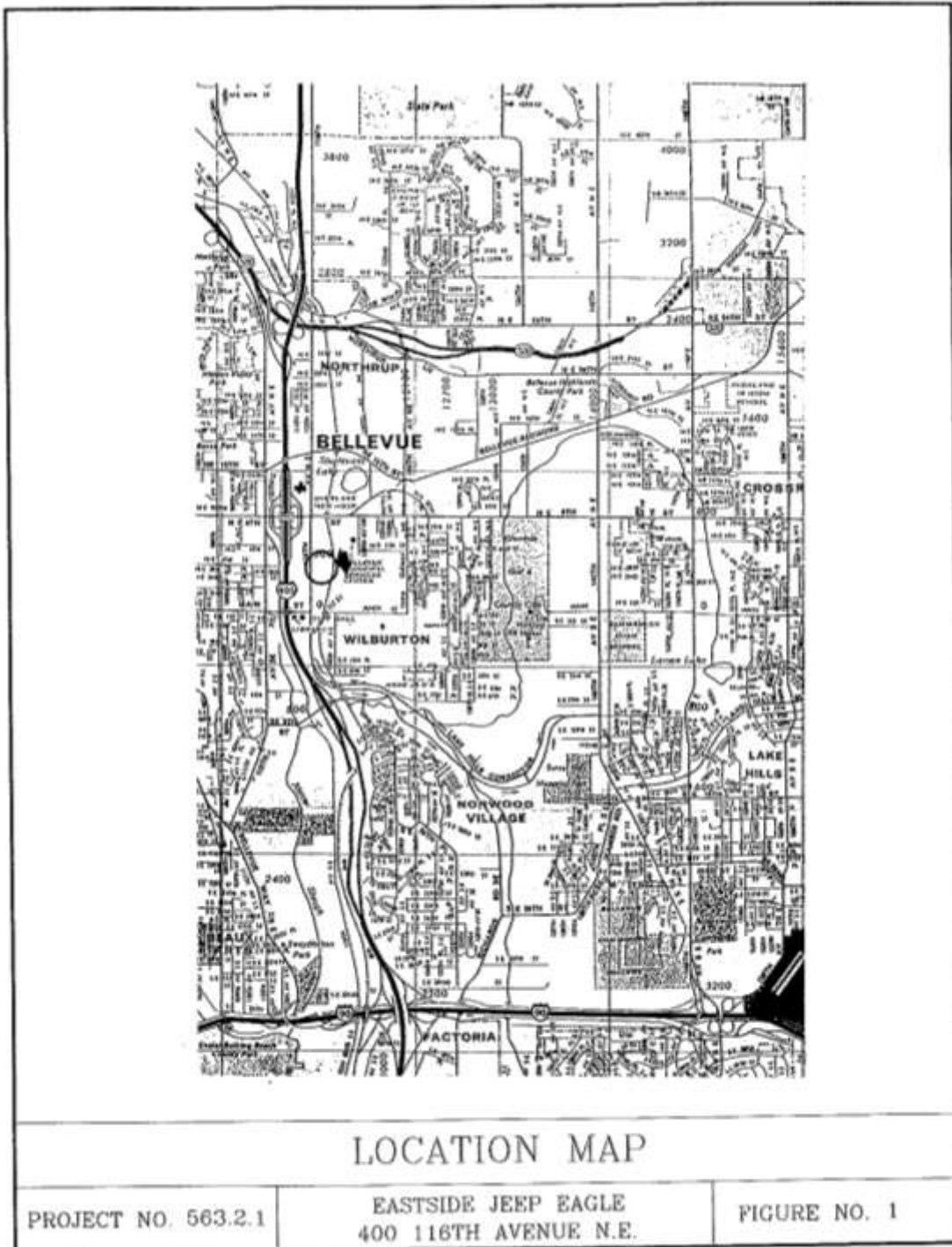
No periodic review would be required if the restrictive covenant was removed. Based on sampling data trends a decade ago it may be possible to provide Ecology with current groundwater data to show that groundwater has remediated.

5.0 REFERENCES

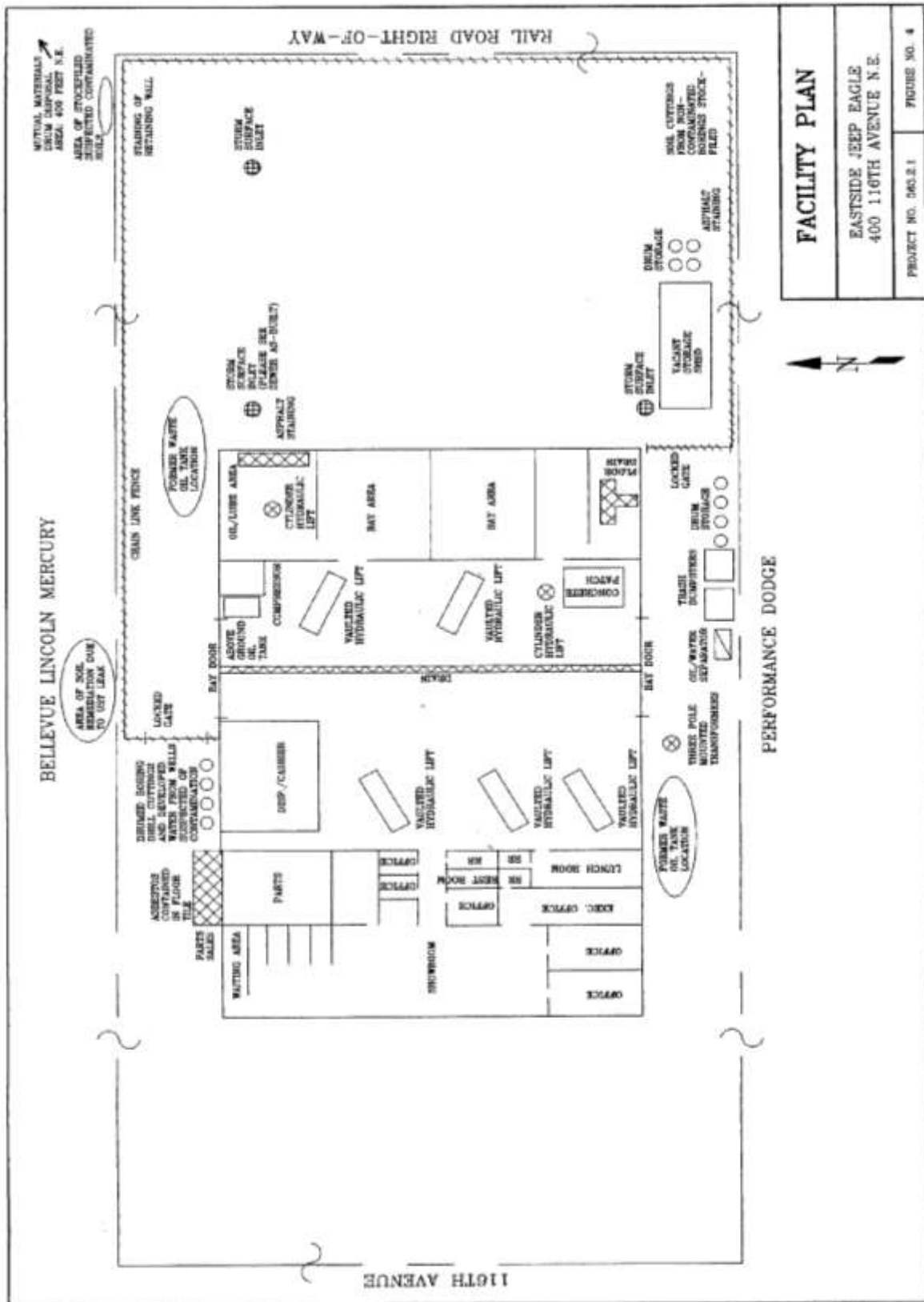
Environmental Site Assessment, by Northwest Geotech, Inc. September 23, 1993;
Phase II Site Characterization, by Northwest Geotech, Inc. March 11, 1994;
Environmental Work Plan for Gasoline Plume at Bellevue Lincoln Mercury and Chrysler Realty sites, by Nowicki and Associates, May 12, 1995;
Proposed Remediation Plan, North Gasoline Plume, by Northwest Geotech, Inc., June 29, 1995;
Ground Water Monitoring Report, by Northwest Geotech, Inc., June 15, 1995;
Remedial Action Plan, by Northwest Geotech, Inc., September 27, 1995;
Ground Water Monitoring Report, by Northwest Geotech, Inc., October 23, 1995;
Ground Water Monitoring Report, by Northwest Geotech, Inc., January 23, 1996;
Ground Water Monitoring Report, by Northwest Geotech, Inc., April 26, 1996;
Gasoline Remediation, by Nowicki and Associates, November 1996;
Report: Hydraulic Lift Removal and Independent Remedial Action, Dames & Moore, December 20, 1996;
Ground Water Monitoring Report, First Quarter 1997, by Nowicki and Associates, February 26, 1997;
Ground Water Monitoring Report, Second Quarter 1997, by Nowicki and Associates, May 1997;
Supplemental Information, Hydraulic Lift Removal and Independent Remedial Action, Dames & Moore, May 12, 1997;
Ground Water Monitoring Report, Third Quarter 1997, by Nowicki and Associates, August 1997;
Ground Water Monitoring Report, Fourth Quarter 1997, by Nowicki and Associates, November 1997;
Final Supplemental Groundwater Monitoring Report, by Dames & Moore, September 9, 1997;
Site Assessment Report, by Enviros, Inc., June 16, 1992;
Draft Report, Groundwater and Soil Assessment and Characterization, by Enviros, Inc., May 31, 1994;
Remedial Investigation Report, by Nowicki and Associates, October 10, 1994;
Feasibility Study, by Nowicki and Associates, October 31, 1994;
Soil Borings, Alignment pit and Hoist Removals, by Nowicki and Associates, October 1996;
First Quarter Groundwater Monitoring 1997, by Nowicki and Associates, February 1997;
Second Quarter Groundwater Monitoring 1997, by Nowicki and Associates, April 1997;
Third Quarter Groundwater Monitoring 1997, by Nowicki and Associates, July 1997;
Fourth Quarter Groundwater Monitoring 1997, by Nowicki and Associates, October 1997;
First Quarter Groundwater Monitoring 1998, by Nowicki and Associates, January 1998;
Second Quarter Groundwater Monitoring 1998, by Nowicki and Associates, April 1998;
1998 Supplemental Groundwater Monitoring report, IRA — Former Eastside Jeep Eagle Dealership, by Dames & Moore October 1, 1998;
Ecology, 1999, Restrictive Covenant;
Ecology, 2009, Site Visit.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan



6.3 TPH-Dx Concentration Map

Not available.

6.4 Environmental Covenant

WHEN RECORDED RETURN TO:

NAME: Chicago Title Insurance
ADDRESS: 40 Oak Hollow, suite 350
CITY, STATE, ZIP: Southfield, MI 48034

Attn: Cathy Mac

Chicago Title Insurance Company

701 5th Avenue - Suite 1700 - Seattle, Washington 98104

#12

9903121799

DOCUMENT TITLE(s)

1. Restrictive Covenant
- 2.
- 3.
- 4.

W 9902526

REFERENCE NUMBER(s) OF DOCUMENTS ASSIGNED OR RELEASED:

Additional numbers on page _____ of document

GRANTOR(s):

1. Chrysler Realty Corporation
- 2.
- 3.

Additional names on page _____ of document

GRANTEE(s):

1. Washington Department of Ecology
- 2.
- 3.

Additional names on page _____ of document

LEGAL DESCRIPTION

Lot-Unit: _____ Block: _____ Volume: _____ Page: _____

Section: 33 Township: 25N Range: 5E

Plat Name: _____

Additional legal description is on page _____ of document

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER(s): 332505-9151

Additional legal description is on page _____ of document

The 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.

9903121799 11:03:00 AM KING COUNTY RECORDS DOC 99 12.00

RESTRICTIVE COVENANT

*This document was prepared by
and after recording return to:*
Diana M. Jagiella
Howard & Howard Attorneys,
P.C.
321 Liberty Street, Suite 200
Peoria, IL 61602
Tel. 309/672-1483

RESTRICTIVE COVENANT

**OWNER: CHRYSLER REALTY CORPORATION
PROPERTY NAME: FORMER EASTSIDE JEEP EAGLE DEALERSHIP
PROPERTY IDENTIFICATION NUMBER: 3325059151**

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1) (f) and (g) and WAC 173-340-440 by CHRYSLER REALTY CORPORATION (hereinafter referred to as "CRC"), its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

The undersigned, CRC, is the fee owner of real property (hereafter "Property"), commonly known as 400 116th Avenue NE, Bellevue, in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in Attachment A of this Restrictive Covenant and made a part hereof by reference.

An independent remedial action (hereinafter "Remedial Action") occurred at the Property. The Remedial Action conducted at the Property is described in the following documents:

Report Hydraulic Lift Removal and Independent Remedial Action prepared by Dames & Moore dated December 20, 1996,

Final Supplemental Groundwater Monitoring Report IRA prepared by Dames & Moore dated September 9, 1997, and

Supplemental Groundwater Monitoring Report IRA prepared by Dames & Moore dated September 9, 1998.

These documents are on file with Ecology's Toxics Clean up Program at Ecology's office located at 3190 160th Avenue SE, Bellevue, Washington 98008-5452.

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This Restrictive Covenant is required because residual concentrations of Total Petroleum Hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Level(s) for groundwater established under WAC 173-340-720 remain at the Property following the Remedial Action.

CRC 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. No groundwater may be taken for domestic uses from the Property. Domestic groundwater uses include, but are not limited to, water used for drinking, bathing, swimming, washing dishes, preparing foods, or watering gardens in which produce intended for human consumption is grown.

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 Restrictive 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 Restrictive 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, and to inspect records that are related to the Remedial Action.

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Section 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, concurs.

CHRYSLER REALTY CORPORATION

By: [Signature]

Its: Area Manager

Date: 1/22/99

STATE OF MICHIGAN)
COUNTY OF OAKLAND) S.S.

I, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY, that D. F. Green, personally known to me to be the Area Manager of Chrysler Realty Corporation, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such officer he/she signed and delivered the said instrument of writing as officer of said Corporation, pursuant to authority given by the Board of Directors of said Corporation as his/her free and voluntary act, and as the free and voluntary act and deed of said Corporation for the uses and purposes therein set forth.

9902121799

GIVEN under my hand and notarial seal, this 22nd day of January, 1999.

Peter J. Tompkins
Notary Public
PETER J. TOMPKINS
Notary Public, Macomb County, Michigan
Acting in Oakland County, Michigan
My Commission Expires: Oct. 5, 2000

After Recording Return to:
Cathy
Chicago Title
40 Oak Hollow, Ste 350
Southfield, MI 48078

www.chrysler.com/vehicles/docs/0401-cc.pdf

UNOFFICIAL

ATTACHMENT A

THE SOUTH 149 FEET OF THE NORTH 542 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, LYING WEST OF THE NORTHERN PACIFIC RAILWAY RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTH $0^{\circ} 19' 43''$ WEST ALONG THE WEST LINE OF SAID SECTION 821.00 FEET; THENCE SOUTH $89^{\circ} 19' 26''$ EAST 50.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 2-A (116th AVENUE NORTHEAST) AND THE TRUE POINT OF BEGINNING; THENCE SOUTH $0^{\circ} 19' 43''$ WEST ALONG SAID RIGHT-OF-WAY 817.89 FEET, THENCE SOUTH $89^{\circ} 26' 52''$ EAST 467.89 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE NORTHERN PACIFIC RAILWAY; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT SOUTH $89^{\circ} 19' 26''$ EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH $89^{\circ} 19' 26''$ WEST 442.63 FEET TO THE TRUE POINT OF BEGINNING.

Commonly known as: 400 116th Avenue NE, Bellevue, Washington

P.I.N. 3325059151

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**Attachment A to
Restrictive Covenant
Former Eastside Jeep Eagle Dealership
P.I.N.: 3325059151**

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6.5 Photo log

Photo 1: View of the property looking north - from the south property line



Photo 2: View looking south - from the north property line



Photo 3: Two monitoring wells (far one barely visible) at south end – looking west



Photo 4: A monitoring well on the northerly adjacent property – looking over a fence

