



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 5, 2011

Mr. Jeremy M. Lynn
Fulcrum Environmental Consulting, Inc.
406 North 2nd Street
Yakima, WA 98901

Mr. Scott Clark
United Builders of Washington
2112 West Nob Hill Boulevard
Yakima, WA 98902

Re: No Further Action at a Property associated with a Site:

- **Property Address:** 408 South 41st Street, Yakima
- **Facility/Site No.:** 4294905
- **VCP Project No.:** CE0270

Dear Mr. Lynn and Mr. Clark:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of Properties associated with the Villas at Terrace Heights facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issues Presented and Opinion

1. Is further remedial action necessary at the Properties to clean up contamination associated with the Site?

NO. Ecology has determined that no further remedial action is necessary at the Properties to clean up contamination associated with the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Properties and the Site

This opinion applies only to the Properties and the Site described below. This opinion does not apply to any other sites that may affect these Properties. Any such sites, if known, are identified separately below.



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1. Description of the Properties.

Each Property has a separate tax parcel number. The tax parcels defining each Property are listed below:

- 191321 – 14416
- 191321 – 14419
- 191321 – 14427
- 191321 – 14433
- 191321 – 14473

Enclosure A includes a legal description of the Properties. The location of the Properties within the Site is illustrated in **Enclosure B**.

2. Description of the Site.

The Site is defined by the nature and extent of contamination associated with the following releases:

- Arsenic in soil
- Lead in soil
- Dieldrin in soil

Those releases have affected more than one parcel of real property, including the parcels identified above.

Enclosure B includes a detailed description and diagram of the Site, as currently known to Ecology.

3. Identification of Other Sites that may affect the Properties.

Please note that a parcel of real property can be affected by multiple sites. At this time, we have no information that these Properties are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. *No Further Action Status Request*, July 2, 2010, Fulcrum Environmental Consulting, Inc.
2. *Interim Action Plan*, July 27, 2007, United Builders of Washington, Inc.

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3. *Phase One Environmental Site Assessment*, October 5, 2005, Wolfe Environmental Consulting, Inc.

Those documents are kept in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling the CRO resource contact, Roger Johnson, at (509) 454-7658.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

1. Cleanup of the Properties located within the Site.

Ecology has concluded that **no further remedial action** is necessary at these Properties to clean up contamination associated with the Site. That conclusion is based on the following analysis:

a. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards for the Site and select a cleanup for these Properties. The Site is described above and in **Enclosure B**.

b. Establishment of cleanup standards for the Site.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

i. Cleanup levels.

MTCA Method A cleanup levels have been selected as the appropriate cleanup standards for the Site.

ii. Points of compliance.

The point of compliance for soil is defined as soils throughout the Site.

c. Selection of cleanup for the Properties.

Ecology has determined the cleanup you selected for these Properties meets the

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substantive requirements of MTCA. The cleanup meets the minimum cleanup requirements and does not exacerbate conditions or preclude reasonable cleanup alternatives elsewhere at the Site.

Soil capping was selected as the final cleanup action at the Site. Contaminated soils were excavated where possible and placed under foundations and asphalt surfaces. Clean soils were imported and placed over the portions of each lot that were not covered by impermeable surfaces.

d. Cleanup of the Properties.

Ecology has determined the cleanup you performed meets the applicable Site cleanup standards within each Property. This determination is dependent on the continued performance and effectiveness of the post-cleanup controls and monitoring specified below.

2. Cleanup of the Site as a whole.

Ecology has concluded that **further remedial action** under MTCA is still necessary elsewhere at the Site. In other words, while your cleanup constitutes the final action for these Properties, it constitutes only an **“interim action”** for the Site as a whole.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control is necessary at the Property:

- Environmental Covenant

An Environmental Covenant has been recorded for the entire Site. The Environmental Covenant was incorporated into the Covenants, Conditions and Restrictions (commonly referred to as CC&Rs) for the Villas at Terrace Heights development and recorded with Yakima County.

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Ecology approved the recorded Covenant.

Periodic Review of Post-Cleanup Conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Properties to ensure that they remain protective of human health and the environment. If we conduct a periodic review and determine further remedial action is necessary at the Property, then we will withdraw this opinion.

Listing of the Site

Based on this opinion, Ecology will update the status of remedial action at the Site on our database of hazardous waste sites. However, because further remedial action is still necessary elsewhere at the Site, we will not remove the Site from our lists of hazardous waste sites. Furthermore, the Properties will remain listed as part of the Site because the cleanup of the Properties does not change the boundaries of the Site.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Change the boundaries of the Site.
- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

MEMORANDUM

DATE: December 9, 2010

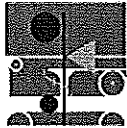
PAGE: 1 of 1

TO: Jeff Newschwander
CO: Washington State
Department of Ecology
Central Regional Office

FROM: Jeremy M. Lynn
Fulcrum Environmental Consulting, Inc.
406 North 2nd Street
Yakima, Washington 98901
p: 509.574.0839 f: 509.575.8453

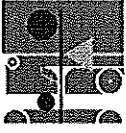
RE: Parcel Description Information – The Villas at Terrace Heights

Please find the attached table presenting residential lot descriptions, as well as, the associated Short Plat map as recorded at the Yakima County Assessor's Office for The Villas at Terrace Heights development. Feel free to call me at 509.574.0839 with any questions.



The Villas at Terrace Heights Residential Development: Parcel Legal Descriptions

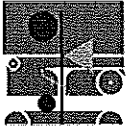
Lot	Yakima County Assessor's Office Tax Parcel Identification	Legal Description
Lot 1	191321-14411	Lot 1, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 2	191321-14412	Lot 2, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 3	191321-14413	Lot 3, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 4	191321-14414	Lot 4, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 5	191321-14415	Lot 5, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 6	191321-14416	Lot 6, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 7	191321-14417	Lot 7, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 8	191321-14418	Lot 8, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 9	191321-14419	Lot 9, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 10	191321-14420	Lot 10, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 11	191321-14421	Lot 11, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 12	191321-14422	Lot 12, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 13	191321-14423	Lot 13, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 14	191321-14424	Lot 14, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 15	191321-14425	Lot 15, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 16	191321-14426	Lot 16, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 17	191321-14427	Lot 17, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.



Lot	Yakima County Assessor's Office Tax Parcel Identification	Legal Description
Lot 18	191321-14428	Lot 18, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 19	191321-14429	Lot 19, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 20	191321-14430	Lot 20, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 21	191321-14431	Lot 21, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 22	191321-14432	Lot 22, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 23	191321-14433	Lot 23, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 24	191321-14434	Lot 24, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 25	191321-14435	Lot 25, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 26	191321-14436	Lot 26, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 27	191321-14437	Lot 27, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 28	191321-14438	Lot 28, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 29	191321-14439	Lot 29, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 30	191321-14440	Lot 30, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 31	191321-14441	Lot 31, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 32	191321-14442	Lot 32, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 95	191321-14445	Lot 95, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 96	191321-14446	Lot 96, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 97	191321-14447	Lot 97, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.



Lot	Yakima County Assessor's Office Tax Parcel Identification	Legal Description
Lot 98	191321-14448	Lot 98, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 99	191321-14449	Lot 99, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 100	191321-14450	Lot 100, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 101	191321-14451	Lot 101, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 102	191321-14452	Lot 102, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 103	191321-14453	Lot 103, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 104	191321-14454	Lot 104, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 105	191321-14455	Lot 105, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 106	191321-14456	Lot 106, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 127	191321-14457	Lot 127, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 128	191321-14458	Lot 128, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 129	191321-14459	Lot 129, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 130	191321-14460	Lot 130, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 131	191321-14461	Lot 131, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 132	191321-14462	Lot 132, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 133	191321-14463	Lot 133, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 134	191321-14464	Lot 134, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 135	191321-14465	Lot 135, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.



Lot	Yakima County Assessor's Office Tax Parcel Identification	Legal Description
Lot 136	191321-14466	Lot 136, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 137	191321-14467	Lot 137, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 138	191321-14468	Lot 138, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 139	191321-14469	Lot 139, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 140	191321-14470	Lot 140, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 141	191321-14471	Lot 141, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 142	191321-14472	Lot 142, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 143	191321-14473	Lot 143, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 144	191321-14474	Lot 144, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 145	191321-14475	Lot 145, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 146	191321-14476	Lot 146, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 147	191321-14477	Lot 147, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 148	191321-14478	Lot 148, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Lot 149	191321-14479	Lot 149, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Tract A	191321-14405	Tract A, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Tract B	191321-14406	Tract B, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.
Roadways	191321-14407	Private Road, Villas at Terrace Heights, Phases One & Two, as recorded May 20, 2008 under Auditor's File No. 7612438, records of Yakima County, Washington.

THE VILLAS AT TERRACE HEIGHTS, PHASES ONE & TWO

LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER
SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 EAST, W.M.
YAKIMA COUNTY, WASHINGTON

OWNERS DEDICATION AND WAIVER OF CLAIMS

KNOW ALL PERSONS BY THESE PRESENTS THAT YAKIMA JOE LLC, A WASHINGTON LIMITED LIABILITY COMPANY, IS THE FEE SIMPLE OWNER OF THE LAND HEREIN DESCRIBED; HAS WITH ITS FREE CONSENT AND IN ACCORDANCE WITH ITS DEEDS CAUSED THE SAME TO BE RECORDED IN THE PUBLIC RECORDS OF YAKIMA COUNTY, WASHINGTON, AND HAS HEREBY WAIVED AND RELEASED ALL CLAIMS AGAINST YAKIMA COUNTY AND ANY OTHER GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED BY THE ADJUNCT LAND BY THE ESTABLISHED CONSTRUCTION, DAMAGE AND MAINTENANCE OF SAID DEDICATED ROADS AND/OR RIGHTS-OF-WAY; AND DOES HEREBY GRANT AND RESERVE THE EASEMENTS AS SHOWN HEREON FOR THE USES INDICATED.

THE ROADS AND/OR RIGHTS-OF-WAYS SHOWN HEREON AS "PRIVATE DEDICATION" ARE DEDICATED, NOT TO THE PUBLIC IN GENERAL, BUT FOR THE SPECIFIC USE AND BENEFIT OF THE OWNERS OF THE PROPERTIES WITHIN "THE VILLAS AT TERRACE HEIGHTS".

Michael E. Wagoner
MICHAEL E. WAGONER, MANAGER
YAKIMA JOE LLC, MANAGER
BY *Robert P. Strogal*
ROBERT P. STROGAL, VICE PRESIDENT

ACKNOWLEDGMENTS

STATE OF WASHINGTON
COUNTY OF KING

I, COUNTY CLERK, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE INSTRUMENT AND AM SATISFIED THAT THE SAME IS IN ACCORDANCE WITH THE LAWS OF THIS STATE AND THE PUBLIC RECORDS ACT AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT TO BE HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

BEFORE ME, *Michael M. Kirkland*, NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT *Seattle, WA* BY COMMISSION EXPIRES *7-9-2008*

STATE OF WASHINGTON
COUNTY OF KING

I, COUNTY CLERK, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE INSTRUMENT AND AM SATISFIED THAT THE SAME IS IN ACCORDANCE WITH THE LAWS OF THIS STATE AND THE PUBLIC RECORDS ACT AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT TO BE HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

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COUNTY OF KING

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COUNTY OF KING

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STATE OF WASHINGTON
COUNTY OF KING

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BEFORE ME, *Michael M. Kirkland*, NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT *Seattle, WA* BY COMMISSION EXPIRES *7-9-2008*

DESCRIPTIONS

ASSESSOR'S PARCEL NUMBER 18121-13403
PARCEL "A" AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD MAY 14, 2007, UNDER AUDITOR'S FILE NO. 7902101, RECORDS OF YAKIMA COUNTY, WASHINGTON.

ASSESSOR'S PARCEL NUMBER 18121-13403
PARCEL "B" AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD MAY 14, 2007, UNDER AUDITOR'S FILE NO. 7902101, RECORDS OF YAKIMA COUNTY, WASHINGTON.

EXCERPT THAT PORTION LYING NORTHERLY AND WESTERLY OF A LINE DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 EAST, W.M. SITUATE 0.211 FEET NORTH 0°19'28" WEST OF THE SOUTHWEST CORNER THEREOF;

THENCE NORTH 72°54'22" EAST 0.71 FEET, MORE OR LESS, TO A POINT IN A LINE HEREINAFTER DESCRIBED AS LINE "X";

THENCE NORTHERLY ALONG SAID LINE "X" A DISTANCE OF 1272.63, MORE OR LESS, TO THE NORTH LINE OF SAID PARCEL "B" AND THE TERMINUS OF THE LINE HEREIN DESCRIBED.

LINE "X"
BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 EAST, W.M. SITUATE 5.00 FEET SOUTH 89°58'58" EAST OF THE NORTHEAST CORNER THEREOF;

THENCE IN A STRAIGHT LINE SOUTH 1°00'37" EAST 1327.37 FEET TO A POINT ON THE SOUTH LINE OF SAID SUBDIVISION SITUATE 8.30 FEET SOUTH 89°53'28" EAST OF THE SOUTHWEST CORNER THEREOF AND THE TERMINUS OF THE LINE HEREIN DESCRIBED.

SUBJECT TO AND TOGETHER WITH EASEMENTS AND APPURTENANCES OF RECORD.

SITUATE IN YAKIMA COUNTY, WASHINGTON.

SELAH-HOZZE IRRIGATION DISTRICT

THE PROPERTY DESCRIBED HEREON IS WHOLLY OR IN PART WITHIN THE BOUNDARIES OF THE SELAH-HOZZE IRRIGATION DISTRICT. I HEREBY CERTIFY THAT THE IRRIGATION EASEMENTS AND RIGHTS-OF-WAY SHOWN ON THIS PLAT ARE ADEQUATE TO SERVE ALL LOTS LOCATED WITHIN THIS PLAT WHICH ARE OTHERWISE ENTITLED TO IRRIGATION WATER UNDER THE OPERATING RULES AND REGULATIONS OF THE DISTRICT. I FURTHER CERTIFY THAT THE SAID EASEMENTS AND RIGHTS-OF-WAY ARE ADEQUATE TO IRRIGATION WATER UNDER THE OPERATING RULES AND REGULATIONS OF THE DISTRICT. I FURTHER CERTIFY THAT:

— THIS PLAT CONTAINS COMPLETE IRRIGATION DISTRIBUTION FACILITIES IN ACCORDANCE WITH THIS DISTRICT'S STANDARDS OR PROVISIONS ACCEPTABLE TO THIS DISTRICT HAVE BEEN MADE BY COVENANT AND AGREEMENT FOR COMPLETED IRRIGATION X. DISTRIBUTION FACILITIES TO ALL LOTS. SAID AGREEMENT IS FILED SUPPLEMENTAL TO THIS PLAT, OR

— THE EXISTING IRRIGATION DISTRIBUTION FACILITIES IS ADEQUATE TO MEET THIS REQUIREMENT OR

— LOTS ARE IN WHOLE OR IN PART, NOT CLASSIFIED AS "IRRIGABLE LAND" BY THIS DISTRICT AND/OR ARE NOT CURRENTLY ENTITLED TO IRRIGATION WATER UNDER THE OPERATING RULES AND REGULATIONS OF THIS DISTRICT.

I HEREBY CERTIFY THAT ALL CHARGEABLE REGULAR AND SPECIAL ASSESSMENTS COLLECTIBLE BY THIS OFFICE THAT ARE DUE AND OWING ON THE PROPERTY DESCRIBED HEREON, ARE PAID THROUGH TRAIL, 20 01

BY *Robert M. White* SELAH-HOZZE IRRIGATION DISTRICT

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL CHARGEABLE REGULAR AND SPECIAL ASSESSMENTS COLLECTIBLE BY THIS OFFICE THAT ARE DUE AND OWING ON THE PROPERTY DESCRIBED HEREON ON THE DATE OF THIS CERTIFICATION HAVE BEEN PAID.

DATED THIS _____ DAY OF _____, 20 _____

YAKIMA COUNTY TREASURER'S OFFICE

APPROVALS

APPROVED THIS _____ DAY OF _____, 20 _____, YAKIMA COUNTY ENGINEER _____

APPROVED THIS _____ DAY OF _____, 20 _____, YAKIMA COUNTY SUBDIVISION ADMINISTRATOR _____

APPROVED THIS _____ DAY OF _____, 20 _____, BOARD OF YAKIMA COUNTY COMMISSIONERS _____



SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYING ACT AND THE PUBLIC RECORDS ACT AT THE REQUEST OF YAKIMA JOE, LLC, IN DECEMBER 2007. I FURTHER CERTIFY THAT THE DISTANCES, COORDINATES AND BEARINGS ARE SHOWN HEREON CORRECTLY AND THAT THE STREET MONUMENTS AND LOT CORNERS HAVE BEEN SET ON THE GROUND.

Thomas F. Upton
Professional Land Surveyor
PO BOX 2514, YAKIMA, WASHINGTON 98907
Tel (509) 779-3441, Fax (509) 452-0241
Tel Fm 1-888-578-0441
SHEET 1 OF 4
25515PLAT.DWG DATE:07/08

FILED FOR RECORD

THIS _____ DAY OF _____, 20 _____, AT _____, M.

UNDER AUDITOR'S FILE NO. _____, RECORDS OF YAKIMA COUNTY WASHINGTON.

COSBY MATTHEW Y. _____ DEPUTY
YAKIMA COUNTY AUDITOR

THE VILLAS AT TERRACE HEIGHTS, PHASES ONE & TWO

LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER
SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 EAST, W.M.
YAKIMA COUNTY, WASHINGTON

NE COR. SEC. 21
TWP. 13 N., RANG. 19 E., W.M.

- DENOTES 1/2" INCH REBAR WITH CAP (OPTION LIST23MM) SET.
- DENOTES 1/2" INCH REBAR WITH CAP (STAINLESS CORNER LIST23MM) SET.
- ⊙ DENOTES ALUM. CAP (OPTION LIST23MM) SET IN MON. CASE.
- ⊕ SURVEY PERFORMED UTILIZING STANDARD FIELD PROCEDURES WITH JAVADO RTK OPS, TOPCON 2110 AND CHAIN, MEETING THE REQUIREMENTS OF WAC 332-130-000.



(INCLUDES CURVE DATA FROM OTHER SHEETS)

CURVE	DELTA	RADIUS	ARC	CHORD	BEARING
C1	103.000	103.000	182.81	N 43.011° W	
C2	110.000	110.000	197.63	N 43.011° W	
C3	120.000	120.000	214.62	N 43.011° W	
C4	130.000	130.000	233.87	N 43.011° W	
C5	140.000	140.000	255.40	N 43.011° W	
C6	150.000	150.000	279.21	N 43.011° W	
C7	160.000	160.000	305.30	N 43.011° W	
C8	170.000	170.000	333.67	N 43.011° W	
C9	180.000	180.000	364.32	N 43.011° W	
C10	190.000	190.000	397.25	N 43.011° W	
C11	200.000	200.000	432.46	N 43.011° W	
C12	210.000	210.000	469.94	N 43.011° W	
C13	220.000	220.000	509.69	N 43.011° W	
C14	230.000	230.000	551.71	N 43.011° W	
C15	240.000	240.000	596.00	N 43.011° W	
C16	250.000	250.000	642.57	N 43.011° W	
C17	260.000	260.000	691.42	N 43.011° W	
C18	270.000	270.000	742.55	N 43.011° W	
C19	280.000	280.000	795.96	N 43.011° W	
C20	290.000	290.000	851.74	N 43.011° W	
C21	300.000	300.000	909.89	N 43.011° W	
C22	310.000	310.000	970.41	N 43.011° W	
C23	320.000	320.000	1033.40	N 43.011° W	
C24	330.000	330.000	1098.86	N 43.011° W	
C25	340.000	340.000	1166.79	N 43.011° W	
C26	350.000	350.000	1237.19	N 43.011° W	
C27	360.000	360.000	1310.16	N 43.011° W	
C28	370.000	370.000	1385.69	N 43.011° W	
C29	380.000	380.000	1463.78	N 43.011° W	
C30	390.000	390.000	1544.43	N 43.011° W	
C31	400.000	400.000	1627.64	N 43.011° W	
C32	410.000	410.000	1713.41	N 43.011° W	
C33	420.000	420.000	1801.74	N 43.011° W	
C34	430.000	430.000	1892.63	N 43.011° W	
C35	440.000	440.000	1986.08	N 43.011° W	
C36	450.000	450.000	2082.09	N 43.011° W	
C37	460.000	460.000	2180.66	N 43.011° W	
C38	470.000	470.000	2281.79	N 43.011° W	
C39	480.000	480.000	2385.48	N 43.011° W	
C40	490.000	490.000	2491.73	N 43.011° W	
C41	500.000	500.000	2600.54	N 43.011° W	
C42	510.000	510.000	2711.91	N 43.011° W	
C43	520.000	520.000	2825.84	N 43.011° W	
C44	530.000	530.000	2942.33	N 43.011° W	
C45	540.000	540.000	3061.38	N 43.011° W	
C46	550.000	550.000	3182.99	N 43.011° W	
C47	560.000	560.000	3307.16	N 43.011° W	
C48	570.000	570.000	3433.89	N 43.011° W	
C49	580.000	580.000	3563.18	N 43.011° W	
C50	590.000	590.000	3695.03	N 43.011° W	
C51	600.000	600.000	3829.44	N 43.011° W	
C52	610.000	610.000	3966.41	N 43.011° W	
C53	620.000	620.000	4105.94	N 43.011° W	
C54	630.000	630.000	4248.13	N 43.011° W	
C55	640.000	640.000	4392.98	N 43.011° W	
C56	650.000	650.000	4540.49	N 43.011° W	
C57	660.000	660.000	4690.66	N 43.011° W	
C58	670.000	670.000	4843.49	N 43.011° W	
C59	680.000	680.000	4998.98	N 43.011° W	
C60	690.000	690.000	5157.13	N 43.011° W	
C61	700.000	700.000	5317.94	N 43.011° W	
C62	710.000	710.000	5481.41	N 43.011° W	
C63	720.000	720.000	5647.54	N 43.011° W	
C64	730.000	730.000	5816.33	N 43.011° W	
C65	740.000	740.000	5987.78	N 43.011° W	
C66	750.000	750.000	6161.89	N 43.011° W	
C67	760.000	760.000	6339.66	N 43.011° W	
C68	770.000	770.000	6521.09	N 43.011° W	
C69	780.000	780.000	6706.18	N 43.011° W	
C70	790.000	790.000	6894.93	N 43.011° W	
C71	800.000	800.000	7087.34	N 43.011° W	
C72	810.000	810.000	7283.41	N 43.011° W	
C73	820.000	820.000	7483.14	N 43.011° W	
C74	830.000	830.000	7686.53	N 43.011° W	
C75	840.000	840.000	7893.58	N 43.011° W	
C76	850.000	850.000	8104.29	N 43.011° W	
C77	860.000	860.000	8318.66	N 43.011° W	
C78	870.000	870.000	8536.69	N 43.011° W	
C79	880.000	880.000	8758.38	N 43.011° W	
C80	890.000	890.000	8983.73	N 43.011° W	
C81	900.000	900.000	9212.74	N 43.011° W	
C82	910.000	910.000	9445.41	N 43.011° W	
C83	920.000	920.000	9681.74	N 43.011° W	
C84	930.000	930.000	9921.73	N 43.011° W	
C85	940.000	940.000	10165.38	N 43.011° W	
C86	950.000	950.000	10412.69	N 43.011° W	
C87	960.000	960.000	10663.66	N 43.011° W	
C88	970.000	970.000	10918.29	N 43.011° W	
C89	980.000	980.000	11176.58	N 43.011° W	
C90	990.000	990.000	11438.53	N 43.011° W	
C91	1000.000	1000.000	11704.14	N 43.011° W	

NOTE: EASEMENT FOR IRRIGATION PURPOSES CROSSING LOTS 15 & 137, AS SHOWN ON RECORDS OF SURVEY (A.D. FILE NO. 748828 & 750231) IS REPOSESSED IMMEDIATELY VACATED.

CORNER SECTION 21
TWP. 13 N., RANG. 19 E., W.M.

TRACT 'A' IS RESERVED FOR COMMUNITY PARKING LOT; IS NOT FOR BUILDING PURPOSES.
LOT 11 IS BURDENED BY AN EASEMENT FOR TEMPORARY ACCESS WHICH IS TO AUTOMATICALLY VACATE WHEN INTERIOR STREETS ARE INTERCONNECTED AND/OR SERVED BY OTHER CONNECTION POINTS MEETING REQUIREMENTS OF PROFESSIONAL P.E. CODE.

IRRIGATION EASEMENT FOR RECORD OF SURVEY A.D. FILE NO. 748828 & 750231

15' WIDE DOMESTIC HIGH CLEARANCE EASEMENT

15' WIDE POWER IRRIGATION EASEMENT

15' WIDE POWER IRRIGATION EASEMENT

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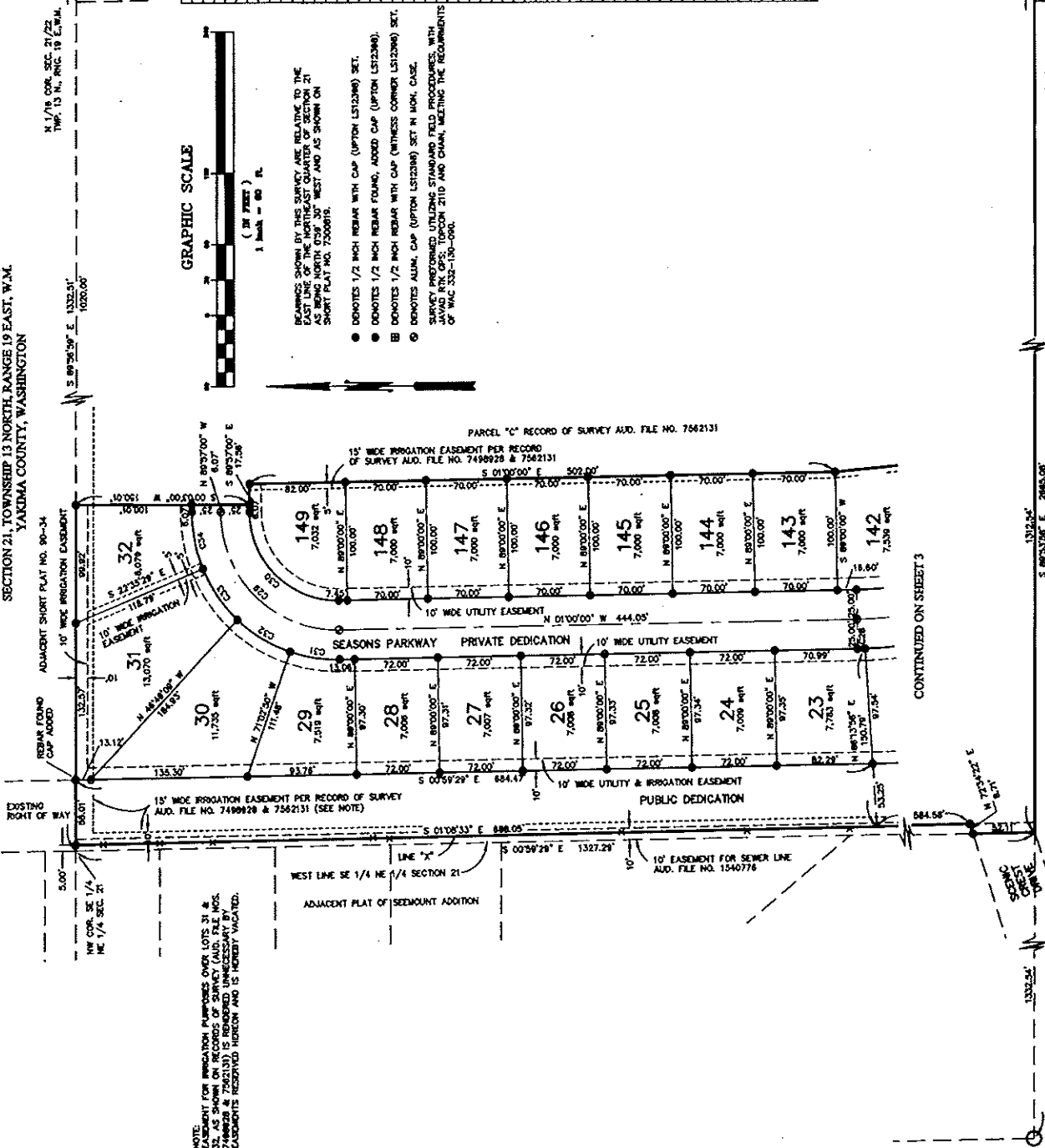
15' WIDE POWER IRRIGATION EASEMENT

15' WIDE POWER IRRIGATION EASEMENT

15' WIDE POWER IRRIGATION EASEMENT

THE VILLAS AT TERRACE HEIGHTS, PHASES ONE & TWO

LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER
SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 EAST, W.M.
YAKIMA COUNTY, WASHINGTON



CURVE TABLE (INCLUDES CURVES FROM OTHER SHEETS)

CURVE	DELTA	RADIUS	ARC	CHORD	BEARING
C1	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C2	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C3	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C4	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C5	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C6	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C7	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C8	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C9	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C10	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C11	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C12	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C13	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C14	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C15	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C16	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C17	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C18	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C19	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C20	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C21	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C22	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C23	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C24	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C25	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C26	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C27	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C28	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C29	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C30	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C31	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C32	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C33	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C34	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C35	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C36	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C37	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C38	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C39	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C40	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C41	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C42	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C43	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C44	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C45	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C46	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C47	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C48	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C49	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C50	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C51	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C52	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E
C53	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C54	103°30'00"	100.00'	181.11'	100.00'	N 15°31'30" E
C55	81°30'00"	100.00'	158.81'	100.00'	N 45°31'30" E

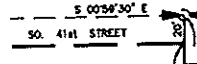
REMARKS SHOWN BY THIS SURVEY ARE RELATIVE TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 21 AS BEING NORTH 05°30' WEST AND AS SHOWN ON SHORT PLAT NO. 7306918.

- DENOTES 1/2 INCH REBAR WITH CAP (UPTON L512388) SET.
- DENOTES 1/2 INCH REBAR FOUND, ADDED CAP (UPTON L512388) SET.
- ⊕ DENOTES 1/2 INCH REBAR WITH CAP (WITNESS CORNER L512388) SET.
- ⊙ DENOTES ALUM. CAP (UPTON L512388) SET IN MOH. CASE.
- ⊗ SURVEY PERFORMED UTILIZING STANDARD FIELD PROCEDURES WITH A JAVAD MKT GPS; TOPCON 2110 AND CHAIN, MEETING THE REQUIREMENTS OF WAC 338-130-090.

GRAPHIC SCALE
1 inch = 66 ft.

Thomas F. Upton
Professional Land Surveyor
PO BOX 2014, YAKIMA, WASHINGTON 98907
Tel (509) 576-0441, Fax (509) 453-0081
Toll Free 1-888-576-0441

REVISOR 4/17/18 VACATED EASEMENT NOTE ADDED 251515PLAT.DWG DATE 2/6/2018
SHEET 4 OF 4



CONTINUED ON SHEET 3

SECTION 21, TOWNSHIP 13 N., RANGE 19 E., W.M.

granted such permission, and in the event of a sale of any such lot upon which permission has been previously granted, the subsequent owner must receive permission and consent to carry on such "in home business" and the initial permission granted herein shall be revoked.

44. Maintenance of Structures and Landscaping. Owners are responsible for the maintenance of the home and home site to include: structures, utility lines, landscaping, and other items attached to or placed on the home or home site (referred to as "improvements"), including driveways, walkways, and patios. All must be kept in good condition and repair, be neat, clean, aesthetically pleasing, and well kept. Owners are responsible for the maintenance, repair and replacement of all improvements including but not limited to driveways, walkways, and patios. Owners are responsible for any damage or injury caused by resident's failure to maintain an improvement. If Owners are absent, it is still their responsibility to have someone maintain the home and home site. If Owners do not maintain their property, the Association reserves the right to engage the services of a contractor to maintain the property at said Owners' expense.
45. Landscape Adjacent to Sidewalks. Each Owner shall be responsible for the irrigation of the strip of grass between the walkway(s) and roadway(s) adjacent to each Owner's Lot(s).
46. Front Yard Post Lights. Each Owner is required to maintain and keep in good working order each Owner's front yard post lights, including, but not limited to, installing and maintaining functional light bulbs in said post lights.

XX. ELEVATED LEVELS OF HEAVY METALS

1. Education & Disclosure

According to the Washington State Department of Ecology, area-wide elevated levels of heavy metals are dispersed over large geographic areas of Washington State, ranging in size from several hundred acres to many square miles. These areas generally have concentrations of heavy metals, such as arsenic and lead, higher than both their naturally occurring concentrations and state soil cleanup levels established under the Washington State Model Toxics Control Act (MTCA). Area-wide elevated levels are not typical of most cleanup sites, which are generally smaller and have higher levels. Area-wide elevated levels of heavy metals occurred because of a number of historical activities, including the use of lead-arsenate pesticides in farming communities in the early to mid-1900s, the use of which effectively ceased in 1947. The Subject Property has tested positive for "low-to-moderate" elevated levels of heavy metals.

(a) What are "Low-to-Moderate" Elevated Levels? According to the Area-Wide Soil Contamination Task Force ("Task Force"), a 17 person panel chartered by the Washington State Departments of Agriculture, Ecology, Health, and Community Trade & Economic Development to offer advice on a statewide strategy to respond to low-to-moderate elevated levels of arsenic and lead, arsenic concentrations of up to 100 mg/kg and lead concentrations of up to 500 – 700 mg/kg are "low-to-moderate" levels for schools,

childcare centers, and residential land uses. For properties where exposure of children is less likely or less frequent, such as commercial properties, parks, and camps, arsenic concentrations of up to 200 mg/kg and lead concentrations of up to 700 – 1,000 mg/kg are within the low-to-moderate range. For comparison, the unrestricted site use cleanup levels for arsenic and lead under MTCA are 20 mg/kg and 250 mg/kg, respectively. In a 1999 report, WSU professor Frank Peryea states: “The Washington State Department of Health estimates that soil arsenic concentrations below 37 mg/kg should protect the health of children having frequent exposure to contaminated soils, and regards 175 mg/kg as safe for adults having occasional exposure to contaminated soil. (*Hazards of short-term exposure to arsenic contaminated soil*, Washington State Department of Health, Olympia, WA, January 1999). Arsenic occurs naturally in Washington State soils at approximately 5 - 9 mg/kg and lead at 11 - 24 mg/kg. Of five Subject Property surface locations tested for increased levels of heavy metals, all five exceeded MTCA Method A Cleanup levels for Arsenic; the results were 44.7, 43.8, 47.3, 45.3, and 60.1 mg/kg. At the same five locations, only one was above the MTCA Method A Cleanup level for lead; it tested at 329 mg/kg.

(b) What Concentrations Have Been Observed? According to the Department of Ecology’s website, concentrations of arsenic and lead are highly variable and the range of concentrations is quite broad. Arsenic concentrations range from natural background levels to over 3,000 mg/kg in some areas. Average concentrations of arsenic in soil at other existing residential sub-divisions in the region are generally less than 100 mg/kg. Lead concentrations range from natural background levels, to over 4,000 mg/kg in orchard top soils. Average concentrations of lead in soil at developed properties are generally less than 700 mg/kg. Where found, elevated levels of arsenic and lead tend to be relatively shallow. In undisturbed soils, most of the arsenic and essentially all of the lead from historical use of lead-arsenate pesticides typically are concentrated in the upper 6 to 18 inches of soil.

(c) Where are Elevated Levels likely to be Found? The Task Force has explained that areas where apples and pears were historically grown have a higher likelihood of elevated levels of heavy metals than other areas of the State because of past pesticide use. Chelan, Spokane, Yakima, and Okanogan counties have a higher likelihood than other counties due to the greater number of apple and pear trees in production between 1905 and 1947.

(d) Health Risks from Exposure to Elevated Levels of Arsenic and Lead in Soil. A report by the Task Force states the risk of developing health problems from arsenic or lead depends on the amount of exposure and the concentrations to which a person is exposed. Most information about the health effects of arsenic and lead comes from studies where exposures were greater than those expected from living and working in places with low-to-moderate levels of arsenic and lead in soil. Health monitoring and research studies have not been carried out to the extent necessary to understand and document whether exposure to low-to-moderate level arsenic and lead in soil is causing or contributing to long-term health problems in Washington. Evaluating health effects at lower levels of exposure is difficult, and it is unlikely that conclusive scientific information to determine the health

risks from exposure to area-wide elevated levels will be available in the foreseeable future. In light of this uncertainty, there is disagreement among scientists about how the information that is available should be interpreted and used to assess the risks of exposure to low-to-moderate levels. Some members of the scientific community argue that federal and state efforts to address low-to-moderate levels are not scientifically justified because there is no information demonstrating that health problems are being caused by such exposure. Other members of the scientific community argue that arsenic and lead in soil have the potential to cause health problems at low levels of exposure—especially for people who are particularly sensitive to the effects of these elements. In recent years, the majority of scientific review committees formed to evaluate the available scientific information on arsenic and lead have concluded there is sufficient scientific basis to justify efforts to reduce exposure to these elements.

2. Mitigation, Measures, Remedial Action & Guidelines

(a) Mitigation Measures & Remedial Action. On the Subject Property, the following measures have and/or are being taken to reduce potential health hazards due to elevated levels of heavy metals;

- From each Lot, as much surface soil as possible has or will be placed under the garage slab, driveway, walkways, and/or any other impermeable surface and buried in utility trenches. This soil removal process will focus on the areas most likely to be disturbed by homeowners, such as garden areas in the Lots' backyards;
- A minimum of two surface samples will be collected from ten percent (10%) of the Lots post-mitigation to determine the extent to which the soil conditions have been improved;
- All remaining native soils will be covered with four to six inches (4"-6") of clean imported topsoil; and
- The below-stated "Environmental Covenant", which restricts certain activities on the Subject Property, has been included in this Declaration and recorded with the Yakima County Auditor.

(b) Soil Safety Guidelines. The principals of avoidance and reduction of risk focus around mitigating inhalation and ingestion of soil. According to the Department of Ecology, skin contact is not a significant pathway to arsenic and/or lead exposure. Taking the below-stated precautions can further help mitigate potential inhalation or ingestion of soil.

- Most fruits and vegetables grown in the soil are safe to eat. Highly acidic fruits and vegetables should be grown in raised planting beds, as they are more apt to leach heavy metals. You are encouraged to wash your produce carefully before consuming.

- If your soil is dry and dusty when gardening, wet it down before, during, and after working to prevent dust from becoming airborne.
- Wear gloves while gardening
- Remove gardening footwear before entering the house.
- If a windy day is stirring up dust, keep soils damp, and keep doors and windows closed as much as possible.
- Do not allow dust to build up on floors and countertops where it may be transferred to your hands.
- Removing shoes upon entering the house, keeping pets clean and keeping toys clean are all good ways to minimize the amount of dirt and dust collecting in your home.

For more information regarding Arsenic & Lead, please see the Department of Ecology website "Dirt Alert" section. For more information regarding gardening on soils with elevated levels of arsenic & lead see the report by WSU professor Frank Peryea titled "Gardening on Lead and Arsenic Contaminated Soils".

XXI. ENVIRONMENTAL COVENANT

Grantor, Yakima Joe, LLC, hereby binds Grantor, its successors, and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Environmental Covenant") made this ___ day of _____, 200__ in favour of the Washington State Department of Ecology ("Ecology"). Ecology shall have full right of enforcement of the rights conveyed under this Environmental 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 Grantor, its successors, and assigns, and the Washington State Department of Ecology, its successors and assigns (hereafter "Ecology"). 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, which are on file at Ecology's Central Region Office:

1. Interim Action Plan, July 30, 2008
2. (interim action report to follow)

This Environmental Covenant is required because the Remedial Action resulted in residual concentrations of lead and arsenic which are contained below clean surface material, but exceed the Model Toxics Control Act Method A Cleanup Level for soil established under WAC 173-340-900.

The undersigned Grantor, Yakima Joe LLC, is the fee owner of real property (hereafter "Property") in the County of Yakima, State of Washington, which is subject to this Covenant. The Property is legally described as Lots 1-32, 95-106, and 127-149 and Tracts A & B of The Villas at Terrace Heights, per plat recorded on May 20th, 2008, records of Yakima County, Washington and under Yakima County Auditor's Recording No. 7612438.

Grantor makes the following declaration, which shall limit and restrict the uses to which the Property may be put and specifies that such limitations and restrictions 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:

Section 1. Any activity on the Property that may result in the release or exposure to the environment of soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of prohibited activities in the capped areas include: drilling, significant 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 yard maintenance activities, including: soil aeration, irrigation system repair, or gardening.

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 "Notice of Title Conveyance" attached hereto at "Attachment A" must be completed and sent to Ecology when any interest in the Property is conveyed.

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 Environmental Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 6. All Owners of any portion of the Subject Property shall allow authorized representatives of Ecology the right to enter and inspect the Property, at reasonable times and after appropriate legal notice, in the event that activities prohibited by this environmental covenant are observed or reported at the Property.

Section 7. The Owners of the Property reserve the right under WAC 173-340-440 to record an instrument that provides that this Environmental 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.

YAKIMA JOE, LLC
rksPacific, Inc., Member

Richard Sontgerath, Its President

Dated: _____

WASHINGTON STATE
DEPARTMENT OF ECOLOGY

Don Abbott
Section Manager

Dated: _____

STATE OF WASHINGTON)
)SS
COUNTY OF YAKIMA)

On this ____ day of August, 2008, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared RICHARD SONTGERATH, to me known to be the President of rksPacific, Inc., which is a Member of of Yakima Joe LLC, the limited liability company that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Printed Name: _____
NOTARY PUBLIC in and for the State of
Washington,
Residing at _____
My commission expires: _____