

Return Address:

Dept. of Natural Resources
1111 Washington St. S.E.
P.O. Box 47030
Olympia, WA. 98504-7030

Document Title:

Restrictive Covenant - Dept. of Natural Resources/Webster Nursery

Reference Numbers of related documents:

Dept. of Ecology Agreed Order No. DE 00 TCPSR - 295

Grantor:

Dept. of Natural Resources - Webster Forest Nursery

Grantee:

The Public

Legal Description:

SE ¼ of NE ¼ of Section 20, Township 17 north, Range 2 west, W.M.

Assessor's Property Tax Parcel/Account Number:

12720130000



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RESTRICTIVE COVENANT

STATE OF WASHINGTON – DEPARTMENT OF NATURAL RESOURCES

WEBSTER FOREST NURSERY

9805 Blomberg Street, SW, Olympia, WA 98503

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

An independent interim remedial action (hereafter "Interim Action") and a Remedial Investigation/Feasibility Study (hereafter "RI/FS") occurred at the property that is the subject of this Restrictive Covenant. The Interim Action and RI/FS conducted at the property is described in the following document: Remedial Investigation/Feasibility Study, Pesticide Storage Warehouse, Webster Nursery, Thurston County, Washington, June, 1999 (Tetra Tech, Inc.) This document is on file at Ecology's Southwest Regional Office.

This Restrictive Covenant is required because the Interim Action and RI/FS identified residual concentrations of chlordane, heptachlor and heptachlor epoxide which exceed the Model Toxics Control Act Method B Cleanup Level(s) for ground water established under WAC 173-340-720 2 (b).

The undersigned, State of Washington Department of Natural Resources, is the fee owner of real property (hereafter "Property") in the County of Thurston, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described on the cover sheet of this restrictive covenant and made part hereof by reference.



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WADNR makes the following declaration as to limitations, restrictions, and uses to which a portion of 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"). The following limitations and restrictions apply to the portion of the Property that is the subject of a Remedial Action under the Model Toxics Control Act due to the presence of hazardous substances there (hereinafter the "Cleanup Site"). The Remedial Action being taken is described in Agreed Order No. DE 00 TCPSR-295 entered into by Ecology and WADNR. A copy of this Order may be found at the Department of Ecology's Southwest Region office and is incorporated herein by reference.

Section 1. No groundwater may be taken for any use from the Cleanup Site.

Section 2. Any activity at the Cleanup Site 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 Cleanup Site that may result in the release or exposure to the environment of a hazardous substance that remains on the Cleanup Site 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 Cleanup Site. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without

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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 Cleanup Site.


Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Cleanup Site 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 Cleanup Site at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Cleanup Site, 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.

Approved as to form this

7th day of February, 2001



Assistant Attorney General

State of Washington

County of Thurston

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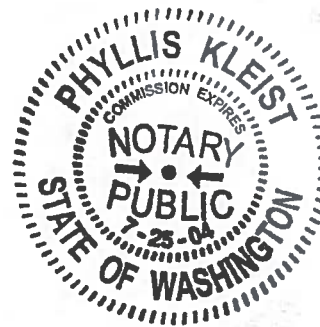
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I certify that I know or have satisfactory evidence that BRUCE MACKAY is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the LANDS STEWARD of DEPT OF NATURAL RESOURCES to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated 02.07.01

Phyllis Kleist
Signature
Notary Public
Title - Notary Public

My appointment expires: 07.25.04



Bruce Mackay
State of Washington Department of Natural Resources

Date Signed

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