



FILE# 7700588
YAKIMA COUNTY, WA
08/12/2010 11:31:53AM
COVENANT
PAGES: 4
DEPARTMENT OF ECOLOGY

Recording Fee: 65.00

After Recording Return to:

Valerie Bound
Department of Ecology
15 West Yakima Avenue, Suite 200
Yakima, WA 98902

Environmental Covenant

Grantor: Yakima School District
Grantee: State of Washington, Department of Ecology
Address: 4400 Douglas Drive, Yakima, WA 98908-2699
Legal: SE1/4 NW1/4 NW1/4 EX S & WCO RD R/W EX N & E 30 FT CO RD R/W
Tax Parcel Number: 181322-22013 S-22; T-13; R-18
Cross Reference: N/A

Grantor, Yakima School District, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this third day of August, 2010 in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

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

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following document:

Interim Action Report for Gilbert Elementary, Washington State Department of Ecology, July 9, 2010.

This document is on file at Ecology's Central Regional Office, located at 15 West Yakima Avenue, Suite 200, in Yakima, WA.

This Covenant is required because the Remedial Action resulted in residual concentrations of lead and arsenic which exceed the Model Toxics Control Act Method A Cleanup Level(s) for soil established under WAC 173-340-900.

The undersigned, Yakima School District, is the fee owner of real property (hereafter "Property") in the County of Yakima, State of Washington, that is subject to this Covenant. The Property is legally described AS FOLLOWS: SE1/4 NW1/4 NW1/4 EX S & WCO RD R/W EX N & E 30 FT CO RD R/W.

Yakima School District makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. Any activity on the Property that may result in the significant release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, bulldozing or earthwork. This does not include normal maintenance and/or operational activities, including: soil aeration and irrigation system repair.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the significant 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 the proper written notice to Ecology.

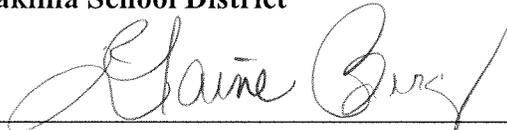
Section 5. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, to determine compliance with this Covenant, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

Yakima School District



sr
Dr. Elaine Beraza
Superintendent

Dated: 8-5-10

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

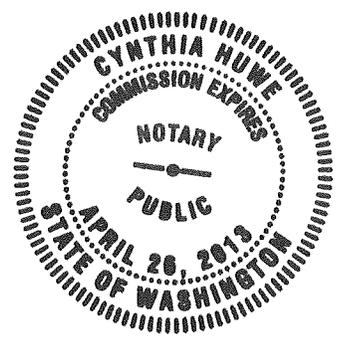


Valerie Bound
Section Manager

Dated: 8-5-10

STATE OF Washington
COUNTY OF Yakima

On this 5th day of August, 2010, I certify that Valerie
Bowd personally appeared before me, acknowledged that **he/she** signed this instrument, on
oath stated that **he/she** was authorized to execute this instrument, and acknowledged it as the
representative [type of authority] of Ecology [name of
party being represented] to be the free and voluntary act and deed of such party for the uses
and purposes mentioned in the instrument.



Cynthia Huwe
Notary Public in and for the State of
Washington, residing at Yakima
My appointment expires 4/26/13