



200211040823 6 PGS

Name & Return Address:

11-04-2002 03:29pm \$24.00

PIERCE COUNTY, WASHINGTON

Bruce Bodine1401 So. Sprague AveTacoma, WA 98405

Please print legibly or type information.

Document Title(s)

Restrictive Covenant

Grantor(s)

Bruce A. and Mrs Debra M. Bodine

____ Additional Names on Page ____ of Document

Grantee(s)

State of Washington, Dept of Ecology

____ Additional Names on Page ____ of Document

Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR
section/township/range and quarter/quarter section)05/20/03 NW SWComplete Legal Description on Page 3 of Document

Auditor's Reference Number(s)

Assessor's Property Tax Parcel/Account Number(s)

Parcel # 0320057006

The Auditor/Recorder will rely on the information provided on this cover sheet. The Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

COPY

Signature of Requesting Party (Required for non-standard recordings only)

Gpcovst.doc rev 4/02

RESTRICTIVE COVENANT

Mr. Bruce A. and Mrs. Debra M Bodine, the Automall Property

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Mr. Bruce A. and Mrs. Debra M. Bodine, their successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property consisted of identifying inaccessible contamination located underneath an existing building on the property. These activities are described in the following documents:

Final Report, Site Remediation, Former Pierce Transit Maintenance Facility, Applied, Geotechnology, April, 1991; Letter Report Columbia Environmental, Inc, September 15, 1995; Letter Report Columbia Environmental, Inc, October 17, 1995

These documents are on file at Ecology's SWRO and define the probable nature of and limited extent of contamination underneath an existing building.

This Restrictive Covenant is required because the site characterization resulted in residual concentrations of petroleum hydrocarbons that exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340. The remaining petroleum hydrocarbon contamination is

present beneath the footings along the north wall and beneath portions of the east and west walls at the northeast and northwest corners of the existing building. Additional areas of remaining contamination are also located near the center of the north room of the former maintenance building. More specifically, the remaining areas are near the vicinity of hydraulic hoist 1 shown in the figures of the final report filed by Applied Geotechnology, Inc. (April 1991).

The undersigned, Mr. Bruce A. and Mrs. Debra M. Bodine are the fee owners of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as generally located within the Northwest Quarter of the Southwest Quarter of Section 05, Township 20 North, Range 03 East, W.M. More specifically, the site is located at 1401 South Sprague Avenue Street, Tacoma, Washington 98405. Pierce County records note the subject property as one (1) tax parcel assigned account number 0320057006.

Mr. Bruce A. and Mrs. Debra M. Bodine make the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any

portion of or interest in the Property (hereafter "Owner").

Section 1. A portion of the Property contains petroleum hydrocarbon contaminated soil located under the building. The Owner shall not alter, modify, or remove the existing structure in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

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) days 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.

RESTRICTIVE COVENANT
Page 5

Bruce A. Bodine

Mr. Bruce A. Bodine

Nov. 4, 2002

DATE SIGNED

Debra M Bodine

Mrs. Debra M. Bodine

11/4/02

DATE SIGNED

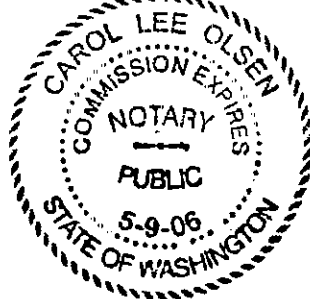
[NOTE: The Property Owner must have this Restrictive Covenant notarized.]

STATE OF WASHINGTON)

) ss.

County of Pierce)

I certify that I know or have satisfactory evidence the Bruce A. Bodine and Debra M. Bodine are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.



Dated: November 4, 2002

Carol Lee Olsen

Carol Lee Olsen

My commission expires May 9, 2006.