

12/8

DECLARATION OF RESTRICTIVE ENVIRONMENTAL COVENANTS

8688016

9405398

Walla Walla Farmers Co-Op, Inc. is the owner (hereafter the "Owner") of the real property (hereafter the "Property") located in Walla Walla County, Washington described more particularly in Annex "A" and shown more specifically in Annex "B", both annexes being incorporated herein by this reference. The Property has been the subject of remedial action under chapter 70.105D RCW. Because hazardous substances have been left on the property using an "Industrial Soil" cleanup standard under WAC 173-340-745, this restrictive covenant is required by WAC 173-340-440.

The Owner does hereby declare the following limitations, restrictions, and uses to which the Property may be put, and specifies that such declarations shall constitute covenants to run with the land. These covenants shall be binding on the present fee owner, his/her successors and assigns, and any other future owner of any interest in the Property.

1. Those portions of the Property designated as Areas "A", "B", and "C" in Annex "B" may be used only for Industrial purposes as defined in and allowed under the City of Walla Walla Ordinance No. A3671 (Walla Walla Zone Code), enacted April 10, 1991, as of the date of this Restrictive Environmental Covenant.

2. The Owner of the Property must give written notice to the Washington State Department of Ecology (hereafter "Ecology"), or to a successor agency, of the Owner's intent to convey any interest in the Property. No conveyance of any interest in the Property shall be consummated by the Owner without adequate and complete provision for the continued operation, maintenance, and monitoring of the Ecology approved remedial action.

3. A portion of the Property designated as Area "A" in Annex "B" contains contaminated ground water. No ground water shall be used for any purpose from that portion of the property designated as Area "A" unless such withdrawal is reviewed and approved by Ecology after public notice and comment.

4. A portion of the Property designated as Area "B" in Annex "B" has pesticide contaminated soils. Such Area "B" has a clean soil cover and has been capped by an engineered asphalt pavement. No soils shall be removed or the area otherwise disturbed unless such action is reviewed and approved by Ecology after public notice and comment.

5. A portion of the Property designated as Area "C" in Annex "B" has petroleum contaminated soils. The major portion of Area "C" is presently beneath a shop building constructed on the premises. The contaminated soil shall not be removed or otherwise disturbed in Area "C" unless such action is reviewed and approved by Ecology after public notice and comment.

6. The Owner shall allow Ecology's authorized representatives the right to enter the Property at reasonable times for the purpose of evaluating compliance with the approved remedial actions, to take samples, to monitor remedial activities conducted at the site, and to inspect records which are related to to the approved remedial actions.

7. The Owner of the Property and the Owner's assigns and successors in interest have the right at all times under WAC 173-340-440, -740, and -745, as amended or replaced, to record an instrument which provides that this Restrictive Environmental Covenant shall no longer limit use of the Property or be of any further force or effect, provided, that any instrument which eliminates the force or effect of this Restrictive Environmental Covenant may be recorded only with the concurrence of Ecology, or a successor agency, which may concur only after public notice and comment.

DATED this 5th day of May, 1994.

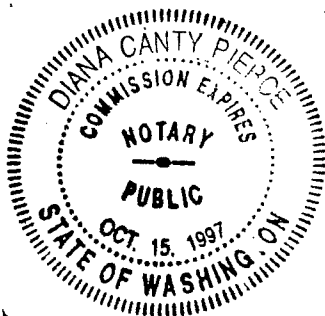
WALLA WALLA FARMERS CO-OP, INC.

By: *Edward M. Meliah*
Edward M. Meliah
Secretary/Treasurer

STATE OF WASHINGTON)
) ss:
County of Walla Walla)

On this 5th day of May, 1994 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared EDWARD M. MELIACH to me known to be the Secretary/Treasurer, of WALLA WALLA FARMERS CO-OP, INC., and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

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



Diana Canty Pierce
Notary Public in and for the State of Washington, residing at Walla Walla.

WALLA WALLA FARMERS CO-OP LEGAL DESCRIPTION

Parcel 1:

A PARCEL OF LAND IN THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19 AND THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 7 NORTH, RANGE 36 EAST, WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, SAID PARCEL BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF WEST ROSE STREET THAT IS 10.00 FEET EASTERLY, AS MEASURED ALONG SAID NORTHERLY LINE OF WEST ROSE STREET, FROM THE WESTERLY LINE OF VACATED 10TH AVENUE NORTH, AS SHOWN ON THE PLAT OF REESE'S ADDITION, FILED IN VOLUME A OF PLATS AT PAGE 13, WALLA WALLA COUNTY BOOK OF PLATS;

THENCE N58°38'01"E 370.13 FEET ALONG SAID NORTHERLY LINE OF WEST ROSE STREET TO THE INTERSECTION OF SAID NORTHERLY LINE OF WEST ROSE STREET WITH THE WESTERLY LINE OF 9TH AVENUE, FORMERLY MULLAN AVENUE;

THENCE N31°21'16"W 99.02 FEET ALONG SAID WESTERLY LINE OF 9TH AVENUE TO THE BEGINNING OF A CURVE TO THE RIGHT, TO WHICH A RADIAL LINE BEARS S58°38'44"W 995.00 FEET;

THENCE CONTINUING NORTHERLY ON SAID WESTERLY LINE OF 9TH AVENUE ALONG SAID CURVE 519.29 FEET TO A POINT TO WHICH A RADIAL LINE BEARS S88°32'53"W 995.00 FEET;

THENCE N1°27'07"W 19.11 FEET ALONG SAID WESTERLY LINE OF 9TH AVENUE TO THE NORTHEASTERLY CORNER OF THAT PARCEL DESCRIBED IN VOLUME 80, INSTRUMENT NO. 7803420, WALLA WALLA COUNTY BOOK OF DEEDS;

THENCE S76°46'39"W 159.50 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL DESCRIBED IN VOLUME 80, INSTRUMENT NO. 7803420;

THENCE S55°00'39"W 356.00 FEET ALONG THE NORTHERLY LINE OF THOSE PARCELS DESCRIBED IN VOLUME 80, INSTRUMENT NO. 7803420 AND VOLUME 264, INSTRUMENT NO. 362438, WALLA WALLA COUNTY BOOK OF DEEDS;

THENCE S10°30'39"W 7.48 FEET;

THENCE S31°19'51"E 633.20 FEET ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN VOLUME 264, INSTRUMENT NO. 362438 TO THE POINT OF BEGINNING FOR THIS LEGAL DESCRIPTION.

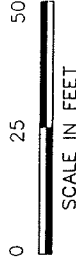
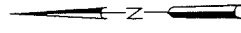
Parcel 2

A tract of land in the South half of the Southeast Quarter of Section 19 Township 7 North Range 36 East of the Willamette Meridian, Walla Walla County, Washington said tract being described more particularly as follows:

Commencing at the Northwest corner of said southeast Quarter of Section 19, thence South $01^{\circ}24'04''$ East 2662.45 feet along the West line of said Southeast Quarter of Section 19 to the Southwesterly corner thereof; Thence North $69^{\circ}30'01''$ East 1235.51 feet to a point on the Easterly line of that parcel described at Auditor's File Number 537816; thence along said Easterly line by the following courses: North $10^{\circ}30'39''$ East 7.48 feet; North $55^{\circ}00'39''$ East 93.00 feet to the true point of beginning for this legal description; thence departing said East line and running North $01^{\circ}27'07''$ West 118.74 feet to a point on the Southerly right of way line of the Mill Creek Flood Control District, said point being on a curve concave to the North having a radius of 1617.10 feet; thence Easterly along the South right of way line of the Mill Creek Flood Control District following said curve a distance of 188.33 feet, the chord of said curve following a bearing of North $81^{\circ}07'40''$ East for a distance of 188.22 feet to the beginning of a non-tangent curve concave to the Northwest having a radius of 60.00 feet; thence Northeasterly along said curve a distance of 94.24 feet, the chord of said curve following a bearing of North $31^{\circ}58'54''$ East for a distance of 84.85 feet; thence North $77^{\circ}53'50''$ East 144.43 feet to the intersection of said South right of way line of the Mill Creek Flood Control District with the West right of way line of Mullan Avenue; thence South $01^{\circ}27'07''$ East 62.73 feet along said West right of way line to the intersection of said West right of way line with the East line of that parcel described at Auditor's File Number 537816; thence South $76^{\circ}46'39''$ West 159.50 feet along said East line; thence South $55^{\circ}00'39''$ West 262.97 feet along said East line; to the true point of beginning for this legal description.

ANNEX "B"
 FILED FOR RECORD
 IN WALLA WALLA CO WASH
 BY *Annex "B", 11/24/94*
 MAY 5 1 58 PM '94

JANICE E. HATES
 COUNTY AUDITOR



KEY

-  AREA A- Area of potentially affected ground water
-  AREA B- Area of pesticide contaminated soils
-  AREA C- Areas of hydrocarbon contaminated soils

DATE 8/92
 DWN JTB
 APPR _____
 REVS _____
 PROJECT NO.
 T0501.13

WALLA WALLA FARMERS CO-OP
 WALLA WALLA, WASHINGTON
 DRAINFIELD AND UST EXCAVATION

