

After recording, mail to:

Gaco Western, Inc.
P.O. Box 88698
Seattle, WA 98138-2698

RESTRICTIVE COVENANT

The undersigned, Gaco Western, Inc. ("Gaco"), is the fee owner of the real property described on Exhibit A in King County, Washington, hereafter referred to as the "Site." There are subsurface areas at the Site where there have been detections of petroleum hydrocarbons and volatile organic compounds including toluene, ethylbenzene, xylenes, MIBK and gasoline and oil range hydrocarbons at levels which exceed the Method A or B Cleanup Level Guidelines (depending on the constituent) as published in the Model Toxics Control Act ("MTCA") Regulations. More detailed information on the location and concentration of the detected substances and on the location of groundwater monitoring wells on the Site is available in reports that have been filed by Gaco with the Washington Department of Ecology or a successor agency ("Ecology"). These reports include the;

Final Report, Soil Vapor Extraction Interim Remedial Action Prepared by Hart Crowser, February 9, 1994

Third Quarter Groundwater Monitoring Report And Long Term Monitoring Proposal, Prepared by Gaco Western, Inc., November 14, 1995

Gaco makes the following declarations as to limitations, restrictions and uses to which the Site may be put. It 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 it, including all current and future owners of any portion of or interest in the Site.

1. No redevelopment of the property other than for street or industrial use shall hereafter be undertaken unless thirty days prior notice has been given to Ecology. For purposes of this restriction, "industrial use" means and includes any industrial use described or defined in or allowed under MTCA, MTCA regulations or the City of Tukwila's zoning laws.
2. Gaco will be sampling some if the existing groundwater monitoring wells at the Site pursuant to a program approved by Ecology. Any activity on the site that may interfere with such monitoring is prohibited. Gaco expressly reserves the right of access to the Site for

"This document filed for record by Fidelity National Title Insurance at #2 accommodation only. It has not been examined as to its effect upon the title."

FIDELITY NATIONAL TITLE

9601170252

the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that MICHAEL C. O'LEARY was duly elected, qualified and acting as said officer of the corporation, that MICHAEL C. O'LEARY was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Melanie L. Sewell
(Signature of Notary)

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State of Washington, residing at

Auburn, WA

My Appointment Expires:

9601170252

DESCRIPTION:

PARCEL A:

THAT PORTION OF GOVERNMENT LOT 6, SECTION 35, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY MARGIN OF COUNTY ROAD SOUTHCENTER PARKWAY, FORMERLY 57TH AVENUE SOUTH, AND SOUTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT FROM WHICH THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 6 BEARS SOUTH 0°58'10" WEST 313.17 FEET AND NORTH 89°01'50" WEST 505.54 FEET, SAID DISTANCES BEING MEASURED RESPECTIVELY AT RIGHT ANGLES TO AND ALONG THE SOUTH BOUNDARY LINE OF SAID GOVERNMENT LOT, SAID POINT BEING MARKED BY AN IRON PIPE SET BY R.W. JONES AND ASSOCIATES ON OCTOBER 4, 1966; THENCE NORTH 67°36'00" WEST 1.46 FEET, MORE OR LESS, TO THE SOUTHEASTERLY MARGIN OF SAID COUNTY ROAD AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE SOUTH 67°36'00" EAST 1.46 FEET, MORE OR LESS, TO SAID IRON PIPE; THENCE CONTINUE SOUTH 67°36'00" EAST 248.63 FEET TO A CONCRETE MONUMENT SET BY R.W. JONES AND ASSOCIATES ON OCTOBER 4, 1966; THENCE CONTINUE SOUTH 67°36'00" EAST TO THE BANK OF THE GREEN RIVER AND THE TERMINUS OF THE HEREIN DESCRIBED LINE.

PARCEL B:

THAT PORTION OF GOVERNMENT LOT 7, SECTION 35, TOWNSHIP 23, RANGE 4 EAST, W.M., LYING SOUTHEASTERLY OF COUNTY ROAD (SOUTHCENTER PARKWAY, FORMERLY 57TH AVENUE SOUTH) AND LYING NORTHEASTERLY OF A LINE ESTABLISHED OF STATUTORY WARRANTY DEED RECORDED AUGUST 3, 1973, UNDER RECORDING NO. 7308030425, SAID LINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 7 BEARS SOUTH 0°58'10" WEST 313.17 FEET AND NORTH 89°01'50" WEST 505.54 FEET, SAID DISTANCES BEING MEASURED RESPECTIVELY AT RIGHT ANGLES TO AND ALONG THE NORTH BOUNDARY LINE OF SAID GOVERNMENT LOT, SAID POINT OF BEGINNING IS MARKED BY A CONCRETE MONUMENT WHICH IS INDICATED AS POINT "A" ON SURVEY DRAWING BY R.W. JONES AND ASSOCIATES, ENGINEERS AND SURVEYORS, DATED OCTOBER 6, 1966 AND ENTITLED BOUNDARY AND TOPOGRAPHIC SURVEY OF A PORTION OF GOVERNMENT LOTS 6, 7, SECTION 35, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M.; THENCE SOUTH 67°36'00" EAST 248.63 FEET TO A CONCRETE MONUMENT SET BY SAID ENGINEERS AND SURVEYORS ON OCTOBER 4, 1966 AND INDICATED AS POINT "B" ON SAID SURVEY DRAWING; THENCE SOUTH 23°57'22" WEST 208.79 FEET TO A CONCRETE MONUMENT ALSO SET BY SAID ENGINEERS AND SURVEYORS, SAID MONUMENT MARKING THE INTERSECTION WITH A LINE AT RIGHT ANGLES, SAID LINE TO BE REFERRED TO HEREINAFTER IN THIS DESCRIPTION AS THE SOUTHWESTERLY LINE OF THE GACO-WESTERN TRACT; THENCE CONTINUING SOUTH 23°57'22" WEST 138.76 FEET; THENCE NORTH 66°02'38" WEST ALONG A LINE PARALLEL TO SAID SOUTHWESTERLY LINE OF THE GACO-WESTERN TRACT 5.39 FEET TO A CONCRETE MONUMENT; THENCE CONTINUING NORTH 66°02'38" WEST 244.61 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF 57TH AVENUE SOUTH; THENCE SOUTHWESTERLY ALONG SAID ROAD MARGIN 5.14 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE NORTHWESTERLY EXTENSION OF THE NORTHEASTERLY FACE OF THE ALASKA SEAVAN BUILDING AND THE TRUE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED; THENCE SOUTH 66°02'38" EAST ALONG SAID EXTENSION AND ALONG SAID NORTHEASTERLY FACE OF SAID BUILDING AND ALONG THE SOUTHEASTERLY EXTENSION OF SAID BUILDING LINE 280 FEET, MORE OR LESS, TO THE BANK OF THE GREEN RIVER AND THE TERMINUS OF THE HEREIN DESCRIBED LINE.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

9601170252

AUDITOR OR RECORDER'S CERTIFICATE

Filed for record this _____ day of _____, 19____ at _____ M.

SURVEYOR'S CE

This map correctly repr



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

March 26, 1996

Mr. Peter Davis, Chair & CEO
Gaco Western, Inc.
18700 Southcenter Pkwy
Tukwila, WA 98188



Dear Mr. Davis:

Re: Model Toxics Control Act (MTCA) Agreed Order DE 92HS-N28S, Gaco Western, Inc. Tukwila, WA facility (GACO)

Thank you for submitting the results of the "Third Quarter Monitoring Report & Long Term Monitoring Proposal" to the Washington State Department of Ecology's (Ecology) Hazardous Waste & Toxics Reduction Program (HWTRP) for review and response. Ecology appreciates GACO's efforts in completing: the groundwater monitoring; analytical work; and data reporting. Ecology has also received GACO's February 2, 1996 letter with an attached "Restricted Covenant (reference # 9601170252)".

MTCA Agreed Order DE 92HS-N28S

Ecology has reviewed the submitted data report and restricted covenant. Ecology is in agreement with GACO that the field investigation work set forth in MTCA Agreed Order (DE 92HS-N28S) has been satisfied. In abiding by the conditions set forth for the results of the three additional quarters of groundwater monitoring, as detailed in GACO's March 16, 1995 letter, Ecology's determination is that no further action is necessary on the GACO site under the current MTCA Agreed Order # DE 92HS-N28S.

This determination of no further action is made only with respect to the releases of the specific constituents and site locations that were investigated under MTCA Agreed Order DE 92HS-N28S. This no further action determination applies only to the areas of the GACO site at 18700 Southcenter Parkway, in Tukwila, Washington affected by the release identified in the reports. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by GACO. Ecology does not assume any liability for any release, threatened release or other conditions at the site, or for any actions taken or omitted by any person or his/her agents or employees with regard to the release, threatened release, or other conditions at the site.

Long-term Groundwater Monitoring

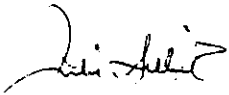
GACO's Long Term Monitoring, as presented in the "Third Quarter Monitoring Report & Long Term Monitoring Proposal" is acceptable if all deep wells (HC-1D, HC-2D, HC-5D & HC-6D) are included in the sampling event along with a contemporaneous set of

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groundwater level measurements in all the resource protection wells (HC-1D/1S, HC-2D/2S, HC-3S, HC-4S, HC-5D/5S & HC-6D/6S) also including the river stage.

Please contact me at (206) 649-7053, or Hideo Fujita at (206) 649-7068 if you have any questions regarding this letter.

Sincerely,



Julie Sellick
Section Supervisor
Hazardous Waste and Toxics Reduction Program

JAS:dhf:aw

cc: Hideo Fujita, NWRO
Dean Yasuda, NWRO
Robin Harrover, NWRO
Louise Bardy, NWRO
File HZW 6.4

c: msoffice winword\projects\gaco96ja.doc