



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
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Electronic Copy

January 17, 2018

Christine Hewitson
Donkey Creek Holdings, LLC
PO Box 1805
Gig Harbor, WA 98335

Re: Termination & Release of Restrictive Covenant No. 200704300649 dated
04/30/2007.

Site Name: Peninsula Light Company (Gig Harbor Peninsula Historical Society)
Site Address: 4021 and 4121 Harborview Drive, Gig Harbor, WA 98335
Facility/Site ID#: 88123954
Cleanup Site ID#: 6806
VCP Project Number: SW0634

Dear Ms. Hewitson:

The Department of Ecology (Ecology) issued a final no further action (NFA) letter for the Peninsula Light Company site on May 16, 2017. Following the NFA letter, Ecology started the 30-day public comment period on September 27, 2017 for the Termination & Release of the above cited Restrictive Covenant recorded on the Property. The public comment period ended on October 30, 2017.

The Department of Ecology (Ecology) received a comment from you regarding the NFA letter and Ecology responded back to your comment on November 13, 2017 (copy enclosed). In its response, Ecology requested you to contact me or Megan MacClellan by November 20, 2017 to discuss about any of your additional standing issues regarding the NFA letter and/or Termination of the Restrictive Covenant. But Ecology did not receive a call from you by the above indicated date. Hence, it was assumed that Ecology has your consent to finalize the Restrictive Covenant Termination & Release document.

Accordingly, Ecology finalized the document and mailed it to the Gig Harbor History Museum (Voluntary Cleanup Program Applicant) for recording in the Pierce County Auditor's Office. The Gig Harbor History Museum recorded the Restrictive Covenant Termination & Release document in the Pierce County Auditor's office on December 15, 2017. A copy of the recorded document is enclosed for your files.

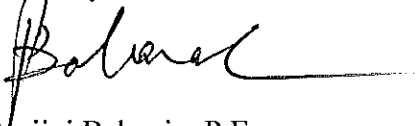
If you have any questions, please call me at (360) 407-6335.

Ms. Christine Hewitson

January 17, 2018

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Panjini Balaraju", with a long horizontal flourish extending to the right.

Panjini Balaraju, P.E.

Department of Ecology

Toxics Cleanup Program

Southwest Regional Office

Enclosures: (2)

By Certified Mail: [91 7199 9991 7037 7471 8989]

cc: Stephanie Lile, Gig Harbor History Museum

201712150962 CCOMITA 9 PGS
12/15/2017 04:05:30 PM \$82.00
AUDITOR, Pierce County, WASHINGTON

AFTER RECORDING RETURN TO:

Washington State Department of Ecology
Toxics Cleanup Program/SWRO
Attention: Panjini Balaraju
300 Desmond Drive SE
Lacey, WA 98504-7775

TERMINATION & RELEASE OF RESTRICTIVE COVENANT

Grantor: State of Washington, Department of Ecology

Grantee: The Gig Harbor Peninsula Historical Society

Legal: Parcel A, Parcel B, Parcel C, Parcel D, Parcel E, and Parcel F: Lot 2, Section 6,
Township 2 North, Range 2 East. A detailed Legal Description is included under the
Legal Description of the Property below.

Tax Parcel Nos.: Original Parcel Numbers 0221064001, 0221064054, 0221064069,
0221064118, and 0221064137 (Enclosure-A)
(Current Parcel Numbers: 4002990010 and 4002990020: Enclosure-B).

Cross-Reference: 4021 and 4121 Harborview Drive, Gig Harbor, Washington.
Original Restrictive Covenant No. 200704300649 recorded in Pierce County
on 04/30/2007; Final No Further Action Letter dated May 16, 2017.

Pursuant to the Model Toxics Control Act, Chapter 70.105D RCW (MTCA), the Uniform Environmental Covenants Act, RCW 64.70.100, and WAC 173-340-440, the State of Washington, Department of Ecology (Ecology) has determined, after public notice and comment, that the Restrictive Covenant filed of record in Pierce County under Auditor File Number 200704300649 on April 30, 2007 between The Gig Harbor Peninsula Historical Society as Grantor and Ecology as Grantee (Covenant) over the property legally described below is no longer necessary under MTCA and its implementing regulations, Chapter 173-340 WAC in order to protect human health and the environment. Ecology hereby consents to termination of the Covenant and relinquishes and quitclaims to The Gig Harbor Peninsula Historical Society (Owner of Parcel # 4002990010) and 4021 Harborview LLC (Owner of Parcel # 4002990020) any and all rights it may have that were created by the Covenant.

This document is not a settlement under MTCA. Ecology's signature below does not constitute a covenant not to sue or a compromise of Ecology's authority or rights other than those rights created by the Covenant itself.

The Legal Description of the Property subject to the Covenant is as follows:

Parcel A:

All that portion of the following described tract, lying Easterly of the Bruaham-Hunt County Road, to-wit:

Commencing at the Northwest corner of Lot 2, Section 6, Township 21 North, Range 2. East, W.M., in Pierce County, Washington;

Thence South 250 feet more or less to the center of a small creek;
Thence Northeasterly along center of said creek to a point that is 417 feet East of the West line of said Lot 2;
Thence North 130 feet more or less to the North line of said Lot 2;
Thence West along North line of said Lot 4, 417 feet to the place of beginning, in Pierce County, Washington.

Together with that portion of vacated Harborview Avenue North (Burnham Street) adjoining, which upon vacation, attached to said property by operation of law.

Parcel B:

Beginning at Northwest corner of Lot 2, Section 6, Township 21 North, Range 2 East of Willamette Meridian, in Pierce County, Washington, thence running North 89° 08' East on North line of said Lot, 417 feet; thence South parallel to West line of said Lot, 405.15 feet to Northeasterly line of State Highway No. 14; thence North 46° 41' 20" West of said Northeasterly line 68.70 feet; thence North parallel to West line of said Lot and on West line of land of C.O. Austin, 144.45 feet to true point of beginning; thence South 45° 10' West 55.09 feet; thence North 46° 41' 20" West 83.97 feet; thence South 80° 18' 40" West 36 feet, more or less, to County Road; thence on a curve to the right radius 208.75 feet Northerly along Easterly line of said Road 43 feet, more or less, to center line of small creek; thence Easterly on said center line 145 feet, more or less, to a point North of true place of beginning; thence South parallel to West line of said Lot 97.92 feet, more or less, to true place of beginning.

Together with that portion of vacated Harborview Avenue North (Burnham Street) adjoining, which upon vacation, attached to said property by operation of law.

Parcel C:

Commencing at the Northwest corner of Government Lot 2, Section 6, Township 21 North, Range 2 East of W.M.; thence North 87° 08' 12" East along the North line of said lot 417 feet to the true point of beginning of this description; thence continuing North 87° 08' 12" East along the North line of said lot 138.59 feet; thence South 0° 38' East 20.13 feet to an angle point in the government meander line; thence South 15° 05' 25" West 475

feet more or less, along the government meander line and along the segment of said meander line extended to the Northerly right of way line of state Highway No. 14; thence Northwesterly following said right of way line to a point North 87° 08' 12" East 367 feet from the west line of said lot; thence North parallel to said West line of lot 225 feet, more or less, to center of creek, being the creek referred to in contract between J. M. Galbraith Company and Ervin S. Craig and wife, recorded November 25, 1959 under recording No. 1878550, records of said County; thence North 74° 30' East (approximate course) 51.88 feet along center of creek to a point North 87° 06' 12" East 417 feet from the West line of said lot; thence North parallel to said West line of lot 130 feet to the point of beginning. And including any second class tidelands lying within the boundaries: above described.

Except therefrom that portion conveyed to Howard Austin and Ruth Austin, husband wife, by Deed recorded March 7, 1968 under recording No. 2229592, described as follows:

Beginning at the Northwest corner of Government Lot 2, Section 6, township 21 North, Range 2 East of the W.M., in Pierce County, Washington (said N.W. corner Town of Gig Harbor unrecorded Monument #112-stamped #112 and 1/16); thence along said lot line, North 87° 08' 12" East 470.0 feet to the true point of beginning; thence continuing along said lot line, North 87° 08' 12" East 84.79 feet; thence South 0° 06' 55" West 19.88 feet to Angle Point of Balanced Meridian Line; thence along said Meander Line South 15° 05' 43" West 6.85 feet; thence South 86° 22' 39" West 39.25 feet; thence North 65° 49' 05" West 27.85 feet; thence Northwesterly to the true point of beginning.

Parcel D:

Beginning at the Northwest corner of Lot 2, Section 6, Township 21 North, Range 2 East of the W.M., in Pierce County, Washington; thence running North 89° 08' East on the North line of said lot, 417 feet; thence South parallel to West line of said lot 405.15 feet to the Northeasterly line of former State Highway No. 14, now Harborview Avenue West; thence North 46° 41' 20" West on said Northeasterly line 68.70 feet to the true point of beginning; thence North 54.84 feet; thence South 46° 01' West 39.89 feet, more or less, to the Northeasterly line of said Harborview Avenue West; thence South 46° 41' 20" East 39.50 feet to the true point of beginning.

Parcel E:

All that portion of property described in deed recorded under Record n9 No. 1670316, in Pierce County, Washington, lying Northeasterly of the following described property partition line:

Beginning at the Northwest corner of Government Lot 2, Section 6, Township 21 North, Range 2 East of the W.M., in Pierce County, Washington; thence along West line of said Lot 2, South 0° 20' 26" East 504.42 feet; thence parallel to the North line of said Lot 2, North 87° 08' 12" East 417.00 feet; thence North 47° 24' 30" West 68.29 feet to a point

on the center line of Harborview Avenue West (a monumented street in the Town of Gig Harbor, Washington); thence North 0° 20' 26" West 68.29 feet to the Northeasterly line of said Harborview Avenue West; thence continuing North 0° 20' 26" West 115.60 feet to the point of beginning of above said property partition line; thence along property line North 46° 59' 56" West to Northwesterly line of said property described in said deed recorded under Recording No. 1670316.

Parcel F:

Beginning at the Northwest corner of Government Lot 2, Section 6, township 2 North, Range 2 East of the W.M., in Pierce County, Washington (said Northwest corner being Town of Gig Harbor, unrecorded Monument #112-stamped #112 and 1/16); thence North 87° 08' 12" East along the North line of lot 2, 309.23 feet to true point of beginning on Southerly right of way line of Harborview Avenue North; thence, on lot line, North 87° 08' 12" East 161.57 feet; thence North 69° 37' 35" West 30.48 feet; thence North 75° 08' 18" West 27.96 feet; thence North 64° 35' West 68.71 feet to the Southerly right of way line of Harborview Avenue North; thence on said right of way line Southwesterly to true point of beginning, the above being portion of Lot 7, Block 1, Extension of the City of Gig Harbor, Pierce County, Washington, according to Plat recorded in Volume 6 of Plat 5 at Page 74, in Pierce County, Washington.

Except that portion conveyed in the Town of Gig Harbor by Instrument recorded under Recording No. 1520257.

Dated this 7 day of December, 2017.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

by: Rebecca S. Lawson
Rebecca S. Lawson, P.E.,LHG

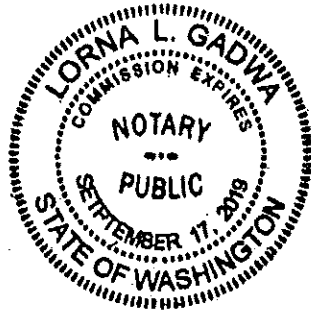
Title: Section Supervisor
Toxics Cleanup Program
Southwest Regional Office

STATE ACKNOWLEDGMENT

STATE OF WASHINGTON

COUNTY OF Thurston

On this 7th day of December, 2017, I certify that Rebecca S. Lawson personally appeared before me, acknowledged that he/she is the _____ of the state agency that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument for said corporation.



Lorna L. Gadwa
Notary Public in and for the State of

Washington, residing at Olympia.

My appointment expires 9/17/2019.

CONSENT TO TERMINATION & RELEASE OF COVENANT

The undersigned The Gig Harbor Historical Society hereby consents to the release and termination of the above-described Environmental Covenant.

[Signature]
Name: Stephanie Lile
Title: Executive Director

Dated: 8/17/17

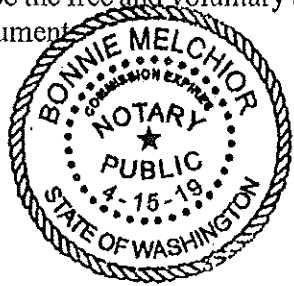


REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF WASHINGTON

COUNTY OF Pierce

On this 17th day of August, 2017, I certify that Stephanie Lile 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 Executive Director [type of authority] of Harbor History Museum [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.



Bonnie Melchior
Notary Public in and for the State of

Washington, residing at Pierce Co.

My appointment expires 4-15-19.

CONSENT TO TERMINATION & RELEASE OF COVENANT

The undersigned The 4021 Harborview LLC hereby consents to the release and termination of the above-described Environmental Covenant.

[Handwritten Signature]

Name: Wade H. Perrow, Jr.
Title: Manager

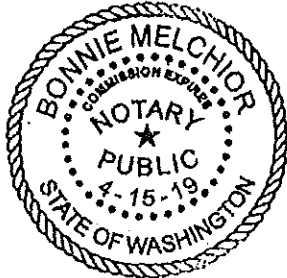
Dated: 8/17/17

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF WASHINGTON

COUNTY OF Pierce

On this 17th day of August, 2017 I certify that Wade Perrow 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 Manager [type of authority] of 4021 Harborview LLC [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.



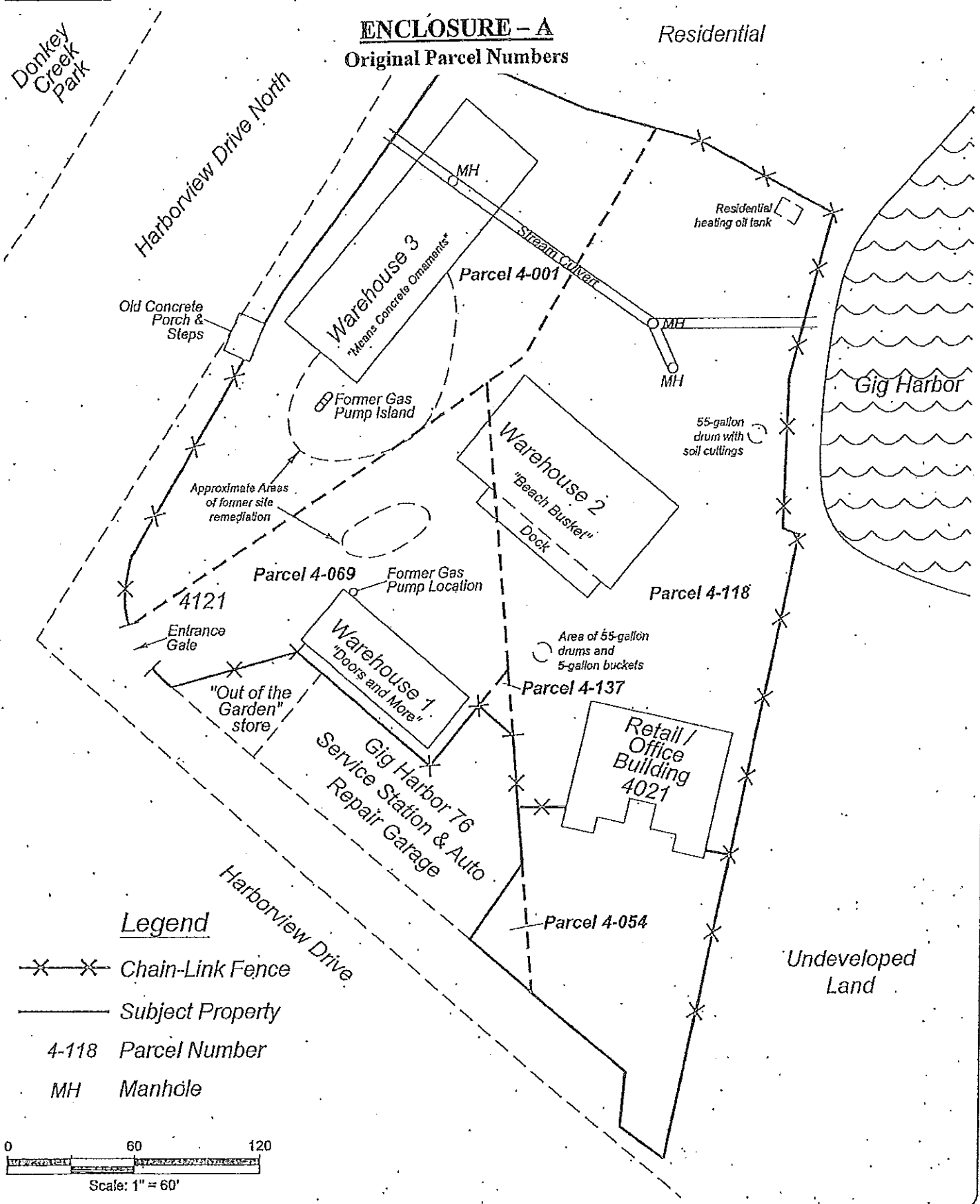
Bonnie Melchior
Notary Public in and for the State of

Washington, residing at Pierce Co.

My appointment expires 4-15-19.

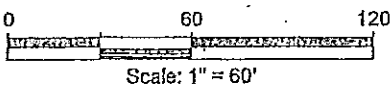
ENCLOSURE - A
Original Parcel Numbers

Residential



Legend

- ✕-✕ Chain-Link Fence
- Subject Property
- 4-118 Parcel Number
- MH Manhole



Proposed Gig Harbor Historical Society Site
4121 and 4021 Harborview Drive
Gig Harbor, Washington

Project: 49567

November 2004

Site Plan.

FIGURE

2

ECOLOGY RESPONSE TO THE PUBLIC COMMENT
PENINSULA LIGHT COMPANY SITE
TERMINATION & RELEASE OF RESTRICTIVE CONVEANT

From: MacClellan, Megan (ECY)
Sent: Monday, November 13, 2017 1:49 PM
To: Christine Hewitson
Cc: Balaraju, Panjini (ECY)
Subject: Peninsula Light Company NFA letter

Hello Ms. Hewitson,

Thank you for your comment about the Peninsula Light Company cleanup site. As an owner of part of the site, I understand your concern about clear documentation that no further cleanup action is needed on your property.

This email is to clarify that notice has been issued to show that parcel 4002990010, owned by 4021 Harborview LLC and comprising a portion of the Peninsula Light Company cleanup site, requires no further cleanup action.

I wrote the September 28 email you referred to, as well as the other outreach content for the comment period, and can see why it would be confusing that I focused on the Harbor History Museum without mentioning the other property owner.

The regulation that guides our cleanup work, the Model Toxics Control Act, defines a site as the extent of contamination, regardless of property boundaries. I highlighted the museum because of its potential as a useful landmark for people to associate with the cleanup work, not to make formal distinctions about site boundaries. I regret that this caused confusion and thank you for the reminder to be more specific in the future.

Since we often oversee cleanup work on sites that include several properties, we typically issue No Further Action (NFA) letters to the customer who applied to the Voluntary Cleanup Program (VCP), then copy other property owners on that letter. In this case, we did not copy 4021 Harborview LLC when issuing the NFA to the Harbor History Museum, and we should have. However, we cannot issue a parcel-specific NFA letter as you requested since an NFA letter was issued for the whole site based on VCP application #0634 submitted by the Harbor History Museum.

We rely on legal descriptions of property boundaries described in the VCP application and in the NFA letter to describe the extent of the site. The NFA letter written in May, 2017 includes your property both in the addresses listed in the heading of the letter, and in the attached site maps. If property ownership changes in the future, we will mail a copy of the May, 2017 NFA letter and clarification letter to any new owners.

Ecology's next step is to finalize the environmental covenant removal document with a signature from the Toxics Cleanup Program SWRO Section Manager. The Harbor History Museum and 4021 Harborview LLC have already signed this document. Once final, we will deliver the covenant removal document to the Harbor History Museum, the VCP applicant, for recording in the Pierce County Assessor's Office.

We hope to speak with you before finalizing the covenant removal to verify your consent or resolve any standing issues. Please call either the Cleanup Project Manager Panjini Balaraju (360-407-6335) or myself by November 20th, so that we can take this next step. Since 4021 Harborview LLC has already signed the covenant removal, we will presume your consent if we don't hear from you by that time.

While we cannot grant your request, I hope that this is helpful in clarifying the issue.

Best,
Megan

Megan MacClellan

360.407.0067 | Public Involvement Specialist | Washington Department of Ecology, Toxics Cleanup Program

PUBLIC COMMENT

4021 Harborview LLC

PO Box 1805
Gig Harbor, WA 98335

(253) 853-2314
Christine@donkeycreekholdings.com

October 17, 2017

Delivered via electronic mail

Megan MacClellan
WA Dept of Ecology, Toxics Cleanup Program.
mmac461@ECY.WA.GOV

Panjini Balaraju
Periodic Review Coordinator
Panjini.Balaraju@ecy.wa.gov

Re: Peninsula Light Company cleanup Comment Period September 28 – October 30, 2017

To: Department of Ecology

I am the owner of 4021 Harborview LLC. I received your email of September 28, 2017 inviting public comment on the proposed environmental cleanup decision for the Peninsula Light Company cleanup (Facility Site ID# 88123954). You state in your email the Harbor History Museum currently operates on the site. However, "the site" is owned by two different entities. Parcel 4002990010 is owned by the Harbor History Museum and Parcel 4002990020 is owned by 4021 Harborview LLC. These two parcels are the site the Department of Ecology states, in their September 28, 2017 email, "cleanup is complete at *the site* and moves to remove it from the state's Hazardous Sites List."

On August 16, 2017, A No Further Action (NFA) letter was issued by the Department of Ecology to the Harbor History Museum (Parcel 4002990010); however, Ecology did not issue a NFA letter to the other property owner, 4021 Harborview LLC.

Parcel 4002990020, owned by 4021 Harborview LLC, is part of "the site" (Facility Site ID# 88123954) and we should have also received a No Further Action Letter, August 16, 2017. While we did receive your letter of September 6, 2017 clarifying this issue, matters stand to be lost in translation in the years to come

I request a No Further Action Letter be issued for parcel #4002990020 which is owned by 4021 Harborview LLC. 4021 Harborview LLC abided by the requirements of the Restrictive Covenant.

On May 23, 2011 4021 Harborview LLC sent notice to the Department of Ecology regarding the conveyance of the property per requirements of the Restrictive Covenant. Scott Rose, Toxic Cleanup Program, conferred receipt, noting, "Ecology would update our files." Scott reminded us we were responsible for upholding the requirements of the Restrictive Covenant. 4021 Harborview LLC moved forward with respect to the Restrictive Covenant. However, Department of Ecology did not follow protocol and therefore, 4021 Harborview LLC did not receive a No Further Action Letter August 16, 2017.

Sincerely,
Christine Hewitson

Enclosures: Letter, Scott Rose May 23, 2011
Letter, Panjini Balaraju September 6, 2017



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 23, 2011

Ms. Jennifer Kilmer
Harbor History Museum
PO Box 744
Gig Harbor, WA 98335

Re: Conveyance of Property under a Restrictive Covenant associated with the following Site:

- Site Name: Peninsula Light Company (former)
- Site Address: 4021 Harborview Drive, Gig Harbor
- Facility/Site No.: 88123954

Dear Ms. Kilmer:

The Department of Ecology (Ecology) is in receipt of your letter regarding notice to convey property associated with the former Peninsula Light Company facility (Site) per the requirements of the Restrictive Covenant. According to the letter, the new buyer is Donkey Creek Holdings, LLC. Follow-up email correspondence indicated the new contact info as follows:

4021 Harborview, LLC (reportedly same buyer, just different LLC)
Michael Perrow
10421 Burnham Drive
PO Box 245
Gig Harbor, WA 98335
253-853-2318
mperrow@hotmail.com

Ecology will update our files. Please note that the new property owner is responsible for upholding the requirements of the Restrictive Covenant. If you have any questions about this letter, please contact me at (360) 407-6347 or via email at sros461@ecy.wa.gov.

Sincerely,

Scott Rose, I.G.
VCP Unit Manager
Toxics Cleanup Program
Southwest Regional Office

By certified mail: (7010 0780 0002 3400 5999)

cc: Lisa A. Tallian, Managing Broker, First Western Properties Tacoma, Inc.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

September 6, 2017

Ms. Christine Hewitson
4021 Harborview LLC
PO Box 1805
Gig Harbor, WA 98335

Re: Peninsula Light Company (Gig Harbor Peninsula Historical Society)

Dear Ms. Hewitson:

We received your letter of August 16, 2017 requesting clarification regarding the Department of Ecology's (Ecology) no further action (NFA) letter dated May 16, 2017 issued for the Peninsula Light Company Site located at 4021 and 4121 Harborview Drive, Gig Harbor, Washington 98335 (Facility Site ID# 88123954; Cleanup Site ID#: 6806; VCP Project #: SW0634).

Ecology sent the above NFA letter to the Gig Harbor Peninsula Historical Society for meeting the Model Toxics Control Act (MTCA) cleanup level for vinyl chloride in the groundwater at the Peninsula Light Company Site (Enclosure-C). This NFA letter was issued for the whole Site which included five parcel numbers 0221064001, 0221064054, 0221064069, 0221064118 and 0221064137 (Enclosure-A).

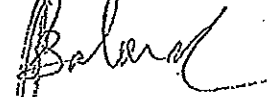
However, Ecology understands that the above five parcel numbers no longer exist and have been replaced with two new parcel numbers 4002990010 and 4002990020 (Enclosure-B). Also based on the Property purchase document that you sent to Ecology, we understand that one of the new parcel numbers (4002990020) is owned by 4021 Harborview LLC; the other new parcel number (4002990010) is owned by the Gig Harbor Peninsula Historical Society.

Ecology's August 16, 2017 NFA letter was issued for the whole Site which comprised of the above cited five parcel numbers, which were replaced with two new parcel numbers. Hence, the August 16, 2017 NFA letter is also valid to both new parcel numbers, 4002990020 and 4002990010. As a result, no further remedial action is necessary to clean up the vinyl chloride contamination in the groundwater at the Peninsula Light Company Site including the parcel number 4002990020, which is currently owned by the 4021 Harborview LLC.

Ms. Christine Hewitson
September 6, 2017
Page 2

If you have any questions, please call me at (360) 407-6335.

Sincerely,



Rajini Balaraju, P.E.
Periodic Review Coordinator
Toxics Cleanup Program
Southwest Regional Office

Enclosures: (3)

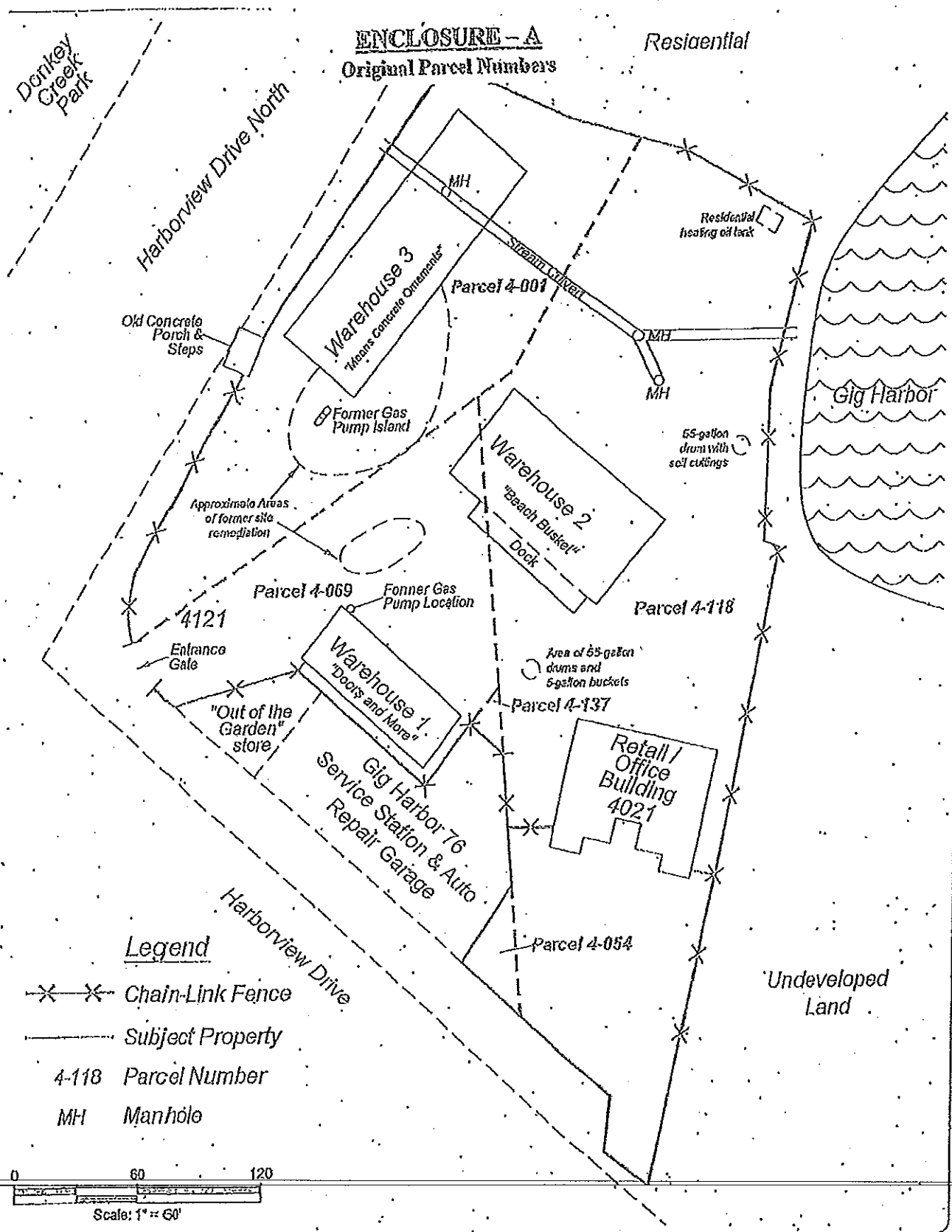
By Certified Mail: [91 7199 9991 7037 7496 0401]

Enclosure-A: Original Parcel Numbers

Enclosure-B: Current/New Parcel Numbers

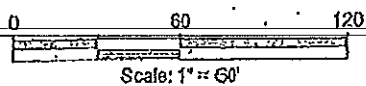
Enclosure-C: May 16, 2017 NFA Letter

cc: Stephanie Lile, Gig Harbor Peninsula Historical Society (without Enclosure-C)
Central Files (without Enclosure-C)



Legend

- ✕✕ Chain-Link Fence
- Subject Property
- 4-118 Parcel Number
- MH Manhole



Proposed Gig Harbor Historical Society Site
4121 and 4021 Harborview Drive
Gig Harbor, Washington

Project: 49567 November 2004

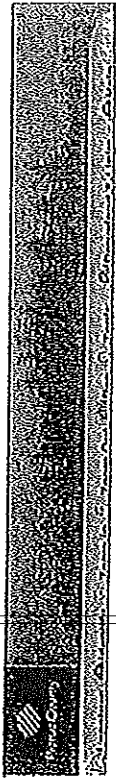
Site Plan.

FIGURE
2

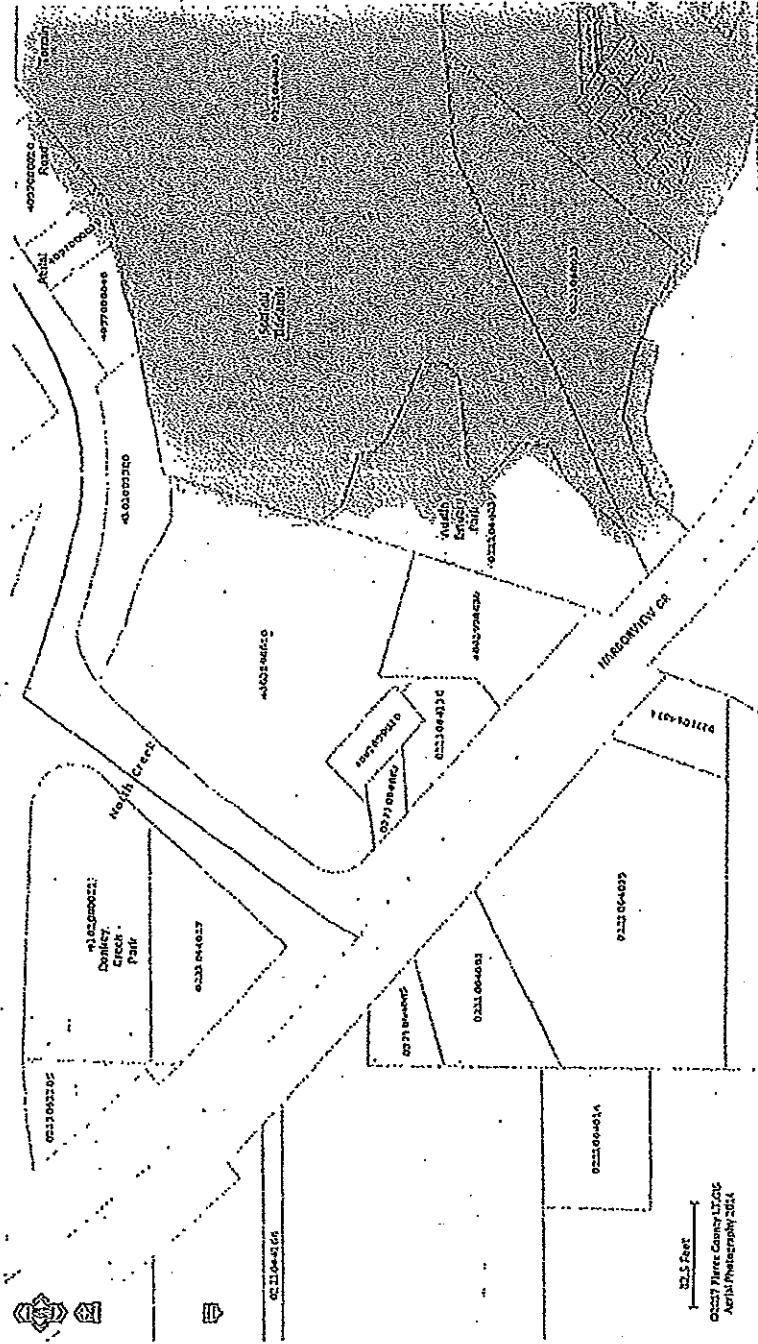
ENCLOSURE - B

Current Parcel Numbers

PublicGIS



Map Overview



County Layers
Main Data Layer is provided, please zoom in.
Use additional data below to view additional data.
Parcel Zoning - 4 ft 3

- Community Plans
- Right-of-Way
- Tax Parcels
- Zoning
- Zoning Overlay
- Political Boundaries
 - City Boundaries
 - Congressional Districts
 - Council Districts - 2012
 - Legislative Districts
 - Fire Districts
 - School Districts
 - ZIP Codes
 - Public Safety
 - Fire Stations

Open@
Contact Us