

RESTRICTIVE COVENANT



The undersigned, GTE Northwest Incorporated, is the fee owner of real property in the County of ~~Snohomish~~ ^{KING} County, State of Washington (legal description attached as Exhibit A), hereafter referred to as the "site". The Site contains the following subsurface area which has been confirmed with residual concentrations of petroleum hydrocarbons at levels which exceed the Method A Cleanup Guidelines as published in the Model Toxics Control Act, (MTCA, Chapter 173-340 WAC).

In the report entitled, Contamination Assessment Report prepared in September 1993, total petroleum hydrocarbons "TPH" were identified for compounds within the gasoline range in soil and groundwater located in the former gasoline dispenser location, located along the north side of the garage as detailed in the above referenced report (see Exhibit B attached for map of the contaminated area).

GTE Northwest Incorporated makes the following declaration as to limitations, restrictions, and uses to which the Site 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 it, including all current and future owners of any portion of or interest in the Site.

Section 1. Any situation on the Site that may expose the contaminated area beneath the garage building and near the buried utility should be proceeded with an investigation and remediation of the contaminated area. In addition, no groundwater may be taken for domestic purposes at the Site, unless tested and deemed suitable for use by the local drinking water authority and the Department of Ecology.

Section 2. The owner of the Site must give written notice to the Department of Ecology or to a successor agency, of the owner's intent to convey any interest in the Site. No conveyance of title, easement, lease or other interest in the Site shall be consummated by the owner without adequate and complete provision for the continued operations, maintenance and monitoring of the contaminated area.

Section 3. The owner must notify and obtain approval from the Department of Ecology, or from a successor agency, prior to any use of the Site that is inconsistent with the terms of this Restrictive Covenant. Public notice and comment may be sought by the Department of Ecology or a successor agency prior to approval of the proposed change.

Section 4. The owner shall allow authorized representatives of the Department of Ecology, or from a successor agency, the right to enter the Site at reasonable times for the purpose of evaluating compliance with the restrictive covenant.

Section 5. The owner of the Site and the owner's assigns and successors in interest, reserve the right under WAC 173-340-720 and WAC 173-340-440 (1991 ed.) to

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record an instrument which provides that this Restrictive Covenant shall no longer limit use of the Site or be of any further force or effect. However, such an instrument may be recorded only with the consent of the Department of Ecology, or of a successor agency. Public notice and comment may be sought by the Department of Ecology or a successor agency prior to the recording of such an instrument.

DATED this July 21, ~~day of~~ 1995,

By: [Signature]
Eileen O'Neill Odum
Print Name

ITS: - President
Title

9508070767

Unofficial Copy

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STATE OF WASHINGTON)
COUNTY OF Snohomish)

On this 21 of July, ¹⁹⁹⁵ before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared Eileen O'Neill Odum, known to me to be the President of GTE Northwest Incorporated, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

I certify that I know or have satisfactory evidence that the person appearing before me and making this acknowledgment is the person whose true signature appears on this document.

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



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Sally A. Bates
Signature

Sally A. Bates
Print Name

NOTARY PUBLIC in and for the State of Washington, residing at Marysville
My commission expires 4/5/99

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**EXHIBIT A
DESCRIPTION OF THE SITE**

Legal Description

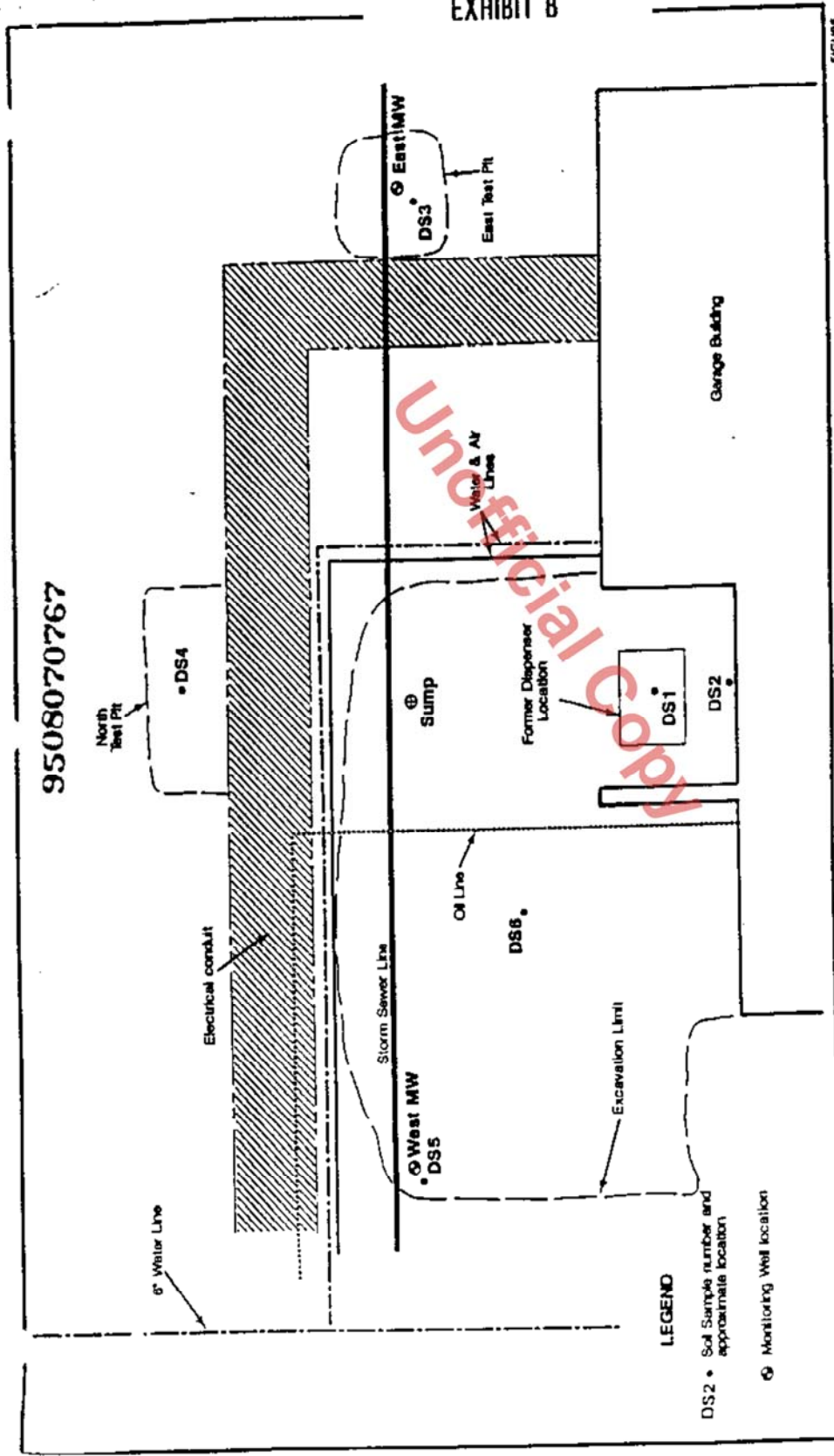
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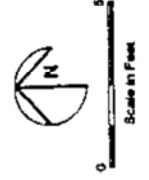
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EXHIBIT B

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LEGEND
 DS2 • Soil Sample number and approximate location
 ⊙ Monitoring Well location



Applied Geotechnology Inc.
 Geotechnical Engineering
 Geology & Hydrogeology

Gasoline Dispenser Excavation
 GTE/Kirkland Support Center
 Kirkland, Washington

FIGURE **2**

APPROVED	DATE	REVISED	DATE
DRAWN	DATE	DATE	DATE
DPF			

JOB NUMBER
15,169 130



SALES TAX PAID
 AFF. NO. E370649
 SEP 15 1976
 By _____ Deputy
 KING COUNTY COMPTROLLER

1976 SEP 16 AM 8 30

297-L-1A

DIRECTOR
 RECORDS & ELECTIONS
 KING COUNTY, WASH.

FILED FOR RECORD AT REQUEST OF
 TRANSAMERICA TITLE
 INSURANCE COMPANY
 10335 N. 11th AVE. SUITE 100
 BELLEVUE, WASHINGTON 98004

STATUTORY WARRANTY DEED

THE GRANTOR, GEORGE WINSTON, TRUSTEE, for and in consid-
 eration of ONE HUNDRED NINE THOUSAND NINE HUNDRED DOLLARS (\$109,900.00)
 in hand paid, conveys and warrants to GENERAL TELEPHONE COMPANY OF
 THE NORTHWEST, INC., a Washington corporation, the following de-
 scribed real estate, situated in the County of King, State of
 Washington:

7609160188

9508070767

A portion of the NW quarter of the SE quarter
 of Section 28, Township 26 North, Range 5 East,
 W.M., situated in King County, Washington de-
 scribed as follows:

The South 218.00 feet of the NW quarter of the
 SE quarter of said Section 28 as measured from
 and being parallel to the South line of the
 NW quarter of the SE quarter of said Section
 28, lying East of a county road known as Slater
 Avenue North East EXCEPT for the West 338.81
 feet of the NW quarter of the SE quarter of
 said Section 28.

172

IN WITNESS WHEREOF, said Trustee has caused this instrument
 to be executed and his seal to be hereunto affixed this 15 day of
 August, 1976.

George Winston Trustee
 GEORGE WINSTON, TRUSTEE

STATE OF WASHINGTON)
 COUNTY OF KING) ss

On this day personally appeared before me George Winston
 Trustee, to me known to be the individual described in and who
 executed the within and foregoing instrument, and acknowledged that
 he signed the same as his free and voluntary act and deed, for the
 uses and purposes therein mentioned.

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

AFTER RECORDING RETURN TO:
 A. Timothy Williamson, Atty.,
 1800 Forty-First,
 EVERETT, Wash 98201

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



SALES TAX PAID
 AFF. NO. E370649
 SEP 15 1976
 By _____ Deputy
 KING COUNTY COMPTROLLER

1976 SEP 16 AM 8 30

297-L-1A

DIRECTOR
 RECORDS & ELECTIONS
 KING COUNTY, WASH.

FILED FOR RECORD AT REQUEST OF
 TRANSAMERICA TITLE
 INSURANCE COMPANY
 1035 N. 1ST AVENUE
 MILLER, WASH. 98004

110.00

STATUTORY WARRANTY DEED

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 Washington, residing at _____