



## **Second Periodic Review**

Former Exxon Station 7-7063  
209 Central Way  
Kirkland, WA

FS ID#: 74267938  
Cleanup Site ID#: 6601

Prepared by:  
Washington State Department of Ecology  
Northwest Region Office  
Toxics Cleanup Program

March 2018

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## 1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup site conditions and monitoring data to assure human health and the environment are being protected at the Former Exxon 7-7063 (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the second periodic review conducted for this Site. The first periodic review was completed in October 2012. This periodic review will evaluate the period from 2012 through 2018.

Cleanup activities at this Site were completed through the Voluntary Cleanup Program (VCP) under VCP No. NW1502. The cleanup actions resulted in residual concentrations of petroleum hydrocarbons that exceeded MTCA Method A cleanup levels for soil established under WAC 173-340-740(2). It was determined that institutional controls in the form of a restrictive covenant would be required for the Site to be eligible for a No Further Action (NFA) determination. WAC 173-340-420(2) requires Ecology to conduct a periodic review of a site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion
- (d) And one of the following conditions exists:
  - 1. Institutional controls or financial assurance are required as part of the cleanup;
  - 2. Where the cleanup level is based on a practical quantitation limit; or
  - 3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances or mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

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## **2.0 SUMMARY OF SITE CONDITIONS**

### **2.1 Site Description and History**

The Site is associated with a former Exxon gasoline station property, located at 209 Central Way in downtown Kirkland, Washington. The Site is located in a commercial district and is surrounded by predominantly commercial businesses.

The Site operated as a gasoline service station prior to 1990. The facility consisted of a station building, two pump islands, one 10,000-gallon gasoline underground storage tank (UST) located in a UST basin on the eastern side of the property, one 6,000-gallon and two 4,000-gallon gasoline USTs located in a UST basin on the western side of the property, one 1,000-gallon waste oil UST, and one 500-gallon heating oil UST. The original USTs were removed in 1990, and the station building was demolished in 1994. A new building was constructed at that time and remains.

The Site is located on the floor of a west-draining valley located on the eastern shore of Lake Washington. The Lake Washington shoreline is currently several hundred feet west of the Site. The Site itself is nearly flat at an elevation of 10 feet above the main sea level, but the land surface across the street on the north side of Central Way slopes steeply upward to the north.

Shallow geologic conditions at the Site consist of a few feet of fill overlying alluvial/lacustrine lake sediments. These sediments extend to at least 25 feet below ground surface. Ground water occurs within the alluvial/lacustrine lake sediments under unconfined conditions. The water table fluctuates seasonally between 4 and 11 feet below ground surface. Flow within this aquifer would be expected to be down valley to the west based on topography. However, flow directions are reversed to the north/northeast. It is likely that the ground water flow is controlled by factors other than topography, such as possible hydraulic sinks generated by foundation drain systems from neighboring properties, or preferential drainage through a utility trench.

A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

### **2.2 Site Investigations and Remedial Actions**

Various environmental assessment and remedial activities were conducted at the Site. The first environmental investigation began in 1989, and long-term groundwater monitoring started in 1990 and continued through 2003.

Remedial actions began with removal of USTs and associated piping in 1990. Petroleum contaminated soils were excavated but subsequently were placed back to the excavation pit for later on-site disposal. In March 1991, contaminated soils were over-excavated from the former UST pits and stockpiled on-site. A soil vapor extraction (SVE) system was installed in the soil stockpiles to extract petroleum hydrocarbons. This SVE system was operated until October 1991. At that time, the system was removed and the treated soil was used together with clean backfill during the installation of another SVE system in the vicinity of the former UST basin located on

the west side of the property. In addition, a ground water pump and treat system with an air stripping tower was installed to treat contaminated ground water. In August 1993, the SVE system was decommissioned when some contaminated soil was excavated in the vicinity of the former UST located on the west side of the property.

Approximately 1,000 cubic yards of soil was reportedly removed from the Site in 1994 during the construction of a new building foundation. It was not documented how the excavated soil was treated. An air sparging and SVE system was installed at that time, including horizontal vapor extraction piping beneath the building. The system operated from 1995 through the mid of 1999.

Soil confirmation sampling was conducted in 2004 to evaluate subsurface conditions at the Site. Results indicate that diesel and gasoline-range petroleum hydrocarbons (TPH-G and TPH-D, respectively) remain in soils on the property as shown on Appendix 6.3. However, the contaminated soil was isolated from infiltration and from direct human contact by the building, asphalt and concrete pavement, and topsoil (in the limited landscape areas). These surface covers act as a cap.

Results from ground water monitoring have demonstrated that the plume has been contained within the property and contaminant levels have been below applicable MTCA Method A cleanup levels since 2002.

### **2.3 Cleanup Levels and Points of Compliance**

WAC 173-340-704 states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for contaminants at this Site. The cleanup actions conducted at the Site were determined to be 'routine', few hazardous substances were found at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance. The current MTCA Method A cleanup level for TPH-G is 30 milligrams per kilogram (mg/kg) when benzene is present. The current MTCA Method A cleanup level for TPH-D is 2000 mg/kg.

For soil, the point of compliance is the area where the soil cleanup levels shall be attained. For soil cleanup levels based on the protection of groundwater, as they are for this Site, the point of compliance is established as soils throughout the Site.

Because the highest beneficial use of groundwater from the Site is a potential future source of drinking water, the standard point of compliance for groundwater is appropriate for this Site. The standard point of compliance is established throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site.

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## 2.4 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a restrictive covenant was recorded for the property. A restrictive covenant was recorded for the Site in 2007 which imposed the following limitations:

1. A. The portion of the property under the existing building contains gasoline- and diesel-contaminated soil. 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.  
B. The portion of the property under existing sidewalks, pavement, and landscaping also contains gasoline- and diesel-contaminated soil. These surfaces represent a Remedial Action cap. Any activity on the property that may result in the release or exposure to the environment of the contaminated soil that was capped as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology. Some examples of activities that are prohibited in the capped areas include:
  - drilling,
  - digging,
  - placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability,
  - piercing the surface with a rod, spike or similar item,
  - bulldozing or earthwork,
  - removal of cap materials for access to subsurface utilities or equipment; and
  - collection of surface water runoff and discharge of that runoff at a point or points on the property into the subsurface
2. Any activity on the property that may interfere with the integrity of the Remedial Action and continued protection of human health is prohibited.
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.
4. The owner of the property must give thirty (30) day 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.
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.
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.
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.

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.

The Restrictive Covenant is available as Appendix 6.4.



## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of completed cleanup actions**

During the Site visit conducted on March 6, 2018, there were no indications that the integrity of the remedial action has been compromised. There was no evidence of undocumented Site excavation or disturbance activities, and no visual indications of disturbance of the Site surface. The Site continues to be occupied by a retail store, and is surrounded by commercial properties. A photo log is available as Appendix 6.5.

#### **3.1.1 Direct Contact**

Exposure pathways to contaminated soils (ingestion, direct contact) continue to be eliminated by the presence of protective Site surfaces including building foundations and clean surface soils. Remaining contaminated soil will not be encountered without significant soil disturbance, which is governed by the restrictive covenant.

#### **3.1.2 Protection of Groundwater**

Soils with TPH-G concentrations exceeding MTCA Method A cleanup levels remain at the Site; however, extensive groundwater monitoring data has provided an empirical demonstration that remaining soil contamination is not impacting groundwater quality.

#### **3.1.3 Institutional Controls**

Institutional controls in the form of a restrictive covenant were implemented at the Site in 2007. The covenant remains active and discoverable through the King County Auditor's Office. There is no evidence a new instrument has been recorded which limits the effectiveness or applicability of the covenant. This covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup without Ecology's approval, and prohibits any use of the property that is inconsistent with the covenant. This covenant serves to assure the long term integrity of the surface cover and the remedial action.

### **3.2 New scientific information for individual hazardous substances or mixtures present at the Site**

There is no new scientific information for the contaminants related to the Site.

### **3.3 New applicable state and federal laws for hazardous substances present at the Site**

There are no new relevant state or federal laws that apply to hazardous substances present at the Site.

### **3.4 Current and projected Site use**

The Site is currently used for commercial purposes. There have been no changes in current or projected future Site or resource uses. The Site use does not negatively impact the integrity of the remedy.

### **3.5 Availability and practicability of higher preference technologies**

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### **3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels**

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## 4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soil cleanup levels have not been met at the Site; however, the cleanup action for the property is determined to comply with cleanup standards under WAC 173-340-740(6) (f), since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The restrictive covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the restrictive covenant continue to be met. No additional cleanup actions are required by the property owner at this time. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained.

### 4.1 Next Review

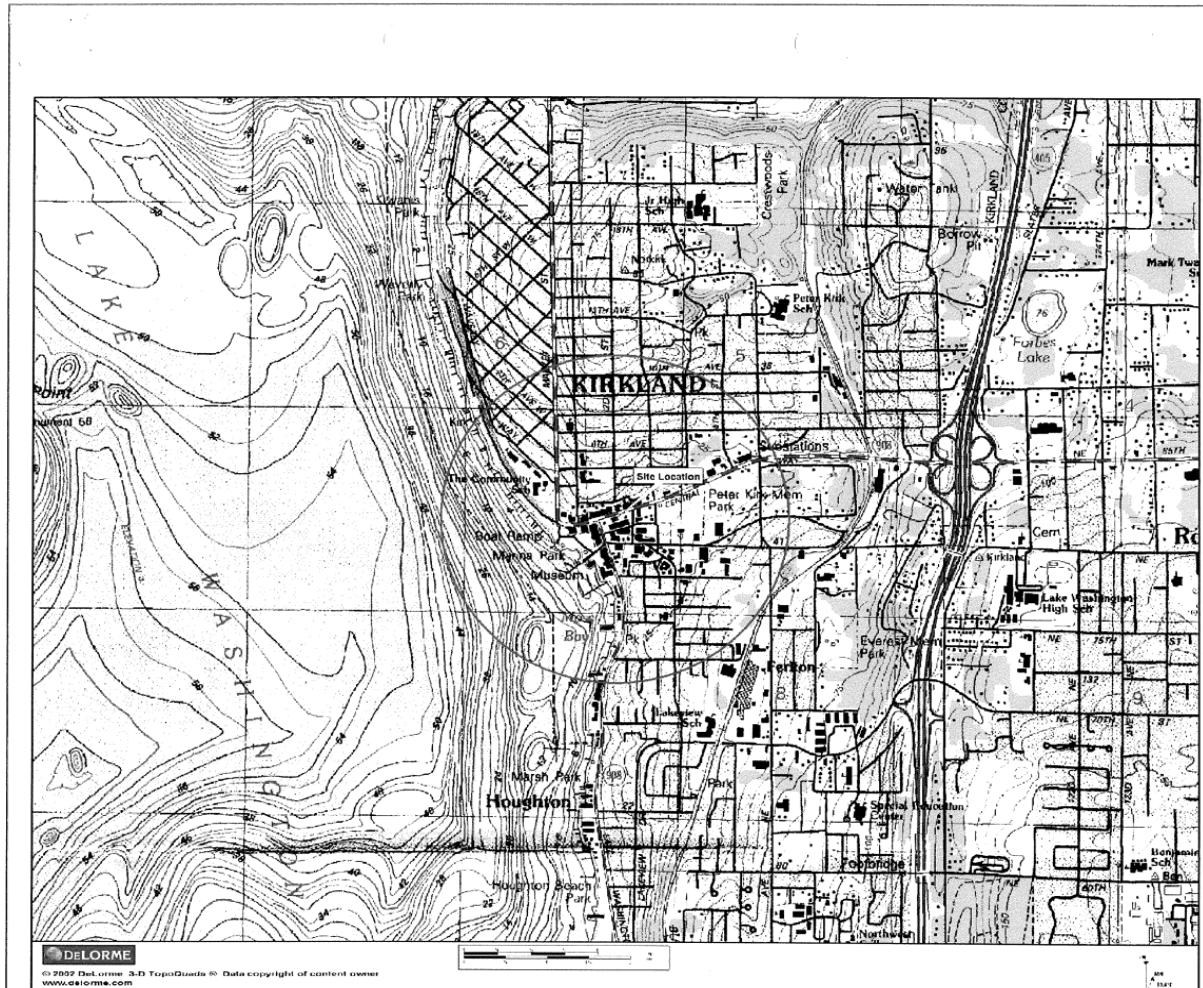
The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

## 5.0 REFERENCES

- Enviro-Logic. *Addendum to Environmental Investigation Report*. February 24, 1993.
- Enviro-Logic. *Limited Subsurface Environmental Investigation*. June 23, 1993.
- Environmental Resolutions, Inc. *Groundwater Monitoring Report*. October 8, 2003.
- Environmental Resolutions, Inc. *Confirmatory Boring and Soil Sampling Report*. May 10, 2004.
- Environmental Resolutions, Inc. *Site Summary and Voluntary Cleanup Program Application*. August 12, 2005.
- Ecology. *Restrictive Covenant*. April 5, 2007.
- Ecology. *No Further Action Determination Letter*. May 23, 2007.
- Ecology. *Periodic Review*. October 2012.
- Ecology. *Site Visit*. March 6, 2018.

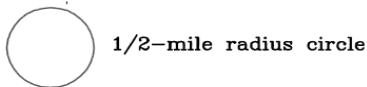
## **6.0 APPENDICES**

## 6.1 Vicinity Map

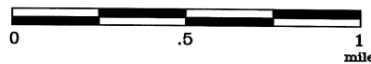


FN 311220001

### EXPLANATION



### APPROXIMATE SCALE



SOURCE:  
 Modified from a map  
 provided by  
 DeLorme 3-D TopoQuads



## SITE LOCATION MAP

FORMER EXXON STATION 7-7063  
 209 Central Way  
 Kirkland, Washington

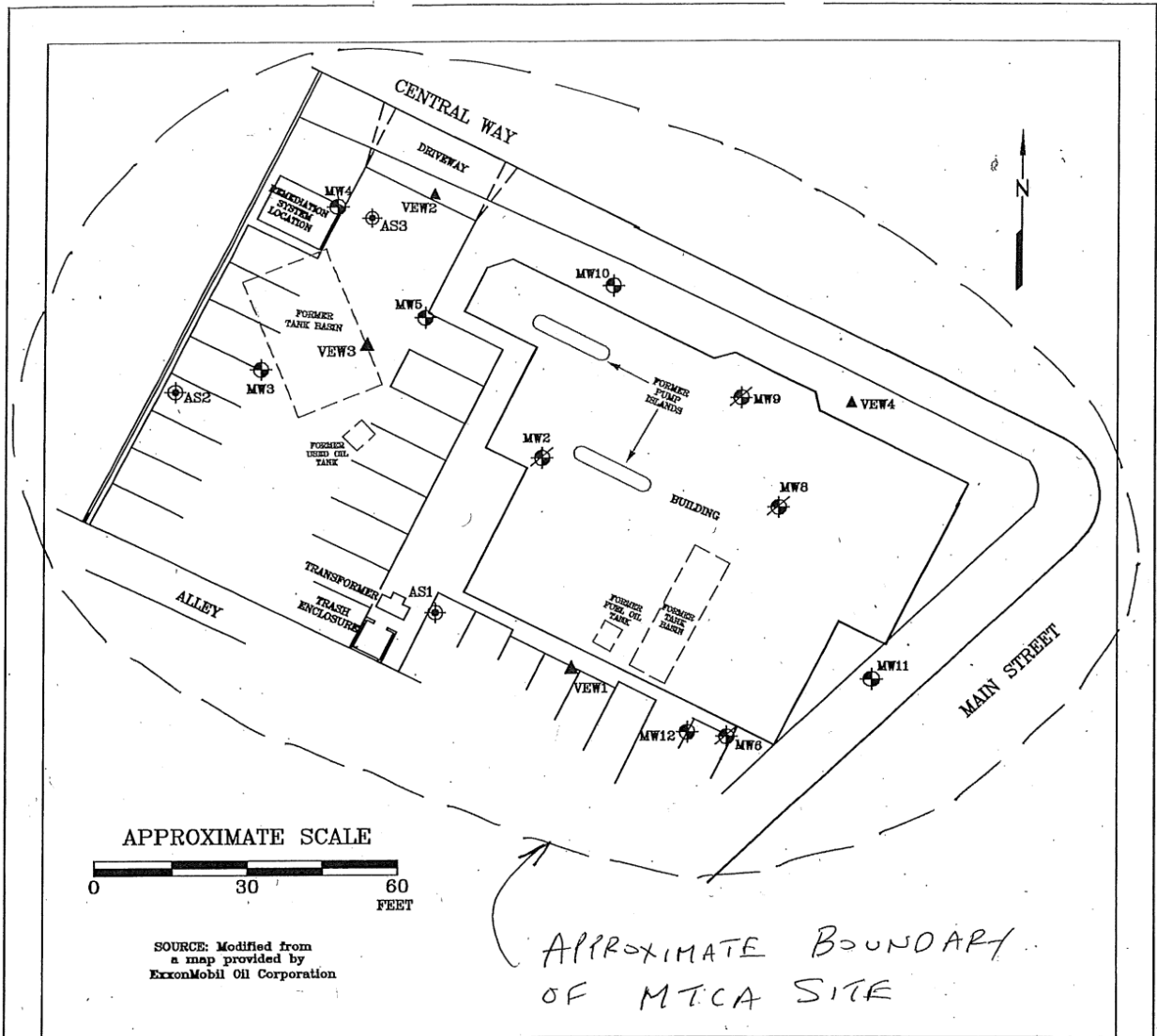
PROJECT NO.

31122

PLATE





1

## 6.2 Site Plan



FN 311220002

### EXPLANATION

-  MW12 Groundwater Monitoring Well
-  MW9 Destroyed Groundwater Monitoring Well
-  VEW4 Soil Vapor Extraction Well
-  AS3 Air Sparging Well



**GENERALIZED SITE PLAN**  
 FORMER EXXON STATION 7-7063  
 209 Central Way  
 Kirkland, Washington

PROJECT NO.

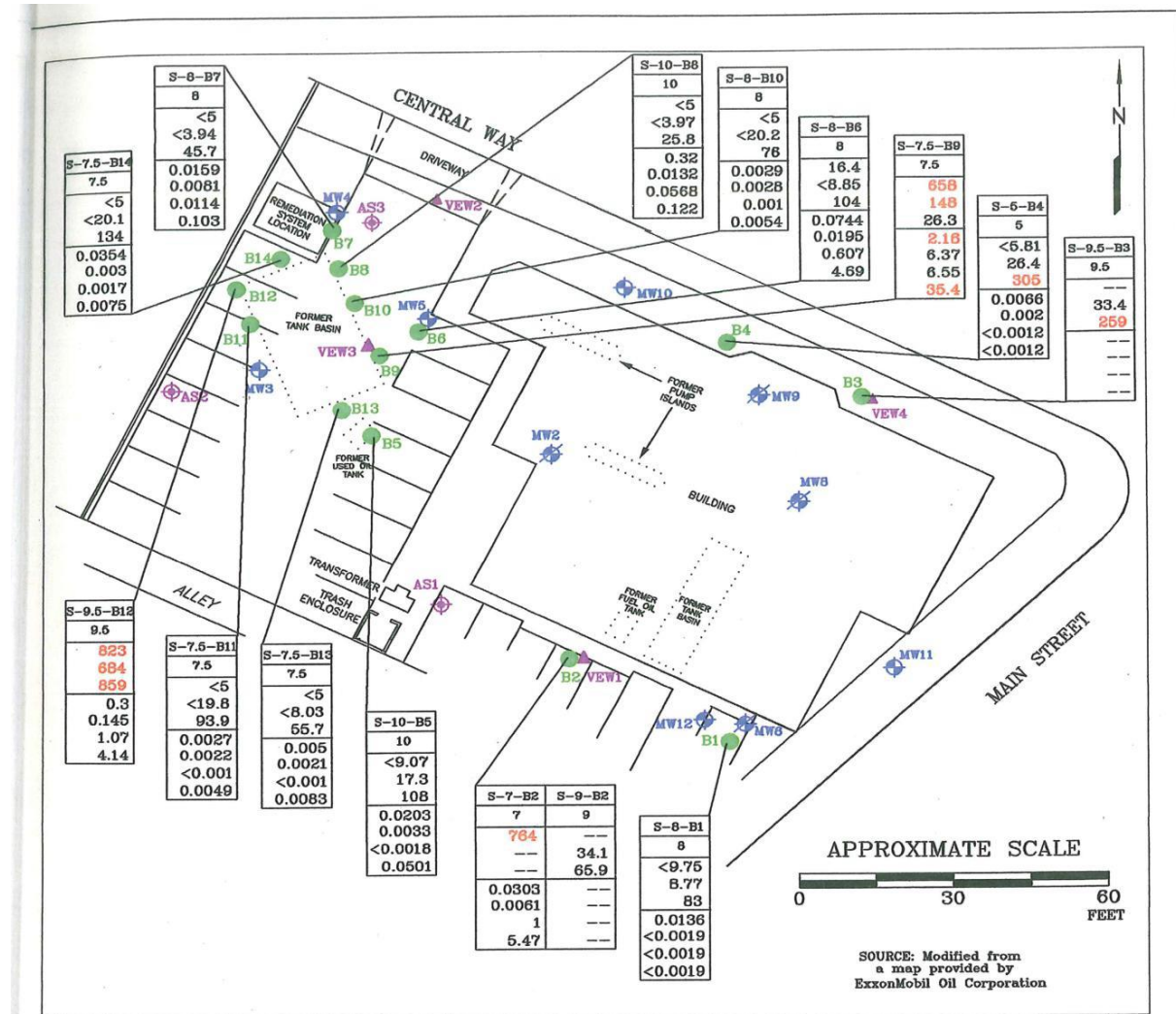
31122

PLATE

2

JML: 01/27/04

### 6.3 2004 Soil Sampling Results



FN 31122.14.R01.0003

**EXPLANATION**

- MW12 Groundwater Monitoring Well
- MW9 Destroyed Groundwater Monitoring Well
- VEW4 Soil Vapor Extraction Well
- AS3 Air Sparging Well
- B5 Boring Location

Sample Name	Sample Depth (in feet)	Laboratory Results in mg/kg (ppm)
S-10-B8	10	
<5		Total Petroleum Hydrocarbons as Gasoline
<3.97		Total Petroleum Hydrocarbons as Diesel
25.8		Total Petroleum Hydrocarbons as Oil
0.32		Benzene
0.0132		Toluene
0.0568		Ethylbenzene
0.122		Total Xylenes

<1.00 = Less than the Stated Laboratory Reporting Limit



**SOIL SAMPLE ANALYSIS MAP**  
**02/17/04 - 02/19/04**  
 FORMER EXXON STATION 7-7063  
 209 Central Way  
 Kirkland, Washington

**PROJECT NO.**  
 31122  
**PLATE**  
 3  
 ARG: 02/27/04



### 6.4 Environmental Covenant

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**Return Address:**

JOHN McCORICLE  
815 INDUSTRY DRIVE  
TUKWILA, WA 98188



**20070405000538**

KORTLEVER COV 38.00  
PAGE 001 OF 007  
04/05/2007 10:21  
KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Restrictive Covenant 2. \_\_\_\_\_  
3. \_\_\_\_\_ 4. \_\_\_\_\_

**Reference Number(s) of Documents assigned or released:**

Additional reference #'s on page \_\_\_\_\_ of document

**Grantor(s)** (Last name, first name, initials)

1. STEVE SUSKIN, \_\_\_\_\_  
2. \_\_\_\_\_, \_\_\_\_\_

Additional names on page \_\_\_\_\_ of document.

**Grantee(s)** (Last name first, then first name and initials)

1. Steve Suskin, \_\_\_\_\_  
2. \_\_\_\_\_, \_\_\_\_\_

Additional names on page \_\_\_\_\_ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

See attached restrictive covenant

Section 5, Township 25 North, Range 5 East  
Additional legal is on page 2 of document.

**Assessor's Property Tax Parcel/Account Number**  
assigned

1244500066

Assessor Tax # not yet

The Auditor/Recorder will rely on the information provided on the form. 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.

\_\_\_\_\_  
Signature of Requesting Party

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## RESTRICTIVE COVENANT

Steve Suskin, 209 Central Way, Kirkland

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g) and WAC 173-340-440 by Steve Suskin, his 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 is described in the following document(s), which are on file at Ecology's Northwest Regional Office:

- October 3, 1989, *Report, Environmental Investigation Related to Real-Estate Divestment at Exxon Service Station No. 7-7063*, Enviro-Logic, Inc.
- April 27, 1992, *Exxon Quarterly Project Summary*, Enviro-Logic, Inc.
- July 27, 1992, *Letter Report, Quarterly Ground-Water Monitoring at Former Exxon Service Station No. 7-7063*, Enviro-Logic, Inc.
- November 2, 1992, *Quarterly Status Report*, Enviro-Logic, Inc.
- February 24, 1993, *Addendum to Environmental Investigation Report Related to Underground Tank Removal at Former Exxon Service Station No 7-7063*, Enviro-Logic, Inc.
- March 29, 1993, *Quarterly Status Report*, Enviro-Logic, Inc.
- June 23, 1993, *Report, Limited Subsurface Environmental Investigation*, Enviro-Logic Inc.
- June 28, 1993, *Quarterly Status Report*, Enviro-Logic, Inc.
- December 30, 1993, *Quarterly Status Report*, Enviro-Logic Inc.
- July 12, 1994, *Status Report-Second Quarter 1994, Former Exxon R/S No. 7-7063*, Delta Environmental Consultants, Inc.
- September 6, 1994, *Letter from Exxon Company, U.S.A., to Ben Forson*, Washington State Department of Ecology.
- March 13, 1995, *Status Report for Fourth Quarter 1994*, Delta Environmental Consultants, Inc.

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- December 5, 1995, *Remediation System Status Report, First and Second Quarter of 1995*, Delta Environmental Consultants, Inc.
- *Exxon Operation and Maintenance Reports*, Delta Environmental Consultants, Inc.
  - March 12, 1996-Fourth Quarter of 1995
  - April 4, 1996-First Quarter of 1996
  - August 29, 1996-Second Quarter of 1996
  - March 18, 1997-Fourth Quarter of 1996
  - May 16, 1997-First Quarter of 1997
  - September 9, 1997-Second Quarter of 1997
  - November 7, 1997-Third Quarter of 1997
- *Exxon Ground Water Monitoring Reports*, Delta Environmental Consultants, Inc.
  - April 3, 1996-Fourth Quarter of 1995 and First Quarter of 1996
  - April 9, 1997-Fourth Quarter of 1996 and First Quarter of 1997
  - October 21, 1997-Fourth Quarter of 1996 and First Quarter of 1997
  - April 16, 1998-Fourth Quarter of 1997 and First Quarter of 1998
  - February 1, 2000-Second, Third and Fourth Quarter of 1999
- *ExxonMobil Ground Water Monitoring Reports*, Environmental Resolutions, Inc.
  - March 20, 2001-First Quarter of 2000
  - June 5, 2001-First Quarter of 2001
  - September 25, 2001-Second Quarter 2001
  - October 11, 2001-Third Quarter of 2001
  - January 25, 2002-Fourth Quarter of 2001
  - June 26, 2002-Second Quarter of 2002
  - September 9, 2002-Second Quarter of 2002
  - October 2, 2002-Third Quarter of 2002
  - February 11, 2003-Fourth Quarter of 2002

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June 6, 2003-First Quarter of 2003

July 25, 2004-Second Quarter of 2003

October 8, 2003-Third Quarter of 2003

- May 10, 2004, *Confirmatory Boring and Soil Sampling Report*, Environmental Resolutions, Inc.
- August 12, 2005, *Site Summary and Voluntary Cleanup Program Application*, Environmental Resolutions, Inc.

THESE documents ARE on File at Ecology's NWRO.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of gasoline-range and diesel-range hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Level(s) for SOIL established under WAC 173-340-740.

The undersigned, Steve Suskin, is the fee owner of real property (hereafter "Property") in the County of King, State of Washington that is subject to this Restrictive Covenant. The Property is legally described in ATTACHMENT A of this Restrictive Covenant and made a part hereof by reference.

Steve Suskin makes 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. The portion of the Property under the existing building contains gasoline-and diesel-contaminated soil. 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 of create a new exposure pathway without prior written approval from Ecology.

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b. The portion of the Property under existing sidewalks pavement, and landscaping also contains gasoline-and diesel-contaminated soil. These surfaces represent a Remedial Action cap. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was capped as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology. Some examples of activities that are prohibited in the capped areas include:

- drilling,
- digging,
- placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability,
- piercing the surface with a rod, spike or similar item,
- bulldozing or earthwork,
- removal of cap materials for access to subsurface utilities or equipment, and
- collection of surface water runoff and discharge of that runoff at a point or points on the Property into the subsurface.

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 with 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 the Restrictive Covenant. Ecology may approval any inconsistent use only after public notice and comment.

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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.

Steve C. Suskin  
Steve Suskin  
3/16/07  
(date signed)

STATE OF WASHINGTON     )  
  )  
COUNTY OF KING         )

On this 16 day of March, 2007, I certify that I know or have satisfactory evidence that Steve Suskin is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

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

Karla Gray  
Print Name: Karla Gray  
Notary Public in and for the State of Washington,  
My commission expires: 6/11/07



ATTACHMENT A

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RESTRICTIVE COVENANT

Former Exxon Station 7-7063

Former Exxon Station 7-7063  
209 Central Way  
Kirkland, WA 98033

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g), and WAC 173-340-440 by Steve Suskin, his successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

Legal Description:

**13 TO 19 104 BURKE-FARRARS KIRKLAND # 26 UNREC POR OF GOVT LOT 5 IN SW QTR OF STR 05-25-05 DAF: BEG ON SLY MGN OF CENTRAL WAY AT A PT WCH IS N 70-04-15 E 288.92 FT FROM ELY MGN OF LAKE AVE TH N 70-04-15 E ALG SD SLY MGN OF CENTRAL WAY 218.14 FT TO WLY MGN OF 2ND ST (AKA MAIN ST) TH S 0-21-04 E ALG SD WLY MGN 95.52 FT TO NLY LN OF ALLEY TH S 70-04-15 W ALG SD NLY LN 186.13 FT TH N 19-55-45 W 90.00 FT TO BEG LESS BEG AT A PT ON SLY MGN OF CENTRAL WAY S 70-04-15 W 173.14 FT FROM ITS NXN WITH WLY MGN OF 2ND ST TH CONTG S 70-04-15 W ALG SD SLY MGN 45.00 FT TH AT R/A TO SD SLY MGN S 19-55-45 E 90.00 FT TO NLY LN OF ALLEY TH N 70-04-15 E 50.00 FT ALG SD NLY LN TH N 19-55-45 W 80.00 FT TH S 70-04-15 W 5.00 FT TH N 19-55-45 W 10.00 FT TO BEG - PER CITY OF KIRKLAND ALTERATION OF LOT LINE NO LL-94-36 REC NO 9404180671 LESS POR CONVEYED TO CITY OF KIRKLAND BY DEED REC NO 9410240442**

Tax Parcel I.D. #: 1244500066



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## 6.5 Photo log

**Photo 1: West Side of Site - from the west**



**Photo 2: Central Way and Surrounding Land Use – from the west**





**Photo 3: South Parking Lot – from the east**



**Photo 3: East Side of Building – from the south**

