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PIERCE COUNTY, WASHINGTON

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SEP 30 2008

Washington State  
Department of Ecology

Name & Return Address:

Department of Ecology  
P.O. Box 47775  
Olympia, WA 98504-7775

Please print legibly or type information.

Document Title(s)

ENV. Covenant Covenant

Grantor(s) 2617 East L. Street Partners, LLC

\_\_\_\_ Additional Names on Page \_\_\_\_ of Document

Grantee(s) State of Washington, Department of Ecology

\_\_\_\_ Additional Names on Page \_\_\_\_ of Document

Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR  
section/township/range and quarter/quarter section) SECT 10 T20N R03E

Complete Legal Description on Page 1 of Document

Auditor's Reference Number(s)

Assessor's Property Tax Parcel/Account Number(s)

2076380011

The Auditor/Recorder will rely on the information provided on this cover sheet. 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 (Required for non-standard recordings only)

Gpcovst.doc rev 4/02

## Model Restrictive (Environmental) Covenant

After Recording Return to:

Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia, WA 98504-7775

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MAR 20 2008

Washington State  
Department of Ecology

### Environmental Covenant

**Grantor:** 2617 East L Street Partners, LLC

**Grantee:** State of Washington, Department of Ecology

**Legal:** Section 10 Township 20 Range 03 Quarter 21 : TACOMA LD COS 1ST & 7TH  
ALL BLK 7638 & 7737 INC VAC ALLEY & W 55 FT VAC "M" ST EXC SLY 30 FT B  
7737 FOR STATE HWY PER ETN 644926 (DCD1575JU1-10-86)

**Tax Parcel Nos.:** 2076380011

Grantor, 2617 East L Street Partners, LLC, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this 31st day of January, 2008 in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by 2617 East L Street Partners, LLC, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following document[s]:

*Site Characterization Report, Airspares, Inc. prepared by Langseth Environmental Services, Inc. dated June 15, 2006*

***2617 East L Street Property Phase I and Phase II ESA, prepared by Robinson, Noble & Saltbush, dated January 2006***

These documents are on file at Ecology's Southwest Regional Office Office.

This Covenant is required because the Remedial Action resulted in residual concentrations of Oil-range Petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Cleanup Level(s) for soil established under WAC 173-340-900.

The undersigned, **2617 East L Street Partners, LLC**, is the fee owner of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Covenant. The Property is legally described [AS FOLLOWS:

*Lots 4 to 12, inclusive, in block 7638 and lots 9 to 12, inclusive, in block 7737 of the Tacoma Land Company's Seventh Addition to the City of Tacoma, Washington, as per plat recorded in volume 6 of Plats, page 79; and lots 1 to 9, inclusive in block 7638 and lots 1 to 12, inclusive, in block 7737 of the Tacoma Land Company's first addition to Tacoma, W.T., as per plat recorded July 7, 1884, records of Pierce County Auditor;*

*Except the southerly 30 feet of said lots 1 to 12, inclusive, in block 7737 of the Tacoma Land Company's first addition to Tacoma, W.T., conveyed to the State of Washington by deeds recorded under Recording Nos. 1922704 and 1923793;*

*Together with the vacated alley between said blocks 7638 and 7737 and the vacated west 55 feet of "M" street adjoining said premises on the east;*

*Situate in the City of Tacoma, County of Pierce, State of Washington.*

**2617 East L Street Partners, LLC** 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. (This Section must describe with particularity the restrictions to be placed on the property.)

A portion of the Property contains Oil-range petroleum hydrocarbon contaminated soil located beneath the Southeast corner of the building. The Owner shall not alter, modify, or remove the existing structure[s] 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.

Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. 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.

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) 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.

Section 5. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.

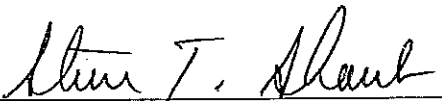
Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Covenant. Ecology may approve any inconsistent use only after public notice and comment.

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, to determine compliance with this Covenant, and to inspect records that are related to the Remedial Action.

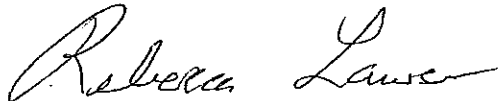
Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

**2617 East L Street Partners, LLC**

  
Steve T. Shaub

Dated: 2-28-08

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

  
Rebecca Lawson

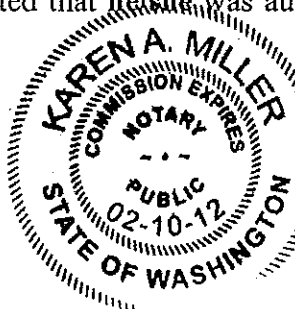
Section Manager, Toxics Cleanup Program, Southwest Region

Dated: 4/19/08

[CORPORATE ACKNOWLEDGMENT]

STATE OF Washington  
COUNTY OF Pierce

On this 28 day of February, 2008, I certify that Steve Shaub personally appeared before me, acknowledged that he/she is the Manager of the corporation that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument for said corporation.



Karen A Miller  
Notary Public in and for the State of  
Washington, residing at  
Tacoma.  
My appointment  
expires 2-10-12.