

6.3 Environmental Covenant

517. 2.1

AFTER RECORDING MAIL TO:
South King County Multi-Service Center
1200 S. 336th Street
Federal Way, WA 98003
Attn: Dini Duclos

9808131654 03:28:40 PM KING COUNTY RECORDS 003 THE 10:00

RESTRICTIVE COVENANT

Richard M. Farage

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g) and WAC 173-340-440 by Richard M. Farage, on behalf of himself, and his successors and assigns, and by 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 documents:

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1. Phase I, Environmental inspection and indoor air and soil gas survey, August 3, 1993 re Victorian Place II Apartments, 24512/24517 26th Place South, Des Moines, WA.
 2. Phase one, Environmental Assessment Report, dated August 20, 1991.
 3. Victorian Place Phase II, Soil Test Report by Transglobal Environmental Geosciences Northwest, Inc. dated June 12, 1998.
 4. Site Analysts Report SA 88116 (November 1998).
 5. Roy F. Weston Report #WO 5519-01-01 (May 1989)

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

TX Acct No. 360240-0006
This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum and lead which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-740. Residual concentrations of petroleum and lead which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-740 under the sidewalk and possibly areas in the northeast corner of the property.

The undersigned, Richard M. Farage, 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 located at 24425 and 24517 26th Place South, Des Moines, Washington, and is legally described as follows:

App. Legal Lot 20, Blk 15 Vol 17, Page 87
Lot 20, Block 15, Interurban Heights, Third Section, According to the Plat Thereof,

Recorded in Volume 17 of Plats, Page(s) 87, in King County, Washington;

Together with Lots 5 through 19, Inclusive, Block 15, Interurban Heights,
Fourth Section, According to the Plat Thereof, Recorded in Volume 17 of Plats, Page(s)
86, in King County, Washington, Tax ID #360 240 0006-02.

Richard M. Farage (hereafter "Owner") makes the following declarations 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 eland, 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:

Section 1: The property is zoned Multi-Family residential

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
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 this Restrictive 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, and to inspect
records that are related to the Remedial Action.

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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.

DONE this 12 day of August, 1998.

Richard M. Farage

Richard M. Farage

SUBSCRIBED AND SWORN to before me this 12 day of August, 1998.

Francine Hagens

Print Name: Francine Hagens

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

My Commission Expires: 5/21/2002



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