

COVEN

Recorded at the request of:

M.H.A.R.LLC

on **01/14/2014** at **13:07**

Total of **4** page(s) Fee: \$ **75.00**

LINCOLN COUNTY, WASHINGTON
SHELLY JOHNSTON, AUDITOR

After Recording Return to:
Michael Boatsman
Department of Ecology
4601 N. Monroe
Spokane, WA 99205

Environmental Covenant

Grantor: M.H.A.R. LLC

Grantee: State of Washington, Department of Ecology

Legal: Lots 1 and 2 and the North ½ of Lot 3, Block 31 of Timmon's 2nd Addition, Town of Davenport, Lincoln County, Washington.

Tax Parcel No.: 0310031001000

Grantor, M.H.A.R.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 12 day of JAN, 2014 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 M.H.A.R.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:

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Corner Express Texaco (former) Cleanup Action Work Plan, dated June 5, 2003. This document is on file at Ecology's Eastern Regional Office.

This Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Cleanup Levels for SOIL established under WAC 173-340-740 and for GROUNDWATER as established under WAC 173-340-720.

The undersigned, Ranvir Nagra, as representative of M.H.A.R. LLC, is the fee owner of real property in the County of Lincoln, State of Washington, that is subject to this Covenant. The Property is legally described AS FOLLOWS: **Lots 1 and 2 and the North ½ of Lot 3, Block 31 of Timmon's 2nd Addition, Town of Davenport, Lincoln County, Washington.**

M.H.A.R. 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.

Section 1.

- No groundwater may be taken for any use from the Property.
- A portion of the Property contains petroleum hydrocarbon contaminated soil, some of which may be located under the building on this Property. 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.
- 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/paved 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 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.

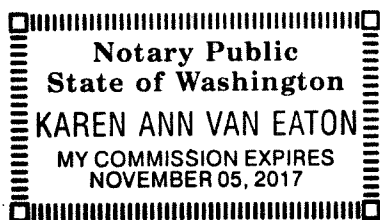
for M.H.A.R. LLC

Ranvir Sam Nagra
Ranvir Nagra
Representative

Dated: 1-10-2014

STATE OF Ltadoh
COUNTY OF Spokane

On this 10th day of January, 2014, I certify that Ranvir Nagra personally appeared before me, acknowledged that he is the Representative 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 was authorized to execute said instrument for said corporation.



Karen Ann Eaton
Notary Public in and for the State of
Washington, residing at
Spokane.

My appointment
expires 11-5-2017.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Michael A. Hibbler
Section Manager, Toxics Cleanup Program
Eastern Regional Office

Dated: 1-10-14

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