

6.5 Environmental Covenant

PIERCE COUNTY, WA
9905110574
5-11-1999 01:57 PM
Fee Amt: \$14.00

After Recording Return To:
Lynn T. Manolopoulos
Davis Wright Tremaine LLP
1800 Bellevue Place
10500 NE Eighth Street
Bellevue, Washington 98004-4300

Document Title:

1. Declaration of Restrictive Covenants

Grantor:

1. Northwest Building Corporation

☐ Additional names on page ____ of document

Grantee:

1. State of Washington Department of Ecology

☐ Additional names on page ____ of document

Abbreviated Legal Description (lot/block/plat or section/township/range/quarter):

Northwest and Northeast quarters of Section 1, Township 19 North, Portion
of the Range 2 East of the W.M., in Pierce County, Washington.

☒ Complete legal description is on page 4 of document

Assessor's Property Tax Parcel Account Number:

R02-20-36-3-034

AUDITOR'S NOTE

LEGIBILITY FOR RECORDING AND COPYING UN-
SATISFACTORY IN A PORTION OF THIS INSTRU-
MENT WHEN RECEIVED

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DECLARATION OF RESTRICTIVE COVENANTS

Northwest Building Corporation
Xytec Site — Building 10
Lakewood-Tacoma Industrial Park

The property that is the subject of this Restrictive Covenant is the north side of Building 10 of the Lakewood/Tacoma Industrial Park, located in Lakewood, Washington (hereinafter referred to as "Building 10"). (This site is also referred to as the "Xytec Plastics" site on the W.D.O.E. Hazardous Sites List.) Building 10 has been the subject of an independent remedial action under Chapter 70.105D RCW. The remedial action undertaken to cleanup Building 10 (hereinafter referred to as the "Cleanup Action") is described in several documents prepared by Hart Crowser and PTI. These documents are listed in a "no further action" letter ("NFA Letter") to Thomas J. Lusardi of The Clorox Company from Charles S. Cline of the State of Washington Department of Ecology ("Ecology") dated April 28, 1999. The Cleanup Action documents and the NFA Letter are kept in the Central Files of the Southwest Regional Office (SWRO) of Ecology.

The undersigned, Northwest Building Corporation, is the fee owner ("Owner") of real property in the County of Pierce, State of Washington (the "Property"), which includes Building 10. The portion of the Property on which Building 10 is located is described in Exhibit A attached hereto, and is located on the survey attached as Exhibit B. A map of Building 10 is attached hereto as Exhibit C.

The residual contamination that is the subject of this restrictive covenant is chlorinated solvent contamination as described in the above-referenced documents.

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This restrictive covenant is required by Ecology per WAC 173-340-440 because the Cleanup Action resulted in the residual concentrations noted above, which exceed the Model Toxics Control Act Method A Cleanup Levels for soil established under WAC 173-340-740.

The Owner makes the following declaration as to limitations, restrictions, and uses to which Building 10 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 Building 10.

Section 1. Building 10 contains soil with residual chlorinated solvents contamination located on the north side, as described in the above-referenced documents. The area on the north side of Building 10 has been capped and the roof drains have been routed so drainage flows away from the north side of Building 10. Any plans for alteration, modification or removal of the cap or the modified roof drains shall be submitted to and approved by Ecology or its successor agency prior to such actions.

Section 2. No title, easement, lease or other interest in Building 10 (as described in Exhibit A) shall be conveyed or entered into without adequate provision for the terms of this Declaration of Restrictive Covenants.

Section 3. The Owner must notify and obtain approval from Ecology, or its successor agency, prior to any use of Building 10 that is inconsistent with the terms of this Restrictive Covenant. Ecology or its successor agency may approve any inconsistent use only after public notice and comment.

Section 4. The Owner shall allow authorized representatives of Ecology, or its successor agency, the right to enter Building 10 at a reasonable time after prior notice for the purpose of evaluating the Cleanup Action, taking samples, inspecting remedial actions conducted at Building 10, and inspecting records that are related to the Cleanup Action.

Section 5. The Owner of Building 10 and the Owner's assigns and successors in interest reserve the right under WAC 173-340-440 (8) to record an instrument which provides that this Restrictive Covenant shall no longer limit use of Building 10 or be of any further force or effect.

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However such an instrument may be recorded only with the consent of Ecology, or its successor agency. Ecology or its successor agency may consent to the recording of such an instrument only after public notice and comment.

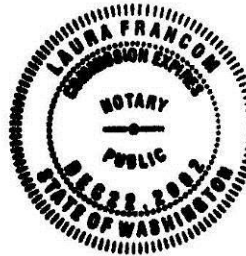
NORTHWEST BUILDING CORPORATION

By: Wayne E. Reissner
Its: Managing Director
Date: 5-6-99

STATE OF WASHINGTON
COUNTY OF PIERCE

On this 6 day of May, 1999, before me, a Notary Public in and for the State of Washington, personally appeared Wayne E. Reissner, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the Managing Director of Northwest Building Corporation to be the free and voluntary act and deed of said corporation 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.



Laura Francom
LAURA FRANCOM
NOTARY PUBLIC in and for the State of
Washington, residing at Shoreline
My appointment expires 12/22/02

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EXHIBIT A

A portion of the following described Parcel A known as building 10 whose address is 9314 47th Avenue SW, Tacoma, WA 98499.

PARCEL A:

All that real property situate in the Northwest and Northeast quarters of SECTION 1, TOWNSHIP 19 NORTH, RANGE 2 EAST of the W.M., in Pierce County, Washington, and the Southwest and Southeast quarters of SECTION 36, TOWNSHIP 20 NORTH, RANGE 2 EAST of the W.M., and being more particularly described as follows:

Commencing at the Southwest corner of said Section 36; thence Northerly along the West line of said Section 36, North 00°23'04" East 751.18 feet to the true point of beginning; thence continuing Northerly along said West line North 00°23'04" East 511.05 feet to the Southwest corner of a parcel of land conveyed to the Clover Park School District No. 400 under Auditor's Fee No. 2235009; thence Easterly along the North line extended West of a parcel of land conveyed to Newport, Inc., under Auditor's Fee No. 2235010, South 89°31'47" East 1810.89 feet; thence Southerly, South 1°00'19" West 343.27 feet; thence Easterly, South 89°43'03" East 778.10 feet; thence Southerly, South 00°35'36" West 558.40 feet; thence Westerly, North 89°43'03" West 285.00 feet; thence Northerly, North 00°35'36" East 287.63 feet; thence Westerly, North 89°43'03" West 490.77 feet; thence Southerly, South 00°35'36" West 317.63 feet; thence Easterly, South 89°43'03" East 775.77 feet; thence Southerly, South 00°35'36" West 50.00 feet; thence Easterly, South 89°36'59" East 300.14 feet; thence Southerly, South 14°25'24" West 252.37 feet to the South line of the Southeast quarter of said Section 36; thence continuing Southerly, South 14°25'24" West 34.72 feet; thence Westerly, North 89°38'00" West 160.81 feet to the East line of Government Lot 3 in Section 1, Township 19 North, Range 2 East of the W.M.; thence Southerly, along the East line of said Government Lot 3, South 00°40'17" East 743.28 feet; thence Westerly, North 89°39'55" West 775.29 feet; thence Northerly, North 00°22'59" East 453.20 feet; thence Westerly, North 89°40'02" West 342.44 feet; thence Southerly, South 00°18'37" West 275.33 feet; thence Westerly, North 89°41'00" West 210.08 feet to the West line of said Government Lot 3; thence continuing Westerly, North 89°41'00" West 137.76 feet; thence Southerly, South 00°17'54" West 509.94 feet; thence Westerly, North 89°42'25" West 646.34 feet to the East line of said parcel of land conveyed to Fred Meyer Properties, Inc., under Auditor's Fee No. 2504609; thence Northerly along said East line extended, North 00°26'16" West 694.48 feet; thence Easterly, South 89°39'43" East 676.64 feet; thence Northerly, North 00°16'30" East 732.97 feet; thence Westerly, North 89°42'43" West 892.47 feet; thence Northerly, North 00°16'12" East 421.41 feet; thence Westerly, North 89°31'47" West 327.44 feet to the West line of the Southwest quarter of Section 36, Township 20 North, Range 2 East of the W.M., and the point of beginning.

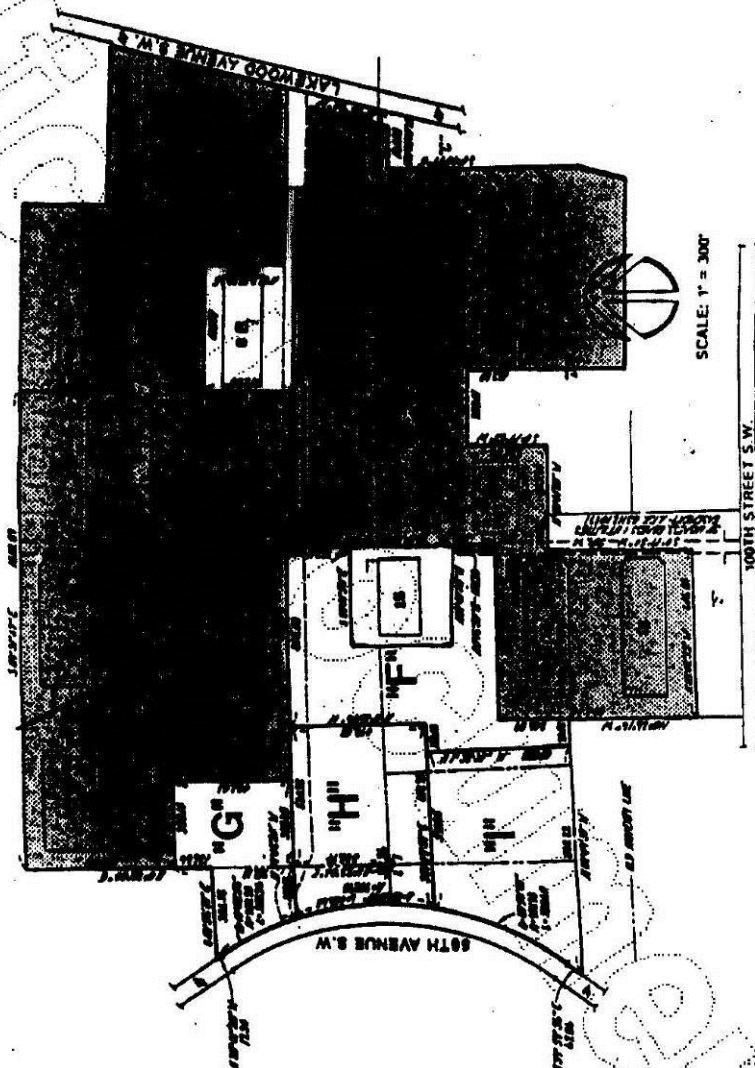
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EXHIBIT B

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SURVEY MAP



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Site Area Map and Groundwater Monitoring Well Location Plan

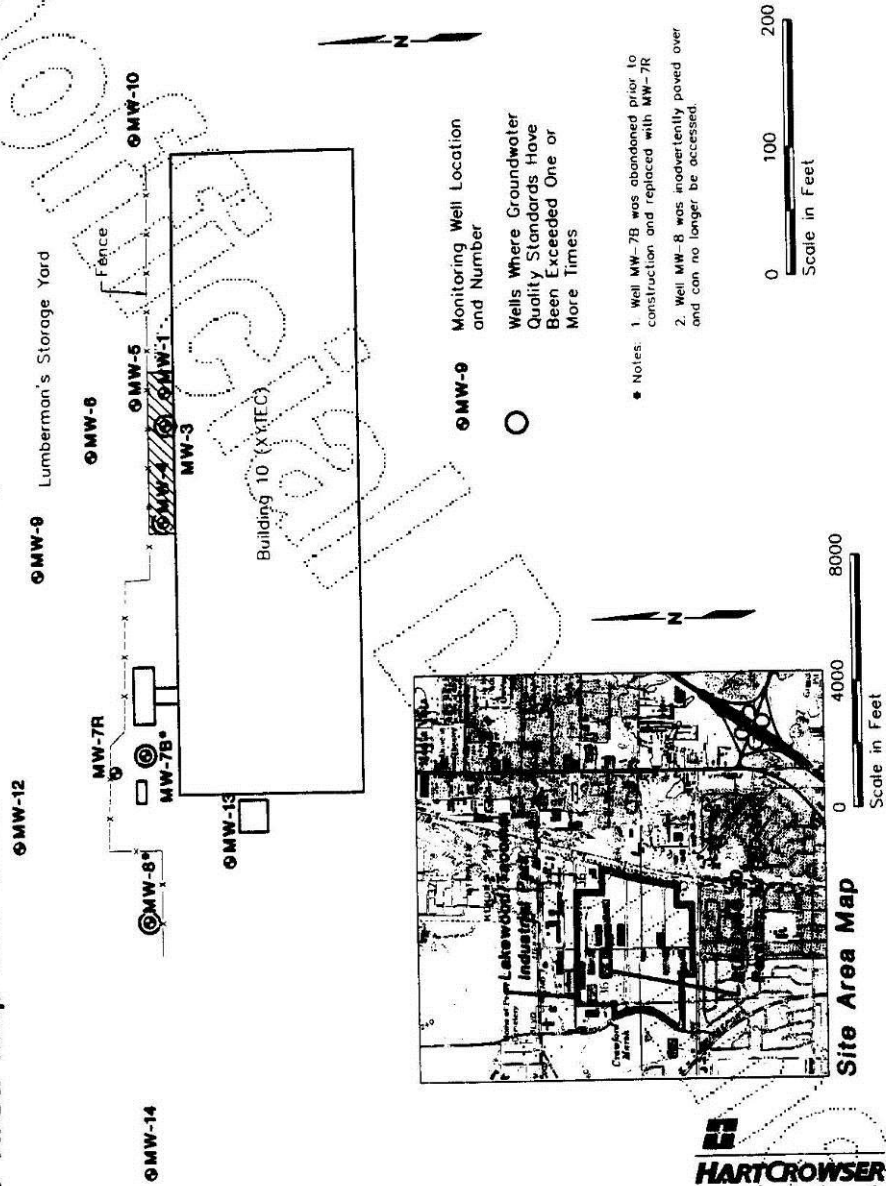


EXHIBIT C

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