



When Recorded, Return To:
Eva Hawkins-Herrerias
8965 Valley Ford Road
Petaluma, CA 94952

DOCUMENT TITLE:

Restrictive Covenant

GRANTOR:

Eva Hawkins-Herrerias

GRANTEE:

State of Washington
Department of Ecology

**REFERENCE NUMBER(S) OF
RELATED DOCUMENTS:**

Auditor File No. F 81387
Auditor File No. F 52832
Auditor File No. G 405046
Auditor File No. G 413233
Auditor File No. G 338297
Auditor File No. G 413233
Restrictive Covenant dated 7/28/00
Recorded 8/18/00 #3243979

LEGAL DESCRIPTION:

That portion of the John Bird Donation
Land Claim No. 61 in Township 2 North,
Range 2 East of the Willamette Meridian
in Clark County, Washington, described
as attached Exhibit A.

**ASSESSOR'S PROPERTY TAX/
ACCOUNT NUMBER:**

158347-000

This document is recorded as an accommodation
by Chicago Title Insurance and maintains
no responsibility as to the accuracy of the
contents of this document.



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This document is being recorded in order to correct "Fee Ownership" in the Restrictive Covenant dated July 28, 2000 and Recorded August 18, 2000, Clark County Recorder's Number 3243979.

RESTRICTIVE COVENANT

EVA HAWKINS-HERRERIAS - FORMER TURNBULL LANDFILL SITE

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Eva Hawkins-Herrerias, her 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: Turnbull Property NEA Request, Former Turnbull Landfill, Orchards, Washington, prepared by PNC Environmental, dated April 19, 2000. This document is on file at Ecology's Southwest Regional Office (SWRO).

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of manganese which exceed the Model Toxics Control Act Method B Cleanup Level for groundwater established under WAC 173-340-720. In addition, certain portions of the property are underlain with solid waste which may contain hazardous substances in concentrations which exceed the Model Toxics Control Act Method A or B Cleanup Levels for soil established under WAC 173-340-740.

The undersigned, Eva Hawkins-Herrerias, is the ~~fee owner~~ owner of real property (hereafter "Property") in the County of Clark, 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.



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Eva Hawkins-Herreyas 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. No groundwater may be taken for any use from the Property.

b. A portion of the Property contains solid waste beneath a soil cover. Solid Waste is located on Parcel 1 in the areas depicted on Exhibit B, attached hereto. These areas have been capped with three to 12 feet of clean soil. The Owner shall not alter, modify, or remove the existing structure(s) or the soil cover in any manner that may result in the release or exposure to the environment of the contained refuse or create a new exposure pathway without prior written approval from Ecology.

c. No new structures shall be constructed on areas of the Property where solid wastes have been deposited without the written approval of Ecology and approval by the local agency(s) of jurisdiction.

d. Any activity on the Property that may result in the release or exposure to the environment of the solid waste that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited without first obtaining written approval from Ecology. Absent obtaining 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



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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 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.

Signed this date:

September 6, 2000
[Signature]

Eva Hawkins-Herrerias, Owner

STATE OF CALIFORNIA)
COUNTY OF SONOMA }

I certify that I know or have satisfactory evidence that Eva Hawkins-Herrerias is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated the he/she was authorized to execute the instrument and acknowledged it as the Owner of the property to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 6/Sept., 2000

Notary Public:

Print Name: Leonard Codeno

My commission expires:

2 MAY 2001



