

RETURN TO:

RENE A. LAMARCHE JR
6615 SUNNYSLOPE RD SW
PORT ORCHARD, WA 98367



RENE A LAMARCHE JR

COVEN \$24.00

200403180131

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Kitsap Co, WA

RESTRICTIVE COVENANT

Tax Parcel ID No. 4058-001-001-0000

Abbreviated Legal: ^{Gov} Lots 1 to 6 Inclusive, Blk 1 & Lots 1 to 6 Inclusive
Blk 2, S26T24R1E

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by **PORT ORCHARD YACHT CLUB**, its 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 documents: ECY 020-74-Request for Assistance/Review form dated April 26, 2000, and ECY 020-73-Site Summary, both of which were prepared by Carrenden Enterprises, Inc. These documents are on file at the State of Washington Department of Ecology's northwest regional office.

This Restrictive Covenant is required because a conditional point of compliance has been established for soil.

The undersigned, PORT ORCHARD YACHT CLUB, is the fee owner of real property (hereafter "Property") in the County of Kitsap, 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.

PORT ORCHARD YACHT CLUB 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. The property shall be used only for traditional industrial uses, as described in RCW 70.105D.020(23) and defined in and allowed under the City of Port Orchard's zoning regulations codified in City of Port Orchard Municipal Ordinance 17.48 as of the date of this Restrictive Covenant.

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) days 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.



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.

DATED this 10th day of MARCH, 2004 DC

PORT ORCHARD YACHT CLUB

Dan Case
BY: DAN CASE, Its Commodore

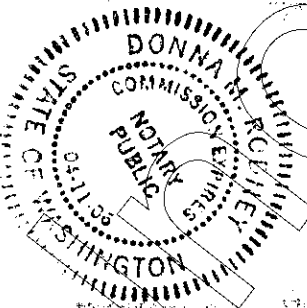
STATE OF WASHINGTON)

: ss.

COUNTY OF KITSAP)

On this 10th day of MARCH, A. D., 2004, before me, the undersigned a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared DAN CASE to me known to be the Commodore, of PORT ORCHARD YACHT CLUB the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



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Donna M. RC Valley
NOTARY PUBLIC in and for the State of Washington, residing at Her Deckman
My commission expires: 4-11-2006



Lots 1 to 6 inclusive, Block 1, and Lots 1 to 6 inclusive, Block 2, Sroufe's addition to Sidney, according to plat recorded in Volume 1 of Plats, page 28; EXCEPT State Highway; TOGETHER with Sidney Tidelands fronting said lots; including a strip of property described in Kitsap County Superior Court Case No. 36410; including that portion of vacated Short Street parcel 2, being that portion of Government Lot 2 in Section 26, Township 24, Range 1 East, described as follows: Beginning 1,319 feet west of the quarter corner between Sections 26 and 35; thence North 1,075 feet; thence North 166 feet; thence East 575.5 feet; thence N 38° 39' 35" E 64.03 feet; thence North to the north side of State Highway No. 14 and the true point of beginning; thence North to the meander line; thence northeasterly along the meander line 54.69 feet; thence South to the North line of the highway; thence Southwesterly along the highway to the point of beginning; TOGETHER with the tidelands fronting parcel 3 being that portion of Government Lot 2 in Section 26, Township 24, Range 1 East, described as follows: Beginning 1,319 feet West of the quarter corner between Sections 26 and 35; thence North 1,075 feet; thence North 166 feet; thence East 535.4 feet; thence North to the North side of State Highway No. 14, said point being the true point of beginning; thence North to the meander line; thence, northeasterly along the meander line 109.38 feet to the intersection of the meander line with a line which is parallel with and 80 feet East of the West line of this tract; thence South to the North line of State Highway No. 14; thence Southwesterly along said North line to the point of beginning; TOGETHER with tidelands fronting parcel 4 being that portion of Government Lot 2 in Section 26, Township 24, Range 1 East, lying North of the North line of State Highway No. 14 described as follows: Beginning 166 feet North and 455.5 feet East of the Northwest corner of Government Lot 2; thence East 80 feet; thence North 263 feet more or less to the meander line; thence Southwesterly along said meander line to a point North of the point of beginning; thence South to the point of beginning, except road; TOGETHER with tidelands fronting parcel 5, being that portion of Government Lot 2 in Section 26, Township 24, Range 1 East described as follows: Beginning 166 feet North and 350 feet East of the Northwest corner of Government Lot 2; thence East 105.5 feet; thence North to the meander line; thence Southwesterly on the meander line to a point North of the point of beginning; thence South to the point of beginning; together with tidelands fronting

Exhibit "A-1"



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same and except State Highway and street and except strip
described in Kitsap County Superior Court Case No. 36410.



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Exhibit "A-2"