

CURTIS

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08/03/1999 11:30  
KING COUNTY, WA

## RETURN ADDRESS

Michael S. Curtis  
2405 Minor Avenue East  
Seattle WA 98102

Please print neatly or type information

## Document Title(s)

Restrictive Covenant

## Reference Numbers(s) of related documents

N/A

Additional Reference #'s on page     

## Grantor(s) (Last, First and Middle Initial)

Curtis, Michael S.

Additional grantors on page     

## Grantee(s) (Last, First and Middle Initial)

Curtis, Michael S.

Additional grantees on page     

## Legal Description (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

Portion of Section 7, Township 26 N, Range 4 E

Additional legal is on page 2-3

## Assessor's Property Tax Parcel/Account Number

H072604-9276-07

Additional parcel #'s on page     

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

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RESTRICTIVE COVENANT

Michael S. Curtis

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Michael S. Curtis, his successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter referred to as "Ecology").

An independent remedial action (hereafter referred to as "Remedial Action") occurred at the property that is the subject of this restrictive covenant (hereafter referred to as "Restrictive Covenant"). The Remedial Action conducted at the property is described in the following documents:

1. Remedial Action Report, Former Chuck Olson Chevrolet Facility, 17545 Aurora Avenue North, Shoreline (Seattle), WA., April 26, 1999, prepared by Associated Earth Sciences, Inc. (AEI).
2. Ground Water Occurrence in the Vicinity of the Former Chuck Olson Chevrolet Facility, 17545 Aurora Avenue North, Shoreline (Seattle), WA., April 26, 1999, Prepared by AEI.
3. Summary of Preliminary Results - Environmental Site Investigation Activities, Former Chuck Olson Chevrolet Facility, 17545 Aurora Avenue North, Shoreline (Seattle), WA., November 30, 1998, Prepared by AEI.



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4. Preliminary Report of Phase II Environmental Site Assessment Activities, Former Chuck Olson Chevrolet Facility, 17545 Aurora Avenue North, Shoreline (Seattle), WA., June 27, 1997, Prepared by AEI.

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

This Restrictive Covenant is required because the property contains petroleum and halogenated chemicals in soils which may require remediation if such contaminated areas are disturbed. Also, during the course of making certain capital improvements and conducting the Remedial Action, as provided for in Chapter 173-340 WAC, it was determined that certain permanent improvements and structures could not be altered or removed without disturbing contaminated soil that is present.

The undersigned, Michael S. Curtis, is the fee owner of the real property in the County of King, State of Washington (hereafter referred to as "Property"), that is subject to this Restrictive Covenant. The Property is legally described as follows:

That portion of the north two-thirds of the south three-quarters of the southeast quarter of the northwest quarter of section 7, township 26 north, range 4 east, W.M., in King County, Washington, lying west of State Highway No. 1 (Aurora Avenue) as established by deed recorded under recording no. 2173653 and lying east of Linden Avenue as established by deeds recorded under nos. 2566915 and 2566916; except the north 30 feet



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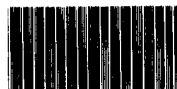
therefore; except the south 100 feet of the east 175 feet thereof; except the west 250 feet of the south 616 feet thereof.

Michael S. Curtis, 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 referred to as "Owner").

Section 1. During the course of making certain capital improvements and conducting Remedial Action, it was determined that three areas (hereafter referred to as "Restricted Zones") listed below, and described in Exhibit "A" of this Restrictive Covenant and made a part hereof by reference, shall not be disturbed because soil within these Restricted Zones are affected by confirmed or suspected contamination:

1. North Zone: 451.5 square feet
2. Central Zone: 344.5 square feet
3. South Zone: 795 square feet

These Restriction Zones must be maintained as a permanent capital improvement and shall not be altered. Any activity which disrupts or alters capital improvements within these Restriction Zones and causes any exposure of contaminated material and/or soils is strictly prohibited. The Owner shall guarantee the



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preservation of the Restriction Zones at the Property. In the event any material or soils at these Restriction Zones be disturbed, through removal, repair, renovation, or any other action which may, might or could expose the materials and soils, the Department of Ecology shall be notified within thirty (30) days and appropriate action will be required as may be determined by the appropriate regulatory body or agency.

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



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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.

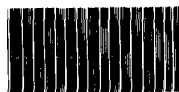
By

Michael S. Curtis

Michael S. Curtis, Owner

Date

August 2, 1999



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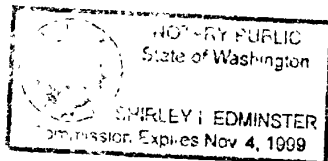
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STATE OF WASHINGTON )  
COUNTY OF KING )

ss.

I certify that I know or have satisfactory evidence that  
Michael S. Curtis is the person who appeared before me,  
and said person acknowledged that he signed this instrument and  
acknowledged it to be his free and voluntary act for the uses and  
purposes stated therein.

Dated August 2, 1999.



Shirley I Edminster  
Printed Name: Shirley I Edminster

NOTARY PUBLIC, State of Washington  
My appointment expires 11-4-99



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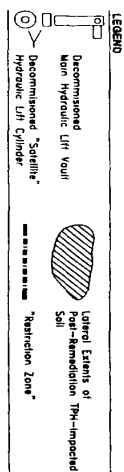
**ASSOCIATED  
EARTH  
SCIENCES, INC.**

**"Restriction Zones" for TPH Impacted Soils**  
Former Chuck Olson Chevrolet Facility  
Shoreline, Washington

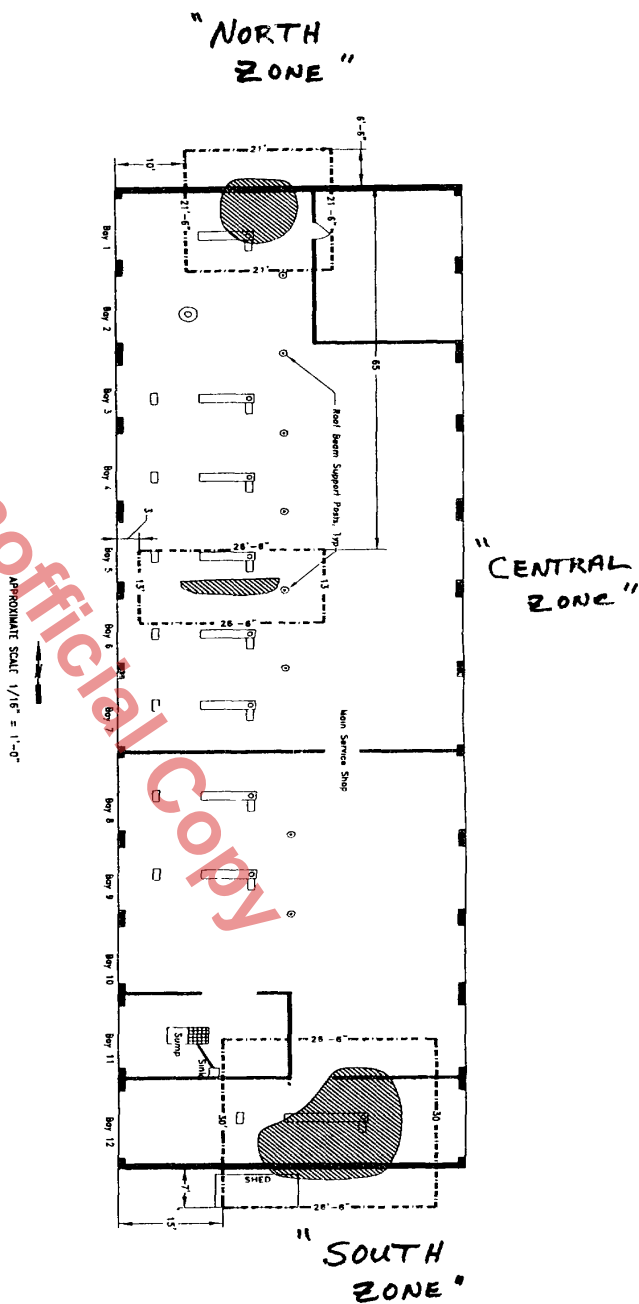
**Former Chuck Olson Chevrolet Facility  
Shoreline, Washington**

A

EXHIBIT



RECEIVED  
MAY 07 1999  
DEPT. OF ECOLOGY



Unofficial Copy

APPROXIMATE SCALE 1/16" = 1'-0"

Bay 4

Bay 5

Bay 6

Bay 7

Bay 8

Bay 9

Excavated Area

Unexcavated Area

0 100

1/16" = 1'-0"

11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847

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