

6.4 Environmental Covenant

RETURN ADDRESS:

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RESTRICTIVE COVENANT

GRANTOR: Union Station Associates, LLC

ABBREVIATED LEGAL DESCRIPTION: Lots 4 through 8, Block 28, and all of Blocks 25, 26 and 27, D.S. Maynard's Plat of Seattle, Vol. 1, Pg. 23; Lots 1 through 7, Columbia and Puget Sound Railroad Replat of part of Block 283, Seattle Tide Lands, Vol. 12, Pg. 88

ASSESSOR'S TAX PARCEL NO.: 524780-1290-02 7666980-0004-06

Union Station Associates, LLC ("Owner") is the fee owner of real property in the County of King, State of Washington, hereafter referred to as the "Property." A legal description of the Property is attached hereto as Exhibit A.

The Property has been the subject of remedial action under Chapter 70.105D RCW. The work done to clean up the Property (hereinafter "Remedial Action") is described in the Cleanup Action Plan entered in *State of Washington, Department of Ecology v. Union Station Associates, L.L.C.*, King County Superior Court Cause No. 97-2-18936-5SEA. This Restrictive Covenant is required by the Department of Ecology ("Ecology") under WAC 173-340-440 (1991 ed.) due to residual concentrations of hazardous substances remaining at the Property as described in the Cleanup Action Plan.

Owner makes the following declarations 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 domestic purposes from the Property.

Section 2. No wells of any sort, unless associated with the Remedial Action, may be constructed on the Property.

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Section 3. There will be no residential housing or day care facilities located at street level on the Property.

Section 4. Without approval from Ecology, the capping components and groundwater monitoring and treatment facility called for in the Cleanup Action Plan will not be altered, modified or removed in any manner that may result in the release or exposure to the environment of contaminated soil or create a new exposure pathway.

Section 5. Owner and Owner's assigns and successors in interest reserve the right under WAC 173-340-440 (1991 ed.) to record an instrument which 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 with the consent of Ecology, or of a successor agency. Ecology, or a successor agency, may consent to the recording of such an instrument only after public notice and comment.

DATED: OCTOBER 24, 1997

UNION STATION ASSOCIATES, LLC
By NSD, LLC - Manager

By 
Kevin Daniels - Member

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

THIS IS TO CERTIFY that on this 24th day of October, 1997, before me, the undersigned, a notary public in and for the state of Washington, duly commissioned and sworn, personally appeared KEVIN DANIELS, to me known to be a Member of NSD, LLC, a Washington limited liability company, to me known to be the Manager of Union Station Associates, LLC, the Washington limited liability company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and

deed of each limited liability company for the uses and therein mentioned, and on oath stated that said individual was authorized to execute said instrument.

WITNESS my hand and official seal hereto affixed this 24th day of October, 1997.

Linda Pieratt
(Signature of Notary)

LINDA PIERATT
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State of
Washington, residing at Renton, wa

My Appointment Expires: 8-19-00

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EXHIBIT A

DESCRIPTION:

Parcel 1:

A portion of Lots 4, 5, 6, 7 and 8, and the vacated alley, Block 28, D.S. Maynard's Plat of the Town (now City) of Seattle, King County, Washington, according to the plat thereof recorded in Volume 1 of Plats, page 23, records of King County, Washington, more particularly described as follows:

9710241276 Beginning at the Southwest corner of said Lot 4;
THENCE North along the West line of said Lot 4 a distance of 55.0 feet to a Southwesterly corner of that certain parcel of land described in Warranty Deed dated August 2, 1954, from Union Pacific Railroad Company to Dorothy Replin, identified in said Railroad Company's Records as C. D. No. 40800-1, Union Pacific Land Sold Audit No. 2322;
THENCE Southeasterly along a Southwesterly line of said deeded parcel of land, which is a tangent curve concave Northeasterly having a radius of 40.0 feet, a distance of 62.83 feet to a point that is 15.0 feet distant Northerly, measured at right angles from the South line of said Block 28;
THENCE Southeasterly along a Southwesterly line of said deeded parcel of land which is a straight line parallel with said South line of Block 28, a distance of 138.0 feet, more or less, to a point that is 78.0 feet distant Westerly, measured at right angles, from the East line of said Block 28;
THENCE North along the East line of said deeded parcel of land which is a straight line parallel with said East line of Block 28, a distance of 225.0 feet, more or less, to a point in the North line of said Block 28;
THENCE East along said North line of Block 28, a distance of 78.0 feet, more or less, to the Northeast corner of said Block;
THENCE South along the East line of said block, a distance of 240.0 feet to the Southeast corner thereof;
THENCE West along the South line of said block, a distance of 256.0 feet to the true point of beginning.

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DESCRIPTION CONT.

Parcel 2:

A parcel of land being all of Blocks 25, 26 and 27, and the vacated alleys located therein, D.S. Maynard's Plat of the Town (now City) of Seattle, according to the plat thereof recorded in Volume 1 of Plats, page 23, records of King County, Washington, all of Blocks 201 and 202, and the vacated alleys located therein of the plat of the Seattle Tide Lands, according to the Official Maps on file in the Office of the Commissioner of Public Lands in Olympia, Washington, and all those portions of vacated King, Weller and Lane Streets adjoining to the above mentioned blocks, all in the City of Seattle, King County, Washington.

Parcel 3:

A parcel of land being portions of Lots 1, 2, 3, 4, 5, 6 and 7, on the Columbia & Puget Sound Railroad Replat of Part of Block 283, Seattle Tide Lands, according to the plat thereof recorded in Volume 12 of Plats, page 88, records of King County, Washington, more particularly described as follows:

Beginning at the most Northerly corner of said replat;

THENCE Southerly along the Westerly line of said replat, South $01^{\circ}08'05''$ West 402.58 feet to the Southwest corner of Lot 7 of said replat;

THENCE along the South line of said Lot 7 South $88^{\circ}51'55''$ East, 129.94 feet to the beginning of a non-tangent curve concave Northeasterly, from which point a radial line bears North $77^{\circ}10'43''$ East, 1,127.00 feet;

THENCE Northwesterly, along said curve, through a central angle of $14^{\circ}02'27''$, 276.18 feet;

THENCE North $01^{\circ}13'10''$ East, 56.54 feet to a point on the Northeasterly line of said replat;

THENCE along said Northeasterly line, North $51^{\circ}59'37''$ West, 120.94 feet to the point of beginning.

(CONTINUED)

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DESCRIPTION CONT.

Parcel 3A:

Air rights parcel: As disclosed by reservation contained in instrument recorded under Recording No. 9209231310, described as follows:

That portion of Lots 1, 2, 3, 4, 5, 6 and 7 of the Columbia & Puget Sound Railroad Replat of a part of Block 283 of the Seattle Tide Lands, according to the plat thereof recorded in Volume 12 of Plats, page 88, records of King County, Washington, lying above an inclined plane which is 16.50 feet above the surface of paving between Highway Engineers Station 10+03.95 and 13+26.37 of the SR 90 EBT line, said surface being substantially as shown on W.S.D.O.T. Map "SR 90 Seattle Transit Access", Sheets 35 & 74 of 1443, as revised on September 1, 1988 and Sheet 96 of 1443 as Revised on March 4, 1988, exhibiting centerline elevations relative to City of Seattle Datum as follows:

Elevation 11.41 at Station 10+10.95 E.B.T.,

Elevation 10.80 at Station 10+86.08 V.P.I.,

Elevation 16.75 at Station 12+11.08 E.V.C.,

Elevation 21.99 at Station 13+21.14 E.B.T.,

Said portion being described as follows:

Commencing at the most Northerly corner of said replat;

THENCE along the Northeasterly line of said replat, South $51^{\circ}59'37''$ East, 120.94 feet to the true point of beginning;

THENCE South $01^{\circ}13'10''$ West, 56.54 feet, to the beginning of a curve, concave Northeasterly, having a radius of 1,127.00 feet;

THENCE Southeasterly, along said curve, through a central angle of $11^{\circ}30'37''$, 226.41 feet;

THENCE North $01^{\circ}08'05''$ East, 264.77 feet to a point on the Northeasterly line of said replat;

THENCE along said Northeasterly line, North $51^{\circ}59'37''$ West, 27.81 feet to the true point of beginning.

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DESCRIPTION CONT.

Parcel 4:

The following vacated portions of South Jackson Street, 4th Avenue South and Airport Way South as vacated by City of Seattle Ordinance No. 118456, recorded under Recording No. 9701160538:

That portion of the following described Parcels A, B and C, as measured from the elevation of the bottom surface of the pavement to a level plan eight feet above the highest point of the surface of the ground;

TOGETHER with that portion of the following described Parcel A where the noise barrier wall, as described in Paragraph 1 of the Property Use and Development Agreement recorded under Recording No. 9611181511, will be constructed in the future, extending above such eight-foot level plane;

EXCEPTING from the following described Parcels, A, B and C the areas where the existing supporting columns for the Bridges (as described in said agreement) are located, and an additional 8" of diameter for existing column:

Parcel A:

That portion of South Jackson Street between East margin of 4th Avenue South and a line approximately half way between 4th Avenue South and 5th Avenue South more fully described as follows:

Beginning at the point of intersection of the South line of South Jackson Street with the East line of 4th Avenue South;

THENCE North $01^{\circ}15'09''$ East, a distance of 66.00 feet to the point of intersection of the East line of 4th Avenue South and the North line of South Jackson Street;

THENCE East along said North line South $88^{\circ}45'48''$ East, a distance of 156.65 feet;

THENCE South $0^{\circ}16'00''$ West, a distance of 60.88 feet;

THENCE North $88^{\circ}20'25''$ West, a distance of 7.87 feet;

THENCE South $0^{\circ}17'40''$ West, a distance of 5.18 feet to a point on the South line of South Jackson Street;

THENCE along said South line North $88^{\circ}45'48''$ West, a distance of 148.75 feet to the Point of Beginning.

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DESCRIPTION CONT.

Parcel B:

That portion of the East half of 4th Avenue South between the North margin of South Jackson Street and the Southerly margin of Airport Way South, more fully described as follows:

Beginning at the point of intersection of the South line of South Jackson Street with the East line of 4th Avenue South;

THENCE along said East line South $01^{\circ}15'09''$ West, a distance of 1,055.63 feet to the point of intersection of the East line of 4th Avenue South and the Southwest line of Airport Way South;

THENCE North $51^{\circ}59'37''$ West, a distance of 61.78 feet;

THENCE North $01^{\circ}15'09''$ East, a distance of 1,097.98 feet;

THENCE South $88^{\circ}25'20''$ East, a distance of 8.20 feet;

THENCE South $01^{\circ}11'18''$ West, a distance of 6.39 feet;

THENCE South $88^{\circ}25'20''$ East, a distance of 6.90 feet;

THENCE North $01^{\circ}11'18''$ East, a distance of 6.44 feet;

THENCE South $88^{\circ}55'22''$ East, a distance of 26.51 feet;

THENCE South $01^{\circ}04'38''$ West, a distance of 8.85 feet;

THENCE South $88^{\circ}15'29''$ East, a distance of 7.86 feet to a point on the East line of 4th Avenue South;

THENCE along said East line and its prolongation South, $01^{\circ}15'09''$ West, a distance of 70.45 feet to the point of beginning.

Parcel C:

That portion of Airport Way South located East of the East margin of 4th Avenue South, more fully described as follows:

Beginning at the point of intersection of the East line of 4th Avenue South with the Northeast line of Airport Way South;

THENCE along said Northeast line South $51^{\circ}59'37''$ East, a distance of 114.17 feet;

THENCE South $01^{\circ}17'40''$ West, a distance of 67.19 feet;

THENCE South $52^{\circ}26'31''$ East, a distance of 20.27 feet;

THENCE South $00^{\circ}02'31''$ East, a distance of 58.97 feet to a point on the Southwest line of Airport Way South;

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THENCE along said Southwest line North $51^{\circ}59'37''$ West, a distance of 136.15 feet to the point of intersection of the Southwest line of Airport Way South and the prolongation, from the North, of the East line of 4th Avenue South;
THENCE Northerly along said prolongation, North $01^{\circ}15'09''$ East, a distance of 124.81 feet to the point of beginning.

Situate in the County of King, State of Washington.

EXCEPT that portion of Parcel 4 which lies West of the East 33 feet of 4th Avenue South and North of the Northwestern extension of the Southwesterly line of Block 25, D.S. Maynard's Plat, according to the plat recorded in Volume 1 of Plats, page 23, records of King County, Washington.

Parcel 5:

All those portions of 4th Avenue South, vacated South King Street and vacated South Weller Street adjoining to Blocks 20, 21, and 22, D. S. Maynard's Plat, according to the Plat recorded in Volume 1 of Plats, Page 23, Records of King County, Washington, and adjoining to Block 200, Plat of the Seattle Tide Lands, according to the Official Maps on file in the Office of the Commissioner of Public Lands in Olympia Washington, being more particularly described as follows:

Beginning at the Point of Intersection of the Southwest line of Airport Way South with a line which is parallel to and 33 feet Westerly of the East Margin of 4th Avenue South; thence along said Southwest line North $51^{\circ}59'37''$ West, a distance of 20.59 feet; thence North $88^{\circ}25'20''$ West a distance of 0.34 feet; thence North $01^{\circ}15'09''$ East, a distance of 1,097.98 feet; thence South $88^{\circ}25'20''$ East, a distance of 8.54 feet; thence South $01^{\circ}11'18''$ West, a distance of 6.39 feet; thence South $88^{\circ}25'20''$ East, a distance of 6.90 feet; thence North $01^{\circ}11'18''$ East, a distance of 6.44 feet; thence South $88^{\circ}55'22''$ East, a distance of 1.38 feet to a line which is parallel to and 33 feet Westerly of the East Margin of 4th Avenue South; thence along said line and its prolongation South $01^{\circ}15'09''$ West, a distance of 1,110.28 feet to the Point of Beginning;

Except that portion of vacated 4th Avenue South lying South of the Northwestern extension of the Southwesterly line of Block 25, D. S. Maynard's Plat, according to the Plat recorded in Volume 1 of Plats, Page 23, Records of King County, Washington, and East of the centerline of 4th Avenue South.

Situate in the County of King, State of Washington.