

After recording, return to:
Shannon Sperry
2600 Two Union Square/601 Union St.
Seattle, Washington 98101-4000

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961030-0282 09:09:00 AM KING COUNTY RECORDS 006 JD 13:00

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RESTRICTIVE COVENANT

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The property that is the subject of this Restrictive Covenant has been the subject of remedial action under Chapter 70.105D RCW. The work done to clean up the property (herein after "Remedial Action") is described in the Consent Decree entered in *State of Washington, Department of Ecology v. Newcastle Golf, L.L.C.*, King County Superior Court Cause No. 95-2-26414-0-BA and in attachments to the Decree and in documents referenced in the Decree. This Restrictive Covenant is required by Ecology under WAC 173-340-440 (1991 ed.).

The undersigned, Newcastle Golf, L.L.C., ("Owner") is the fee owner of real property in the County of King, State of Washington, hereafter referred to as the "Property." The Property includes the former Newcastle Landfill (the "Landfill"). A legal description of the Landfill, and the Property (which includes the Landfill) is attached.

The Owner makes the following declaration as to limitations, restrictions, and uses to which the Landfill and/or 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 any well within 1000 feet of the Landfill boundary.

Section 2. No wells of any sort may be constructed on the Landfill.

Section 3. No enclosed structures shall be constructed on the Landfill.

Section 4. No water hazard, pond, or water storage facility of any kind may be constructed over the Landfill.

Section 5. Any activity on the Property that may interfere with the Remedial Action is prohibited.

Section 6. Owner must give written notice to the Department of Ecology ("Ecology"), or to a successor agency, of 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 Owner without adequate and complete provision for continued compliance with all provisions of the above-referenced Consent Decree.

Section 5. Owner must notify and obtain approval from Ecology, or from a successor agency, prior to any use of the Landfill that is inconsistent with the terms of this Restrictive Covenant. Ecology, or its successor agency, may approve such a use only after public notice and comment.

1 Section 6. Owner and Owner's assigns and successors in interest reserve the right under
 2 WAC 173-340-440 (1991 ed.) to record an instrument which provides that this Restrictive
 3 Covenant shall no longer limit use of the Property or be of any further force or effect. However,
 4 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.

5 Dated: November 9, 1985

6 Name: Okie Developments, Inc., Member

7 Title: Scott D. Okie by Sherman Sperry, his
 8 For Newcastle Golf, L.L.C.

*attorney in fact
as Chairman*

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ATTACHMENT A1

LEGAL DESCRIPTION OF PRIMARY ACREAGE

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The subject site is a 269 acre parcel located in Newcastle, Washington, in East Central King County, approximately three miles South and two miles East of the intersection of Interstates 405 and 90, in Sections 26 and 27, Township 24 North, Range 5 East, W.M. The Property is bounded on the North by Newcastle Coal Creek Road, on the South and West by land zoned R-4 that is partially platted and built out as a residential development, and on the East by King County Cougar Mountain Regional Wildlife Park.

Legal Description:

Parcel A:

That portion of Sections 26 and 27, Township 24 North, Range 5 East, Willamette Meridian, in King County, Washington, being more particularly described as follows:
Beginning at the quarter corner common to Sections 26 and 27;
Thence North 01°06'54" East along the East line of said Section 27, a distance of 26.52 feet;
Thence North 88°32'13" West 2668.18 feet to a point on the North/South Center of Section line for said Section 27;
Thence North 01°20'47" East along said line, 803.18 feet to a point on the Southerly margin of Newcastle-Coal Creek Road;
Thence along said margin North 88°14'53" East 863.74 feet to the beginning of a curve, concave to the South, having a radius of 686.20 feet;
Thence along the arc of said curve and margin, passing through a central angle of 16°30'00" a distance of 197.61 feet;
Thence continuing along said margin South 75°15'07" East 1275.06 feet to the beginning of a curve, concave to the South, having a radius of 1402.40 feet;
Thence along the arc of said curve and margin, passing through a central angle of 10°44'00" a distance of 262.71 feet;
Thence continuing along said margin South 64°31'07" East 218.18 feet to the beginning of a curve, concave to the Northeast, having a radius of 1462.40 feet;

1 Thence along the arc of said curve and margin, passing through a central angle of $14^{\circ}11'00''$ a
2 distance of 362.01 feet;
3 Thence continuing along said margin South $78^{\circ}42'07''$ East 852.27 feet to the beginning of a
4 curve, concave to the Southwest, having a radius of 1115.92 feet;
5 Thence along the arc of said curve and margin, passing through a central angle of $22^{\circ}39'00''$ a
6 distance of 441.14 feet;
7 Thence continuing along said margin South $56^{\circ}03'07''$ East 328.71 feet;
8 Thence continuing along said margin and the Southerly margin of the J.J. Jones Road South
9 $53^{\circ}12'04''$ East 540.51 feet to the beginning of a curve, concave to the Southwest, having a radius
10 of 256.48 feet;
11 Thence along the arc of said curve and margins, passing through a central angle of $20^{\circ}50'58''$ a
12 distance of 93.33 feet;
13 Thence continuing along said margin South $32^{\circ}21'04''$ East 312.68 feet to a point on the
14 North/South center of Section line for said Section 26;
15 Thence along said line South $01^{\circ}04'35''$ West 155.20 feet;
16 Thence North $88^{\circ}46'45''$ West 1313.74 feet;
17 Thence North $01^{\circ}12'59''$ East 331.74 feet;
18 Thence North $88^{\circ}46'29''$ West 1312.91 feet to the West line of said Section 26;
19 Thence along said line North $01^{\circ}21'25''$ East 663.65 feet to the point of beginning.
20
21 **Parcel B:**
22 That portion of Section 27, Township 24 North, Range 5 East, Willamette Meridian, in King
23 County, Washington, more particularly described as follows:
24 Beginning at the East quarter corner of said Section 27;
25 Thence South $01^{\circ}21'25''$ West along the East line of the Southeast quarter of said Section 995.49
26 feet;
27 Thence North $88^{\circ}29'11''$ West 333.52 feet;
28 Thence South $01^{\circ}21'20''$ West 574.96 feet;

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1 Thence North 88°28'17" West 1779.11 feet;
 2 Thence North 72°31'45" West 178.15 feet;
 3 Thence North 21°00'00" East 220.00 feet;
 4 Thence North 30°00'00" East 500.00 feet;
 5 Thence North 21°00'00" West 540.00 feet;
 6 Thence North 33°10'41" West 311.14 feet;
 7 Thence North 80°00'00" West 320 feet to the North-South center of Section line;
 8 Thence along said center of Section line, North 01°20'47" East 96.49 feet;
 9 Thence South 88°32'13" East 2668.19 feet to the East line of the Northeast quarter of said Section;
 10 Thence along said East line, South 01°06'54" West 26.52 feet to the point of beginning.

11

12 Parcel C:

13 That portion of Sections 26 and 27, Township 24 North, Range 5 East, Willamette Meridian, in
 14 King County, Washington, more particularly described as follows:

15 Commencing at the East quarter corner of said Section 27;

16 Thence South 01°21'25" West along the East line thereof a distance of 663.66 feet to the true point
 17 of beginning;

18 Thence South 88°46'29" East a distance of 1312.91 feet;

19 Thence South 01°12'59" West a distance of 331.74 feet;

20 Thence South 88°46'44" East a distance of 1313.74 feet;

21 Thence South 01°04'35" West a distance of 994.96 feet;

22 Thence North 88°47'25" West a distance of 1974.25 feet;

23 Thence North 01°17'12" East a distance of 331.79 feet;

24 Thence North 88°47'13" West a distance of 657.68 feet;

25 Thence North 88°27'33" West a distance of 333.51 feet;

26 Thence North 01°21'19" East a distance of 63.49 feet;

27 Thence South 88°29'11" East a distance of 333.53 feet;

28 Thence North 01°21'25" East a distance of 331.83 feet to the true point of beginning.

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1 Parcel D:
2 Tracts F and Q, Meadow View Park, according to the Plat thereof, recorded in Volume 150 of
3 Plats, pages 27 through 36, inclusive, in King County, Washington.

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