

## 6.4 Environmental Covenant

ARE-3005 First Avenue, LLC  
135 N. Los Robles Avenue, Suite 250  
Pasadena, California 91101

Attn - June Ledwig

### RESTRICTIVE COVENANT

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f and g), and WAC 173-340-440 Name of Property Owner, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns

Legal Description See Attached

Tax Parcel ID # 069500-0135-08

Grantor: ARE-3005 First Avenue, LLC

Legal Description:

PARCEL C:

LOTS 10, 11 AND 12 IN BLOCK E OF FOURTH ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY WM. N. BELL, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 167, RECORDS OF KING COUNTY;

EXCEPT THAT PORTION CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 7092 FOR WIDENING FRONT STREET, NOW "FIRST AVENUE", AS PROVIDED BY ORDINANCE NO. 1129;

ALSO DESCRIBED AS FOLLOWS:

THAT PORTION OF LOTS 10, 11 AND 12 IN BLOCK 3 OF PLAT OF THE 4TH ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY WILLIAM N. BELL (COMMONLY KNOWN AS WILLIAM N. BELL'S 4TH ADDITION TO THE CITY OF SEATTLE), AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 167, RECORDS OF KING COUNTY.

SEE ATTACHED PAGE FOR ADDITIONAL DETAILS.



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3005 First Avenue  
Seattle, WA

Order No. 867004

PARCEL C:

LOTS 10, 11 AND 12 IN BLOCK E OF FOURTH ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY WM. N. BELL, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 167, RECORDS OF KING COUNTY;

EXCEPT THAT PORTION CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 7092 FOR WIDENING FRONT STREET, NOW "FIRST AVENUE", AS PROVIDED BY ORDINANCE NO. 1129;

ALSO DESCRIBED AS FOLLOWS:

THAT PORTION OF LOTS 10, 11 AND 12 IN BLOCK 3 OF PLAT OF THE 4TH ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY WILLIAM N. BELL (COMMONLY KNOWN AS WILLIAM N. BELL'S 4TH ADDITION TO THE CITY OF SEATTLE), AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 167, RECORDS OF KING COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MONUMENT AT THE INTERSECTION OF EAGLE STREET AND WESTERN AVENUE;  
THENCE NORTH 47°46'02" WEST ALONG THE MONUMENTED CENTER LINE OF WESTERN AVENUE 33.00 FEET;  
THENCE NORTH 42°13'49" EAST PARALLEL WITH THE MONUMENTED CENTERLINE OF EAGLE STREET 33.00 FEET TO THE SOUTHERNMOST CORNER OF LOT 1 IN BLOCK E OF PLAT OF THE 4TH ADDITION TO THE CITY OF SEATTLE, AS LAID OFF BY WILLIAM N. BELL (COMMONLY KNOWN AS WILLIAM N. BELL'S 4TH ADDITION TO THE CITY OF SEATTLE), AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 167, RECORDS OF KING COUNTY;  
THENCE NORTH 42°13'49" EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1 A DISTANCE OF 120.06 FEET TO THE EASTERNMOST CORNER OF SAID LOT 1;  
THENCE NORTH 42°13'49" EAST 16.00 FEET TO THE SOUTHERNMOST CORNER OF SAID LOT 12 AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 47°46'25" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOTS 10, 11 AND 12 A DISTANCE OF 180.18 FEET TO THE WESTERNMOST CORNER OF SAID LOT 10;  
THENCE NORTH 42°13'49" EAST ALONG THE NORTHWESTERLY LINE OF SAID LOT 10 A DISTANCE OF 111.04 FEET TO THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY FOR 1ST AVENUE AS CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 7092 FOR WIDENING FRONT STREET (NOW "FIRST AVENUE") AS PROVIDED BY CITY OF SEATTLE ORDINANCE NO. 1129;  
THENCE SOUTH 47°46'48" EAST ALONG SAID RIGHT-OF-WAY LINE 180.18 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 12;  
THENCE SOUTH 42°13'49" WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 12 A DISTANCE OF 111.06 FEET TO THE TRUE POINT OF BEGINNING;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.



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## RESTRICTIVE COVENANT

Alexandria Real Estate Equities, LLC 3005 First Avenue, Seattle, WA

This Declaration of Restrictive Covenant is made pursuant to RCW 70 105D 030(1)(f) and (g) and WAC 173-340-440 ARE-3005 First Avenue, LLC, a Delaware limited liability company, 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:

- 1 Monitoring Well Construction and Ground Water Sampling, Oncogen, Seattle, Washington by ERM-Northwest, Inc, dated February 20, 1990
- 2 Underground Storage Tank Site Characterization-3005 First Avenue, Seattle, Washington by Partners, Inc dated June 15, 1994
- 3 Final Report UST Closure and Independent Remedial Action-Pharmaceutical Research Institute Seattle, Washington by Dames&Moore, dated November 8, 1995

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

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of diesel range total petroleum hydrocarbons which exceed the Model Toxics Control Act A Residential Cleanup Levels for soil established under WAC 173-340-700

The undersigned, ARE-3005 First Avenue, LLC, is the fee owner of real property (hereafter "Property") in the County of King, 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.

ARE-3005 First Avenue, LLC 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 portion of the Property contains diesel range total petroleum hydrocarbons contaminated soil located beneath load bearing walls, structural columns and the elevator on the southern side of the building in the immediate vicinity of the loading dock (see Figure 2 of the Dames&Moore report). The Owner shall not alter, modify, or remove the existing structure[s] in



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any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology."

b "Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include drilling, digging, placement of any objects or use of any equipment which 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

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

Date \_\_\_\_\_

ARE-3005 First Avenue, LLC, a Delaware limited liability company

By ALEXANDRIA REAL ESTATE EQUITIES L.P., a Delaware limited partnership, managing member

By ARE-QRS CORP a Maryland corporation, general partner

By \_\_\_\_\_

*See Attached*



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ARE-3005 FIRST AVENUE, LLC, a Delaware limited  
liability company

By: ALEXANDRIA REAL ESTATE EQUITIES, L.P.,  
a Delaware limited partnership, managing member

By: ARE-QRS CORP., a Maryland corporation,  
general partner

By: *Patricia J. Nelson*



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### CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles } ss.

On 6/29/99, before me, Shelly A. Kroll, Notary Public,  
personally appeared Peter J. Nelson  
Name(s) of Signer(s)

☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Shelly A. Kroll  
Signature of Notary Public

#### OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

#### Description of Attached Document

Title or Type of Document: Restrictive Covenant

Document Date: N/A Number of Pages: 6

Signer(s) Other Than Named Above

#### Capacity(ies) Claimed by Signer

Signer's Name:

- ☐ Individual  
☐ Corporate Officer — Title(s):  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other

Signer Is Representing.

