

6.4 Environmental Covenant

Return Address:

Alan R. Jacobson

300 Admiral Way, Suite 209
Edmonds, WA 98020



9805281028 11:31:00 AM KING COUNTY RECORDS 003 TMS 16-00

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Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)**

Document Title(s) (or transactions contained therein); (all areas applicable to your document must be filled in)

1. Restrictive Covenant
- 2.
- 3.
- 4.

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) (Last name first, then first name and initials)

1. Jacobson, Alan R.
2. Jacobson, Margie E.
3. Jacobson, Bryan K.
4. Jacobson, Karen R.

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

- 1.
- 2.
- 3.
- 4.

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Portion of Government Lot 4, Section 11, Township 25 North, Range 3 East
W.M., King County, Washington

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

Assessor Tax # not yet assigned

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

RESTRICTIVE COVENANT

JACOBSON TERMINALS, INC. REMEDIAL ACTION AREA

THIS DECLARATION OF RESTRICTIVE COVENANT is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Alan R. Jacobson, Margie E. Jacobson, Bryan K. Jacobson, and Karen R. Jacobson, their successors and assigns (hereafter, "Jacobsons"), 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 document:

Petroleum-Contaminated Soil Removal, Lake Washington Ship Canal, Seattle WA. Prepared for Seattle District U.S. Army Corps of Engineers and Jacobson Terminals, Inc., March 1997. HartCrowser.

This document is on file at Ecology's Northwest Regional Office, 3190 - 160th Ave. SE, Bellevue, WA 98008-5452.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of Total Petroleum Hydrocarbons (TPH) which exceed the Model Toxics Control Act Method A Industrial Cleanup Level(s) for soil established under WAC 173-340-740.

The undersigned, Alan R. Jacobson, Margie E. Jacobson, Bryan K. Jacobson, and Karen R. Jacobson, are the fee owners of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The portion of the Property where the Remedial Action occurred (hereafter "Remedial Action Area") is legally described in Attachment A of this Restrictive Covenant and made a part hereof by reference.

The Jacobsons make the following declaration as to limitations, restrictions, and uses to which the Remedial Action Area may be put and specify 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").

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Section 1

The Remedial Action Area 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 Seattle zoning regulations codified in the City of Seattle Land Use and Building Codes as of the date of this Restrictive Covenant.

The Remedial Action Area contains: an estimated one hundred (100) cubic yards of TPH contaminated soil, at levels from 280-22,000 mg/kg (HartCrowser, March 1997). This is located between the U.S. Army Corps of Engineers Equipment Storage Building, and the Jacobson property transformer building, and the Jacobson alley south of the Pirelli-Jacobson Marine Storage Building. The Owner shall not alter, modify, or remove the existing structure[s] in 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.

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 Remedial Action Area.

Section 6

The Owner must notify and obtain approval from Ecology prior to any use of the Remedial Action Area that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7

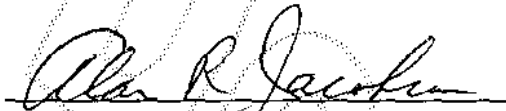
The Owner shall allow authorized representatives of ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8

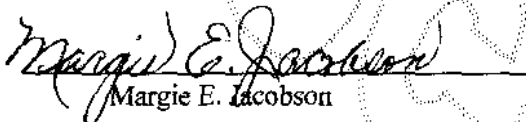
The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Remedial Action Area, or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

SITE OWNERS:

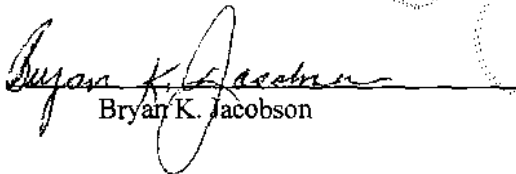
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Alan R. Jacobson


Date: May 19, 1998


Margie E. Jacobson

Date: May 19, 1998


Bryan K. Jacobson

Date: May 20, 1998


Karen R. Jacobson

Date: May 19, 1998

Attachment A: Legal Description of Remedial Action Area

STATE OF Washington)
)
COUNTY OF King)

On May 19, 1998, before me, Janeth Brazill,
personally appeared and personally known to me or proved on the basis of satisfactory evidence
to be ALAN R. JACOBSON, whose name is subscribed in the within instrument, and
acknowledged to me that he by his signature executed the instrument.

WITNESS my hand and official seal.

Janeth L. Brazill
NAME: Janeth L. Brazill
Notary Public in and for the State of Washington
Residing at Seattle, Washington
My Commission Expires: 01-09-00

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STATE OF Washington)
)
COUNTY OF King)

On May 19, 1998, before me, Janeth Brazill,
personally appeared and personally known to me or proved on the basis of satisfactory evidence
to be MARGIE E. JACOBSON, whose name is subscribed in the within instrument, and
acknowledged to me that she by her signature executed the instrument.

WITNESS my hand and official seal.

Janeth L. Brazill
NAME: Janeth L. Brazill
Notary Public in and for the State of Washington
Residing at Seattle, Washington
My Commission Expires: 01-09-00

STATE OF Washington)
)
COUNTY OF King)

On May 20, 1998, before me, Janet L. Brazill,
personally appeared and personally known to me or proved on the basis of satisfactory evidence
to be BRYAN K. JACOBSON, whose name is subscribed in the within instrument, and
acknowledged to me that he by his signature executed the instrument.

WITNESS my hand and official seal.

Janet L. Brazill
NAME: Janet L. Brazill
Notary Public in and for the State of Washington
Residing at Seattle, Washington
My Commission Expires: 01-09-00

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STATE OF Washington)
)
COUNTY OF King)

On May 19, 1998, before me, Janet L. Brazill,
personally appeared and personally known to me or proved on the basis of satisfactory evidence
to be KAREN R. JACOBSON, whose name is subscribed in the within instrument, and
acknowledged to me that she by her signature executed the instrument.

WITNESS my hand and official seal.

Janet L. Brazill
NAME: Janet L. Brazill
Notary Public in and for the State of Washington
Residing at Seattle, Washington
My Commission Expires: 01-09-00

**LEGAL DESCRIPTION
DEPARTMENT OF ECOLOGY RESTRICTIVE USE COVENANT AREA
JACOBSON TERMINALS**

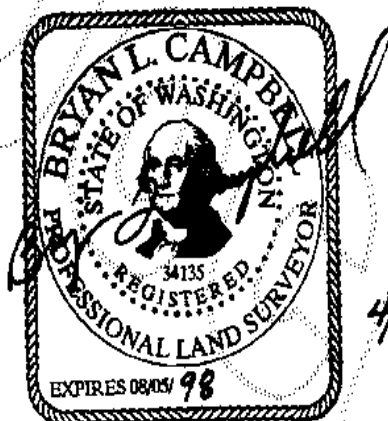
THAT PORTION OF GOVERNMENT LOT 4, SECTION 11, TOWNSHIP 25 NORTH,
RANGE 3 EAST W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS
FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SAID
GOVERNMENT LOT 4 AND THE SOUTHERLY MARGIN OF THE BURLINGTON
NORTHERN RAILROAD COMPANY RIGHT-OF-WAY;
THENCE SOUTH 81°04'16" WEST 435.20 FEET ALONG SAID SOUTHERLY
MARGIN;
THENCE SOUTH 00°08'20" EAST 140.04 FEET TO THE TRUE POINT OF
BEGINNING;
THENCE SOUTH 02°22'47" EAST 8.56 FEET;
THENCE SOUTH 77°13'48" EAST 27.68 FEET;
THENCE SOUTH 00°37'35" WEST 15.81 FEET;
THENCE SOUTH 89°51'40" WEST 27.11 FEET;
THENCE NORTH 00°08'20" WEST 30.54 FEET TO THE TRUE POINT OF
BEGINNING.

CONTAINS 517 SQUARE FEET OR 0.0119 ACRES MORE OR LESS.

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

JACOBSON TERMINALS
BRYAN L. CAMPBELL, P.L.S.
BRH JOB NO.: 90419.04
APRIL 2, 1998



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**LEGAL DESCRIPTION
DEPARTMENT OF ECOLOGY RESTRICTIVE USE COVENANT AREA
JACOBSON TERMINALS**

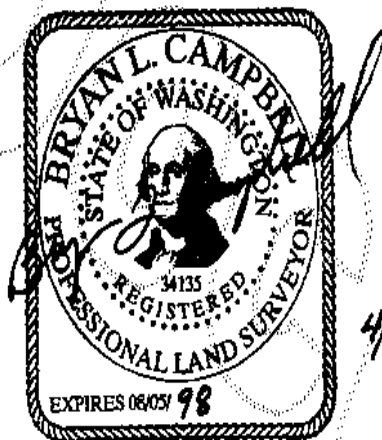
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