
6.4 Environmental Covenant

WHEN RECORDED RETURN TO:

Jeffrey L. Péwé
58th Floor, Columbia Center
701 Fifth Avenue
Seattle, WA 98104

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PAGE 001 OF 005
08/26/1999 10:42
KING COUNTY, WA

MONTGOMERY PUR COV 13.00

Reference Number(s) of related document(s): None.

Grantor: David G. Pollart, a married person as his separate estate.

Full legal on Attachment A.

Grantee: None.

Legal Description (abbreviated): A portion of the Northwest Quarter of the Northwest Quarter of Sec. 12-T21N-R4E, King County, Washington.

Assessor's Tax Parcel ID Number: Parcel A: 122104-9034-08

RESTRICTIVE COVENANT

Property Owner: David G. Pollart

Property Address: 2102 West Valley Highway, Auburn,
King County, Washington

THIS DECLARATION OF RESTRICTIVE COVENANT is made pursuant to RCW 70.105D.030(1)(f) and (g), and WAC 173-340-440 by David G. Pollart, and his 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) Phase I Environmental Assessment, Provisioners Terminal, Auburn, Washington, prepared for Watkins Terminals, Inc., by Atlantic Geosciences, Inc., dated September 14, 1998.

RESTRICTIVE COVENANT
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- (2) Remedial Investigation/Feasibility Study, prepared for Provisioners Express Auburn Facility by Environmental Management Resources, Inc., dated March, 1999.
- (3) Results of Interim TPH Analysis, Groundwater Monitoring and Stream Sampling, Provisioners Express Facility, Auburn, WA., prepared for Provisioners Express Auburn Facility by Environmental Management Resources, Inc., dated April 20, 1999.

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 oil and diesel range total petroleum hydrocarbons ("TPH") which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for subsurface soil established under WAC 173-340-740.

The undersigned, David G. Pollart, is the owner of the 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.

David G. Pollart 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.

1. The Property 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 Auburn zoning regulations as of the date of this Restrictive Covenant.
2. No groundwater may be taken for any use from the Property.
3. Any activity on the Property that may interfere with the ongoing monitoring of groundwater wells is prohibited.

4. A portion of the Property contains TPH contaminated soil located under the floor, north wall and foundation of the maintenance building located on the northeast portion of the Property, as described in the reports listed above. The Owner shall not alter, modify, or remove the existing structure of the maintenance building 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.

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.

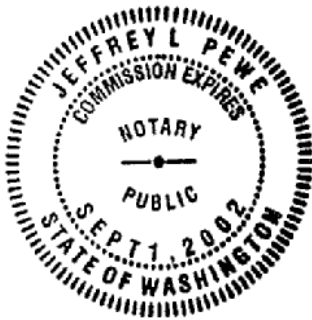
DATED this 25th day of August, 1999.

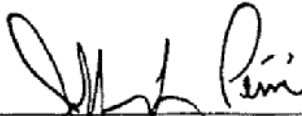
David G. Pollart
David G. Pollart

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that David G. Pollart 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 25, 1999.




Printed Name: Jeffrey L. Pewe
NOTARY PUBLIC, State of
Washington
My appointment expires 9/1/02

Attachment A

Parcel A:

THE EAST 500 FEET OF THE WEST 536 FEET OF THE
NORTHWEST QUARTER OF THE NORTHWEST QUARTER
OF SECTION 12, TOWNSHIP 21 NORTH, RANGE 4 EAST,
WILLAMETTE MERIDIAN, IN KING COUNTY,
WASHINGTON;
EXCEPT THE SOUTH 60 FEET THEREOF; AND
EXCEPT THE NORTH 742.12 FEET THEREOF;

(ALSO KNOWN AS LOT 3 OF CITY OF AUBURN LOT LINE
ADJUSTMENT NO. LLA-11-87, RECORDED UNDER
RECORDING NUMBER 8706221496, BEING LOT 3 AND A
PORTION OF LOT 2 OF CITY OF AUBURN SHORT PLAT
NUMBER SP-3-86, RECORDED UNDER RECORDING
NUMBER 8606050397.)