

6.4 Environmental Covenant

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Document Title(s)

RCOVE

Reference Numbers(s) of related documents

_____ Additional Reference #'s on page _____

Grantor(s) (Last, First and Middle Initial)

EALES, DAVID

_____ Additional grantors on page _____

Grantee(s) (Last, First and Middle Initial)

_____ Additional grantees on page _____

Legal Description (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

_____ Additional legal is on page _____

Assessor's Property Tax Parcel/Account Number

_____ Additional parcel #'s on page _____

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

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RESTRICTIVE COVENANT

US Postal Service General Mail Facility
2445 Third Avenue South, Seattle, Washington

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1)(f) and WAC 173-340-440 by Mr. David Eales, Manager, Asset Management and senior officer with signature authority, United States Postal Service – Facilities, 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. ICF Kaiser, 1999, Washington State Model Toxics Control Act, Method C Calculations for the General Mail Facility, Seattle, Washington, 6 pp., letter report dated January 21, 1999.
2. ICF Kaiser, 1998, Supplemental Soil and Groundwater Sampling at General Mail Facility, Seattle, Washington, 10 pp., October 5, 1998.
3. Dames & Moore, 1998, Report – Soil and Groundwater Investigation at USPS General Mail Facility, Seattle, Washington, 16 pp., July 27, 1998.
4. ICF Kaiser, 1997, Phase I Environmental Site Assessment at General Mail Facility, Seattle, Washington, 47 pp., October 15, 1997.

These documents and Ecology's No Further Action Letter are on file at Ecology's Northwest Regional Office in Bellevue, Washington.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of carcinogenic polynuclear aromatic hydrocarbons (cPAHs) in and around the soils of the hydraulic lift area (Restricted Area) and throughout the groundwater, exceeding the Model Toxics Control Act Method C cleanup levels for soil and ground water established under WAC 173-340-720 and WAC 173-340-745. A map depicting the Restricted Area is attached hereto as Attachment B

The undersigned, Mr. David Eales, is a senior officer with the US Postal Service with signature authority for the real property (hereafter "Property") at 2445 Third Avenue South, also listed as 230 South Lander Street, Seattle, King County, State of Washington, parcel #766620-5235 and tax E# 0696876 dated November 13, 1982, 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.

Mr. David Eales, senior officer with signature authority for the real property, 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

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current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. The Property shall be used for commercial purposes including office and administrative uses, or industrial purposes only. It shall not be used for residential uses as defined in Seattle Municipal Code section 23.84.032 as of the date of this Restrictive Covenant. No ground water may be taken for any use from the Property.

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 substances that remain in the Restricted Area or groundwater of the Property as part of the Remedial Action, or that may create a new exposure pathway for such hazardous substances, is prohibited without prior written approval from Ecology.

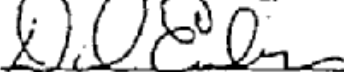
Section 4. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action as set forth in the No Further Action Letter.

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.



David Eales, Manager, Asset Management and Senior Officer
US Postal Service - Facilities

DAVID EALES

Print Name

4/12/99

Date Signed

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Subscribed and sworn to before me this 13 day of April 1999.

Arvelia C Warren
Signature

ARVELIA C WARREN
Name Printed or Stamped

Notary Public in and for the State of Washington Virginia

Residing at ARLINGTON

My appointment expires 4/30/2002

[NOTE: The Property Owner must have this Restrictive Covenant notarized.]

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Attachment A

LEGAL DESCRIPTION

United States Postal Service, Former General Mail Facility,
2445 Third Avenue South Seattle, King County, Washington
also listed as 230 South Lander Street, Seattle, King County, Washington
Parcel # 766620-5235
Tax E# 0696876

(please attach)

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Attachment B

SITE MAP

United States Postal Service, Former General Mail Facility,
2445 Third Avenue South Seattle, King County, Washington
also listed as 230 South Lander Street, Seattle, King County, Washington
from Dames & Moore 1998 figure-5.

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