

After Recording Return to:

Washington State Department of Ecology
Toxics Cleanup Program
Southwest Regional Office
Attention: Panjini Balaraju
PO Box 47775
Olympia, WA 98504-7775

TERMINATION & RELEASE OF RESTRICTIVE COVENANT

Grantor: State of Washington Department of Ecology

Grantee: Fred Tebb & Sons Inc.

Legal Description: A portion of the NW1/4 & SW1/4 of NE1/4 and the NE1/4 & SE1/4 OF NW1/4 of SECTION 3, T20N, R3E, W.M.; Detailed Legal Description is presented below and also included in Exhibit A.

Parent Parcel Number: 0320032042

Current/Children Tax Parcel Numbers: 0320036003 and 0320036004

Cross-Reference: X2P Marc Land Associates, 1650 E 18th Street, Tacoma, Washington 98421.
No Further Action Letter: September 4, 2018 (Exhibit B).
Original Restrictive Covenant No. 200301100792 recorded in Pierce County on 01/10/2003 (Enclosure-H in Exhibit B); No Further Action Letter dated February 27, 2003.

Pursuant to the Model Toxics Control Act, Chapter 70.105D RCW (MTCA), the Uniform Environmental Covenants Act, RCW 64.70.100, and WAC 173-340-440, the State of Washington, Department of Ecology (Ecology) has determined, after public notice and comment, that the Environmental Covenant filed of record in Pierce County under Auditor File Number 200301100792 on January 10, 2003 between Thomas H Tebb, as Grantor and Ecology as Grantee (Covenant) over the property legally described below is no longer necessary under the Model Toxics Control Act (MTCA) and its implementing regulations, Chapter 173-340 WAC in order to protect human health and the environment.

The parent parcel (0320032042) was subdivided into to two children parcels (0320036003 and 0320036004). The Property was purchased by X2P Marc Land Associates on May 13, 2013. Ecology hereby consents to termination of the Covenant and relinquishes and quitclaims to the Luke Xitco (the current Property Owner) any and all rights it may have that were created by the Covenant.

This document is not a settlement under MTCA. Ecology's signature below does not constitute a covenant not to sue or a compromise of Ecology's authority or rights other than those rights created by the Covenant itself.

The legal description of the property subject to the Covenant is as follows:

A track of land in the North half Section 3, Township 20 North, Range 3 East, W.M., in Pierce County, Washington, described as follows:

COMMENCING at a point on the Northwestern right-of-way line of Lincoln Avenue as widened Northerly by deed to the City of Tacoma October 16, 1956, from the Port of Tacoma and the intersection of the Southwesterly property line of the C.M. St. P and P Railroad; THENCE Southwesterly along the said Northwestern right-of-way line of Lincoln Avenue, a distance of 1,214.16 feet to a point on the Easterly line of the Northern Pacific Railroad right-of-way;

THENCE on an angle to the right of $108^{\circ}18'30''$ along the said Easterly right-of-way line, a distance of 262.28 feet to the TRUE POINT OF BEGINNING of tis description;

THENCE continued along the said Easterly right-of-way line, a distance of 210.66 feet to a point;

THENCE on an angle to the right of $71^{\circ}41'30''$ on a line parallel to the Northwestern right-of-way line of Lincoln Avenue a distance of 503.63 feet to a point on the Westerly right-of-way line of a proposed street;

THENCE on an angle to the right of $104^{\circ}48'22''$ along the said right-of-way line of a proposed street a distance of 206.87 feet;

THENCE an angle to the right of $75^{\circ}11'38''$, a distance of 516.94 feet to the TRUE POINT OF BEGINNING.

Together with the following:

A track of land in the North half Section 3, Township 20 North, Range 3 East, W.M., in Pierce County, Washington, described as follows:

COMMENCING at a point on the Northwestern right-of-way line of Lincoln Avenue as widened Northerly by deed to the City of Tacoma October 16, 1956, from the Port of Tacoma and the intersection of the Southwesterly property line of the C.M. St. P and P Railroad; THENCE Southwesterly along the said Northwestern right-of-way line of Lincoln Avenue, a distance of 1,214.16 feet to a point on the Easterly line of the Northern Pacific Railroad right-of-way;

THENCE an angle to the right of $108^{\circ}18'30''$ along the said Easterly right-of-way line, a distance of 472.94 feet to the TRUE POINT OF BEGINNING of this description;

THENCE continuing along the said Easterly right-of-way line, a distance of 1000.00 feet to a point;

THENCE on an angle to the right of $83^{\circ}03'33''$, a distance of 481.67 feet to a point on the Westerly right-of-way line of a proposed street;

THENCE on an angle to the right of $168^{\circ}37'57''$ on a line parallel to the Northwestern right-of-way line of Lincoln Avenue, a distance of 503.63 feet to the TRUE POINT OF BEGINNING.

Also together with the following:

A track of land in the North half Section 3, Township 20 North, Range 3 East, W.M., in Pierce County, Washington, described as follows:

COMMENCING at a point on the Northwesterly right-of-way line of Lincoln Avenue as widened Northerly by deed to the City of Tacoma October 16, 1956, from the Port of Tacoma and the intersection of the Southwesterly property line of the C.M. St. P and P Railroad;
THENCE Southwesterly along the said Northwesterly right-of-way line of Lincoln Avenue, a distance of 1,214.16 feet to a point on the Easterly line of the Northern Pacific Railroad right-of-way;
THENCE on an angle to the right of $108^{\circ}18'30''$ and along the said Easterly right-of-way line, a distance of 572.94 feet to the TRUE POINT OF BEGINNING of this description;
THENCE continuing along said right-of-way line, a distance of 287.37 feet to a point on the Southerly right-of-way line of East 18th Street as now constructed;
THENCE on an angle to the right of $106^{\circ}59'12''$ and along said Southerly right-of-way line, a distance of 470.24 feet to the point of curve of a right-of-way curve to the right having a radius of 35.0 feet;
THENCE along the arc of right-of-way curve to the right, a distance of 42.46 feet to the p.t. of said curve, said point being on the Westerly right-of-way line of Marc Avenue as now constructed;
THENCE along said Westerly right-of-way, a distance of 60.63 feet to a point;
THENCE on an angle to the right of $86^{\circ}33'41''$ for, a distance of 481.67 feet to the TRUE POINT OF BEGINNING of this description.

Situated in the City of Tacoma, County of Pierce, State of Washington.

Dated this _____ day of _____, 2017.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

by: _____
Rebecca S. Lawson, P.E.,LHG

Title: Section Supervisor
Toxics Cleanup Program
Southwest Regional Office

STATE ACKNOWLEDGMENT

STATE OF WASHINGTON

COUNTY OF _____

On this _____ day of _____, 2020, I certify that _____
personally appeared before me, acknowledged that **he/she** is the _____
of the state agency that executed the within and foregoing instrument, and signed said instrument by
free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that
he/she was authorized to execute said instrument for said corporation.

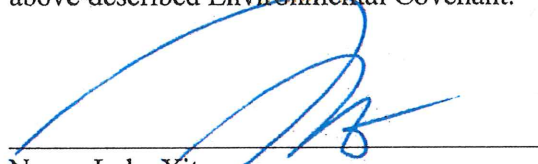
Notary Public in and for the State of

Washington, residing at _____.

My appointment expires _____.

CONSENT TO TERMINATION & RELEASE OF COVENANT

The undersigned Lucas P. Xitco hereby consents to the release and termination of the above-described Environmental Covenant.



Name: Luke Xitco
Title: Managing Member
X2P Marc Land Associates

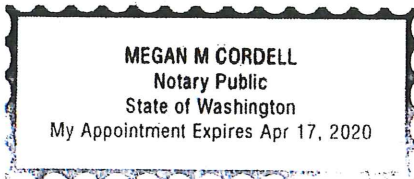
Dated: 2/10/2020

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF WASHINGTON

COUNTY OF Pierce

On this 10th day of February, 2020, I certify that Lucas P. Xitco personally appeared before me, acknowledged that **he/she** signed this instrument, on oath stated that **he/she** was authorized to execute this instrument, and acknowledged it as the Managing Member [type of authority] of X2P Marc Land, LLC [name of party being represented] to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.



Megan M CordeLL
Notary Public in and for the State of

Washington, residing at Wike Tapps.

My appointment expires 4/17/2020

X2P Marc Land Associates Current/Children Parcels Subject to Release From the Restrictive Covenant

