

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 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 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 $108^{\circ}18'30''$ along the said Easterly right-of-way line, a distance of 262.28 feet to the TRUE POINT OF BEGINNING of this 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 Northwesterly 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 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 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 Northwesterly 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°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°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°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

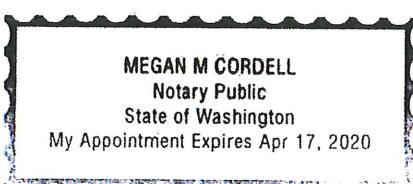
Dated: 2/10/2020

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF WASHINGTON

COUNTY OF Pierce

On this 10th day of February, 2020, I certify that Luke 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 Correll
Notary Public in and for the State of
Washington, residing at Lake Tapps.
My appointment expires 4/17/2020

EXHIBIT - A

DIRECTOR APPROVED, IN CONFORMITY WITH CHAPTER 13.04 OF THE OFFICIAL CODE OF THE CITY OF TACOMA DIRECTOR <i>9/17</i>		CITY LAND SURVEYOR APPROVED FOR RECORDING <i>Gen C Dill 9/17</i>
		CITY TREASURER I HEREBY CERTIFY THAT ALL DELINQUENT ASSESS- MENTS HEREON LIE AGAINST THE PROPERTY DESCRIBED HEREON, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED. <i>M. David L. Sargent 9/17</i>
ASSESSEOR/TREASURER I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LIE AGAINST THE PROPERTY DESCRIBED HEREON, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED.		
NOTARY PUBLIC, IN AND FOR THE STATE OF WASHINGTON RESIDING AT <i>Tacoma, WA 98406</i> , ON <i>7/7/20</i> COMMISSION EXPIRES <i>4/7/20</i>		NOTARY PUBLIC, IN AND FOR THE STATE OF WASHINGTON RESIDING AT <i>Tacoma, WA 98406</i> , ON <i>7/7/20</i> COMMISSION EXPIRES <i>4/7/20</i>
STATE OF WASHINGTON SS. DATE: <i>7/7/2017</i>		
<p>ACKNOWLEDGMENT: I CRYT THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT <i>Lyle P. Sted</i> SIGNED THIS INSTRUMENT AND ACKNOWLEDGED AS <i>JULIA MANDYSON</i> VOLUNTARILY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.</p> <p><i>Lyle P. Sted</i></p> <p>DATED: <i>7/7/2017</i></p>		
<p>I CRYT THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT <i>Sue Brank</i> SIGNED THIS INSTRUMENT AND ACKNOWLEDGED AS <i>JULIA MANDYSON</i> VOLUNTARILY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.</p> <p><i>Sue Brank</i></p> <p>DATED: <i>7/7/2017</i></p>		
<p>I CRYT THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT <i>Brian D. Gilliland</i> SIGNED THIS INSTRUMENT AND ACKNOWLEDGED AS <i>JULIA MANDYSON</i> VOLUNTARILY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.</p> <p><i>Brian D. Gilliland</i></p> <p>DATED: <i>7/7/2017</i></p>		
<p>I CRYT THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT <i>Julia Mandyson</i> SIGNED THIS INSTRUMENT AND ACKNOWLEDGED AS <i>JULIA MANDYSON</i> VOLUNTARILY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.</p> <p><i>Julia Mandyson</i></p> <p>DATED: <i>7/7/2017</i></p>		
<p>I CRYT THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT <i>Brian D. Gilliland</i> SIGNED THIS INSTRUMENT AND ACKNOWLEDGED AS <i>JULIA MANDYSON</i> VOLUNTARILY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.</p> <p><i>Brian D. Gilliland</i></p> <p>DATED: <i>7/7/2017</i></p>		
<p>STATE NOTES: (PER FIRST AMERICAN TITLE INSURANCE COMPANY SUBDIVISION GUARANTEES THEIR ORDER NO. 5003535-27486910 DATED April 27, 2017)</p> <p>1. NOT APPLICABLE TO BE SHOWN ON SURVEY.</p> <p>2. FACILITY CHARGES, IF ANY, INCLUDING BUT NOT LIMITED TO, HOKE-UP, OR, COMMISSION CHARGES AND LATCOMS CHARGES FOR SEWER, WATER, AND PUBLIC FACILITIES OF THE CITY OF TACOMA AS DISCUSSED BY INSTRUMENT RECORDED IN THE PUBLIC RECORDING OFFICE NUMBER 2240051. (NOT PLOTTED).</p> <p>3. NOT APPLICABLE TO BE SHOWN ON SURVEY.</p> <p>4. DISBURSEMENTS, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, RECRODING INFORMATION: 2230770 IN FAVOR OF: OCEAN PIPE LINE COMPANY FORT PIPE LINE (DOESN'T AFFECT SITE)</p> <p>5. DISBURSEMENTS, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, RECRODING INFORMATION: 2230906 IN FAVOR OF: MARC LAND ASSOCIATES, LLC.</p> <p>6. DISBURSEMENTS, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, RECRODING INFORMATION: 2231515 IN FAVOR OF: WASHINGTON RECREATION NO. 463115</p> <p>7. DISBURSEMENT, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, RECRODING INFORMATION: 2231687 IN FAVOR OF: CITY OF TACOMA FOR UTILITIES (BLANKET). IN NATURE THE PLOTTABLE PORTION OF THIS EASEMENT NOW IS WITHIN THE PUBLIC RIGHT-OF-WAY.</p> <p>8. DISBURSEMENT, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, RECRODING INFORMATION: 2231701 IN FAVOR OF: CITY OF TACOMA FOR UTILITIES (BLANKET). IN NATURE THE PLOTTABLE PORTION OF THIS EASEMENT NOW IS WITHIN THE PUBLIC RIGHT-OF-WAY.</p> <p>9. MOTIONS AS DISCLOSED IN WARRANTS DEEDS RECRODING INFORMATION: 2237934, 2237935, AND 2236000 RECRODING INFORMATION: 2230760 APRIL 16, 1960 (NOT PLOTTED).</p> <p>10. EXISTING, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, RECRODING INFORMATION: 2230966 IN FAVOR OF: CITY OF TACOMA FOR UTILITIES (PLOTTED HEREIN)</p> <p>11. EXISTING, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, RECRODING INFORMATION: 5216233 IN FAVOR OF: CITY OF TACOMA FOR UTILITIES (PLOTTED HEREIN)</p> <p>12. COMMUNES, NOTES, EASEMENTS, PROVISIONS AND ENCUMBRANCES CONTAINED OR DELINQUENT ON THE FACE OF THE SURVEY RECORDED UNDER RECORDING NO. 200311165004. (NOT PLOTTED)</p> <p>13. EXISTING, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, RECRODING INFORMATION: 2017030622 FOR: EMERGENCY ACCESS (PLOTTED HEREIN)</p> <p>14. EXISTING, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, RECRODING INFORMATION: 2017030622 FOR: EMERGENCY ACCESS (PLOTTED HEREIN)</p> <p>15. CO-HOLDING, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN, RECRODING INFORMATION: 201705823899 FOR: WATERTIGHT PRIVATE STORM DRAWDGE SYSTEM (PLOTTED HEREIN)</p>		
 <p>VICINITY MAP N.T.S.</p>		

For reference only, not for re-sale

HORIZONTAL DATUM — BASIS OF BEARINGS: NAD 83 / 91
 Horizontal datum for this site is NAD 83/91 per City of Tacoma City of TACOMA HORIZONTAL CONTROL POINT NO. 555 (PER 100' CENTERLINE OF MILWAUKEE WAY, 100' S. OF E. 4TH ST.) WAS HELD FOR POSITION AND A LINE BETWEEN SAD POINT NO. 555 AND HORIZONTAL CONTROL POINT NO. 556 (PER 100' CENTERLINE OF MILWAUKEE WAY) WAS HELD FOR ROTATION BEING SOUTH 23°25'25" EAST.
 VERTICAL DATUM — NGVD 25.
 VERTICAL DRAUG FOR THIS PROJECT IS NGVD 25 PER CITY OF TACOMA VERTICAL CONTROL POINT NO. 4070 (BRASS LION IN CASE AT THE INTERSECTION OF THOMAS ROAD AND MAYVIEW WAY) WAS HELD FOR ELEVATION, BEING 10.836 FEET (NGVD25).

PROCEDURE / NARRATIVE

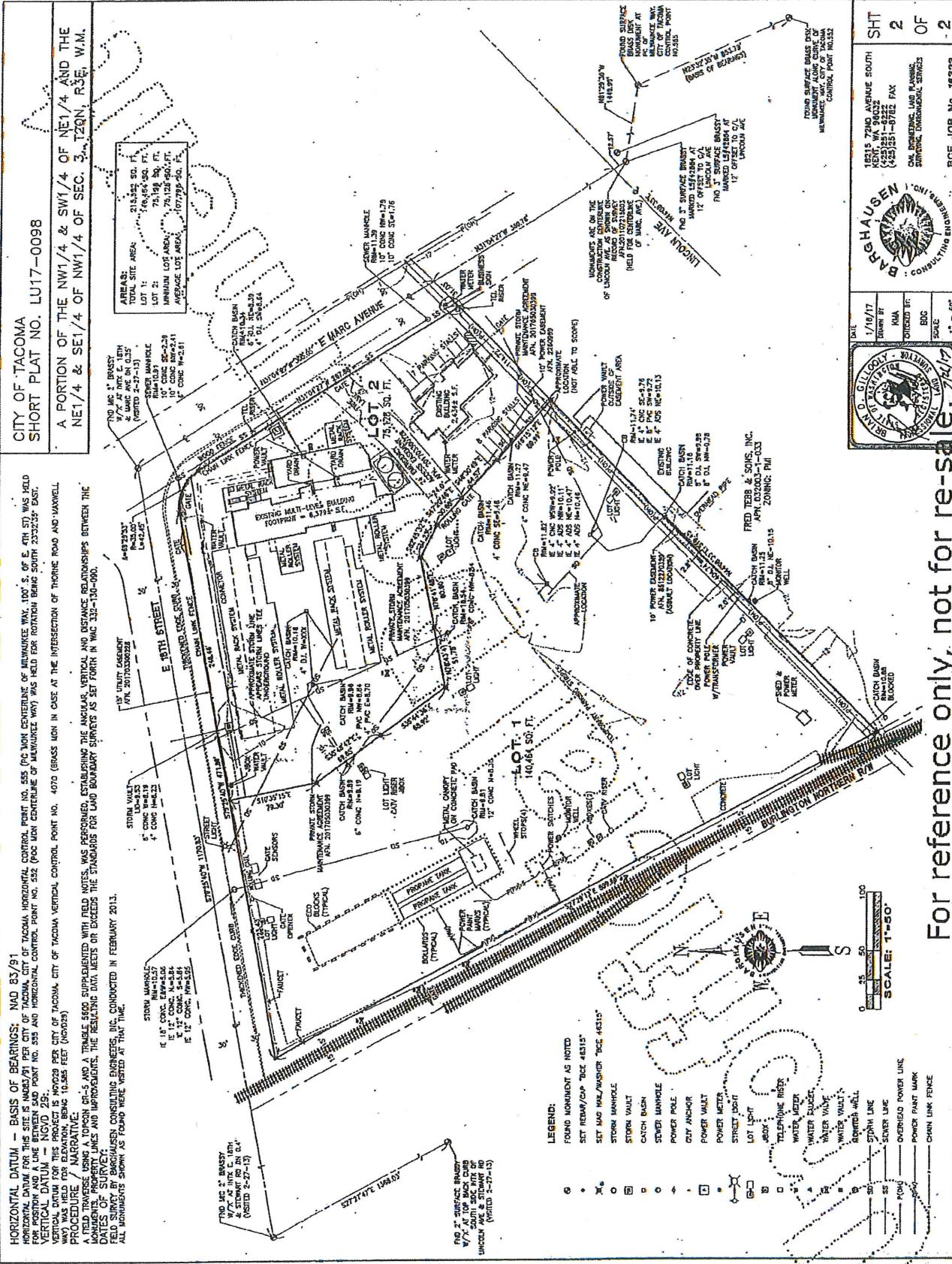
A FIELD TRAVERSE, USING A TOPCON GTS-5 AND A TRIMBLE 5600 SUPPLEMENTED WITH FIELD NOTES, WAS PERFORMED, ESTABLISHING THE ANGULAR, VERTICAL AND DISTANCE RELATIONSHIPS BETWEEN THE MONUMENTS, PROPERTY LINES AND IMPROVEMENTS. THE RESULTING DATA MEETS THE STANDARDS FOR LAND SURVEYING.

FIELD SURVEY BY BANGDAESCH CONSULTING ENGINEERS, INC. CONDUCTED IN FEBRUARY 2013.

ALL INSTRUMENTS SHOWN AS FOUND HEREIN AT THAT TIME.

CITY OF TACOMA SHORT PLAT NO. LU17-0098

A PORTION OF THE NW1/4 & SW1/4 OF NE1/4 AND THE
 NE1/4 & SE1/4 OF NW1/4 OF SEC. 3, TTON, RO, W.M.



LEGEND:

FOUND MONUMENT AS NOTED

SET IRON CAP "BCE 48315"

SET MAO HOLE/WASHER "BCE 48315"

STORM MANHOLE

CATCH BASIN

POWER POLE

GUY ANCHOR

POWER VULT

STREET LIGHT

TELEPHONE RISER

WATER METER

WATER VALVE

SEWER LINE

OVERHEAD POWER LINE

POWER PAINT MARK

CHAIN LINK FENCE

For reference only, not for re-sale.

DATE	1/10/17	TOURN IR
NAME	KHA	OFFICED BY
BCE		
SCALE	1" = 50'	
		SHT 2 OF 2



201709125005

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

