

RESTRICTIVE COVENANT



The undersigned, Sea-Tac Plaza Limited Partnership, is the current owner of real property in King County, Washington, legally described in the attached Exhibit A, hereafter referred to as the "Site". The Site contains subsurface areas which were the subject of a voluntary independent remedial action commenced by the owners in 1992 to respond to releases of certain dry cleaning solvents. Following installation of a vapor extraction system to remove solvents from the soils at portions of the Site, it has been confirmed that residual concentrations of solvents at levels exceeding the Method A cleanup guidelines as published in the Model Toxics Control Act ("MTCA") Chapter 173-340 WAC remain in portions of the site as follows.

1. Soils at a depth of 5 to 6.5 feet at the location of Boring B-4, as illustrated in Figure 2 of the AGRA Environmental report dated December 22, 1994, contained levels of tetrachloroethene (PCE) at 1.3 parts per million. This area lies under the foundation of the former Y-Pay-Mor Dry Cleaners.
2. Soils at a depth of 6.5 to 8 feet at the location of Boring B-5 as shown on Figure 2 of the AGRA Environmental report dated December 22, 1994, contained elevated levels (71 PPM) of Cis-1, 2, Dichloroethene. Boring B-5 is located beneath the foundation of the former Y-Pay-Mor Dry Cleaners.
3. As a result of spills at the former Y-Pay-Mor Dry Cleaners, portions of the concrete foundations were removed. A soil vapor extraction system was installed to clean soils and the concrete foundation was replaced.
4. Groundwater contamination was identified in a single boring, known as Boring B-12, as shown in the December 22, 1994 AGRA report. This location is also located beneath the former Y-Pay-Mor Dry Cleaning facility.
5. As a result of the residual contamination left underneath the concrete foundation, it will be necessary to conduct semiannual sampling of existing monitoring wells over a three year period, commencing on the date of this document.

Sea-Tac Plaza Limited Partnership makes the following declaration as to limitations, restrictions, and uses to which the Site 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 it, including all current and future owners of any portion of or interest in the Site.

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1. Any activity on the Site that may interfere with the ongoing monitoring of groundwater wells is prohibited. In addition, no groundwater underlying the Site may be taken for domestic purposes.

2. The Owner shall allow authorized representatives of the Department of Ecology, or from any successor agency, the right to enter the Site at reasonable times for the purpose of evaluating compliance with the monitoring of groundwater wells and the remedial action, and to take samples and to inspect records, as provided by law.

3. The Owner of the Site and the Owner's assigns and successors in interest, reserve the right under WAC 173-340-720 and WAC 173-340-440 to record an instrument which provides that this restrictive covenant shall no longer limit use of the Site or be of any further force and effect. However, such an instrument may be recorded only with the consent of the Department of Ecology, or of any successor agency. Public notice and comment may be sought by the Department of Ecology or its successor agency, prior to the recording of such an instrument.

DATED this 21 day of September, 1995.

SEA-TAC PLAZA LIMITED PARTNERSHIP

By: TRI-CENTER ASSOCIATES, a general partner

By: CASETA CORPORATION,
a general partner

By: 

Printed Name: Bill E. Toy

Its: Vice President

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EXHIBIT A

That portion of that certain development situated on Tracts A, B, and C and Lot 1 of Evergreen Plaza, as per Plat recorded in Volume 100 of Plats on page 74, records of King County, situate in County of King, State of Washington formerly known as Y-Pay-Mor Dry Cleaners

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Sloat Crossway
444 3rd Ave
Seattle WA 98104