

Return Address:

JOHN MCCORLE  
815 INDUSTRY DRIVE  
TUKWILA, WA 98188



20070405000538

KORTLEVER COV 38.00  
PAGE 001 OF 007  
04/05/2007 10:21  
KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Restrictive Covenant 2. \_\_\_\_\_  
3. \_\_\_\_\_ 4. \_\_\_\_\_

**Reference Number(s) of Documents assigned or released:**

Additional reference #'s on page \_\_\_\_\_ of document

**Grantor(s)** (Last name, first name, initials)

1. STEVE SUSKIN \_\_\_\_\_  
2. \_\_\_\_\_

Additional names on page \_\_\_\_\_ of document.

**Grantee(s)** (Last name first, then first name and initials)

1. STEVE SUSKIN \_\_\_\_\_  
2. \_\_\_\_\_

Additional names on page \_\_\_\_\_ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

See attached restrictive covenant  
Section 5, Township 25 North, Range 5 East  
Additional legal is on page 2 of document.

**Assessor's Property Tax Parcel/Account Number**  
assigned

1244500066

☐ Assessor Tax # not yet

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

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

\_\_\_\_\_  
Signature of Requesting Party

# RESTRICTIVE COVENANT

Steve Suskin, 209 Central Way, Kirkland

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g) and WAC 173-340-440 by Steve Suskin, 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 document(s), which are on file at Ecology's Northwest Regional Office:

- October 3, 1989, *Report, Environmental Investigation Related to Real-Estate Divestment at Exxon Service Station No. 7-7063*, Enviro-Logic, Inc.
- April 27, 1992, *Exxon Quarterly Project Summary*, Enviro-Logic, Inc.
- July 27, 1992, *Letter Report, Quarterly Ground-Water Monitoring at Former Exxon Service Station No. 7-7063*, Enviro-Logic, Inc.
- November 2, 1992, *Quarterly Status Report*, Enviro-Logic, Inc.
- February 24, 1993, *Addendum to Environmental Investigation Report Related to Underground Tank Removal at Former Exxon Service Station No 7-7063*, Enviro-Logic, Inc.
- March 29, 1993, *Quarterly Status Report*, Enviro-Logic, Inc.
- June 23, 1993, *Report, Limited Subsurface Environmental Investigation*, Enviro-Logic Inc.
- June 28, 1993, *Quarterly Status Report*, Enviro-Logic, Inc.
- December 30, 1993, *Quarterly Status Report*, Enviro-Logic Inc.
- July 12, 1994, *Status Report-Second Quarter 1994, Former Exxon R/S No. 7-7063*, Delta Environmental Consultants, Inc.
- September 6, 1994, *Letter from Exxon Company, U.S.A., to Ben Forson*, Washington State Department of Ecology.
- March 13, 1995, *Status Report for Fourth Quarter 1994*, Delta Environmental Consultants, Inc.

- December 5, 1995, *Remediation System Status Report, First and Second Quarter of 1995*, Delta Environmental Consultants, Inc.
- *Exxon Operation and Maintenance Reports*, Delta Environmental Consultants, Inc.
  - March 12, 1996-Fourth Quarter of 1995
  - April 4, 1996-First Quarter of 1996
  - August 29, 1996-Second Quarter of 1996
  - March 18, 1997-Fourth Quarter of 1996
  - May 16, 1997-First Quarter of 1997
  - September 9, 1997-Second Quarter of 1997
  - November 7, 1997-Third Quarter of 1997
- *Exxon Ground Water Monitoring Reports*, Delta Environmental Consultants, Inc.
  - April 3, 1996-Fourth Quarter of 1995 and First Quarter of 1996
  - April 9, 1997-Fourth Quarter of 1996 and First Quarter of 1997
  - October 21, 1997-Fourth Quarter of 1996 and First Quarter of 1997
  - April 16, 1998-Fourth Quarter of 1997 and First Quarter of 1998
  - February 1, 2000-Second, Third and Fourth Quarter of 1999
- *ExxonMobil Ground Water Monitoring Reports*, Environmental Resolutions, Inc.
  - March 20, 2001-First Quarter of 2000
  - June 5, 2001-First Quarter of 2001
  - September 25, 2001-Second Quarter 2001
  - October 11, 2001-Third Quarter of 2001
  - January 25, 2002-Fourth Quarter of 2001
  - June 26, 2002-Second Quarter of 2002
  - September 9, 2002-Second Quarter of 2002
  - October 2, 2002-Third Quarter of 2002
  - February 11, 2003-Fourth Quarter of 2002

June 6, 2003-First Quarter of 2003

July 25, 2004-Second Quarter of 2003

October 8, 2003-Third Quarter of 2003

- May 10, 2004, *Confirmatory Boring and Soil Sampling Report*, Environmental Resolutions, Inc.
- August 12, 2005, *Site Summary and Voluntary Cleanup Program Application*, Environmental Resolutions, Inc.

THESE documents ARE on File at Ecology's NWRO.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of gasoline-range and diesel-range hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Level(s) for SOIL established under WAC 173-340-740.

The undersigned, Steve Suskin, is the fee owner of 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.

Steve Suskin 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.

a. The portion of the Property under the existing building contains gasoline-and diesel-contaminated soil. The owner shall not alter, modify, or remove the existing structure in any manner that may result in the release or exposure to the environment of that contaminated soil of create a new exposure pathway without prior written approval from Ecology.

b. The portion of the Property under existing sidewalks pavement, and landscaping also contains gasoline-and diesel-contaminated soil. These surfaces represent a Remedial Action cap. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was capped as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology. Some examples of activities that are prohibited in the capped areas include:

- drilling,
- digging,
- placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability,
- piercing the surface with a rod, spike or similar item,
- bulldozing or earthwork,
- removal of cap materials for access to subsurface utilities or equipment, and
- collection of surface water runoff and discharge of that runoff at a point or points on the Property into the subsurface.

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) days 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 with 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 the Restrictive Covenant. Ecology may approval 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.

Steve C. Suskin

Steve Suskin

3/16/07

(date signed)

STATE OF WASHINGTON )

COUNTY OF KING )

On this 16 day of March, 2007, I certify that I know or have satisfactory evidence that Steve Suskin 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 mentioned in the instrument.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Karla Gray  
Print Name: Karla Gray

Notary Public in and for the State of Washington,

My commission expires: 6/11/07



## RESTRICTIVE COVENANT

Former Exxon Station 7-7063

Former Exxon Station 7-7063

209 Central Way

Kirkland, WA 98033

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g), and WAC 173-340-440 by Steve Suskin, his successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

## Legal Description:

**13 TO 19 104 BURKE-FARRARS KIRKLAND # 26 UNREC POR OF GOVT LOT 5 IN SW QTR OF STR 05-25-05 DAF: BEG ON SLY MGN OF CENTRAL WAY AT A PT WCH IS N 70-04-15 E 288.92 FT FROM ELY MGN OF LAKE AVE TH N 70-04-15 E ALG SD SLY MGN OF CENTRAL WAY 218.14 FT TO WLY MGN OF 2ND ST (AKA MAIN ST) TH S 0-21-04 E ALG SD WLY MGN 95.52 FT TO NLY LN OF ALLEY TH S 70-04-15 W ALG SD NLY LN 186.13 FT TH N 19-55-45 W 90.00 FT TO BEG LESS BEG AT A PT ON SLY MGN OF CENTRAL WAY S 70-04-15 W 173.14 FT FROM ITS NXN WITH WLY MGN OF 2ND ST TH CONTG S 70-04-15 W ALG SD SLY MGN 45.00 FT TH AT R/A TO SD SLY MGN S 19-55-45 E 90.00 FT TO NLY LN OF ALLEY TH N 70-04-15 E 50.00 FT ALG SD NLY LN TH N 19-55-45 W 80.00 FT TH S 70-04-15 W 5.00 FT TH N 19-55-45 W 10.00 FT TO BEG - PER CITY OF KIRKLAND ALTERATION OF LOT LINE NO LL-94-36 REC NO 9404180671 LESS POR CONVEYED TO CITY OF KIRKLAND BY DEED REC NO 9410240442**

Tax Parcel I.D. #: 1244500066

