



Electronic Copy

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • 360-407-6300
Call 711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

September 23, 2020

Luke Xitco
820 A Street Suite 720
Tacoma, WA 98402

Re: Environmental Covenant Termination/Release Document

- **Site Name:** X2P Marc Land Associates
- **Site Address:** 1550 East 18th Street, Tacoma, Pierce County, WA 98421
- **Facility Site ID No.:** 94310
- **Cleanup Site ID No.:** 14722

Dear Luke Xitco,

The public comment period on the Environmental Covenant (EC) Termination/Release (T/R) document was ended on April 11, 2020. We received public comments from the Citizen's for the Healthy Bay (CHB). The Department of Ecology (Ecology) responded back to CHB's comments. Ecology's responses included additional information addressing CHB's comments justifying the T/R of the EC.

Enclosed is the signed original EC T/R document. Please record this original document in the Pierce County Assessor's Office and get a copy of the recorded original. Please scan the recorded document and e-mail me a copy. The Pierce County will mail the recorded original to Ecology later.

If you have any questions regarding this process, please call me at (360) 999-9603.

Sincerely,

A handwritten signature in blue ink that reads "Balaraju".

Panjini Balaraju, P.E.
Toxics Cleanup Program
Southwest Regional Office

Enclosure: Signed, Original EC-T/R Document

By certified mail: 9489 0090 0027 6086 8813 48

cc: Ecology Site File

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 17 day of September, ²⁰²⁰~~2017~~.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

by: Marian L. Abbett for
Rebecca S. Lawson, P.E.,LHG

Title: Section Supervisor
Toxics Cleanup Program
Southwest Regional Office

STATE ACKNOWLEDGMENT

STATE OF WASHINGTON

COUNTY OF Thurston

On this 17th day of September, 2020, I certify that Marian L. Abbett for
personally appeared before me, acknowledged that **he/she** is the Acting Section Manager Rebecca
of the state agency that executed the within and foregoing instrument, and signed said instrument by Lawson
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.

Lorna L. Saduca
Notary Public in and for the State of

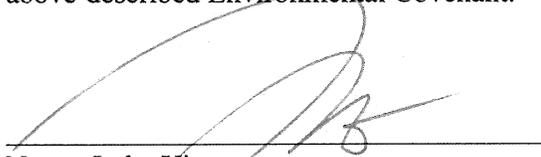
Washington, residing at Olympia, WA

My appointment expires 9-17-2023



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

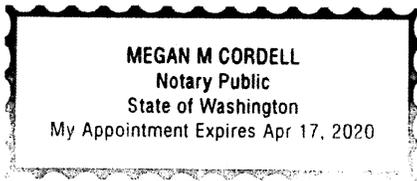
Dated: 2/10/2020

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 Wake Tapps.

My appointment expires 4/17/2020

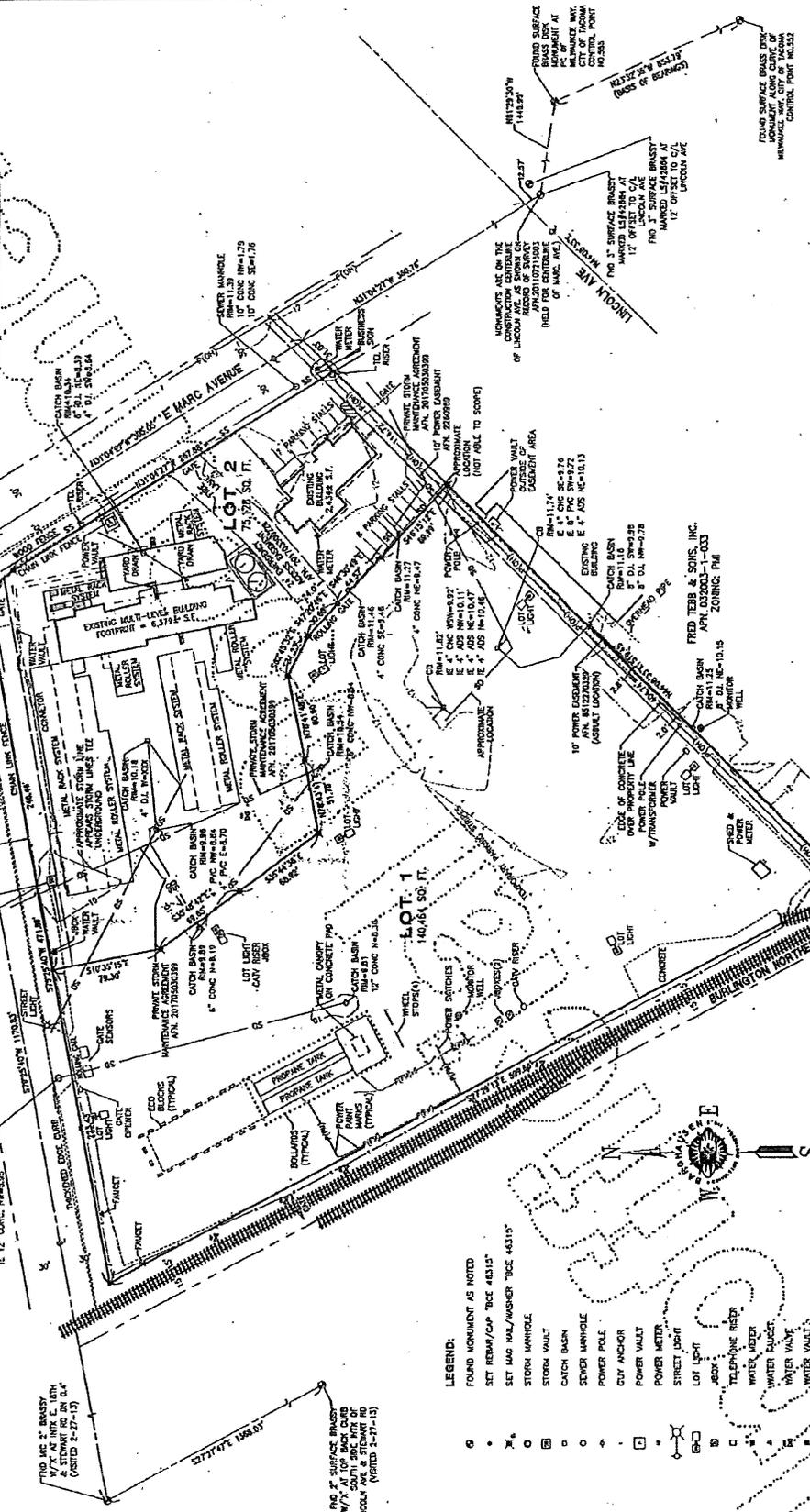
CITY OF TACOMA
SHORT PLAT NO. LU17-0098

A PORTION OF THE NW1/4 & SW1/4 OF NE1/4 AND THE NE1/4 & SE1/4 OF NW1/4 OF SEC. 3, T29N, R3E, W.M.

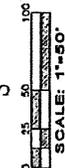
HORIZONTAL DATUM - BASIS OF BEARINGS: NAD 83/91
 THIS SURVEY WAS CONDUCTED ON THE BASIS OF THE TACOMA HORIZONTAL CONTROL POINT NO. 555 (FC MON CENTERLINE OF MILWAUKEE WAY, 100' E. OF E. 4TH ST) WAS HELD FOR POSITION AND A LINE BETWEEN SAID POINT NO. 555 AND HORIZONTAL CONTROL POINT NO. 523 (FC MON CENTERLINE OF MILWAUKEE WAY) WAS HELD FOR ROTATION BEING SOUTH 23°22'23" EAST. VERTICAL DATUM - NGVD 29.
 VERTICAL DATUM FOR THIS PROJECT IS NAVD83 PER CITY OF TACOMA. CITY OF TACOMA VERTICAL CONTROL POINT NO. 4070 (BRASS MON IN CASE AT THE INTERSECTION OF THORNE ROAD AND MARWELL WAY) WAS HELD FOR ELEVATION, BEING 10.565 FEET (MONDRIE).
PROCEDURE / NARRATIVE: 05-15 AND A TRIMBLE 5600 SUPPLEMENTED WITH FIELD NOTES, WAS PERFORMED, ESTABLISHING THE ANCHOR, VERTICAL AND DISTANCE BENCHMARKS BETWEEN THE MONUMENTS, PROPERTY LINES AND IMPROVEMENTS. THE RESULTING DATA KEYS OR EXCEEDS THE STANDARDS FOR LAND BOUNDARY SURVEYS AS SET FORTH IN WAC 332-130-090.
DATES OF SURVEY: 05-15 AND 05-16
FIELD SURVEY BY: BARGBAUSEN CONSULTING ENGINEERS, INC. CONDUCTED IN FEBRUARY 2013.
 ALL MONUMENTS SHOWN AS FOUND HERE VISITED AT THAT TIME.

AREAS:

LOT 1:	218,525 SQ. FT.
LOT 2:	170,065 SQ. FT.
MINIMUM LOT AREA:	75,198 SQ. FT.
MINIMUM LOT AREA:	75,126 SQ. FT.
AVERAGE LOT AREA:	1,07,789 SQ. FT.



- LEGEND:**
- FOUND MONUMENT AS NOTED
 - SET MAG NAIL/WASHER "BCE 48315"
 - STORM MANHOLE
 - STORM VAULT
 - CATCH BASIN
 - SEWER MANHOLE
 - POWER POLE
 - GUY ANCHOR
 - POWER VAULT
 - POWER METER
 - STREET LIGHT
 - LOT LIGHT
 - LAMP
 - TELEPHONE RISER
 - WATER METER
 - WATER FLUET
 - WATER VALVE
 - WATER VAULT
 - SPRING WELL
 - STORM LINE
 - SEWER LINE
 - OVERHEAD POWER LINE
 - POWER PANT MARK
 - CHAIN LINK FENCE



DATE: 1/16/17
 DRAWN BY: RMA
 CHECKED BY: EDC
 SCALE: 1" = 50'



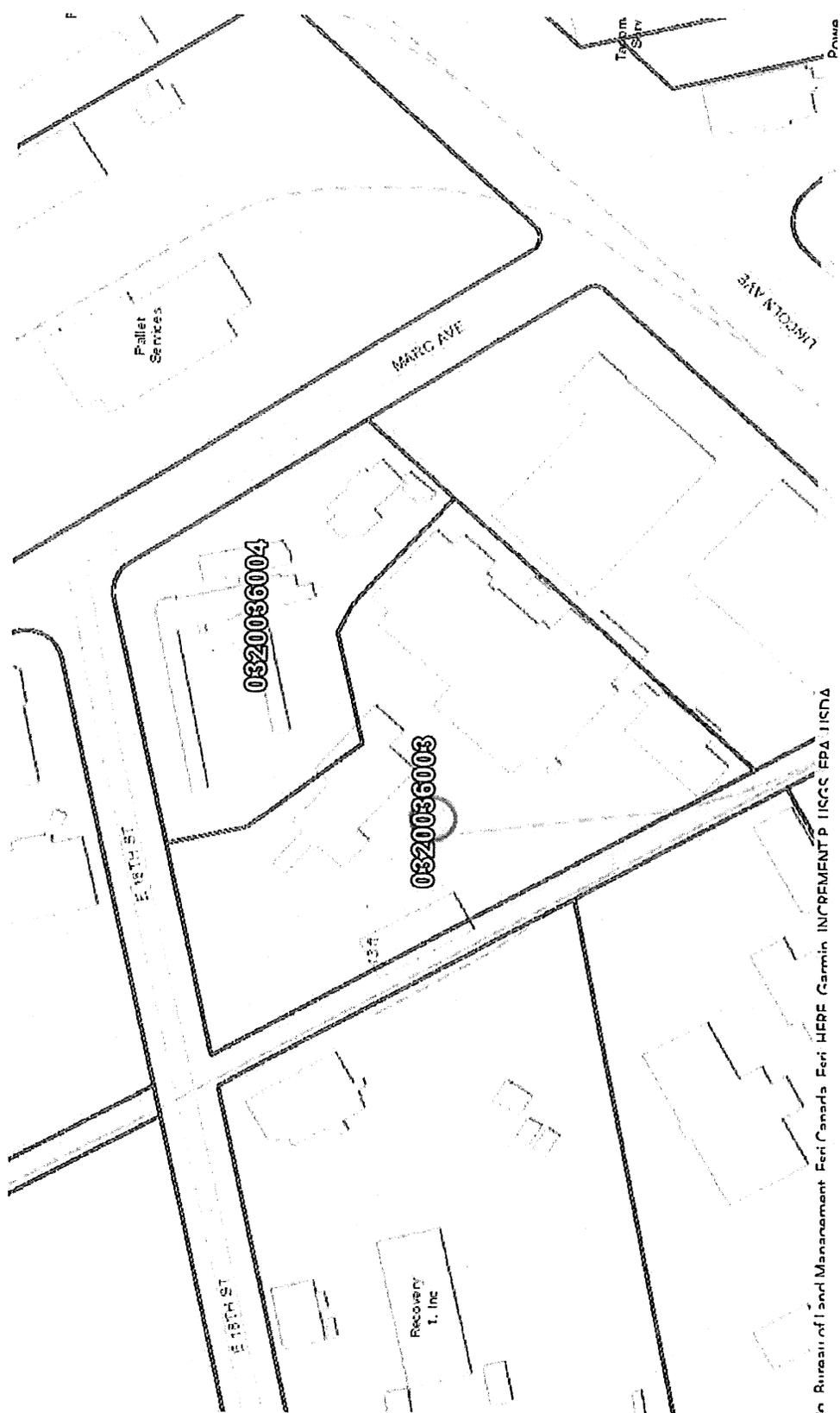
18315 72ND AVENUE SOUTH
 TACOMA, WA 98402
 (253) 251-4222 FAX
 (253) 251-8722 FAX
 CIVIL ENGINEERING, LAND PLANNING,
 SURVEYING, ENVIRONMENTAL SERVICES

SHEET 2 OF 2
 BCE JOB NO. 183293

For reference only, not for re-sale

201708125006

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



Bureau of Land Management Ferri Canards Ferri HERE Garmin INCREMENT P IISCC EPA IISDA