

5910255 CCRR

Total Pages: 4 Rec Fee: \$106.50

Recorded in Clark County, WA 05/17/2021 10:56 AM

WASHINGTON STATE DEPT OF ECOLOGY

After Recording Return to:

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

TERMINATION & RELEASE OF RESTRICTIVE COVENANT

Grantor: State of Washington Department of Ecology

Grantee: Boarder Express LLC

Legal Description: #263 SEC 26 T3N R1E WM.60A.

Parcel Number: Clark County Parcel #186754000

Cross-Reference: Former Exxon Station 73594 (Facility Site ID# 53876575; Cleanup Site ID#: 6242), 13204 NE Highway 99, Vancouver, Washington 98686.

No Further Action Letter: May 28, 2020 (Exhibit B).

Restrictive Covenant No. 4971334 recorded in Clark County on 05/14/2013 (Enclosure-F in Exhibit B).

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 (here after "Covenant") filed of record in Clark County under Auditor File Number 4971334 on May 14, 2013 between Boarder Express LLC, as Grantor and Ecology as Grantee (Covenant) or Holder of the Covenant over the property legally described as below is no longer necessary under the MTCA and its implementing regulations, Chapter 173-340 WAC in order to protect human health and the environment and the integrity of the remedial action. Ecology hereby consents to termination and release of the Covenant and relinquishes and quitclaims to Border Express LLC, 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:

Abbreviated Legal Description from the Clark County Property Information Center: #263 SEC 26 T3N R1EWM .60A
Tax Parcel No. 186754000

Situated in the City of Vancouver, County of Clark, State of Washington.

Dated this ____ day of _____, 2021.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

by: Marian L. Abbett
Marian L. Abbett, P.E.

Title: Acting Section Supervisor
Toxics Cleanup Program
Southwest Regional Office

STATE ACKNOWLEDGMENT

STATE OF WASHINGTON

COUNTY OF Thurston

On this 22nd day of April, 2021, I certify that Marian L. Abbett personally appeared before me, acknowledged that he/she is the Acting Section Manager - TCP-SWRO 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.

Treasure A Mitchell
Notary Public in and for the State of

Washington, residing at McCleary, WA

My appointment expires 8/2/2023



CONSENT TO TERMINATION & RELEASE OF COVENANT

The undersigned, Christian Potter hereby consents to the release and termination of the above-described Environmental Covenant.

BORDER EXPRESS LLC

Christian Potter
(Signature)

By: Christian C Potter
(Printed Name)

Title: Chief Development Officer & General Counsel

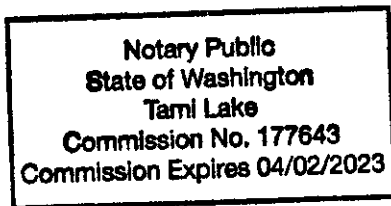
Dated: 1/15/2021

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF Washington

COUNTY OF Clark

On this 15th day of January, 2021, I certify that Christiane Potter 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 CDO & General Counsel [type of authority] of Border Express, 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.



Tami Lake
Notary Public in and for the State of

Washington, residing at 111 W 39th Street, Vancouver WA 98665

My appointment expires 4/2/2023