

131765

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FILED FOR RECORD  
SKAMANIA CO. WASH  
BY City of North Bonneville

JUN 2 4 00 PM '98

*G. Olson*  
AUDITOR  
GARY H. OLSON

REAL ESTATE EXCISE TAX  
19562

JUN - 3 1998

PAID *Receipt*  
*131765*  
SKAMANIA COUNTY TREASURER

WASHINGTON STATE COUNTY  
AUDITOR/RECORDER'S  
INDEXING FORM

Return Address: John Kirk, Mayor  
City of North Bonneville  
P.O. Box 7  
North Bonneville, WA 98639

Document Title: Quitclaim Deed

Gary H. Martin, Skamania County Assessor  
Date *6-2-98* Parcel # *2-7-20-166*  
*part of*

Grantor: United States of America, acting by and through the Secretary of the Army

Grantee: City of North Bonneville, a municipal corporation of the State of Washington

Legal Description: A tract of land in a portion of the G.W. Johnson Donation Land Claim No. 38, and a portion of the B.B. Bishop Donation Land Claim, and a portion of Sections 20 and 21, Township 2 North, Range 7 East, Willamette Meridian, Skamania County, Washington, beginning at a point on the Southerly right-of-way line of State Route 14 at its intersection with the Easterly boundary of the "Plat of Relocated North Bonneville" as recorded in Volume "B" of plats at page 23, records of Skamania County, Washington, said point being designated at "NB-25A" on the "Second Addition to the Plats of Relocated North Bonneville", and containing 42.00 acres, more or less. Additional legal description is on "EXHIBIT A, PARCEL 2", the third page of the Quitclaim Deed.

Assessor's Property Tax Parcel or Account Number: *None JB*

Reference Number(s) of Documents assigned or released: None

SEARCHED  
INDEXED, DE  
FILED  
JUN 2 1998  
CLERK

QUITCLAIM DEED

PURSUANT to the authority of the Act of Congress approved 12 October 1996 (Public Law 104-303), the Water Resources Development Act, the GRANTOR, the United States of America, acting by and through the Secretary of the Army, for and in consideration of no dollars (\$0.00), conveys and quitclaims to the CITY OF NORTH BONNEVILLE, a municipal corporation of the State of Washington, all interest in and to the lands described in Exhibit A, attached hereto and made a part hereof, situated in the County of Skamania, State of Washington.

The rights conveyed are subject to existing easements for public roads and highways, public utilities, railroads and pipelines.


A Statement of Condition, detailing non-CERCLA remediation action taken on Parcel 2, is attached hereto as Exhibit B.

This deed is granted subject to the Restrictive Covenant attached hereto as Exhibit C.

The conveyance is not subject to the requirements of 10 U. S.C. 2662.

Dated this 21<sup>st</sup> day of JANUARY, 1998.

UNITED STATES OF AMERICA

  
Acting Secretary of the Army



## ACKNOWLEDGEMENT

COMMONWEALTH OF VIRGINIA )  
COUNTY OF ARLINGTON ) ss.

On the 21<sup>st</sup> day of January, 1958, personally appeared Robert M. Walker,  
Acting Secy  
to me known to be the Secretary of the Army of the United States of America, and the individual  
who executed the within and foregoing instrument, and acknowledged said instrument to be free  
and voluntary act and deed of the United States of America, for the uses and purposes therein  
mentioned, and on oath stated that he was authorized to execute said instrument, and that the seal  
affixed is the seal of the Department of the Army.

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

*Joel B. Hud*  
\_\_\_\_\_  
Notary Public in and for the  
County of *Bellevue*

Commonwealth of Virginia  
Residing at Quantico, Virginia

## My Commission Expires

MY COMMISSION EXPIRES ON  
SEPTEMBER 30, 1999

QUITCLAIM DEED - Page two of two

EXHIBIT A  
PARCEL 2

A tract of land located in a portion of the G.W. Johnson Donation Land Claim No. 38, and a portion of the B.B. Bishop Donation Land Claim, and a portion of Sections 20 and 21, Township 2 North, Range 7 East, Willamette Meridian, Skamania County, Washington, described as follows:

BEGINNING at a point on the Southerly right-of-way line of State Route 14 at its intersection with the Easterly boundary of the "Plat of Relocated North Bonneville" as recorded in Volume "B" of plats at page 23, records of Skamania County, Washington, said point being designated as "NB-25A" on the "Second Addition to the Plats of Relocated North Bonneville",

thence South  $06^{\circ}50'34''$  East along the said Easterly boundary of said "Plat of Relocated North Bonneville", 1303.33 feet to a point designated as "NB-51" on said plat;

thence continuing South  $06^{\circ}50'34''$  East, 201.72 feet to the Northerly right-of-way line of a 60 foot right-of-way known as the U.S. Army Corps of Engineers Day Use Area Road;

thence North  $36^{\circ}59'00''$  East along said northerly right-of-way, 306.34 feet;

thence Northeasterly along the said northerly right-of-way line along an arc of a 22948.32 foot radius curve to the right through a central angle of  $01^{\circ}21'00''$  for an arc distance of 540.70 feet;

thence North  $38^{\circ}20'00''$  East along said northerly right-of-way line 283.52 feet;

thence along the arc of a 22888.32 foot radius curve to the left through a central angle of  $01^{\circ}16'00''$  for an arc distance of 506.02 feet;

thence North  $37^{\circ}04'00''$  East along said northerly right-of-way line 1086.92 feet;

thence along the arc of a 1879.86 foot radius curve to the left, through a central angle of  $1^{\circ}06'45''$  for an arc distance of 364.60 feet;

thence North  $25^{\circ}57'15''$  East along said northerly right-of-way line 112.16 feet;

thence along the arc of a 411.97 foot radius curve to the right, through a central angle of  $29^{\circ}16'49''$  for an arc distance of 210.53 feet;

thence leaving said northerly right-of-way line, North  $34^{\circ}45'56''$  West 14.77 feet to the southerly right-of-way line of said State Route 14, as shown on the said "Second Addition to the Plats of Relocated North Bonneville";

thence South  $60^{\circ}36'00''$  West along the southerly line of said plat and the said southerly right-of-way line 1156.07 feet to a point designated as "NB-52C";

thence South  $29^{\circ}24'02''$  East 20.00 feet, to a point designated as "NB-52B";

thence South  $60^{\circ}36'00''$  West along the southerly line of said plat and the said southerly right-of-way line 1115.82 feet to a point designated as "NB-52A";

thence along the arc of a 2944.79 foot radius curve to the right, through a central angle of  $05^{\circ}02'51''$  for an arc distance of 259.42 feet, to the point of beginning.

The parcel of land herein described contains 42.00 acres, more or less.




EXHIBIT B  
STATEMENT OF CONDITION

The US Army Corps of Engineers completed remediation of the "Parcel 2" property, located in North Bonneville, Washington on 20 July 1994.


Approximately 350 cubic yards of petroleum contaminated soils were removed from the site, and the excavations were filled with clean material. Although some contaminated soil remains within two localized areas of the site, it was determined that additional excavation was impractical, and would not significantly reduce risk to human health and the environment. Remaining contaminants are located beneath a former building foundation and fill mounds which reduces the potential for human exposure, thereby limiting any potential risk to human health.

Under the Washington State Model Toxics Control Act (MTCA), a "remedy that leaves hazardous substances on a site in excess of cleanup levels may qualify as a cleanup action as long as the remedy is protective of human health and the environment, meets cleanup levels at specified points of compliance, complies with applicable state and federal laws, provides for adequate monitoring and incorporates appropriate institutional controls".

The remediation of the Parcel 2 site met these requirements and received a letter of No Further Action Required from the Washington Department of Ecology (WDOE). The areas of remaining contamination have been formally surveyed and are incorporated into a restrictive covenant developed by WDOE. Consequently, the property transfer from the U.S. Army Corps of Engineers to the City of North Bonneville can be completed.

  
Jerry L. Christensen, P.E.  
Chief, Civil and Environmental Design  
Section

Date: 6 Jan 95

  
Robert T. Slusar  
Colonel, Corps of Engineers  
District Engineer

Date: 1-6-98

**EXHIBIT C**  
**RESTRICTIVE COVENANT**

On Sites 1 and 2 of U.S. Army Corps of Engineers Hamilton Island Parcel 2 Property  
Post Office Box 7  
North Bonneville, Washington 98639

The property described in "Exhibit A", known as Parcel 2 has been the subject of an independent remedial action under Chapter 70.105D RCW.

The action undertaken to remediate Parcel 2 (hereinafter the "Remedial Action") is described in the following reports:

1. Parcels 2 and C Field Investigation North Bonneville, Washington, Woodward-Clyde Engineers, December 1992.
2. Parcels 2 and C Environmental Baseline Study North Bonneville, Washington, Woodward-Clyde Engineers, June 1993.
3. Revised Final Report, PCS Remediation at Parcel 2 and Hamilton Island, North Bonneville, WA, December 13, 1993.
4. Hamilton Island Parcel 2 No Further Action Decision, Washington State Department of Ecology, June 16, 1997.

These documents are on file at the Washington Department of Ecology.

This Restrictive Covenant is required by RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 only with respect to those portions of the above described property known as The Former Wash Rack Area and The Former Maintenance Building #1 (hereinafter referred to as Sites 1 and 2, respectively), the legal descriptions for which are attached as Exhibit 1 and incorporated herein by this reference, because the Remedial Action resulted in residual concentrations of petroleum hydrocarbons which exceeded the Model Toxics Control Act Method A Cleanup Level for soil established under WAS 173-340-720(1) only at Sites 1 and 2.

The United States of America, fee owner of Parcel 2, represented by the Secretary of the Army, makes the following declaration solely with respect to Sites 1 and 2 as to limitations, restrictions, and uses to which the Sites 1 and 2 may be put, and specifies that such declarations shall constitute covenants to run with the land only with respect to Sites 1 and 2 and not all of Parcel 2, 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 therein, hereinafter referred to as the "Owner".



Section 1: Any activity on Sites 1 and 2 that may result in the release or exposure to the environment of the contaminated soil that remains under four (4) feet of clean soil at Site 1 and nine (9) feet of clean soil at Site 2, or create a new exposure is prohibited. Some examples of activities that are prohibited on the property include, but are not limited to drilling, digging, bulldozing, earthwork, or grading deeper than four feet below ground surface at Site 1, and nine feet below ground surface at Site 2.

Section 2: Any activity on Sites 1 and 2 that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3: Compliance monitoring of Sites 1 and 2 by the Owner is required to confirm that human health and the environment are adequately protected. On an annual basis, inspection shall be performed to determine the effectiveness of the containment to ensure that erosion or other unwanted exposure of contaminants has not occurred.

Section 4: Review of the effectiveness of the Remedial Action with respect to Sites 1 and 2 is required five years after the Remedial Action has been initiated and after a minimum of five compliance monitoring events have been completed to assure protection of human health and the environment.

Section 5: The Owner of Sites 1 and 2 must give thirty (30) days advance written notice to Ecology, or to its successor agency, of the Owner's intent to convey any interest in Sites 1 and/or 2. No conveyance of title, easement, lease or other interest in Sites 1 and/or 2 shall be consummated by the Owner without adequate and complete provision for continued compliance monitoring as detailed in Ecology's "No Further Action" letter from Guy Barrett to Norm Tolonen, USACE, dated June 16, 1997, a copy of which is attached hereto as Exhibit 2.

Section 6: The Owner must restrict leases to uses and activities consistent with this Restrictive Covenant and notify all lessees of the restrictions on the use of Sites 1 and 2.

Section 7: The Owner must notify and obtain approval from Ecology, or its successor agency, prior to any use of Sites 1 and 2 that is inconsistent with the terms of this Restrictive Covenant. Ecology or its successor agency may approve any inconsistent use only after appropriate public notice and comment.

Section 8: The Owner shall allow authorized representatives of Ecology, or its successor agency, the right to enter Sites 1 and 2 at reasonable times and with prior notice for the purpose of evaluating the effectiveness of the Remedial Action at Sites 1 and 2.

Section 9: The Owner reserves the right under WAC 173-340-440 to record an instrument which provides that this Restrictive Covenant shall no longer limit use of Sites 1 and 2 or be of any further force or effect. However, such an instrument may be recorded only with the consent of Ecology, or its successor agency. Ecology, or its successor agency, may consent to the recording of such an instrument only after appropriate public notice and comment.

EXHIBIT 1

SITE #1:

A tract of land located in a portion of the G.W. Johnson Donation Land Claim No. 38, and a portion of the B.B. Bishop Donation Land Claim, and a portion of Sections 20 and 21, Township 2 North, Range 7 East, Willamette Meridian, Skamania County, Washington, described as follows:

The Former Wash Rack Area (Site 1) described as beginning at a point designated as "NB-52C" on the "Second Addition to the Plats of Relocated North Bonneville";

thence North  $60^{\circ}36'00''$  East along the southerly right-of-way line of State Route 14, 648.65 feet to a point and the true point of beginning for said Former Wash Rack Area;

thence South  $30^{\circ}00'00''$  East 296.71 feet to the Northerly right-of-way line of said U.S. Army Corps of Engineers Day Use Area Road;

thence Northeasterly along said Northerly right-of-way line 597.07 feet to a point;

thence North  $34^{\circ}45'56''$  West 14.77 feet to the Southerly right-of-way of said State Route 14 as shown on the said "Second Addition to the Plats of Relocated North Bonneville";

thence South  $60^{\circ}36'00''$  West 517.42 feet to the point of beginning.

SITE #2:

A tract of land located in a portion of the G.W. Johnson Donation Land Claim No. 38, and a portion of the B.B. Bishop Donation Land Claim, and a portion of Sections 20 and 21, Township 2 North, Range 7 East, Willamette Meridian, Skamania County, Washington, described as follows:

The Former Maintenance Building #1 (Site 2) described as all that land circumscribed by a 10 foot radius circle with centerpoint at (N) 1625990.567, (E) 723341.487 of the Lambert Coordinate System, Oregon North Zone.





EXHIBIT 2

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600  
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

June 16, 1997

Mr. Norm Tolonen  
U.S. Army Corps of Engineers  
Portland District  
333 S.W. First Avenue  
P.O. Box 2946  
Portland, Oregon 97208-2946

Dear Mr. Tolonen:

Re: Hamilton Island Parcel 2 No Further Action Decision

Thank you for submitting the results of your independent remedial actions for the State Department of Ecology's (Ecology's) review. We appreciate your initiative in pursuing this administrative option under the Model Toxics Control Act, RCW 70.105D, and the rules promulgated at chapter 173-340 WAC. We have been requested by the Portland District Corps of Engineers (USACE) to determine if the appropriate level of investigation and remediation has occurred at the Hamilton Island Parcel 2 site to ensure that any hazardous conditions stemming from past activities have been addressed.

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Hamilton Island Parcel 2 site located in Skamania County near North Bonneville, WA:

- Parcels 2 and C Field Investigation North Bonneville, Washington, Woodward - Clyde Engineers, December 1992.
- Parcels 2 and C Environmental Baseline Study North Bonneville, Washington, Woodward - Clyde Engineers, June 1993.
- Revised Final Report, PCS Remediation at Parcel 2 and Hamilton Island, North Bonneville, WA, E.P. Johnson Construction & Environmental, Inc., December 13, 1994.

The above-named reports were prepared without Ecology oversight such as would occur under an Agreed Order or Consent Decree. Based on the information provided in these reports and a site visit, Ecology is issuing the determination that no further action is necessary due to conditions stemming from past USACE activities at this site under the Model Toxics Control Act (MTCA), Ch. 70.105D RCW, except for two localized areas requiring a deed restriction and monitoring requirements detailed in this letter. This "no further action" determination is based

Norm Tolonen  
June 16, 1997  
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on the above-named reports which indicate that contaminants found during investigation of this property were either properly remediated or do not pose a risk to human health or the environment, except for the two localized areas requiring a deed restriction and monitoring.

Although Ecology is issuing a determination that no further action appears to be necessary to protect human health and the environment other than monitoring and maintenance of the restricted areas, this determination does not release you from any obligation to comply with reporting requirements that may exist in a permit or under other laws.

This no further action determination is contingent on performance. The monitoring specified in this letter and the deed restrictions will be immediately withdrawn if monitoring is not conducted. Compliance monitoring is required to confirm that human health and the environment are adequately protected. On an annual basis, inspection shall be performed at the two surveyed areas to determine the effectiveness of the existing soil cover to ensure that erosion or other unwanted exposure of contaminants has not occurred. Review of the effectiveness of the cleanup action is required five years after the cleanup action has been initiated and after a minimum of five compliance monitoring events have been completed to assure protection of human health and the environment.

Ecology's no further action determination is also contingent upon filing the Restrictive Covenant, appended here to as Appendix A, with the Auditor's Office in Skamania County. No later than thirty (30) days from the date the Restrictive Covenant is filed and recorded, you must send a notarized copy to Ecology's Toxics Cleanup Headquarters Office in Lacey, Washington. Ecology's no further action determination automatically terminates and will have no force and effect if you fail to record this Restrictive Covenant or violate any portion of the covenant. WAC 173-340-440 (6) requires you to notify and seek comment from a city or county department with land use planning authority for real property subject to the Restrictive Covenant.

Ecology's no further action determination is made only with respect to the information in the reports identified above. This no further action determination applies only to the areas described in the report. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by the U.S. Army Corps of Engineers.

Please note that, although this letter is a determination of no further action at this time, the investigation and/or remedial actions were not conducted under a consent decree with Ecology. This letter does not constitute a settlement by the state under RCW 70.105D.040 (4).

We will update our database to reflect this "No Further Action" determination. Your site will not appear in future publications of the Confirmed & Suspected Contaminated Sites Report (previously known as the Affected Media and Contaminants Report).



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Norm Tolonen  
June 5, 1997  
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Ecology does not assume any liability for any release, threatened release or other conditions at the site, or for any actions taken or omitted by any person or his/her agents or employees with regard to the release, threatened release, or other conditions at the site. Ecology reserves the right to require further action at the site if new or different information other than that presented in the above named reports becomes known or available.

If you have any questions about this letter, please call me at (360) 407-7244.

Sincerely,



Guy Barrett, Project Manager  
Toxics Cleanup Program

GB:cp

cc: The Honorable Keith Chamberlain, Mayor, City of North Bonneville