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BOOK 170 PAGE 454

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SKAMANIA CO. WASH
BY Skamania County

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W. Lawry
AUDITOR
GARY H. OLSON

RETURN ADDRESS:

Gary Owen
Skamania County
Engineer's Office
P. O. Box 790
Stevenson, WA 98648

Please Print or Type Information.

Document Title(s) or transactions contained therein:

1. Restrictive Covenant
- 2.
- 3.
- 4.

GRANTOR(S) (Last name, first, then first name and initials)

1. Skamania County
- 2.
- 3.
- 4.

☐ Additional Names on page ____ of document.

GRANTEE(S) (Last name, first, then first name and initials)

1. Skamania County
- 2.
- 3.
- 4.

☐ Additional Names on page ____ of document.

LEGAL DESCRIPTION (Abbreviated: I.E., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)

Section 1, Township 1 North, Range 5 East

☐ Additional Names on page ____ of document.

REFERENCE NUMBER(S) Of Documents assigned or released:

☐ Additional Names on page ____ of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

01-05-01-00-0600

☐ Property Tax Parcel ID is not yet assigned.

☐ Additional Names on page ____ of document.

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.

RESTRICTIVE COVENANT
Skamania County Department of Public Works
Skamania County District #1 Shop, Prindle, WA

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Skamania County Department of Public Works, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns (hereafter "Ecology").

A remedial action (hereafter "Remedial Action") was conducted under enforcement order DE 95TC-S175 at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is further described in the following report: Remedial Action Report Skamania County District 1 Shop Site, prepared for Skamania County Road Department by David D. Esch, Project Coordinator for Skamania County dated November 1996. These documents are on file at Ecology's Southwest Regional Office Resource Center.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbons from diesel which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-740.

The undersigned, Skamania County Department of Public Works, is the fee owner of real property (hereafter "Property") in the County of Skamania, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows:

"A tract of land in Section 1, Township 1, North Range 5, E.W.M. particularly described as follows: Commencing at the intersection of North line of Government Lot No. 1 of said Section with the northerly right of way line of State Highway No. 8, said point being 251.5 feet East of the of the N.W. corner of said Government Lot No. 1. Thence West 568.7 feet of the true point of beginning of described tract; thence West 100.0 feet; thence South 428.82 feet to the northerly right of way line of State Highway No. 8; thence N 57° 20' E 118.83 feet along said right of way line; thence North 364.63 feet to the true point of beginning. Described tract contains 0.91 acres more or less."

Skamania County Department of Public Works 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").

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Section 1. A portion of the Property contains petroleum-contaminated soil that was not accessible during the Remedial Action. The remaining petroleum contaminated soil is located at a depth of 20 feet below ground surface (bgs) and extends beneath the western portion of the maintenance building for approximately 60 feet of its length and beneath a 60 by 35 foot portion of an asphalt area adjacent to the building. 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 or create a new exposure pathway without prior written approval from Ecology. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. 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 that extends to a depth greater than 20 feet bgs.

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) day 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 without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

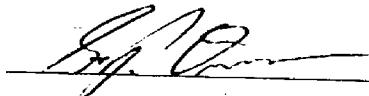
Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

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 this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

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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.


Project Manager
Skamania County Department of Public Works

10/23/97
(Date Signed)

State of Washington
County of Skamania

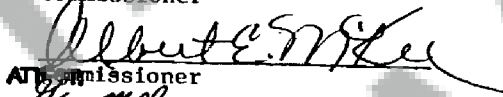

I certify that this is a true and correct copy of a document in the possession of
Gary Owen as of this date.

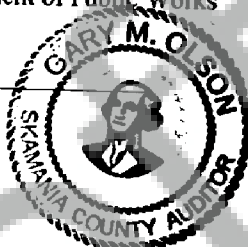
Dated: 10-23-97

BOARD OF COUNTY COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON


Chairman

Commissioner


Commissioner

St. Co. Auditor and Ex-Officio
Clerk of the Board



Seal/Stamp




NOTARY PUBLIC in and for the State of
Washington. My appointment expires
11-09, 99.

Teddi Midland
(Print Name)