

02/19/2010 11:19:19 AM

5876550

Recording Fee \$67.00 Page 1 of 6
Covenant STATE OF WASHINGTON REAL ESTATE SERVICES
Spokane County Washington



After Recording Return to:
State of Washington
Real Estate Services
P.O. Box 41015
Olympia, Washington 98504-1015

Environmental Covenant

Grantor: Washington State Military Department

Grantee: State of Washington, Department of Ecology

Legal: a portion of Section 5, Township 24 N, Range 42 EWM NW 1/4

Tax Parcel Nos.: 24052 9011

Cross Reference: None

Grantor, Washington State Military Department, hereby binds Grantor, its successors and assigns to the land use restrictions identified under this environmental covenant (hereafter "Covenant") made this 2nd day of November, 2009 in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, Chapter 64.70 RCW.

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

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following documents:

Environmental Resources Management (ERM). 2009. Final Record of Decision
(ROD) Amendment, 242nd Combat Communication Squadron, Spokane Air

National Guard Station, Washington Air National Guard, Spokane, Washington.
Date Pending.

ERM. 2008. Final April 2008 Groundwater Monitoring Report, 242nd Combat
Communication Squadron, Spokane Air National Guard Station, Washington Air
National Guard, Spokane, Washington. 18 November 2008.

ERM. 2006. Final Remedial Action Report, 242nd Combat Communications
Squadron, Spokane Air National Guard Station, Washington Air National Guard,
Spokane, Washington. June 2006.

These documents are on file at Ecology's Main Office in Lacey, Washington. An
administrative record containing these documents is also available at the Cheney Community
Library, 610 First Street, Cheney, Washington.

This Covenant is required because the Remedial Action resulted in residual
concentrations of carbon tetrachloride that are greater than the Model Toxics Control Act
Cleanup Level(s) for Non-Potable Groundwater established under WAC 173-340-720(6) (i.e.,
MTCA Method B surface water criteria). This is as further described in the ROD Amendment
dated February 29, 2008. As a result this Environmental Covenant is required to ensure that
groundwater is not used for drinking water.

The undersigned, Washington State Military Department, is the fee owner of real
property (hereafter "Property") in the County of Spokane, State of Washington that is subject
to this Covenant. The Property is legally described in Attachment A of this Covenant and
made a part hereof by this reference.

Washington State Military Department 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. This Section describes with particularity the restrictions to be placed on the property.

1. No groundwater may be taken for any human consumption or use from the Property.

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 as relates to the Remedial Action is prohibited. Such action would include any activity that results in extraction of groundwater for any purpose.

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 include in any lease a restriction as incorporation the restriction set for this Section 1 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 Covenant. Ecology may approve any inconsistent use only after public notice and comment. Inconsistent use would include extraction of groundwater for any purpose.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times with reasonable notice for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, to determine compliance with this Covenant, 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 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. Such concurrence will not be unreasonably withheld.

Grantee:

STATE OF WASHINGTON

Department of Ecology

By: 

Date: 1/19/2010

Grantor:

STATE OF WASHINGTON

Military Department

Acting through the
Department of General Administration

By: 

Howard S. Cox, Chief Property Officer
Real Estate Services

Date: 1-28-10

APPROVED AS TO FORM:

By: 

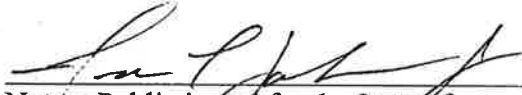
Assistant Attorney General

Date: 1/26/10

STATE OF WASHINGTON
COUNTY OF THURSTON

On this 28th day of ~~November~~ ^{January}, 2009, I certify that Howard S. Cox personally appeared before me, acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument, and acknowledged it as the Chief Property Office, Real Estate Services, of the Department of General Administration, acting on behalf of the Military Department to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.




Notary Public in and for the State of
Washington, residing at Olympia.
My appointment expires 3-21-13.

Project No.09-09-004
(Spokane) SJF/cns
Date: January 29, 2010

EXHIBIT "A"

Exhibit "A" of the Environmental Covenant dated November 2, 2009 is not in recordable format. To obtain a copy of Exhibit "A" contact the Department of General Administration at the following address:

Department of General Administration
Real Estate Services
Post Office Box 40105
210 11th Avenue S.W., Room 230
Olympia, Washington 98504-1015
Phone: 360-902-7285

Parcel Number: 24052.9011**Data As Of: 6/20/2024****Site Address: 0 VACANT LAND**SCOUT Map (<https://cp.spokanecounty.org/SCOUT/Map/?PID=24052.9011>)Printer Friendly ([SummaryPrint.aspx](#))

Collapse All

Seg/Merge			
Type	Parcel No.	Seg Document No.	Tax Year
+ Child	24052.9070	20100445	2011
+ Child	24052.9071	20100445	2011

Disclaimer: Spokane County does not warrant the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system, does so at their own risk. RCW 42.56.070 (9) (<https://apps.leg.wa.gov/rcw/default.aspx?cite=42.56.070>) prohibits releasing and/or using lists of individuals gathered from this site for commercial purposes. More... ([Disclaimer.aspx](#))

Assessor's Office (<https://www.spokanecounty.org/Assessor/>)

1116 West Broadway Avenue
 County Courthouse, 1st Floor
 Spokane, WA 99260

Assessor's Information**Owner, Site Address, Appraisal, Levy, Characteristics, Sales**

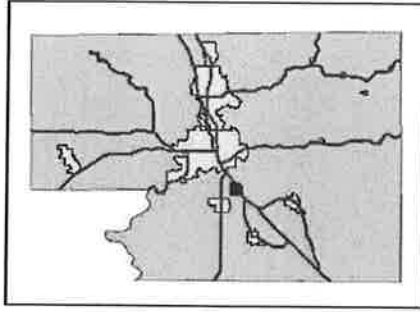
Hours: Monday - Friday 8:00am - 4:00pm
 (excluding holidays)

Phone (Phone) (509) 477-3698

Fax: (Fax) (509) 477-3697

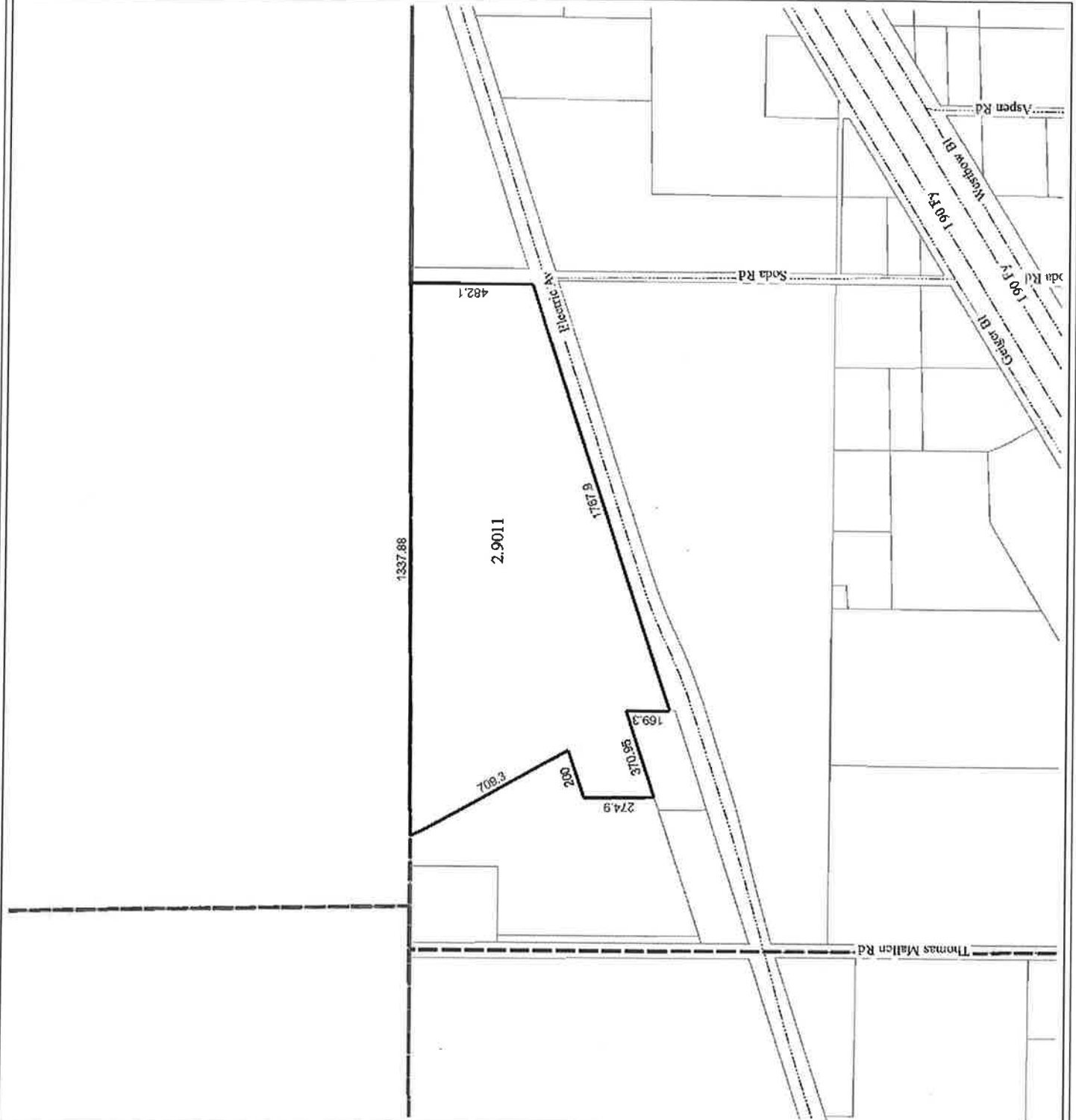
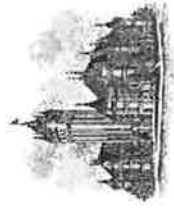
Email: (Email) **Contact the Assessor (<mailto:Assessor@spokanecounty.org>)**

Before Map For ACO# 20100445

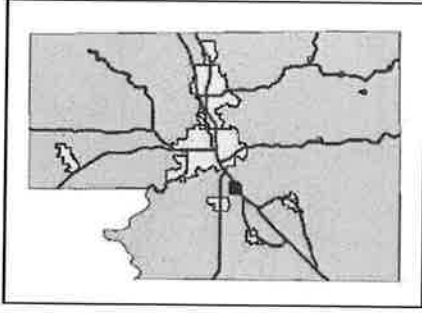


Legend

- Parent Arcs
- - - Road Centerlines
- ▭ Surrounding Parcel Lines
- State Roads
- ▭ Municipal Boundaries
- ■ Section Lines



After Map For ACO# 20100445



Legend

- Children Arcs
- Road Centerlines
- Surrounding Parcel Lines
- State Roads
- Municipal Boundaries
- Section Lines

