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Charles Baker, C.S.C.
Hall County, GA

This page attached hereto and made a part of
the following document to provide a three-inch margin
for recording information

Document: Environmental Covenant
Date: January 22, 2019
Grantor: Georgia Department of Transportation
Grantee: Georgia Department of Natural Resources
Environmental Protection Division

After Recording Return to:

Thomas L. Fitzgerald *file*
Hulsey, Oliver & Mahar, LLP
P. O. Box 1457
Gainesville, GA 30503

After Recording Return to:
Thomas L. Fitzgerald
Hulsey, Oliver & Mahar, LLP
P. O. Box 1457
Gainesville, GA 30503

CROSS-REFERENCE:
County: Hall
Deed Book: 237
Page(s): 133-134

Environmental Covenant

This instrument is an Environmental Covenant executed pursuant to the Georgia Uniform Environmental Covenants Act, O.C.G.A. § 44-16-1 *et seq.*, as may be amended from time to time (hereinafter "Act"). This Environmental Covenant is entered into by the entities executing this Environmental Covenant and subjects the property identified below to the activity and/or use limitations and other requirements. This Environmental Covenant further grants such other rights in favor of EPD and the Georgia Department of Transportation as set forth herein.

Fee Simple Owner(s)/Grantor(s): Georgia Department of Transportation
Office of Materials and Testing
15 Kennedy Drive
Forest Park, Georgia 30297

Grantee/Holder with the power to enforce: Georgia Department of Transportation
Office of Materials and Testing
15 Kennedy Drive
Forest Park, Georgia 30297

Grantee/Entity with express power to enforce: State of Georgia
Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive, SE
Suite 1456 East Tower
Atlanta, GA 30334

Property Subject

The property subject to this Environmental Covenant is a tract of approximately 35.789 acres of real property located at 2505 Athens Highway, S.E., Gainesville, Hall County, Georgia, which is further identified by the tax parcel ID number(s) below (hereinafter "Property"). The Property was conveyed on August 17, 1961 to Georgia Department of Transportation, successor in interest to the State Highway Department; such conveyance is recorded in Deed Book 237, Pages 133-134, of the

Hall County deed records. The Property is located in GMD 268, Tadmire District of Hall County, Georgia.

The tax parcel(s) of the Property is 15023000017 of Hall County, Georgia.

A legal description of the Property is attached as Exhibit A and a map of the Property is attached as Exhibit B.

Environmental Covenant Runs with the Land and is Perpetual

Pursuant to the Act, this Environmental Covenant shall run with the land and shall be perpetual unless terminated or amended pursuant to terms herein or in accordance with provisions of the Act. This Environmental Covenant shall be binding upon the Georgia Department of Transportation, and all successors, assigns and transferees of any interest in the Property or any portion thereof.

Administrative Records

This Environmental Covenant imposes activity and/or use limitations and other requirements on the Property that arise under corrective action performed and/or being performed at the Georgia Department of Transportation facility/site. Records pertaining to this corrective action are available at the following EPD location(s):

Land Protection Branch
Georgia Environmental Protection Division
Response and Remediation Program
2 MLK Jr. Drive, S.E., Suite 1054 East Tower
Atlanta, GA 30334
Monday-Friday 8:00 AM to 4:30 PM, excluding state holidays

Notice: This Property has been listed on the State's Hazardous Site Inventory at HSI #10759 and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. Contact the Property owner or the Georgia Environmental Protection Division for further information concerning this Property. This notice is provided in compliance with the Georgia Hazardous Site Response Act.

Activity and Use Limitations. The Property is subject to the following activity and/or use limitations:

Groundwater Limitation. The use or extraction of groundwater beneath the Property for drinking water or for any other non-remedial purposes shall be prohibited.

Other Requirements. The Property is subject to the following additional requirements.

- A. Notice of Limitations and Requirements in Future Conveyances. Each instrument hereafter conveying any interest in the Property or any portion thereof that may affect the activity and use limitations described herein shall include a statement that the Property is subject to this Environmental Covenant (and any amendments thereto), the location (County, Deed Book and Page) in the deed records where this Environmental Covenant (and any amendments thereto) is recorded and a copy of this Environmental Covenant (and any amendments thereto).
- B. Notice to EPD of Future Conveyances. Within thirty (30) days after each conveyance of a fee simple interest in the Property or any portion thereof, a notice shall be sent to EPD and the Georgia Department of Transportation. The notice shall include the new owner's name, address, telephone number and other pertinent contact information, the date of the conveyance and the location (County, Deed Book and Page) where the conveyance is recorded, and, if the conveyance is a portion of the Property, a survey map showing the boundaries of the real property conveyed.
- C. Notice of Change of Use. If such activity will materially affect any required monitoring or maintenance of any institutional or engineering controls described herein, the owner of the Property must provide to EPD thirty (30) days' advance written notice of the owner's intent to

change the use of the Property, to apply for a building permit for construction at the Property, or to perform any site work.

D. Not applicable.

Environmental Covenant Does Not Authorize Use Otherwise Prohibited

Pursuant to the Act, this Environmental Covenant shall not be construed to authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.

Rights of Access and Enforcement

Authorized representatives of EPD and the Georgia Department of Transportation shall have the right to enter the Property at reasonable times in connection with implementation, compliance, or enforcement of this Environmental Covenant, including but not limited to the right to conduct inspections, examine related records, or to take samples.

This Environmental Covenant shall be enforceable by EPD, the Georgia Department of Transportation and other parties as provided in the Act. Such rights of access and enforcement herein shall not limit EPD's authority under other applicable law.

No Interest in Real Property in EPD

EPD's rights under this Environmental Covenant and the Act shall not be considered an interest in real property.

Recording of Environmental Covenant and Service on Other Persons

Within thirty (30) days after execution of this Environmental Covenant by the Director of EPD, the Georgia Department of Transportation shall record the Environmental Covenant in every county in which any portion of the Property is located in accordance with the law governing the recording and priority of interests in real property. Upon recording of the Environmental Covenant, the Georgia Department of Transportation shall provide in a manner deemed acceptable by EPD a copy of the executed, recorded Environmental Covenant to each of the persons or entities identified in O.C.G.A. § 44-16-7.

Representations by Grantor(s). The Georgia Department of Transportation represents that all of the following are true and correct:

- A. The Georgia Department of Transportation holds fee simple title to the Property.
- B. The Georgia Department of Transportation has the authority to enter into this Environmental Covenant, has the authority to grant any rights granted by it within, has the ability to carry out the obligations described within and, based upon information and belief after reasonable inquiry, does not know of any anticipated material change in the practices, ownership, or authority of the Georgia Department of Transportation that will alter this representation.
- C. The execution and delivery of this Environmental Covenant and carrying out the obligations described within will not conflict with any of the provisions of the organizational documents, operating agreement of the Georgia Department of Transportation nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which the Georgia Department of Transportation is a party or by which the Georgia Department of Transportation may be bound.
- D. There are no persons with existing interests other than fee simple in the Property.
- E. This Environmental Covenant does not authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.
- F. At least thirty (30) days prior to presenting this Environmental Covenant to EPD for execution, the Georgia Department of Transportation served a copy of the proposed final text of this Environmental Covenant on all persons or entities required to be noticed in accordance with O.C.G.A. § 44-16-7.

Submission of Required Documents and Communications

Documents and communications required by this Environmental Covenant shall be submitted to:

Georgia Environmental Protection Division
Branch Chief
Land Protection Branch
2 Martin Luther King Jr. Drive SE
Suite 1054 East Tower
Atlanta, GA 30334

With a copy to:

Georgia Department of Transportation
Office of Materials and Testing
15 Kennedy Drive
Forest Park, GA 30297

EPD's Environmental Covenants Registry

This Environmental Covenant and any amendment thereto or termination thereof may be included in EPD's registry for environmental covenants.

Severability

Should any provision of this Environmental Covenant be found by a court of competent jurisdiction to be invalid and/or unenforceable in any respect, the remaining provisions shall continue in full force and effect.

Effective Date

This Environmental Covenant shall be effective on the date the fully executed Environmental Covenant is recorded in accordance with O.C.G.A. § 44-16-8(a).

Grantor

DEPARTMENT OF TRANSPORTATION

An Agency of the State of Georgia

Signed, Sealed, and Delivered this the
3rd day of October, 2018 in the
Presence of

Crystal James
Unofficial Witness (*Signature*)

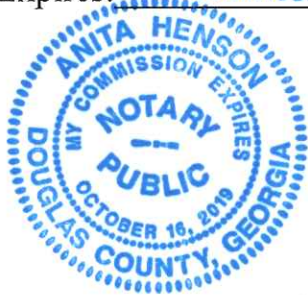
Crystal James
Unofficial Witness Name (*Print*)

600 W. Peachtree St.
Atlanta, GA 30308
Unofficial Witness Address (*Print*)

Anita Henson
Notary Public (*Signature*)

My Commission

Expires: MY COMMISSION EXPIRES 10/16/2019



BY:

Russell R. McMurry (SEAL)
Russell R. McMurry, P.E.
Commissioner

ATTEST:

Angela O. Whitworth (SEAL)
Angela O. Whitworth
Treasurer



(*Notary Seal*)

Grantee

DEPARTMENT OF TRANSPORTATION

An Agency of the State of Georgia

Signed, Sealed, and Delivered this the
_____ day of _____, 20__ in the
Presence of

Unofficial Witness (*Signature*)

Unofficial Witness Name (*Print*)

Unofficial Witness Address (*Print*)

Notary Public (*Signature*)

My Commission

Expires: _____

BY:

Russell R. McMurtry, P. E.
Commissioner

ATTEST:

Angela O. Whitworth
Treasurer

(*Notary Seal*)

Persons with Interests Other Than Fee Simple

Not Applicable

Grantee

For the State of Georgia Environmental Protection Division:

For the Environmental Protection Division, Department of Natural Resources,

State of Georgia, this 22 day of January, 2019:

R. Dunn
(Signature)

Richard Dunn
Director, Environmental Protection
Division

Signed in the presence of:

Sydney Brogden
Unofficial Witness (signature)
Sydney Brogden
Unofficial Witness (print name)

State of Georgia
County of Fulton

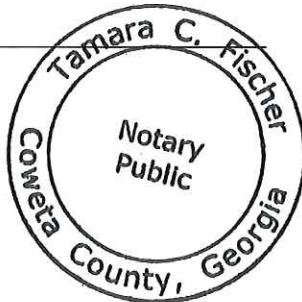
This instrument was attested before
me this 22 day of January, 2019,
by Richard Dunn.

☒ Personally Known
☐ Produced Identification

Tamara C. Fischer
Notary Public (Signature)

My Commission Expires: 7-27-2022

(NOTARY SEAL)



TLF/lle/12862/W209201

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND, lying and being in G.M.D. 268, Tadmore District of Hall County, Georgia and being described as follows:

BEGINNING at a point N 36°38'24" E a distance of 57.64 feet from the centerline of U.S. 129/SR 11 and Southeast 131.72 feet from the centerline of State Route 323/Gillsville Highway; thence N 36°38'24" E, a distance of 156.02 feet along State Route 323/Gillsville Highway to a point; thence N 56°21'56" E a distance of 437.91 feet to a point; thence N 15°10'07" W, a distance of 28.32 feet to a point; thence 353.81 feet along the arc of a curve (said curve having a radius of 843.47 feet and a chord distance of 351.22 feet, on a bearing of N 78°25'55" E) to a point; thence S 89°33'04" E a distance of 121.68 feet to a point; thence 49.67' along the arc of a curve (said curve having a radius of 22,956.31 feet and chord distance of 49.67', on a bearing of S 89°36'47" E) to a point; thence N 88°42'04" E a distance of 474.80 feet to a rebar found; thence leaving State Route 323/Gillsville Highway, S 33°26'03" E a distance of 464.49 feet to a 1.5-inch angle iron found; thence S 30°37'22" E a distance of 781.01 feet to a 1-inch solid rod found on the corner of property now or formerly owned by Gonzalo Z. Silva; thence S 32°01'26" E a distance of 528.29 feet to a ½ inch open pipe found; thence S 69°00'15" W a distance of 195.76 feet to an iron pin set; thence N 38°23'27" W a distance of 358.71 feet to a solid pipe found; thence N 06°07'48" W a distance of 304.89 feet to a 1-inch open pipe found; thence N 85°14'42" W a distance of 1,161.89 feet to an iron pin set; thence S 74°12'08" W a distance of 386.82 feet to the western right of way of U. S. 129/SR 11 and an iron pin set; thence 687.52 feet along the arc of a curve along U.S. 129/SR 11 (said curve having radius of 1,432.40 feet and a chord distance of 580.94 feet, on a bearing of N 36°27'19" W) back to the POINT OF BEGINNING. Being 35.789 acres of land more particularly on a plat of survey prepared by Robert J. Cagle, Georgia Registered Land Surveyor # 2392 for the Georgia Department of Transportation, dated May 8, 2007.

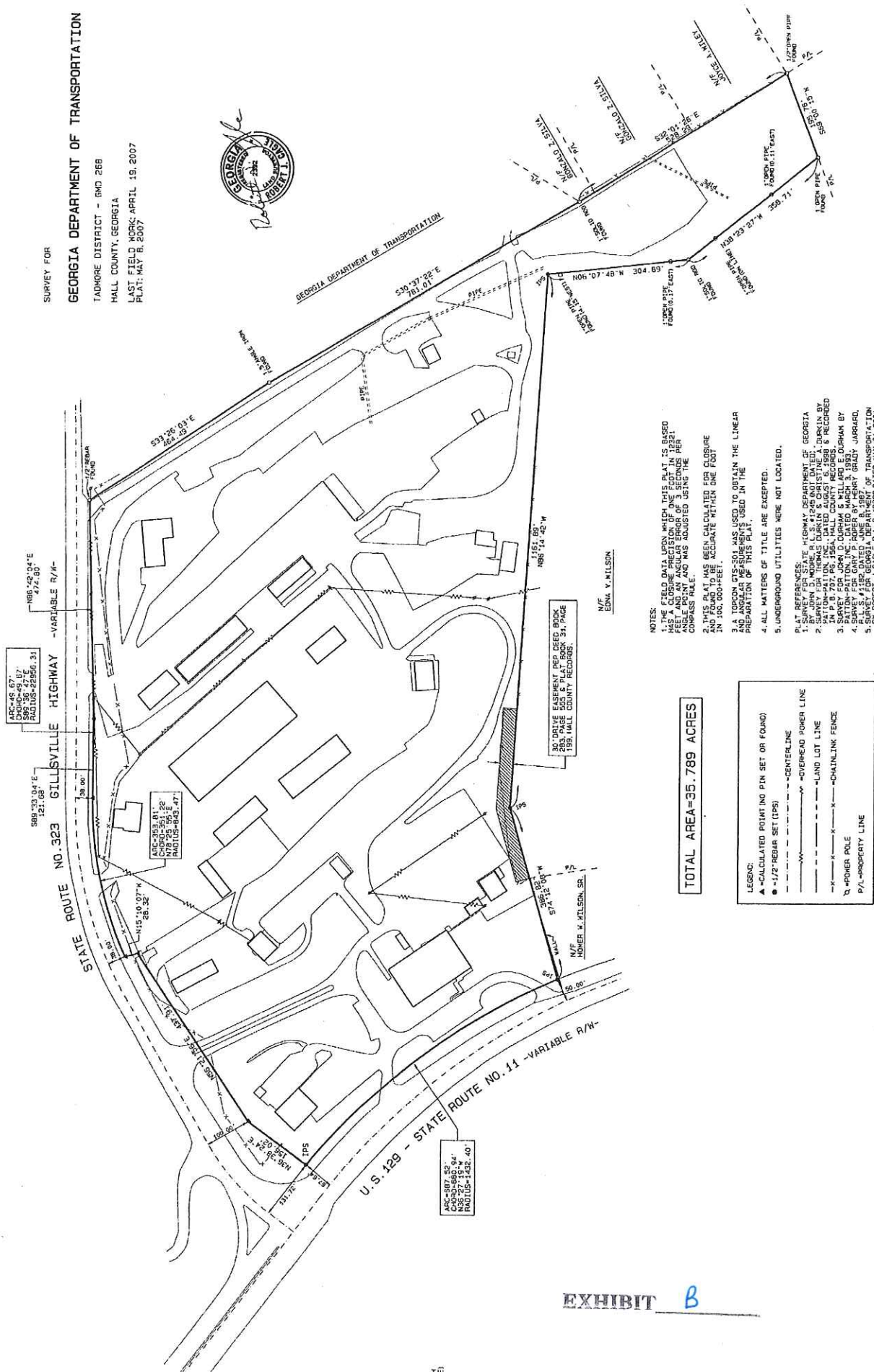
Being a part of that tract of land conveyed by Mrs. Cora Bell Parks Coker to the State Highway Department of Georgia by Warranty Deed dated August 17, 1961 and recorded in Deed Book 237, Pages 133-134, Hall County, Georgia Deed Records, said deed referencing a plat of survey recorded in Plat Book 12, Page 146 of the Hall County, Georgia Deed Records.

This property is now known as 2505 Athens Highway SE, Gainesville, Georgia under the system of numbering currently used in the City of Gainesville and in Hall County, Georgia. Further, the above noted property is shown as Parcel ID 15023000017 on the tax maps prepared and maintained the Hall County Tax Assessors.

Exhibit B

Map of Property

TADMORE DISTRICT - GMD 268
HALL COUNTY, GEORGIA
LAST FIELD WORK: APRIL 19, 2007
PLAT: MAY 8, 2007



ROBERT J. CAGLE-R.L.S.#23
GEORGIA DEPARTMENT OF TR
OFFICE OF ENVIRONMENT/LO
3993 AVIATION CIRCLE
ATLANTA, GA. 30336
PH. (404) 699-4449

EXHIBIT E

Exhibit B-1

Survey of RUZ

Not Applicable

Exhibit C

Disclosures

Not Applicable