

Deed Book 57556 Pg 293  
Filed and Recorded May-30-2017 08:07am  
2017-0190896  
Real Estate Transfer Tax \$0.00  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

AFTER RECORDING RETURN TO:

Georgia Environmental Protection Division  
Land Protection Branch  
Hazardous Waste Corrective Action Program  
2 Martin Luther King, Jr. Drive, SE  
Suite 1054 East Tower  
Atlanta, Georgia 30334

Cross Reference:  
Book 55216, Pg. 493  
Fulton County, GA

### **Modification of Environmental Covenant**

This instrument is a Modification (this "Modification") of an Environmental Covenant executed pursuant to the Georgia Uniform Environmental Covenants Act, O.C.G.A. § 44-16-1, *et seq.* The effective date of this Modification shall be the date upon which a fully executed original of this Modification has been recorded in the deed records maintained by the Clerk of the Superior Court of Fulton County, Georgia in accordance with O.C.G.A. § 44-16-8(a).

#### **RECITALS:**

A. WHEREAS, Seitzinger, LLC ("Grantor") and the State of Georgia, Department of Natural Resources, Environmental Protection Division ("EPD") entered into that certain Environmental Covenant recorded August 3, 2015 in Official Records Book 55216, Page 493 in Fulton County, Georgia (as modified hereby and as may be further modified, amended, restated or supplemented from time to time, the "Environmental Covenant"); and

B. WHEREAS, the legal description of the property as described in Exhibit A of the Environmental Covenant recorded on August 3, 2015 was inaccurate and omitted certain portions of the property; and

C. WHEREAS, Grantor and EPD desire to revise the legal description in the Environmental Covenant to accurately describe the property by replacing Exhibit A with the legal description described in Exhibit A (revised) attached hereto and incorporated herein by reference; and

D. WHEREAS, to better identify the property Grantor and EPD additionally desire to replace the map shown in Exhibit A-1 of the Environmental Covenant with a survey of the property shown in Exhibit A-1 (revised) attached hereto and incorporated herein by reference.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and EPD do hereby agree as follows:

1. Modification. Exhibit A of the Environmental Covenant is replaced by Exhibit A (revised) attached and Exhibit A-1 of the Environmental Covenant is replaced by Exhibit A-1 (revised) attached.
2. No Oral Modification. This Modification may not be amended except upon the written agreement of all parties hereto.
3. Ratification. Except as expressly modified herein, Grantor and EPD covenant and agree that all of the terms, covenants, promises, warranties, representations and conditions of the Environmental Covenant shall remain in full force and effect. Further, nothing contained herein shall in any way impair the validity of the Environmental Covenant.
4. Binding Upon Successors and Assigns. This Modification shall inure to the benefit of, and shall be binding upon, the parties hereto and their respective successors and assigns and shall be enforceable by the Director of EPD or his agents or assigns, Grantor or its successors and assigns and other party(ies) as provided for in O.C.G.A. § 44-16-11 in a court of competent jurisdiction.
5. Headings. The headings of the articles, sections and subsections of this Modification are for convenience and reference only and shall not be considered a part hereof nor shall they be deemed to limit or otherwise affect any of the terms or provisions hereof.
6. Capitalized Terms. All capitalized terms used herein, unless otherwise defined in this Modification, shall have the meanings ascribed to them in the Environmental Covenant.
7. Counterparts. This Modification may be executed in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;  
SIGNATURES APPEAR BEGINNING ON FOLLOWING PAGE]



Grantor has caused this Modification of Environmental Covenant to be executed pursuant to  
The Georgia Uniform Environmental Covenants Act, on the 8 day of  
March, 2017.

Signed, sealed, and delivered in the presence  
of:

[Signature]  
Unofficial Witness (Signature)

JOHN B. MALTBY  
Unofficial Witness Name (Print)

162 SIERRA CIRCLE  
WOODSTOCK GA 30188  
Unofficial Witness Address (Print)

[Signature]  
Notary Public (Signature)

My Commission Expires: 11/4/2017

For the Grantor:

Seitzinger, LLC

Name of Grantor (Print)

[Signature] (Seal)  
Grantor's Authorized Representative (Signature)

James M. Taratoot

Authorized Representative Name (Print)

Partner

Title of Authorized Representative (Print)

Dated: 3/8/2017  
(NOTARY SEAL)



Signed, sealed, and delivered in the presence  
of:

[Signature]  
Unofficial Witness (Signature)

Sydney Brogden  
Unofficial Witness Name (Print)

2 MLK JR. DR. SE, ATL, GA 30334  
Unofficial Witness Address (Print)

[Signature]  
Notary Public (Signature)

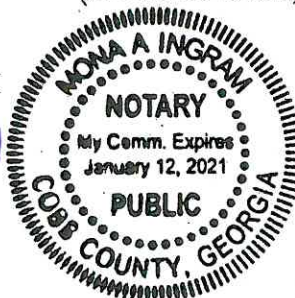
My Commission Expires: Jan. 12, 2021

For the State of Georgia  
Environmental Protection Division:

[Signature] (Seal)  
(Signature)

Richard E. Dunn  
Director

Dated: 5/12/17  
(NOTARY SEAL)



## EXHIBIT A (revised)

**STAMP  
ADDED  
TO CAPTURE  
IMAGE**

**EXHIBIT "A" (revised)****Legal Description****TRACT I**

All that tract or parcel of land lying and being in Land Lot 113 of the 14th District and in Land Lot 189 of the 17<sup>th</sup> District of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the western side of Joseph E. Lowery Boulevard NW (formerly Ashby Street) 1115 feet northerly along said street from the intersection formed by the western side of Joseph E. Lowery Boulevard NW (formerly Ashby Street) and the northern side of Jefferson Street, said point of beginning also being the northeastern corner of property now or formerly owned by Massey & Fair, Inc., and running thence northerly along the western side of Joseph E. Lowery Boulevard NW (formerly Ashby Street), 358.75 feet, more or less, to the southeastern corner of property now or formerly owned by Puritan Chemical Company; thence westerly along the southern line of said Puritan Chemical Company property, 149.9 feet to a southwestern corner thereof; thence northerly along a western line of said Puritan Chemical Company property, 9.48 feet to a southern line of said property; thence westerly, along said southern line of Puritan Chemical Company property, 301.1 feet to a point; thence southerly 318.2 feet to the northwestern corner of property now or formerly owned by The Centrif-Air Machine Co., Inc.; thence easterly along the northern line of said The Centrif Air Machine Co., Inc. property, 208 feet to the western line of the 30 foot right-of-way of the Atlanta, Birmingham and Atlantic Railway Company; thence continuing easterly across said railway right-of-way 30 feet to the eastern line thereof; thence southerly along the eastern line of said railway right-of-way, 42 feet to the northwestern corner of the aforesaid Massey & Fair, Inc. property; thence easterly along the northern line of the said Massey & Fair, Inc. property, 212 feet to the western side of Joseph E. Lowery Boulevard NW (formerly Ashby Street) and the point of beginning; being improved property known as No. 900 Joseph E. Lowery Boulevard NW (formerly Ashby Street), according to the present system of numbering improvements in the City of Atlanta.



TOGETHER WITH:

**TRACT II**

Parcel I

All that tract or parcel of land lying and being in the City of Atlanta and in Land Lot 113 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING on the western line of the right-of-way of the sidetrack of the Atlanta, Birmingham & Coast (formerly A. B. & C.) Railroad which point is 242 feet west of the west line of Joseph E. Lowery Boulevard NW (formerly Ashby Street) and 1140 feet north of the north line of Jefferson Street; said beginning point being the northeast corner of the land conveyed on August 22, 1936, by deed recorded in Deed Book 1632, page 557, of the deed records of Fulton County, Georgia; running thence north along the west line of said right-of-way 25 feet; thence west 208 feet to the west line of the property of Thos. F. Seitzinger's Sons as shown by plat of same of record in Plat Book 10, pages 14 and 15, of the Fulton County records; thence south 25 feet to the north line of the property above referred to as having been conveyed on August 22, 1936; thence east along the north line of the said property 208 feet to the point of beginning.

Parcel II

All that tract or parcel of land lying and being in the City of Atlanta and in Land Lot 113 of the 14th District of Fulton County, Georgia, and more fully described as follows:

BEGINNING at a point on the western line of the right-of-way of the sidetrack of the Atlanta, Birmingham & Coast (formerly A. B. & C.) Railroad which point is 242 feet west of the west line of Joseph E. Lowery Boulevard NW (formerly Ashby Street) and 1015 feet, more or less, north of the north line of Jefferson Street as shown by plat of a survey of the property of Thos. F. Seitzinger's Sons made by W.J. Nalley, C.E., July 27, 1933, a copy of which is of record in Plat Book 10, pages 14 and 15 of the records of Fulton County, Georgia; running thence north along the west line of said Railroad right-of-way 125 feet; thence west 208 feet to the west line of the Seitzinger property as shown on the plat above referred to; thence south 125 feet to the south line of the Seitzinger property as shown on said plat; thence east along said south line 208 feet to the beginning point. Also the right to use as a driveway, jointly with the owners of the land adjoining it on the north, a strip of land beginning at the southeast corner of the above described land; running north along the east line of said land 15 feet and extending east, 15 feet in width, 242 feet, more or less, to the west line of Joseph E. Lowery Boulevard NW (formerly Ashby Street).

TOGETHER WITH:

**TRACT III**

All that tract or parcel of land lying and being in Land Lot 113 of the 14th District of Fulton County, Georgia, and more particularly described as follows:

To arrive at the BEGINNING POINT, start at the northwest corner of Joseph E. Lowery Boulevard NW (formerly Ashby Street) and Jefferson Street, and run south 85 degrees 19 minutes west along the northern line of Jefferson Street, 245.8 feet to an iron pin; thence north 38 degrees 15 minutes west, 182.3 feet to an iron pin; thence north 31 degrees 06 minutes west, 234 feet to an iron pin; thence 14 degrees 38 minutes west, 100 feet to an iron pin; thence north 4 degrees 33 minutes west, 392.6 feet to an iron pin; thence north 86 degrees 10 minutes east, 19.9 feet to an iron pin which iron pin is the POINT OF BEGINNING; thence north 4 degrees 27 minutes west, 163.3 feet to an iron pin; thence north 85 degrees 33 minutes east, 208 feet to an iron pin; thence south 4 degrees 25 minutes east, 165.7 feet to an iron pin; thence south 86 degrees 13 minutes west, 208 feet to the point of beginning; said tract of land containing 0.7851 acre, and being shown outlined in yellow on print by L. R. Fitzpatrick, C.E., dated April, 1959, and revised July, 1960.

# **EXHIBIT A-1 (revised)**

**STAMP  
ADDED  
TO CAPTURE  
IMAGE**



