

After Recording Return to:  
Dawn Alston  
Chief Financial Officer & Treasurer  
350 Spelman Lane SW  
Atlanta, Georgia 30314

CROSS-REFERENCE:  
County: Fulton  
Deed Book: 35701  
Page(s): 515

Tax Parcel No. 14 0210800050395

### **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 and individuals executing this Environmental Covenant as part of an environmental response project to address regulated substances released into the environment that have migrated in the groundwater onto the Property identified below. This Environmental Covenant restricts the use of groundwater on the Property to prevent humans from coming into contact with regulated substances.

**Fee Simple Owner(s)/Grantor(s):** Spelman College  
350 Spelman Lane SW  
Atlanta, GA 30314

**Grantee/Holder with the power to enforce:** Spelman College  
350 Spelman Lane SW  
Atlanta, GA 30314

**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 2.2731 acres of real property located at 471 Peters Street SW, Atlanta, Fulton County, Georgia, which is further identified by the tax parcel ID number(s) below (hereinafter “Property”). The Property was

conveyed to Spelman College pursuant to the following deeds; (i) Limited Warranty Deed dated August 14, 2003 from GLS Capital, Inc. f/k/a Real Estate Tax Fund, Inc, recorded in Deed Book 35701, Page 515, of the Fulton County deed records (.994 acre tract referred to in Exhibit A; (ii) General Warranty Deed dated June 20, 2005 from Collegiate Property Development Company, recorded in Deed Book 40321, Page 623, of the Fulton County deed records (.667, .499 and .113 acre tracts referred to in Exhibit A).

The Property is located in Land Lot 108 of the 14th District of Fulton County, Georgia.

The tax parcel(s) of the Property is 14 010800050395 of Fulton County, Georgia.

A legal description of the Property is attached as Exhibit A and a plat map/tax 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 Spelman College, State of Georgia Environmental Protection Division, 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 an environmental response performed and/or being performed at the Bumper Distributors of Atlanta facility/site HSI Site 10348. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division  
Land Protection Branch  
2 Martin Luther King Jr. Drive, SE  
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 #10348 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. Upon the recording of this Environmental Covenant, the Georgia Environmental Protection Division will delist the Property from the Hazardous Site Inventory.

#### **Activity and Use Limitations.**

The use or extraction of groundwater beneath the Property for drinking water or other potable uses shall be prohibited. The use or extraction of groundwater for any other purpose besides site characterization is prohibited unless conducted under a plan approved in writing by EPD.

**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.
- B. Termination or Modification: The Environmental Covenant shall remain in full force and effect in accordance with O.C.G.A. § 44-5-1 *et seq.*, unless and until the Director determines that the Property is in compliance with the Type 1 or 2 Risk Reduction Standards for groundwater, as defined in Section 391-3-19-.07 of the Georgia Rules of Hazardous Site Response, whereupon the Environmental Covenant may be terminated in accordance with O.C.G.A. § 44-16-1 *et seq.*

#### **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/Compliance**

Grantor(s) shall provide reasonable access to authorized representatives of EPD and Spelman College to verify compliance with the terms of this Environmental Covenant.

This Environmental Covenant shall be enforceable by EPD, Spelman College 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, Spelman College 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, Spelman College 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 and Warranties by Grantor(s)**

Grantor(s) represents and warrants that all of the following are true and correct:

- A. Spelman College holds fee simple title to the Property.
- B. Spelman College 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 Spelman College that will alter this representation and warranty.
- 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 Spelman College nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which Spelman College is a party or by which Spelman College may be bound.
- D. There are no persons with existing interests other than fee simple in the Property.
- E. At least thirty (30) days prior to presenting this Environmental Covenant to EPD for execution, a copy of the proposed final text of this Environmental Covenant was served on all persons or entities required to be noticed in accordance with O.C.G.A. § 44-16-7.

### **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/Grantee:

For the Spelman College, this 8<sup>th</sup> day of October, 2024;

SPELMAN COLLEGE

Dawn Alston  
(Signature)

Dawn Alston

Chief Financial Officer & Treasurer

Signed, sealed and delivered in the presence of:

Debbie B  
Unofficial Witness (signature)

Daphne D Faison  
Notary Public (signature)

[Notarial Seal or Stamp]



Daphne D Faison  
NOTARY PUBLIC  
Henry County, Georgia  
My Commission Expires  
July 12, 2025

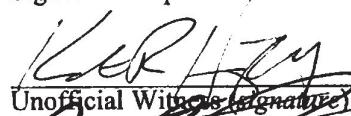


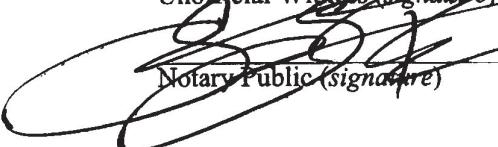
For the Environmental Protection Division, Department of Natural Resources, State of Georgia,  
this 18th day of November, 2024:

  
(Signature)

Jeffrey W. Cown  
Director, Environmental Protection Division

Signed in the presence of:

  
Unofficial Witness (Signature)

  
Notary Public (Signature)

[Notarial Seal or Stamp]



**Exhibit A**  
**Legal Description of Property**

**0.499 acres & 0.113 acres**

**ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Atlanta in Land Lot 108 of the 14th District, Fulton County, Georgia and being more particularly described as follows:**

BEGIN at an iron pin found at the intersection of the northwestern right-of-way line of Peters Street (having an undisclosed right-of-way width) and the northeastern right-of-way line of Chapel Street (having a 70-foot right-of-way width); thence northeasterly along the aforesaid right-of-way line of Chapel Street along the arc of a 161.1-foot radius curve to the right an arc distance of 249.81 feet to an iron pin found (said arc being subtended by a chord bearing North 9 degrees 52 minutes 6 seconds East, 225.52 feet); thence leaving the aforesaid right-of-way line run South 38 degrees 37 minutes 5 seconds East a distance of 99.90 feet to an iron pin set; thence North 62 degrees 42 minutes 39 seconds East a distance of 67.00 feet to an iron pin set; thence South 38 degrees 40 minutes 18 seconds East a distance of 74.70 feet to an iron pin set on the aforesaid right-of-way line of Peters Street; thence southwesterly along the aforesaid right-of-way line of Peters Street the following courses and distances: along the arc of a 2601.2-foot radius curve an arc distance of 67.03 feet to an iron pin found (said arc being subtended by a chord bearing South 62 degrees 31 minutes 52 seconds West, 67.03 feet) and along the arc of a 2601.2-foot radius curve an arc distance of 170.79 feet to an iron pin found and the **POINT OF BEGINNING** (said arc being subtended by a chord bearing South 59 degrees 54 minutes 44 seconds West, 170.76 feet).

The above described property is shown as Tract I containing 0.499 acres (21,747 square feet) and Tract II containing 0.113 acres (4,906 square feet) on and described according to that certain Survey for Spelman College, Sutherland, Asbill & Brennan, LLP and Lawyers Title Insurance Corporation, prepared by A.S. Giometti & Associates, Inc. (August S. Giometti, Georgia Registered Land Surveyor No. 1125), dated November 9, 1998, said survey being incorporated herein and by this reference made a part hereof.

**LESS & EXCEPT:****Required Right of Way (Tract 1) containing 113.23 SF or 0.003 Acres:**

Beginning at a point 37.44 feet left of and opposite Station 721+49.14 on the construction centerline of SR 154 MAINLINE on Georgia Highway Project No. 0013204; running thence northwesterly 14.57 feet along the arc of a curve (said curve having a radius of 161.28 feet and a chord distance of 14.56 feet on a bearing of N 30°10'15.0" W) to the point 52.00 feet left of and opposite station 721+49.31 on said construction centerline laid out for SR 154 MAINLINE; thence N 67°31'14.6" E a distance of 6.94 feet to a point 51.00 feet left of and opposite station 721+56.00 on said construction centerline laid out for SR 154 MAINLINE; thence S 39°09'26.8" E a distance of 13.81 feet to a point 37.34 feet left of and opposite station 721+58.00 on said construction centerline laid out for SR 154 MAINLINE; thence southwesterly 9.03 feet along the arc of a curve (said curve having a radius of 2601.20 feet and a chord distance of 9.03 feet on a bearing of S 59°52'19.8" W) back to the point of beginning. Containing 0.003 acres more or less.

All that tract or parcel of land lying and being in Land Lot 108 of the 14<sup>th</sup> Land District and/or 1379 Georgia Militia District of Fulton County, Georgia, being more particularly described as follows:

**Required Right of Way (Tract 2) containing 304.39 SF or 0.007 Acres:**

Beginning at a point 36.32 feet left of and opposite Station 4+50.00 on the construction centerline of CHAPEL on Georgia Highway Project No. 0013204; running thence northeasterly 51.40 feet along the arc of a curve (said curve having a radius of 161.28 feet and a chord distance of 51.18 feet on a bearing of N 12°03'22.1" E) to the point 37.39 feet left of and opposite station 3+86.00 on said construction centerline laid out for CHAPEL; thence S 69°20'42.8" E a distance of 5.61 feet to a point 43.00 feet left of and opposite station 3+86.00 on said construction centerline laid out for CHAPEL; thence southwesterly 49.32 feet along the arc of a curve (said curve having a radius of 144.52 feet and a chord distance of 49.09 feet on a bearing of S 10°52'39.2" W) to the point 43.00 feet left of and opposite station 4+50.00 on said construction centerline laid out for CHAPEL; thence N 88°53'58.9" W a distance of 6.68 feet back to the point of beginning. Containing 0.007 acres more or less.

**0.667 acres**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 108 of the 14th Land District of Fulton County, Georgia (City of Atlanta) and being more particularly described as follows:

BEGINNING at an iron pin found on the northern right-of-way line of Peters Street (variable width right-of-way) said point being located 237.82 feet east of the intersection of the northern right-of-way line of Peters Street and the eastern right-of-way line of Chapel Street (70 foot right-of-way width); thence from said point of beginning, continuing northeasterly along the northern right-of-way line of Peters Street and following the arc of a clockwise curve an arc distance of 118.46 feet to an iron pin found (said arc having a radius of 2,601.20 feet and being subtended by a chord bearing North 64 degrees 34 minutes 28 seconds East a chord distance of 118.45 feet); thence North 41 degrees 46 minutes 53 seconds West a distance of 217.03 feet to an iron pin found on the southern right-of-way line of Chapel Street; thence South 50 degrees 44 minutes 12 seconds West along the southern right-of-way line of Chapel Street a distance of 169.12 feet to an iron pin found; thence leaving said right-of-way South 38 degrees 37 minutes 05 seconds East a distance of 99.90 feet to an iron pin found; thence North 62 degrees 42 minutes 39 seconds East a distance of 67.00 feet to an iron pin found; thence South 38 degrees 40 minutes 18 seconds East a distance of 74.70 feet to an iron pin found on the northern right-of-way line of Peters Street and the Point of Beginning.

The above described property containing 0.667 acres (29,050 square feet) is shown on and described according to that certain Survey for Collegiate Property Development Company, a Georgia non-profit corporation, Lawyers Title Insurance Corporation and Sutherland, Asbill & Brennan, prepared by A.S. Giometti & Associates, Inc. (August S. Giometti, Georgia Registered Land Surveyor No. 1125), dated July 21, 1999, said survey being incorporated herein and by this reference made a part hereof.

**0.994 acres**

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 108 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT AN IRON PIN FOUND ON THE NORTHWESTERLY SIDE OF PETERS STREET (70 FOOT RIGHT-OF-WAY) AND THE SOUTHWESTERLY SIDE OF NORTHSIDE DRIVE (80 FOOT RIGHT-OF-WAY); RUNNING THENCE NORTH 7 DEGREES 30 MINUTES 32 SECONDS WEST 283.74 FEET TO A MITERED INTERSECTION OF THE NORTHWESTERLY SIDE OF NORTHSIDE DRIVE AND THE SOUTHEASTERLY SIDE OF CHAPEL STREET (70 FOOT RIGHT-OF-WAY); RUNNING THENCE ALONG SAID MITERED INTERSECTION NORTH 69 DEGREES 55 MINUTES 06 SECONDS WEST 6.21 FEET TO THE SOUTHEASTERLY SIDE OF CHAPEL STREET; RUNNING THENCE ALONG THE SOUTHEASTERLY SIDE OF CHAPEL STREET SOUTH 50 DEGREES 44 MINUTES 12 SECONDS WEST 257.00 FEET TO A POINT; THENCE LEAVING SAID STREET RUN SOUTH 41 DEGREES 46 MINUTES 53 SECONDS EAST 217.03 FEET TO PETERS STREET; RUNNING THENCE NORTH 67 DEGREES 07 MINUTES 12 SECONDS EAST 105.59 FEET TO NORTHSIDE DRIVE AND THE POINT OF BEGINNING, CONTAINING 43,309 SQUARE FEET (0.994 ACRES) AS PER SURVEY FOR SPELMAN COLLEGE AND FIRST AMERICAN TITLE INSURANCE COMPANY PREPARED BY A. S. GIOMETTI, GEORGIA REGISTERED LAND SURVEYOR NO. 1125, DATED JULY 24, 2003, SAID SURVEY BEING INCORPORATED HEREIN AND BY THIS REFERENCE MADE A PART HEREOF.**

Exhibit B  
Plat Map/Tax Map of Property

