

Type: COVE
Kind: DECLARATION OF RESTRICTIVE COV
Recorded: 1/25/2023 10:32:00 AM
Fee Amt: \$25.00 Page 1 of 21
Chatham, Ga. Clerk Superior Court
Tammie Mosley Clerk Superior Court

Participant ID: 5419980925

BK 3011 PG 63 - 83

Record and return to:
Thomas Panebianco
McKenzie Property Management, Inc.
f/k/a McKenzie Tank Lines, Inc.
1966 Commonwealth Lane
Tallahassee, FL 32303

STATE OF GEORGIA

COUNTY OF CHATHAM

CHATHAM COUNTY PARCEL NOS:
1-0729-01-007 and 1-0729-01-009

ENVIRONMENTAL COVENANT
by and among GEORGIA PORTS AUTHORITY,
MCKENZIE PROPERTY MANAGEMENT, INC.,
and STATE OF GEORGIA, DEPARTMENT OF
NATURAL RESOURCES

After Recording Return to:
Thomas Panebianco
McKenzie Property Management, Inc.
f/k/a
McKenzie Tank Lines, Inc.
1966 Commonwealth Lane
Tallahassee, FL 32303

CROSS-REFERENCE:

County: Chatham
Deed Book: _____
Page(s): _____

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 McKenzie Tank Lines, Inc. as set forth herein.

Fee Simple Owner(s)/Grantor(s): Georgia Ports Authority
PO Box 2406
Savannah, GA 31402

Grantee/Holder with the power to enforce: McKenzie Property Management, Inc.
f/k/a McKenzie Tank Lines, Inc.
1966 Commonwealth Lane
Tallahassee, FL 32303

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

Persons with Interests other than Fee Simple: None

Property Subject

The property subject to this Environmental Covenant is a tract of approximately 61.06 acres of real property known as Tax Parcel ID 1-0729-01-007 and 1-0729-01-009 located at the intersection of Grange Road and Georgia Highway 17, being encompassed in the facility owned in fee simple

by the Grantor known as the Georgia Ports Authority Savannah Terminal located in Port Wentworth, Chatham County, Georgia, which is further identified by the tax parcel ID number(s) below (hereinafter "Property").

Tax Parcel ID

1-0729-01-007 and 1-0729-01-009 Chatham County, Georgia. Note that only portions of each parcel comprise the RUZ.

Legal descriptions of the properties are attached as Exhibit A.

A map of the RUZ (as defined below) is attached as Exhibit B.

A map of the RUZ (as defined below) with property parcel lines is attached as Exhibit C.

Restricted Use Zone

The Restricted Use Zone ("RUZ") subject to the activity and use limitations described herein is approximately 13.965 acres lying entirely within the Property. As illustrated in Exhibit B, the RUZ encompasses a portion of the Property within the boundaries marked as RUZ, a legal description of such RUZ as set forth in Exhibit D attached hereto.

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 Georgia Ports Authority, McKenzie Property Management, Inc., f/k/a McKenzie Tank Lines, Inc., 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 former McKenzie Tank lines property and current Georgia Ports Authority Savannah Terminal facility. Further details regarding activity and/or use limitations and other requirements on the Property can be found in the Monitoring and Maintenance Plan (MMP) for McKenzie Tank Lines, HSI Site # 10406. Records pertaining to this corrective action are available at the following EPD location(s):

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

Notice: A portion of this Property was listed on the State's Hazardous Site Inventory at HSI #10406 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 RUZ is subject to the following activity and/or use limitations:

- A. **Real Property.** The RUZ shall be used only as non-residential property as defined in Rule 391-3-19-.02(2)(i). Use of the Property as residential property, as defined in Rule 391-3-10-.02(2)(r), is prohibited.
- B. **Groundwater.** The use or extraction of groundwater beneath the RUZ for drinking water or for any other non-remedial purposes is prohibited.
- C. **Potential Vapor Intrusion.** No enclosed structures exist on the RUZ, nor are any enclosed structures planned. Therefore, there is no current potential for vapor intrusion within interior spaces due to the VOCs identified in groundwater at the RUZ, and a vapor pathway evaluation is not warranted based on the intended use. If structures are built on the RUZ as part of the redevelopment, then the vapor intrusion pathway must be reassessed and mitigated as necessary. If necessary, the MMP will be amended to include vapor intrusion mitigation requirements.
- D. **Monitoring.** The MMP, as amended and approved by EPD, shall be performed as specified therein. This includes post-CSR monitoring of surface water and groundwater and annual reporting regarding Activity and Use Limitation compliance for a specified period.

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. **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 McKenzie Property Management, Inc., f/k/a McKenzie Tank Lines, Inc. 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.

Environmental Covenant Does Not Authorize Use Otherwise Prohibited

Pursuant to the Act, this Environmental Covenant shall not be construed to authorize the 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

Grantor(s) shall provide reasonable access to authorized representatives of EPD and McKenzie Property Management, Inc., f/k/a McKenzie Tank Lines, Inc., to verify compliance with the terms 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, McKenzie Property Management, Inc., f/k/a McKenzie Tank Lines, Inc., and other parties as provided in the Act. Such rights of access and enforcement herein shall not limit EPD's authority under other applicable laws.

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 Ports Authority 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, Georgia Ports Authority 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). Georgia Ports Authority represents and warrants that all of the following are true and correct:

- A. Georgia Ports Authority holds fee simple title to the Property.
- B. Georgia Ports Authority has the authority to enter into this Environmental Covenant, has the authority to grant any rights granted by it within, can 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 Georgia Ports Authority 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, or operating agreement of Georgia Ports Authority nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which Georgia Ports Authority is a party or by which Georgia Ports Authority may be bound.
- D. There are no persons with existing interests other than the fee simple in the Property.
- E. This Environmental Covenant does not authorize the 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 before presenting this Environmental Covenant to EPD for execution, Georgia Ports Authority 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

McKenzie Property Management, Inc.
f/k/a McKenzie Tank Lines, Inc.
1966 Commonwealth Lane
Tallahassee, FL 32303

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

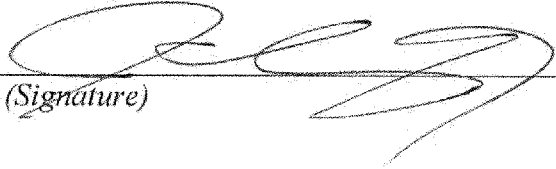
Should any provision of this Environmental Covenant be found by a court of competent jurisdiction to be invalid and/or unenforceable in any respect, the remaining provisions shall continue in full force and effect.

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).

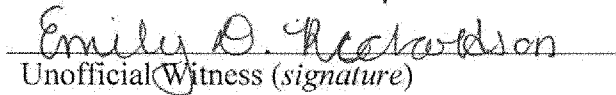
GRANTOR

Georgia Ports Authority


(Signature)

Signed in the presence of:

James C. McCurry, Jr.
Chief Administrative Officer


Unofficial Witness *(signature)*


Unofficial Witness *(print name)*

State of Georgia

County of Chatham

This instrument was signed or attested before me this 23rd day of September 2022 by [Name].

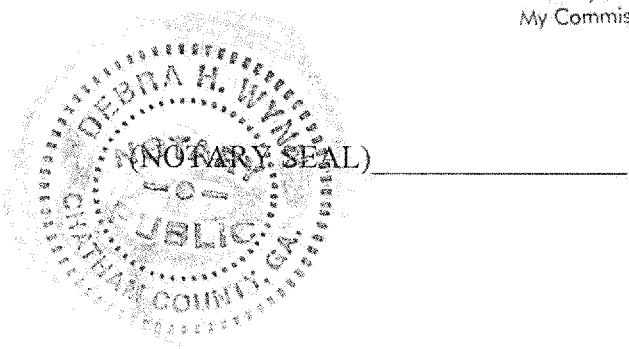
Personally Known

Produced Identification


Notary Public *(Signature)*

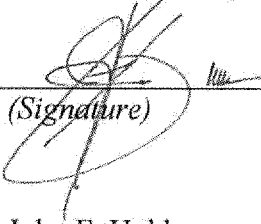
My Commission Expires:

DEBRA H. WYNN
Notary Public, Chatham County, GA
My Commission Expires Sept. 24, 2022



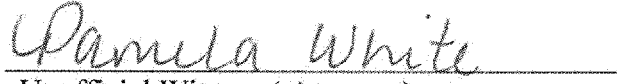
Grantee

McKenzie Property Management, Inc.


(Signature)

John F. Hubbs
Vice President

Signed in the presence of:


Unofficial Witness (signature)

Pamela White
Unofficial Witness (print name)

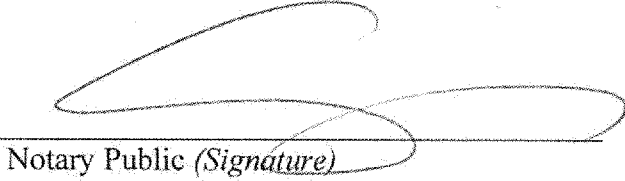
State of Florida

County of Leon

This instrument was signed or attested before
me this 12th day of October, 2022.

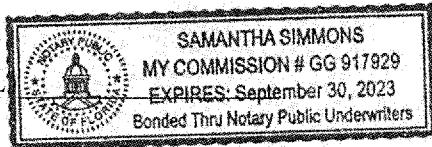
Personally Known

Produced Identification


Notary Public (Signature)

My Commission Expires: September 30, 2023

(NOTARY SEAL)



For the Environmental Protection Division, Department of Natural Resources, State of Georgia,
this 4th day of January, 2023 :

[Handwritten Signature]
(Signature)

Signed in the presence of:

Richard E. Dunn
Director, Environmental Protection Division

[Handwritten Signature]

Unofficial Witness (signature)

LAURUSHA FERRELL

Unofficial Witness (print name)

State of Georgia

County of Fulton

This instrument was signed or attested before
me this 4th day of January, 2023 by
Richard E. Dunn.

Personally Known

Produced Identification

[Handwritten Signature]
(Notary Public (Signature))

My Commission Expires: 6/1/2026

(NOTARY SEAL) _____

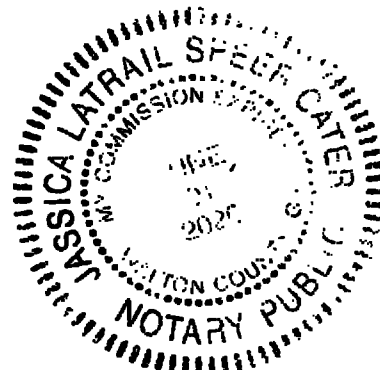


Exhibit A
Legal Description of the Property

All that certain lot, tract or parcel of real property situate, lying and being in the 8th General Militia District, Chatham County, City of Port Wentworth, Georgia, as shown on that plat of survey prepared for the Georgia Ports Authority by EMC Engineering Services, Inc. more particularly Charles W. Tuten, Jr., Georgia Registered Land Surveyor No. 2345, entitled 'A Survey of Original Lots 74 Through 104 And Being A Portion Of Lot 72, Ray Street And An Unopened Street, Being A Portion Of The Grange Subdivision, 8th G.M.District, Port Wentworth, Chatham County, Georgia, Surveyed For The Georgia Ports Authority' dated December 7, 1993, a copy of which plat is recorded in Plat Book 13P, page 93, in the Real Property Records of the Clerk of the Superior Court of Chatham County, Georgia, which plat is incorporated herein and by reference is made a part hereof and from said plat being more particularly described as follows:

Beginning at a point at the intersection of the southern right-of-way line of Grange Road and the eastern right-of-way line of US Highway 17 (now State Route 25), and continuing thence along the southern right-of-way line of Grange Road, North 77 degrees 59 minutes 19 seconds East, a distance of 2,659.64 feet to a point, said point being the intersection of the southern right-of-way line of Grange Road and the dividing line of Lots 96 and 98 of the former Grange Subdivision; thence along the dividing line between Lots 96 and 98, said line being the Corporate Limits of the City of Port Wentworth, South 12 degrees 05 minutes 41 seconds East, a distance of 997.78 feet to a point; thence along the southern line of the former Grange Subdivision, said line being the Corporate Limits of the City of Port Wentworth, South 77 degrees 09 minutes 22 seconds West, a distance of 2,572.01 feet to a point, said point being on the eastern right-of-way line of US Highway 17 (now State Route 25); thence along the eastern right-of-way line of US Highway 17 (now State Route 25), North 16 degrees 56 minutes 43 seconds West, a distance of 1,039.13 feet to a point, said point being the POINT OF BEGINNING.

TRACT 2

All that certain lot, tract or parcel of real property situate, lying and being in the 8th General Militia District, Chatham County, City of Port Wentworth, Georgia, as shown on that plat of survey prepared for the Georgia Ports Authority by EMC Engineering Services, Inc. more particularly Charles W. Tuten, Jr., Georgia Registered Land Surveyor No. 2345, entitled 'Boundary Survey of a Portion of "The Grange Tract", 8th G.M.District, Port Wentworth, Chatham County, Georgia', a copy of which plat is recorded in Plat Book 16P, page 73, in the Real Property Records of the Clerk of the Superior Court of Chatham County, Georgia, which plat is incorporated herein and by reference is made a part hereof and from said plat being more particularly described as follows:

Beginning at a point at the intersection of the southern right-of-way line of Grange Road and the western right-of-way line of US Highway 17 (now State Route 25), said point having Georgia State Plane coordinates North 776,319.5424, East 969,959.6985 (NAD 83), and continuing thence along the western right-of-way line of US Highway 17 (now State Route 25), South 17

degrees 01 minutes 38 seconds East, a distance of 1,052.22 feet to a point, said point being the intersection of the western right-of-way line of U.S. Highway 17 (now State Route 25) and the southern line of the former Grange Subdivision; thence along the southern line of the former Grange Subdivision, said line also being the Corporate Limits of the City of Port Wentworth, South 76 degrees 27 minutes 18 seconds West, a distance of 1,225.25 feet to a point; thence South 78 degrees 33 minutes 57 seconds West, a distance of 559.68 feet to a point, said point being on the eastern right-of-way line of the Norfolk Southern Railroad; thence along the eastern right-of-way line of the Norfolk Southern Railroad North 19 degrees 04 minutes 03 seconds West, a distance of 724.99 feet to a point; thence along the eastern right-of-way line of the Norfolk Southern Railroad along a curve to the left an arc distance of 174.38 feet to a point, said curve having a central angle of 3 degrees 54 minutes 46 seconds and a radius of 2,553.55 feet (chord bearing is North 21 degrees 35 minutes 21 seconds West and chord length is 174.35 feet); thence North 12 degrees 11 minutes 23 seconds West a distance of 172.72 feet to a point, said point being on the southern right-of-way line of Grange Road; thence along the southern right-of-way line of Grange Road, North 77 degrees 38 minutes 02 seconds East, a distance of 1,811.10 feet to a point, said point being at the intersection of the southern right-of-way line of Grange Road and the western right-of-way line of US Highway 17 (now State Route 25) and being the POINT OF BEGINNING.

TRACT 3

All that certain lot, tract or parcel of real property situate, lying and being in the 8th General Militia District, Chatham County, City of Port Wentworth, Georgia', as shown on that plat of survey prepared for the Georgia State Properties Commission by EMC Engineering Services, Inc. more particularly Charles W. Tuten, Jr., Georgia Registered Land Surveyor No. 2345, entitled 'A 6.04 Acre Boundary Survey of a 30' Strip of Land on a Portion of Lots 51 & 53 of N/F Stewart of the Grange Tract; A 60' Easement of N/F Southern Region Industrial Realty; Lots 7 through 11 of the Paul K. Gates S/D N/F Roberts; a West Terminus Portion of Coleraine Drive and a 30' Strip of Land of the Southern Region Industrial Realty; 8th GM District, Port Wentworth, Chatham County, Georgia', dated March 3, 2000, a copy of which plat is recorded in Plat Book 17P, page 33, in the Real Property Records of the Clerk of the Superior Court of Chatham County, Georgia, which plat is incorporated herein and by reference is made a part hereof and from said plat being more particularly described as follows:

Beginning at a point at the intersection of the northern right-of-way line of Grange Road and the eastern right-of-way line of Norfolk Southern Railroad, said point being approximately 1,909.06 feet west of the western right-of-way line of U.S. Highway 17(now State Route 25) and continuing thence along the eastern right-of way line of Norfolk Southern Railroad North 27 degrees 20 minutes 38 seconds West a distance of 1143.77 feet to a point; thence North 77 degrees 46 minutes 20 seconds East a distance of 10.66 feet to a point; thence along the eastern right-of way line of Norfolk Southern Railroad North 27 degrees 20 minutes 38 seconds West a distance of 700.04 feet to a point; thence South 77 degrees 20 minutes 41 seconds West a distance of 10.73 feet to a point; thence along the eastern right-of way line of Norfolk Southern Railroad North 27 degrees 20 minutes 38 seconds West a distance of 1587.38 feet to a point; thence North 77 degrees 17 minutes 41 seconds East a distance of 31.01 feet to a point; thence South 27 degrees 20 minutes 38 seconds East a distance of 1587.41 feet to a point, said point

being on the southern right of way line of Coleraine Drive; thence along the southern right of way line of Coleraine Drive, North 77 degrees 20 minutes 41 seconds East a distance of 308.42 feet to a point; thence South 12 degrees 40 minutes 00 seconds East a distance of 678.49 feet to a point; thence North 77 degrees 46 minutes 20 seconds East a distance of 135.00 feet to a point, said point being on the western right-of-way line of Horne Place; thence along the extension of the aforesaid right-of-way, South 12 degrees 13 minutes 40 seconds East a distance of 60.00 feet to a point; thence South 77 degrees 46 minutes 20 seconds West a distance of 253.80 feet to a point; thence South 27 degrees 20 minutes 38 seconds East a distance of 1081.55 feet to a point; thence South 77 degrees 38 minutes 02 seconds West a distance of 31.06 feet to a point, said point being the POINT OF BEGINNING.

TRACT 4

All that certain lot, tract or parcel of real property, being known as a 5.30 acre area of land identified as a portion of Lots 51, 53, 1 and 2 of, now or formerly, the Stewart property of the Grange Tract in the 8th G.M. District, Port Wentworth, Chatham County, Georgia. Said property being the same transferred from Leroy M. Stewart, Jr., et al, to the Georgia Ports Authority by Court Order, said order being recorded in Deed Book 263-X, Page 618 of the Real Property Records of the Clerk of the Superior Court of Chatham County, Georgia, which record is incorporated herein and by reference is made a part hereof and from said record being more particularly described as follows:

Beginning at a point at the intersection of the eastern right-of-way line of Norfolk Southern Railroad and the northern right-of-way line of Grange Road; continuing thence along the eastern right-of-way line of the Norfolk Southern Railroad North 27 degrees 20 minutes 38 seconds West a distance of 1,081.62 feet to a point on the southwestern corner of a 60 foot strip known as Tract 'C', now or formerly of Southern Region Industrial Realty; thence leaving the eastern right-of-way line of Norfolk Southern Railroad, along the southern property line of said Tract 'C', North 77 degrees 46 minutes 20 seconds East a distance of 337.84 feet to a point; thence South 12 degrees 17 minutes 38 seconds East a distance of 904.40 feet to a point; thence North 77 degrees 38 minutes 02 seconds East a distance of 176.54 feet to a point; thence South 12 degrees 21 minutes 58 seconds East a distance of 140.00 feet to a point on the northern right-of-way line of Grange Road; thence along the northern right-of way line of Grange Road South 77 degrees 38 minutes 02 seconds West a distance of 233.60 feet to a point, said point being the POINT OF BEGINNING.

TRACT 5

All that certain lot, tract or parcel of real property situate, lying and being in the 8th General Militia District, Chatham County, City of Port Wentworth, Georgia, as shown on that plat of survey prepared for the Georgia Ports Authority by Hussey, Gay and Bell, more particularly James M. Sims, Georgia Registered Land Surveyor No. 2280, entitled 'Plat of Lands of the Georgia Ports Authority, Formerly Property of B.A.S.F. Wyandotte Corporation, Chatham County, Georgia', dated September 17, 1986, which plat is recorded in Plat Book 9, page 11, in the Real Property Records of the Clerk of the Superior Court of Chatham County, Georgia, which plat is incorporated herein and by reference is made a part hereof. Said tracts or parcels

being designated individually on said plat as Parcels 'B', 'G' and 'H' and collectively being more particularly described as follows:

Beginning at a point, said point being the intersection of the western right-of-way line of State Route 21 and the eastern right-of-way line of Seaboard Coast Line Railroad (now CSX Transportation) and being the northern most point of Parcel 'G' as shown on the aforementioned plat and continuing thence along the western right-of-way line of State Route 21 the following courses and distances: South 48 degrees 31 minutes 40 seconds East a distance of 391.14 feet to a point; thence along a curve to the right an arc length of 960.85 feet to a point, said curve having a central angle of 31 degrees 47 minutes 15 seconds and a radius of 1731.87 feet (chord bearing is South 21 degrees 03 minutes 05 seconds East and chord length is 948.58 feet); thence South 05 degrees 11 minutes 25 seconds East, a distance of 455.71 feet to a point; thence South 06 degrees 41 minutes 25 seconds East, a distance of 472.61 feet to a point; thence South 76 degrees 47 minutes 35 seconds West, a distance of 50.00 feet to a point; thence along a curve to the right an arc distance of 552.03 feet to a point, said curve having a central angle of 8 degrees 02 minutes 55 seconds and a radius of 3,715.94 feet, (chord bearing is South 9 degrees 10 minutes 55 seconds East and chord distance is 521.61 feet); thence South 5 degrees 09 minutes 25 seconds East, a distance of 1001.00 feet to a point, said point being the intersection of the western right-of-way line of State Route 21 and Saint Augustine Creek; thence along Saint Augustine Creek South 87 degrees 03 minutes 10 seconds West, a distance of 75.16 feet to a point, said point being the intersection of Saint Augustine Creek and the eastern right-of-way line of the Old Augusta Road; thence along the eastern right-of-way line of the Old Augusta Road North 18 degrees 14 minutes 30 seconds West, a distance of 2,098.74 feet to a point, said point being the intersection of the eastern right-of-way line of the Old Augusta Road and the eastern right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation); thence along the eastern right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation) along a curve to the right an arc distance of 717.80 feet to a point, said curve having a central angle of 3 degrees 35 minutes 50 seconds and a radius of 11,434.35 feet (chord bearing is North 8 degrees 14 minutes 20 seconds West and chord distance is 717.68 feet); thence North 75 degrees 48 minutes 35 seconds East, a distance of 71.04 feet to a point, said point being on the western line of Parcel 'H' of the aforementioned survey (the former State Route 21 right-of-way); thence along the western line of Parcel 'H' of the aforementioned survey (the former State Route 21 right-of-way) North 31 degrees 17 minutes 15 seconds West, a distance of 164.88 feet to a point, said point being the intersection of the western line of Parcel 'H' of the aforementioned survey (the former State Route 21 right-of-way) and the eastern right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation); thence along the eastern right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation) along a curve to the right an arc distance of 445.03 feet to a point, said curve having a central angle of 2 degrees 13 minutes 50 seconds and a radius of 11,434.35 feet, (chord bearing is North 4 degrees 31 minutes 40 seconds West and chord distance is 445.00 feet), said point being the intersection of the eastern right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation) and the eastern line of Parcel 'H' of the aforementioned survey (the former State Route 21 right-of-way); thence along the eastern line of Parcel 'H' of the aforementioned survey (the former State Route 21 right-of-way) South 31 degrees 16 minutes 05 seconds East, a distance of 103.43 feet to a point, said point being the intersection of the eastern line of Parcel 'H' of the aforementioned survey (the former State Route 21 right-of-way), the western line of Parcel 'G' of the aforementioned survey and the eastern right-of-way line of the Seaboard Coast Line Railroad

(now CSX Transportation); thence along the eastern right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation) along a curve to the right an arc distance of 378.26 feet to a point, said curve having a central angle of 1 degree 46 minutes 15 seconds and a radius of 12,240.27 feet (chord bearing is North 3 degrees 15 minutes 50 seconds West and chord distance is 378.24 feet), said point being the POINT OF BEGINNING.

Less and except those portions described as follows:

All that certain lot, tract or parcel of land situate, lying and being in the State of Georgia, County of Chatham, previously transferred to the City of Port Wentworth by Quitclaim Deed, said quitclaim deed being recorded in the Office of the Clerk of the Superior Court of Chatham County in Deed Book 151-V, page 1, and as shown on that plat of survey prepared for the Georgia Ports Authority by Hussey, Gay, Bell and DeYoung, more particularly James M. Sims, Georgia Registered Land Surveyor No. 2280, entitled 'Plat of a 1.74 Acre Portion of the Lands of the Georgia Ports Authority, Eighth G.M. District, Port Wentworth, Chatham County, Georgia' dated May 30, 1991 and last revised March 15, 1999, and containing 1.74 acres. Specific reference is hereby made to the aforesaid plat, a copy of which is recorded in the Office of the Clerk of the Superior Court of Chatham County in Plat Record Book 17P, Page 8, for better determining the location, metes, bounds and dimensions of the property.

And All that certain lot, tract or parcel of land situate, lying and being in the State of Georgia, County of Chatham, previously transferred to the City of Port Wentworth by Quitclaim Deed, said quitclaim deed being recorded in the Office of the Clerk of the Superior Court of Chatham County in Deed Book 209-Z, page 13, and as shown on that plat of survey prepared for the Georgia Ports Authority by EMC Engineering Services, Inc., more particularly Terry M. Coleman, Georgia Registered Land Surveyor No. 2486, entitled 'Softball Fields Adjacent to Port Wentworth Fire Station, Hwy. 21' dated February 18, 1999 and containing 6.26 acres. Specific reference is hereby made to the aforesaid plat, a copy of which is recorded in the Office of the Clerk of the Superior Court of Chatham County in Plat Record Book 17P, page 14, for better determining the location, metes, bounds and dimensions of the property.

TRACT 6

All that certain lot, tract or parcel of real property situate, lying and being in the 8th General Militia District, Chatham County, City of Port Wentworth, Georgia, as shown on that plat of survey prepared for the Georgia Ports Authority by Hussey, Gay and Bell, more particularly James M. Sims, Georgia Registered Land Surveyor No. 2280, entitled 'Plat of Lands of the Georgia Ports Authority, Formerly Property of B.A.S.F. Wyandotte Corporation, Chatham County, Georgia'; dated September 17, 1986, a copy of which plat is recorded in Plat Book 9, page 11, in the Real Property Records of the Clerk of the Superior Court of Chatham County, Georgia, which plat is incorporated herein and by reference is made a part hereof. Said tract or parcel being designated on said plat as Parcel 'C' and being more particularly described as follows:

Beginning at a point, said point being at the intersection of the western right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation) and the eastern right-of-way line of the

Old Augusta Road and continuing thence along the eastern right-of-way line of the Old Augusta Road, North 17 degrees 48 minutes 25 seconds West a distance of 303.10 feet to a point ; thence, North 75 degrees 48 minutes 35 seconds East a distance of 55.99 feet to a point, said point being on the western right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation); thence along the western right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation) along a curve to the left an arc distance of 304.74 feet to a point, said curve having a central angle of 1 degree 31 minutes 10 seconds and a radius of 11,494.30 feet (chord bearing is South 7 degrees 14 minutes 25 seconds East and chord distance is 304.73 feet), said point being the POINT OF BEGINNING.

TRACT 7

All that certain lot, tract or parcel of real property situate, lying and being in the 8th General Militia District, Chatham County, City of Port Wentworth, Georgia, as shown on that plat of survey prepared for the Georgia Ports Authority by Hussey, Gay and Bell, more particularly James M. Sims, Georgia Registered Land Surveyor No. 2280, entitled 'Plat of Lands of the Georgia Ports Authority, Formerly Property of B.A.S.F. Wyandotte Corporation, Chatham County, Georgia'; dated September 17, 1986, a copy of which plat is recorded in Plat Book 9, page 11, in the Real Property Records of the Clerk of the Superior Court of Chatham County, Georgia, which plat is incorporated herein and by reference is made a part hereof. Said tract or parcel being designated on said plat as Parcel 'D' and being more particularly described as follows:

Beginning at a point, said point being at the intersection of the eastern right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation) and Saint Augustine Creek and continuing thence along the eastern right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation) North 18 degrees 29 minutes 15 seconds West a distance of 344.35 feet to a point, thence along the eastern right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation) along a curve to the right an arc distance of 960.09 feet to a point, said curve having a central angle of 4 degrees 54 minutes 10 seconds and a radius of 11,221.52 feet, (chord bearing is North 16 degrees 02 minutes 10 seconds West and chord distance is 959.80 feet), said point being the intersection of the eastern right-of-way line of the Seaboard Coast Line Railroad (now CSX Transportation) and the western right-of-way line of the Old Augusta Road; thence along the western right-of-way line of the Old Augusta Road South 18 degrees 14 minutes 30 seconds East a distance of 1,318.16 feet to a point, said point being the intersection of western right-of-way line of the Old Augusta Road and Saint Augustine Creek; thence along Saint Augustine Creek North 85 degrees 40 minutes 55 seconds West a distance of 38.39 feet to a point, said point being the POINT OF BEGINNING.

TRACT 8

All that certain lot, tract or parcel of real property situate, lying and being in the 8th General Militia District, Chatham County, City of Port Wentworth, Georgia, as shown on that plat of survey prepared for the Georgia Ports Authority by Hussey, Gay and Bell, more particularly James M. Sims, Georgia Registered Land Surveyor No. 2280, entitled 'Plat of Lands of the

Georgia Ports Authority, Formerly Property of B.A.S.F. Wyandotte Corporation, Chatham County, Georgia'; dated September 17, 1986, a copy of which plat is recorded in Plat Book 9, page 11, in the Real Property Records of the Clerk of the Superior Court of Chatham County, Georgia, which plat is incorporated herein and by reference is made a part hereof. Said lot, tract or parcel being in the southwest portion of Parcel 'A' and being more particularly described as follows:

Commencing at a point, said point being at the intersection of the western bank of the Savannah River and the northern right-of-way line of U.S. Highway 17 (now State Route 25) and continuing thence along the northern right-of-way of U.S. Highway 17 (now State Route 25) South 86 degrees 22 minutes 50 seconds West a distance of 452.25 feet to a point; continuing thence along the northern or western right-of-way line of U.S. Highway 17 (now State Route 25) the following courses and distances: along a curve to the left an arc distance of 537.84 feet to a point, said curve having a central angle of 40 degrees 40 minutes 35 seconds and a radius of 757.58 feet (chord bearing is South 66 degrees 02 minutes 30 West and chord distance is 526.61 feet); thence South 45 degrees 42 minutes 10 seconds West a distance of 1.35 feet to a point; thence South 45 degrees 42 minutes 10 seconds West a distance of 1375.96 feet to a point; thence South 45 degrees 42 minutes 10 seconds West a distance of 180.30 feet to a point; thence, leaving the western right-of-way of U.S. Highway 17 (now State Route 25) and continuing thence South 77 degrees 01 minutes 10 seconds West a distance of 1085.31 feet to a point; thence South 77 degrees 01 minutes 10 seconds West a distance of 772.66 feet to a point; thence South 77 degrees 01 minutes 10 seconds West a distance of 533.14 feet to a point; thence South 77 degrees 01 minutes 10 seconds West a distance of 731.49 feet to a point, said point being on the Corporate Limits of the City of Port Wentworth; thence along a line, said line also being the Corporate Limits of the City of Port Wentworth, North 12 degrees 49 minutes 00 seconds West a distance of 583.01 feet to a point, said point being the POINT OF BEGINNING.

Continuing thence South 81 degrees 41 minutes 00 seconds West a distance of 373.81 feet to a point; thence South 81 degrees 41 minutes 00 seconds West a distance of 599.70 feet to a point; thence North 18 degrees 35 minutes 40 seconds West a distance of 365.67 feet to a point; thence North 19 degrees 00 minutes 15 seconds West a distance of 30.03 feet to a point; thence North 18 degrees 15 minutes 15 seconds West a distance of 179.63 feet to a point; thence North 19 degrees 19 minutes 15 seconds West a distance of 225.44 feet to a point; thence North 18 degrees 25 minutes 15 seconds West a distance of 200.00 feet to a point; thence North 18 degrees 30 minutes 40 seconds East a distance of 199.78 feet to a point; thence North 76 degrees 05 minutes 20 seconds East a distance of 1,092.67 feet to a point, said point being on the Corporate Limits of the City of Port Wentworth; thence along a line, said line also being the Corporate Limits of the City of Port Wentworth, South 12 degrees 49 minutes 00 seconds East a distance of 1,291.57 feet to a point, said point being the POINT OF BEGINNING."

Exhibit B

Restricted Use Zone ("RUZ")

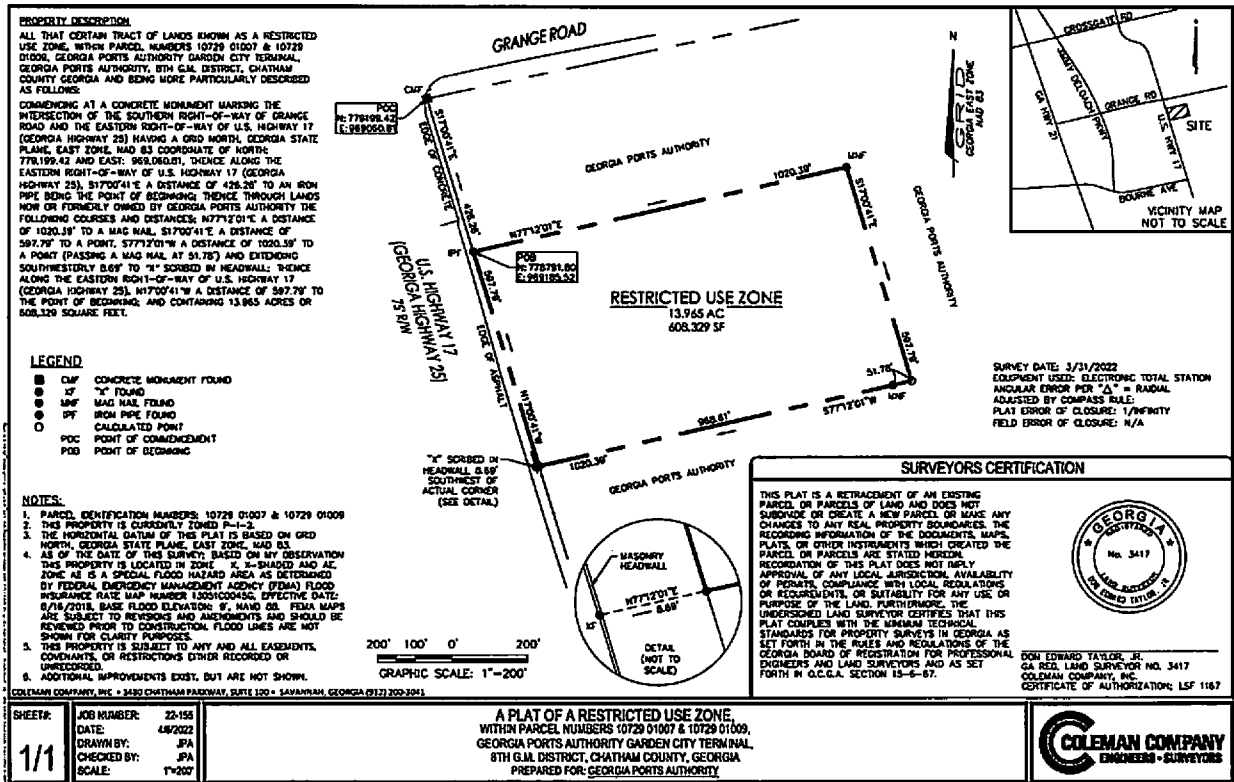


Exhibit C

Restricted Use Zone ("RUZ") with Property Parcel Lines

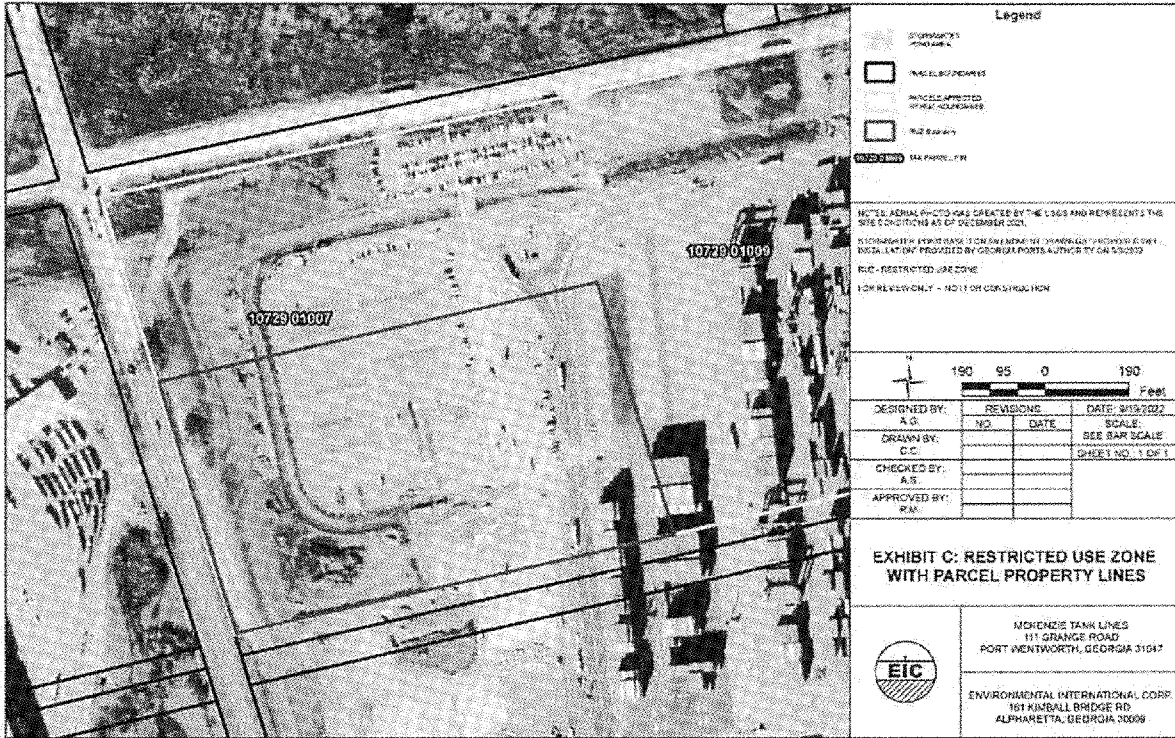


Exhibit C

RUZ Legal Description

ALL THAT CERTAIN TRACT OF LANDS KNOWN AS A RESTRICTED USE ZONE, WITHIN PARCEL NUMBERS 10729 01007 & 10729 01009, GEORGIA PORTS AUTHORITY GARDEN CITY TERMINAL, GEORGIA PORTS AUTHORITY, 8TH G.M. DISTRICT, CHATHAM COUNTY GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY OF GRANGE ROAD AND THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 17 (GEORGIA HIGHWAY 25) HAVING A GRID NORTH, GEORGIA STATE PLANE, EAST ZONE, NAD 83 COORDINATE OF NORTH: 779,199.42 AND EAST: 969,060.81, THENCE ALONG THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 17 (GEORGIA HIGHWAY 25), S17°00'41"E A DISTANCE OF 426.26' TO AN IRON PIPE BEING THE POINT OF BEGINNING; THENCE THROUGH LANDS NOW OR FORMERLY OWNED BY GEORGIA PORTS AUTHORITY THE FOLLOWING COURSES AND DISTANCES; N77°12'01"E A DISTANCE OF 1020.39' TO A MAG NAIL, S17°00'41"E A DISTANCE OF 597.79' TO A POINT, S77°12'01"W A DISTANCE OF 1020.39' TO A POINT (PASSING A MAG NAIL AT 51.78') AND EXTENDING

SOUTHWESTERLY 8.69' TO "X" SCRIBED IN HEADWALL; THENCE ALONG THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 17 (GEORGIA HIGHWAY 25), N17°00'41"W A DISTANCE OF 597.79' TO THE POINT OF BEGINNING; AND CONTAINING 13.965 ACRES OR 608,329 SQUARE FEET.