

After Recording Return to:  
Andrea L. Rimer  
Troutman Pepper Hamilton Sanders LLP  
Suite 3000 Bank of America Plaza  
600 Peachtree Street NE  
Atlanta, GA 30308

Participant ID: 4591293252  
CROSS-REFERENCE:  
**BK 2357 PG 612 - 622**  
County: \_\_\_\_\_  
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 the Georgia Environmental Protection Division ("EPD") and Georgia Power Company as set forth herein.

**Fee Simple Owner(s)/Grantor(s):** Georgia Power Company  
241 Ralph McGill Blvd. NE  
Atlanta, GA 30308-3374

**Grantee/Holder with the power to enforce:** Georgia Power Company  
241 Ralph McGill Blvd. NE  
Atlanta, GA 30308-3374

**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:** Atlanta Gas Light Company  
c/o Southern Company Gas  
10 Peachtree Place NE  
Atlanta, GA 30309

Savannah Port Authority  
c/o Georgia Ports Authority  
PO Box 2406  
Savannah, GA 31402

## **Property Subject**

The property subject to this Environmental Covenant consists of a tract of approximately 26.924 acres and a tract of approximately 0.681 acres of real property located at 135 and 145 Crossgate Road, Port Wentworth, Chatham County, Georgia, which is further identified by the tax parcel ID number below (hereinafter "Property"). The Property was conveyed to Georgia Power Company by that certain: (i) Warranty Deed from Port Wentworth Corporation to Savannah Electric and Power Company dated April 29, 1955, and recorded in Deed Book 61-Y, Page 439, Chatham County, Georgia Records, (ii) Warranty Deed from Georgia-Pacific Corporation to Savannah Electric and Power Company dated December 13, 1968, and recorded in Deed Book 95-B, Page 127, Chatham County, Georgia Records, and (iii) Certificate of Merger of Savannah Electric and Power Company into Georgia Power Company dated July 1, 2006, and recorded in Deed Book 335-D, Page 511, Chatham County, Georgia Records. The Property is located in the Eighth Georgia Militia District of Chatham County, Georgia.

A legal description of the Property is attached as Exhibit A. A survey performed by a licensed surveyor showing the Property is included as Exhibit B.

## **Tax Parcel ID**

1-0727-01-003 and 1-0727-01-004, Chatham County, Georgia

## **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 Power Company 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 Savannah Electric – Plant Kraft HSI Site # 10415. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division  
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:** This Property has been listed on the State's Hazardous Site Inventory at HSI # 10415 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:

- A. The Property shall be used only as non-residential property as defined in Rule 391-3-19-.02(2). Use of the Property as residential property, as defined in Rule 391-3-10-.02(2), is prohibited.
- B. The use or extraction of groundwater beneath the Property for drinking water or for any other non-remedial purposes is 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 Georgia Power Company. 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 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 Georgia Power Company 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, Georgia Power Company 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, Georgia Power Company 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 Power Company 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 Power Company represents and warrants that all of the following are true and correct:

- A. Georgia Power Company holds fee simple title to the Property.
- B. Georgia Power Company 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 Georgia Power Company 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 Georgia Power Company nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which Georgia Power Company is a party or by which Georgia Power Company may be bound.
- D. Georgia Power Company has identified all persons with existing interests other than fee simple in the Property and has determined the type and status of their

interests; for those interests where the type and/or status make it necessary, the person's agreement to and signature on this Environmental Covenant or subordination of the interest has been obtained; and the aforementioned information regarding all interests other than fee simple in the Property has been provided to EPD.

- 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, Georgia Power Company 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 Power Company  
Attn: VP – Environmental Affairs  
Bin 10221  
241 Ralph McGill Blvd. NE  
Atlanta, GA 30308-3374

### **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 has caused this Environmental Covenant to be executed pursuant to the Georgia Uniform Environmental Covenants Act, on the 5<sup>th</sup> day of January, ~~2020~~ 2021

Signed, sealed, and delivered in the presence of:

**For the Grantor/Grantee/Holder:**

[Signature]  
Unofficial Witness (Signature)

Georgia Power Company  
Name of Grantor (Print)

ROBERT M. WINTON  
Unofficial Witness Name (Print)

Mark S. Benz (Seal)  
Grantor's Authorized Representative (Signature)

2759 PRINCETON MILL CT.  
MARIETTA, GA 30068  
Unofficial Witness Address (Print)

MARK S. BENZ  
Authorized Representative Name (Print)

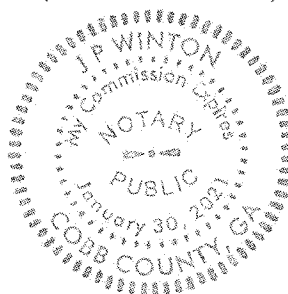
VICE PRESIDENT  
Title of Authorized Representative (Print)

[Signature]  
Notary Public (Signature)

Dated: 1/5/21

My Commission Expires: 1/30/21

(NOTARY SEAL)



Signed, sealed, and delivered in the presence of:

Annise Jones

Unofficial Witness (Signature)

Annise Jones

Unofficial Witness Name (Print)

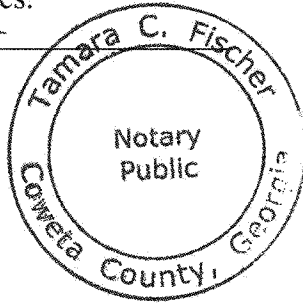
\_\_\_\_\_  
Unofficial Witness Address (Print)

Tamara C. Fischer

Notary Public (Signature)

My Commission Expires:

7-27-2022



For the State of Georgia  
Environmental Protection Division

Richard E. Dunn

(Signature)

(Seal)

Richard E. Dunn  
Director

Dated: 4-13-2021

(NOTARY SEAL)

Exhibit A

PROPERTY (TRACTS 1-2 and 1-3) LEGAL DESCRIPTION

TRACT 1-2:

ALL THAT TRACT OR PARCEL OF LAND, LYING AND BEING IN THE 8<sup>TH</sup> GEORGIA MILITIA DISTRICT OF CHATHAM COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF CROSSGATE ROAD (80' RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY LINE OF THE SAVANNAH AND ATLANTIC RAILROAD (100' RIGHT-OF-WAY), THENCE PROCEED ALONG THE SAID EASTERLY RAILROAD RIGHT-OF-WAY SOUTH 25 DEGREES 46 MINUTES 09 SECOND EAST, A DISTANCE OF 1217.13 FEET TO A 3"X 3" CONCRETE MONUMENT FOUND, SAID POINT BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING, LEAVE SAID RAILROAD RIGHT-OF-WAY AND PROCEED ALONG THE COMMON PROPERTY LINE WITH GEORGIA PORTS AUTHORITY PROPERTY, NORTH 79 DEGREES 22 MINUTES 26 SECONDS EAST, A DISTANCE OF 51.97 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE NORTH 25 DEGREES 46 MINUTES 35 SECONDS WEST ALONG SAID GEORGIA PORTS AUTHORITY COMMON LINE A DISTANCE OF 307.78 FEET TO A 3"X 3" CONCRETE MONUMENT FOUND;

THENCE CONTINUE NORTH 77 DEGREES 07 MINUTES 41 SECONDS EAST, ALONG SAID GEORGIA PORTS AUTHORITY COMMON LINE, A DISTANCE OF 685.45 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE LEAVING SAID COMMON LINE WITH GEORGIA PORTS AUTHORITY PROPERTY, PROCEED ALONG A NEW LINE COMMON WITH TRACT 1-1 OF THE PLANT KRAFT SUBDIVISION, SOUTH 12 DEGREES 48 MINUTES 43 SECONDS EAST, A DISTANCE OF 286.33 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE ALONG SAID TRACT 1-1 COMMON LINE, NORTH 76 DEGREES 51 MINUTES 51 SECONDS EAST, A DISTANCE 64.19 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE ALONG SAID TRACT 1-A COMMON LINE, SOUTH 13 DEGREES 00 MINUTES 26 SECONDS EAST, A DISTANCE OF 357.71 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE ALONG SAID TRACT 1-1 COMMON LINE, NORTH 77 DEGREES 32 MINUTES 34 SECONDS EAST, A DISTANCE OF 974.63 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE ALONG SAID TRACT 1-1 COMMON LINE, NORTH 43 DEGREES 20 SECONDS 35 SECONDS EAST, A DISTANCE OF 827.89 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE ALONG SAID TRACT 1-1 COMMON LINE, SOUTH 46 DEGREES 39 MINUTES 29 SECONDS EAST, A DISTANCE OF 564.32 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;



THENCE CONTINUE ALONG SAID TRACT 1-1 COMMON LINE, NORTH 71 DEGREES 25 MINUTES 10 SECONDS EAST, A DISTANCE OF 459.75 FEET TO A POINT ON THE LINE COMMON WITH THE SAVANNAH RIVER;

THENCE PROCEED ALONG THE SAVANNAH RIVER SOUTH 33 DEGREES 05 MINUTES 19 SECONDS EAST, A DISTANCE OF 221.21 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF CHATHAM COUNTY DRAINAGE CANAL (60' RIGHT-OF-WAY);

THENCE ALONG SAID CANAL RIGHT-OF-WAY, SOUTH 77 DEGREES 30 MINUTES 11 SECONDS WEST, A DISTANCE OF 3,018.90 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE NORTH 70 DEGREES 46 MINUTES 03 SECONDS WEST, A DISTANCE OF 151.19 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET ON THE EASTERN RIGHT-OF-WAY LINE OF THE SAVANNAH AND ATLANTIC RAILROAD (100' RIGHT-OF-WAY);

THENCE PROCEED ALONG SAID RAILROAD RIGHT-OF-WAY NORTH 25 DEGREES 46 MINUTES 03 SECONDS WEST, A DISTANCE OF 434.16 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 26.924 ACRES (1,172,809 SQ. FT.), BEING MORE PARTICULARLY SHOWN AS "TRACT 1-2" ON A SURVEY PLAT PREPARED BY THOMAS AND HUTTON ENGINEERING CO., TITLED "A MINOR SUBDIVISION OF 69.473 ACRES FORMERLY KNOWN AS PLANT KRAFT, GEORGIA POWER COMPANY", DATED SEPTEMBER 14, 2018 AND INCLUDED HEREIN BY REFERENCE.

#### TRACT 1-3:

ALL THAT TRACT OR PARCEL OF LAND, LYING AND BEING IN THE 8<sup>TH</sup> GEORGIA MILITIA DISTRICT OF CHATHAM COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF CROSSGATE ROAD (80' RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY LINE OF THE SAVANNAH/ATLANTIC RAILROAD (100' RIGHT-OF-WAY), THENCE PROCEED ALONG THE SAID EASTERLY RAILROAD RIGHT-OF-WAY SOUTH 25 DEGREES 46 MINUTES 09 SECOND EAST, A DISTANCE OF 1217.13 FEET TO A 3"X 3" CONCRETE MONUMENT FOUND;

THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY, PROCEED ALONG THE COMMON PROPERTY LINE WITH GEORGIA PORTS AUTHORITY PROPERTY NORTH 79 DEGREES 22 MINUTES 26 SECONDS EAST, A DISTANCE OF 51.97 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE NORTH 25 DEGREES 46 MINUTES 35 SECONDS WEST ALONG SAID GEORGIA PORTS AUTHORITY COMMON LINE A DISTANCE OF 307.78 FEET TO A 3"X 3" CONCRETE MONUMENT FOUND;

THENCE CONTINUE NORTH 77 DEGREES 07 MINUTES 41 SECONDS EAST, ALONG SAID GEORGIA PORTS AUTHORITY COMMON LINE, A DISTANCE OF 685.45 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE PROCEED ALONG THE COMMON LINE WITH GEORGIA PORTS AUTHORITY PROPERTY NORTH 77 DEGREES 07 MINUTES 41 SECONDS EAST, A DISTANCE OF 1019.95 FEET TO A 3"X 3" CONCRETE MONUMENT FOUND;

THENCE CONTINUE ALONG SAID GEORGIA PORTS COMMON LINE NORTH 12 DEGREES 52 MINUTES 19 SECONDS WEST, A DISTANCE OF 881.50 FEET TO A POINT ON THE COMMON LINE WITH THE SAVANNAH RIVER;

THENCE PROCEED ALONG SAID RIVER SOUTH 67 DEGREES 43 MINUTES 19 SECONDS EAST, A DISTANCE OF 283.60 FEET TO A POINT;

THENCE CONTINUE ALONG SAID RIVER SOUTH 71 DEGREES 42 MINUTES 19 SECONDS EAST, A DISTANCE OF 405.46 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING, THENCE LEAVING SAID RIVER, PROCEED ALONG A NEW LINE COMMON WITH TRACT 1-2 OF THE PLANT KRAFT SUBDIVISION SOUTH 18 DEGREES 17 MINUTES 29 SECONDS WEST, A DISTANCE OF 148.00 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE ALONG SAID TRACT 1-2 COMMON LINE SOUTH 72 DEGREES 31 MINUTES 47 SECONDS EAST, A DISTANCE OF 178.90 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE ALONG SAID TRACT 1-2 COMMON LINE SOUTH 47 DEGREES 00 MINUTES 51 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A 3/4" IRON PIPE WITH A T&H YELLOW CAP SET;

THENCE CONTINUE ALONG SAID TRACT 1-2 COMMON LINE NORTH 18 DEGREES 17 MINUTES 29 SECONDS EAST, A DISTANCE OF 92.80 FEET TO A POINT ON THE COMMON LINE WITH THE SAVANNAH RIVER;

THENCE PROCEED ALONG SAID RIVER LINE NORTH 71 DEGREES 42 MINUTES 19 SECONDS WEST, DISTANCE OF 207.72 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 0.681 ACRES (29,679 SQ. FT.), BEING MORE PARTICULARLY SHOWN AS "TRACT 1-3" ON A SURVEY PLAT PREPARED BY THOMAS AND HUTTON ENGINEERING CO., TITLED "A MINOR SUBDIVISION OF 69.473 ACRES FORMERLY KNOWN AS PLANT KRAFT, GEORGIA POWER COMPANY", DATED SEPTEMBER 14, 2018 AND INCLUDED HEREIN BY REFERENCE.

